

THE PRESIDENT THE SOCIALIST REPUBLIC OF VIET NAM
Independence - Freedom - Happiness

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ORDER

On the promulgation of Law

**THE PRESIDENT
OF THE SOCIALIST REPUBLIC OF VIET NAM**

Pursuant to Article 88 and Article 91 of the Constitution of the Socialist Republic of Viet Nam;

Pursuant to Article 91 of the Law on Organization of the National Assembly;

Pursuant to Article 57 of the Law on Promulgation of Legal Documents,

PROMULGATES:

The Customs Law

Which was passed by the Legislature XIII of the National Assembly of the Socialist Republic of Viet Nam at its 7th session dated June 23, 2014.

PRESIDENT OF THE SOCIALIST REPUBLIC OF VIET NAM
Truong Tan Sang

CUSTOMS LAW

*Pursuant to the Constitution of the Socialist Republic of Viet Nam
The National Assembly promulgates the Customs Law*

Chapter I

GENERAL PROVISIONS

Article 1. Governing Scope

This Law regulates the state administration of customs with regard to goods being imported, exported or in transit, and means of transport of domestic and foreign organizations and individuals on exit, entry or in transit within the customs territory; and regulates the organization and operation of Customs.

Article 2. Subjects of application

1. Organizations and individuals that import, export, or transit goods, or have means of transport on exit or entry or in transit.
2. Organizations and individuals that have rights and obligations related to the import, export and transit of goods and exit, entry and transit of means of transport.
3. Customs and customs officers.
3. Other State agencies involved in coordination for state administration of customs.

Article 3. Customs policies

1. The Vietnamese State shall create favorable customs conditions for activities of import, export, exit, entry and transit in the Vietnamese territory.
2. To build Viet Nam Customs forwarding to the integrity, sustainability, professionalism, modernity, transparency, effectiveness and efficiency.

Article 4. Interpretation of terms

In this Law, the following terms shall have the meanings ascribed to them hereunder:

1. *Customs branch transfer* means the movement of goods or means of transport under customs inspection and supervision from one place for conduction of customs procedures to another.
2. *Transshipment* means the transfer of goods from a means of transport for domestic transportation or on entry to a means of transport on exit for export or from a means of transport for domestic transportation or on entry

into warehouses and storing yards in a border-gate area before loading them onto other means of transport for export.

3. *National single window mechanism* means the permission for the customs declarant to send information and electronic documents for completion of customs procedures and procedures of state management agencies related to exported and imported goods through an integrated information system. State management agencies shall decide to permit import, export and transit of goods; the customs shall decide on customs clearance and release of goods on the integrated information system.

4. *Container freight station* means warehouses and storing yards used for receiving or breaking containerized cargoes of different consignees.

5. *Customs supervision* means technical measures applied by the customs to ensure the original state of goods and law compliance in the preservation, storage, loading, unloading, transportation and use of goods, and in the exit, entry and transit of means of transport currently subject to customs management.

6. *Goods* include chattels with appellations and commodity codes according to the Viet Nam export and import classification Nomenclature being exported, imported, in transit or retained in areas of customs operations.

7. *Luggage of people on exit or entry* means essentials for their daily needs or trips, including carry-on luggage and luggage consigned before or after trips.

8. *Customs file* comprises customs declaration form and documents to be submitted or produced to Customs as prescribed in this Law.

9. *Bonded factory* means a warehouse belonging to the owner of the bonded factory used to store imported materials and supplies for export production which have been cleared but for which taxes have not yet been paid.

10. *Customs bonded warehouse* means a warehouse or yard for storing goods which have been cleared and waiting for their export; goods brought from abroad and stored therein for their re-export out of or their import into Viet Nam.

11. *Customs control* means measures of patrolling, investigating, verifying or other technical measures applied by Customs to prevent and combat smuggling and illegal cross-border transportation of goods and other violations of the laws on customs.

12. *Customs inspection* means the examination of customs files and related documents and the physical inspection of goods and means of transport by the customs.

13. *Customs territory* means areas within the territory, exclusive economic zone and continental shelf of the Socialist Republic of Viet Nam where the Customs Law applies.

14. *Customs declarants* include owners of goods; means of transport owners; means of transport drivers; customs brokers and persons authorized by owners of goods or means of transport owners to carry out customs procedures.

15. *Customs sealing* means the use of technical tools or signs to identify and ensure the original state of goods.

16. *Classification of goods* means the identification of appellations and commodity codes of goods according to Viet Nam export and import classification Nomenclature based on characteristics, ingredients, composition, physical and chemical properties, utilities, packaging specifications and other particularities of goods.

17. *Means of transport* include means of road, rail, air, sea and inland waterway transport on exit or entry or in transit.

18. *Risk management* means the application of a system of technical measures and processes by customs to identify, assess and classify risks to serve as a basis for rational allocation of resources to effectively inspect, supervise and support other customs operations.

19. *Risk* means a possible failure to observe the laws on customs in the export, import and transit of goods; and the exit, entry and transit of means of transport.

20. *Movable assets* means articles and utensils used for daily life and work of individuals, families and organizations which they may bring along when they no longer reside or terminate their operation in Viet Nam or abroad.

21. *Customs clearance* means the accomplishment of customs formalities for goods to be imported, exported or to be placed under another customs procedure.

22. *Customs information* means information and data on export, import, exit, entry and transit activities; and on organizations and individuals involved in export, import, exit, entry and transit activities and other information relating to customs activities.

23. *Customs procedures* mean the formalities which shall be performed by the customs declarant and customs officers in accordance with this Law in respect of goods or means of transport.

24. *Customs value* means the value of exported or imported goods used for the purpose of duty calculation and customs statistics.

25. *Items on means of transport* include assets used on means of transport; materials and fuel used for the operation of means of transport; food, foodstuff and other utensils which directly serve living needs of the crew and passengers on means of transport.

26. *Advance rulings of commodity codes, origin and customs value* means the identification of commodity codes, origin and customs value of goods by the Customs before carrying out customs procedures.

Article 5. Application of international treaties and practices related to customs

1. In case an international treaty to which the Socialist Republic of Viet Nam has contracted or acceded contains provisions which are different from those of this Law, the provisions of such treaty shall prevail.

2. In certain cases which have not yet been specified by this Law, any other legal instrument of Viet Nam and any international treaty to which the Socialist Republic of Viet Nam has contracted or acceded, then international practices related to customs may be applicable provided the application of such international practices is not contrary to the fundamental principles of the laws of Viet Nam.

Article 6. Activities of international cooperation on customs

1. Activities of international cooperation on customs shall cover:

a) Negotiation, conclusion and organization of implementation of treaties and international agreements on customs;

b) Exploitation and exchange of information and technical cooperation with customs authorities of foreign countries and related international organizations;

c) Dispatch of Vietnamese customs officers abroad and receipt of foreign customs officers sent to Viet Nam to perform technical customs operations in accordance with the customs law, treaties to which the Socialist Republic of Viet Nam has contracted or acceded, or concluded international agreements;

d) Exercise of rights, performance of obligations and enjoyment of interests of the Vietnamese State at the World Customs Organization, customs-related international organizations, countries and territories.

2. Viet Nam Customs shall carry out activities specified in clause 1 of this Article in accordance with law provisions.

Article 7. Areas of customs operations

1. Areas of customs operations shall include:

a) Areas of land border gates, international railway stations, international civil airports; seaports and inland waterway ports where import, export, exit,

entry and transit activities are carried out; areas where goods subject to customs supervision are stored, export processing zones and customs preference zones; customs clearance places, bonded warehouses, tax-suspension warehouses, international posts, head offices of the customs declarant where post clearance audit is carried out; and places for inspection of exported and imported goods in the customs territory;

b) Other areas and places which meet state administration requirements and in which the import, export and transit of goods and the exit, entry and transit of means of transport are permitted under decisions of the Prime Minister.

2. In areas of customs operations, Customs shall take the responsibility to inspect, supervise and control goods and means of transport and handle violations of the customs law in accordance with the laws of Viet Nam and international treaties to which the Socialist Republic of Viet Nam has contracted or acceded.

3. The Government shall specify the scope of areas of customs operations.

Article 8. Modernization of customs management

1. The State shall give priority to investment in modern technical equipment and facilities and advanced technologies to ensure effective customs management; and encourage organizations and individuals to participate in developing advanced technologies and technical equipment to ensure the application of modern customs management methods. Organizations and individuals engaged in export and import activities shall be responsible for participating in the development and performance of electronic transactions and electronic customs procedures.

2. The system of technical standards for the exchange of electronic data and legal validity of electronic documents in the completion of electronic customs procedures shall comply with the law on electronic transactions.

Article 9. Coordination in the enforcement of the laws on customs

1. Customs shall assume the prime responsibility for, and closely coordinate with related state agencies, organizations and people's armed forces units in enforcing the laws on customs.

2. Relevant state agencies, organizations and people's armed forces units shall, within the scope of their tasks and powers, coordinate with and facilitate Customs to fulfill their tasks.

Article 10. Prohibited acts in customs

1. For customs officers:

a) Causing troubles and difficulties in carrying out customs procedures;

b) Covering up or colluding with others in smuggling or illegally transporting goods across the border, committing trade or tax fraud;

c) Taking bribes, appropriating or embezzling temporarily seized goods or other acts for self-seeking purposes;

d) Other acts in violation of the customs law.

2. For the customs declarant, organizations and individuals with rights and obligations related to import, export and transit of goods, or exit, entry and transit of means of transports:

a) Committing fraudulent acts in carrying out customs procedures;

b) Smuggling or illegally transporting goods across the border;

c) Committing trade or tax fraud;

d) Giving bribes or other acts for self-seeking purposes;

đ) Obstructing customs officers in performing their official duty;

e) Hacking, falsifying or destroying the customs information system;

g) Other acts in violation of the customs law.

Article 11. Supervision of the implementation of laws on customs

1. The National Assembly and People's councils at all levels shall, within the scope of their functions, tasks and powers, supervise the implementation of the laws on customs.

2. The Viet Nam Fatherland Front and its member organizations shall mobilize the population to strictly implement the laws on customs and supervise the implementation of the laws on customs.

3. While performing their tasks and powers, Customs and customs officers shall abide by law provisions, rely themselves on the people and be subject to the supervision by the people.

Chapter II

TASKS AND ORGANIZATION OF CUSTOMS

Article 12. Tasks of Customs

Viet Nam Customs shall have the responsibility to inspect and supervise goods and means of transport; prevent and combat smuggling and illegal cross-border transportation of goods; organize the implementation of the tax laws applicable to exported and imported goods; to compile statistics on exported and imported goods in accordance with this Law and other relevant law provisions; to propose policies and measures for state administration on customs in respect of activities of export, import, exit, entry and transit activities and tax policies applicable to exported and imported goods.

Article 13. Principles of organization and operation of customs

1. Viet Nam Customs shall be organized and shall operate based on the principle of centralized and unified principle.

2. The Director General of the General Department of Customs shall assume unified management and administration of customs operations at all levels; Customs at lower levels shall be subject to management and direction by Customs at higher levels.

Article 14. Organizational system of customs

1. The organizational system of Viet Nam Customs consists of:

- a) The General Department of Customs;
- b) Customs Departments of provinces, inter-provinces and centrally run cities;
- c) Customs Branches, Customs Control Units and equivalent units.

2. The Government shall base itself on the work volume, scale and characteristics of export, import, exit, entry and transit and socio-economic particularities and conditions of each geographical area to set criteria for the establishment of Customs Departments; specify the organization, tasks and operation of customs offices at all levels.

Article 15. Customs officers

1. Customs officers are those who are qualified and recruited and appointed to ranks, posts or titles in customs offices; and are trained, retrained, managed and employed in accordance with law provisions on cadres and civil servants.

2. The service regime, titles, criteria, salaries, seniority allowance and other entitlements for customs officers, customs badges, flags, stripes showing customs ranks, uniforms and customs identification cards shall be prescribed by the Government.

Chapter III

CUSTOMS PROCEDURES, CUSTOMS INSPECTION AND SUPERVISION REGIMES

Section 1

GENERAL PROVISIONS

Article 16. Principles of performance of customs procedures, customs inspection and supervision

1. Goods and means of transport shall be placed under customs procedures, and shall be subject to customs inspection and supervision, and

shall transported along routes and within time limits through border gates or other places prescribed by law provisions.

2. Customs inspection and supervision shall be conducted on the basis of risk management application in order to ensure effective and efficient state administration of customs and to facilitate import, export, exit, entry and transit activities.

3. Goods shall be cleared; means of transport shall be permitted for exit or entry upon completion of customs procedures.

4. Customs procedures shall be carried out in a public, prompt and convenient manner and in accordance with law provisions.

5. Arrangement of manpower and working hours shall meet the requirements of export, import, exit, entry and transit activities.

Article 17. Risk management applicable in customs operations

1. Customs shall apply the risk management for decision on customs inspection and supervision of goods and means of transport; support the prevention and combat of smuggling and illegal cross-border transportation of goods.

2. Risk management applicable in customs operations covers the collection and processing of customs information; development of criteria for and assessment of law compliance by the customs declarant, and classification of risks; and implementation of appropriate customs management measures.

3. Customs shall manage and apply the system of operational information so that it can automatically integrate and process data to serve the application of risk management in customs operations.

4. The Minister of Finance shall set criteria for assessment of law compliance by the customs declarant, classification of risks and application of risk management in customs operations.

Article 18. Rights and obligations of the customs declarant

1. The customs declarant shall have the following rights:

a) To be provided by Customs with information relating to the customs declaration for goods and means of transport and with guidance on carrying out customs procedures, and on the laws on customs;

b) To request Customs to conduct prior determination of codes, origin and customs value of goods after providing adequate and accurate information to customs offices;

c) To have a prior look at goods, take samples of the goods under the supervision by customs officers before making customs declaration in order to ensure accurate customs declaration;

d) To request Customs to physically re-inspect the goods which have been inspected if they disagree with the decisions of the customs in case such goods have not yet been cleared;

đ) To use customs files for customs clearance or transportation of goods or to carry out relevant procedures at other agencies as prescribed by law provisions;

e) To lodge complaints and denunciations about illegal acts committed by Customs and customs officers;

g) To claim compensation for damages caused by Customs and customs officers in accordance with law provisions on the compensation liability of the State.

2. Customs declarants who are owners of goods or means of transport owners shall have the following obligations:

a) To make customs declaration forms and to perform customs procedures in accordance with this Law;

b) To provide Customs with adequate and accurate information to conduct prior determination of commodity codes, origin and customs value of goods;

c) To be held responsible before the law for the truthfulness of declared contents and submitted or produced documents, for the information consistency between files kept by enterprises and files kept by Customs;

d) To comply with decisions and requests of Customs and customs officers with respect to the performance of customs procedures, customs inspection and supervision of goods and means of transport;

đ) To keep customs files concerning goods which have been cleared for 5 years from the date of registration of customs declaration forms, unless otherwise provided by law provisions; to keep accounting books and documents and other documents related to exported and imported goods cleared for a duration prescribed by law provisions; to produce files and provide relevant information and documents for examination when so requested by Customs under Articles 32, 79 and 80 of this Law;

e) To arrange manpower and equipment for the performance of related jobs in order to assist customs officers in conducting the physical inspection of goods and means of transport;

g) To pay duties and fulfill other financial obligations in accordance with law provisions on taxes, charges, fees and other relevant law provisions.

3. The customs declarants who are customs brokers and other persons authorized by owners of goods and means of transport owners shall perform the obligations prescribed at points a, b, c, d, e and g, clause 2 of this Article within the scope of authorization. The customs declarants who are means of transport drivers shall perform the obligations prescribed at points a, c, d, e and g, Clause 2 of this Article.

Article 19. Tasks and powers of customs officers

1. To strictly comply with laws and customs operational processes and take responsibility for the performance of their tasks and the exercise of their powers.

2. To guide the customs declarant and related organizations and individuals when so requested.

3. To conduct customs inspection and supervision; to supervise the packing, unpacking, transshipment, loading and unloading of cargoes at places for conduction of customs procedures and places for inspection of exported and imported goods. In case of detecting signs of violation of the laws on customs, to request owners of goods or means of transport, commanders or drivers of means of transport or authorized persons to comply with their requests for the inspection and search of goods and means of transport in accordance with this Law and the laws on handling of administrative violations.

4. To take samples of goods in the presence of the customs declarant for the customs to analyze them or to solicit assessment to serve customs inspection.

5. To request the customs declarant to provide information and documents related to their goods in order to determine correct codes, origin and customs value of goods.

6. To request commanders or drivers of means of transport to move along prescribed routes and on prescribed time and stop at prescribed places.

7. Other tasks and powers as prescribed by law provisions.

Article 20. Customs brokers

1. Conditions for acting as a customs broker:

a) Possessing a business registration certificate or an enterprise registration certificate stating the business line of providing goods forwarding or customs brokerage service;

b) Having a customs brokerage staff;

c) Having information technology infrastructure satisfying the conditions for making e-customs declaration and other prescribed conditions.

2. A customs brokerage staff shall be a Vietnamese citizen who fully satisfies the following conditions:

- a) Possessing a collegial or higher degree in economics, law or engineering;
- b) Possessing a certificate of operation of customs declaration;
- c) Possessing a customs broker identity code granted by the customs.

3. The Director General of the General Department of Customs shall decide on the recognition, suspension or termination of customs brokerage activities; the grant of certificates of operation of customs declaration and the grant and withdrawal of customs broker identity codes.

4. Customs brokers and their staffs shall exercise the rights and perform the obligations of the customs declarant provided in Article 18 of this Law.

5. The Minister of Finance shall detail the order and procedures for recognition and operation of customs brokers; procedures for the grant of certificates of operation of customs declaration, and the grant and withdrawal of customs broker identity codes.

Article 21. Customs procedures

1. While carrying out customs procedures, the customs declarant shall be accountable for:

- a) Filling in and submitting customs declaration forms; submitting or producing documents of customs files prescribed in Article 24 of this Law;
- b) Taking goods and means of transport to prescribed places for physical inspection;
- c) Paying duties and fulfilling other financial obligations in accordance with law provisions on taxes, charges and fees and other relevant laws.

2. While carrying out customs procedures, Customs and customs officers shall be accountable for:

- a) Receiving and registering customs files;
- b) Examining customs files and conducting physical inspection of goods and means of transport;
- c) Collecting duties and other amounts in accordance with law provisions on taxes, charges and fees and other relevant laws;
- d) Deciding on customs clearance and release of goods and certifying the completion of customs procedures of means of transport.

Article 22. Places for conduction of customs procedures

1. Places for conduction of customs procedure are places where the customs receives, registers and examines customs files and conducts physical inspection of goods and means of transport.

2. Places where customs files are received, registered and examined are head offices of Customs Departments or Customs Branches.

3. Places of physical inspection of goods include:

a) Inspection sites at land border gates, international railway stations, international civil airports; international post offices; seaports and inland waterway ports where export, import, exit, entry and transit activities are carried out; inland ports established for the exportation or importation of goods;

b) Head offices of Customs Branches;

c) Centralized inspection sites of under the decision of the Director General of Customs;

d) Inspection sites at production establishments or works; places where trade fairs or exhibitions are held;

đ) Inspection sites at customs bonded warehouses, bonded factories and container freight stations;

e) Joint inspection sites by Viet Nam Customs and customs of neighboring countries in land border gates;

g) Other places decided by the Director General of the General Department of Customs where necessary.

4. Competent agencies, organizations or persons when planning, designing and constructing land border gates, international railway stations, international civil airports; seaports and inland waterway ports where import, export, exit, entry and transit activities are carried out; inland depots for the exportation or importation of goods; economic zones, industrial parks, non-tariff zones and other places where import, export, exit, entry and transit activities are carried out shall have the responsibility for arranging places of customs procedure performance and places of storage of exported and imported goods that meet the requirements of customs inspection and supervision in accordance with this Law.

Article 23. Time limit for the performance of customs procedures by the customs

1. Customs shall receive, register and examine customs files right after the customs declarant submit or produce customs files in accordance with this Law.

2. After the customs declarant satisfies all requirements for carrying out customs procedures prescribed at points a and b, clause 1, Article 21 of this

Law, the time limit for customs officers to complete the examination of files and physical inspection of goods and means of transport is prescribed as follows:

a) To complete the examination of files within 2 working hours after Customs receives complete customs files;

b) To complete the physical inspection of goods within 8 working hours after the customs declarant fully produces goods to Customs. In case goods are subject to specialized inspection of quality, health, culture, animal quarantine, plant quarantine or food safety in accordance with relevant laws, the time limit for completion of physical inspection of goods shall be counted from the time of receiving specialized inspection results under regulations.

For goods consignment in large quantities and of many types or in case the inspection is complicated, the Head of the Customs where customs procedures are performed shall decide to extend the time limit for physical inspection of goods which, however, shall not exceed 2 days;

c) The inspection of means of transport shall ensure the timely loading and unloading of exported and imported goods, exit and entry of passengers and customs inspection and supervision in accordance with this Law.

3. The customs clearance of goods shall comply with Article 37 of this Law.

4. Customs shall carry out customs procedures for goods on public holidays and weekends and in non-working hours in order to facilitate timely loading and unloading of exported and imported goods, exit and entry of passengers and means of transport or at the request of the customs declarant and in suitability with practical conditions of areas of customs operations.

Article 24. Customs files

1. A customs file comprises:

a) A customs declaration form or a document in substitution;

b) Relevant documents.

On a case-by-case basis, the customs declarant shall submit or produce the goods purchase and sale contract, commercial invoice, bill of lading, certificate of origin of goods, import or export permit, notice of specialized inspection results or exemption from specialized inspection, and documents related to goods as prescribed by relevant law provisions.

2. Documents in customs files shall be paper or electronic documents. Electronic documents shall ensure the integrity and format prescribed by the law on electronic transactions.

3. Customs files shall be submitted or produced to Customs at its head office.

In case of application of the national single-window mechanism, specialized state management agencies shall send export or import permits and notices of specialized inspection results or exemption from specialized inspection in the electronic form via the integrated information system.

4. The Minister of Finance shall promulgate the customs declaration form, the use of customs declaration form and the document in substitution of the customs declaration form, and cases in which relevant documents specified in clause 1 of this Article shall be submitted or produced.

Article 25. Time limit for submission of customs files

1. The time limit for submission of customs declaration forms is prescribed as follows:

a) For exported goods, customs declaration forms shall be submitted after goods are transported to places notified by the customs declarant and at least 4 hours before the exit of means of transport; for exported goods delivered by express delivery services, customs declaration forms shall be submitted at least 2 hours before the exit of means of transport;

b) For imported goods, customs declaration forms shall be submitted before goods arrive at border gates or within 30 days from the arrival date of goods at border gates;

c) The time limit for submission of customs declaration forms for means of transport is prescribed in clause 2, Article 69 of this Law.

2. Customs declaration forms are valid for the performance of customs procedures within 15 days from the date of their registration.

3. The time limit for submission of relevant documents in customs files is prescribed as follows:

a) In case of electronic customs declaration, when the customs conducts examination of customs files and physical inspection of goods, the customs declarant shall submit paper documents in customs files, except documents already available in the national single-window information system;

b) In case of filling in paper customs declaration forms, the customs declarant shall submit or produce relevant documents when registering their customs declaration forms.

Article 26. Classification of goods

1. Classification of goods aims to determine commodity codes to serve as a basis for tax calculation and implementation of the goods management policy. The classification of goods shall be based on customs files, technical documents and other information related to exported and imported goods for identification of goods names and headings according to Viet Nam export and import classification Nomenclature.

2. Viet Nam export and import classification Nomenclature consists of commodity codes, names and descriptions of goods, units of quantity and attached explanatory notes.

3. Viet Nam export and import classification Nomenclature is formulated on the basis of full application of the International Convention on Harmonized Commodity Description and Coding System. The Minister of Finance shall promulgate Viet Nam export and import classification Nomenclature for uniform application nationwide.

4. Based on the list of goods prohibited from export and import, the list of goods imported and exported under permits of competent state agencies, and the list of goods subject to specialized inspection prescribed by the Government, the Minister of Finance shall promulgate commodity codes consistent with those in Viet Nam export and import classification Nomenclature.

5. When conducting customs inspection, Customs shall identify goods headings based on customs files, results of physical inspection or analysis and assessment of goods. In case of irrecognition of goods headings declared by the customs declarant, Customs is entitled to take goods samples in the presence of the customs declarant for analysis or solicited assessment and decide on headings of such goods. If the customs declarant disagrees with results of classification by Customs, they are entitled to lodge complaints or lawsuits in accordance with law provisions.

Article 27. Determination of origin of goods

1. For exported goods:

a) Customs shall determine the origin of exported goods based on the examination of contents declared by the customs declarant and documents in customs files and results of the physical inspection of goods;

b) If Customs is doubtful about the origin of exported goods, it shall request the customs declarant to provide documents related to the origin of exported goods, and inspect and verify the origin of goods at export production establishments. Pending the availability of inspection and verification results, exported goods shall be cleared from customs procedures in accordance with Article 37 of this Law.

2. For imported goods:

a) Customs shall inspect and identify the origin of imported goods based on contents declared by the customs declarant, documents on certification of origin, documents in customs files and results of physical inspection of goods. Documents on certification of origin of imported goods shall be those issued by competent agencies of exporting countries or made by manufacturers,

exporters or importers under international treaties to which the Socialist Republic of Viet Nam has contracted or acceded;

b) If the customs is doubtful about the origin of imported goods, it shall inspect and verify the origin of goods at manufacturing countries in accordance with international treaties to which the Socialist Republic of Viet Nam has contracted or acceded. The results of origin inspection and verification are legally valid for determining the origin of imported goods.

Pending the availability of inspection and verification results, imported goods shall be cleared under Article 37 of this Law but are not entitled to specially preferential duty rates. Official payable duty amounts shall be based on results of the inspection and verification of the origin of goods.

3. The Minister of Finance shall prescribe procedures, competence and time limit for the determination of the origin of goods.

Article 28. Advance rulings of commodity codes, origin and customs value

1. In case the customs declarant requests Customs to conduct prior determination of codes, origin and customs value of goods expected to be imported or exported, they shall provide relevant information and documents and samples of goods expected to be imported or exported to the customs for its prior determination of codes, origin and customs value.

If the customs declarant fails to provide samples of goods expected to be imported or exported, they shall provide technical documents related to such goods.

2. Customs shall base themselves on regulations on classification of goods, origin and customs value and relevant information and documents provided by the customs declarant to conduct advance rulings of codes, origin and customs value and notify the customs declarant of results of advance rulings in writing. In case there are insufficient grounds or information for prior determination at the request of the customs declarant, Customs shall notify the customs declarant or request the customs declarant to additionally provide relevant information and documents.

3. Within 60 days from the date of receiving the notice of advance rulings, if the customs declarant disagrees with such rulings, they may request Customs to reconsider such rulings. Customs shall reconsider the advance rulings and notify them to the customs declarant within a prescribed time limit.

4. Written notices of advance rulings are legally valid for Customs to carry out customs procedures when goods which are actually exported or imported are in conformity with relevant information and documents and goods samples provided by the customs declarant.

5. The Government shall specify conditions, procedures and time limit for advance rulings of commodity codes, origin and customs value; time limit for settlement of requests for reconsideration of advance rulings; and validity duration of documents on advance rulings prescribed in this Article.

Article 29. Customs declaration

1. The customs declarant shall fully, accurately and clearly fill in information parameters of customs declaration forms.

2. Customs declaration shall be made electronically, except when the customs declarant is entitled to fill in paper customs declaration forms under regulations of the Government.

3. Registered customs declaration forms are valid for performing customs procedures. Goods management policies and tax policies on exported and imported goods are applied at the time of registration of customs declaration forms, unless otherwise provided by the laws on import duty and export duty.

4. If it is found out by the customs declarant that his or her declaration contains errors, he or she shall be allowed to make an additional declaration in the following cases:

a) For goods which are undergoing customs procedures: before Customs notifies the direct examination of customs dossier;

b) For goods which have been cleared from customs procedures: within 60 days from the date of customs clearance and before Customs decides to conduct post clearance audit or state inspection, unless additionally declared contents are related to export or import permit; specialized inspection in terms of quality, health, culture, animal quarantine, plant quarantine and food safety.

If the customs declarant detects errors in their customs declaration forms when the time limit prescribed at points a and b of this clause has expired, they shall make additional declaration and their errors shall be handled in accordance with the laws on taxes and the laws on handling of administrative violations.

5. The customs declarant may submit an incomplete customs declaration form or a document in substitution of the customs declaration form for customs clearance and shall completely fill in the customs declaration form within the time limit prescribed in Article 43 and Article 50 of this Law, and may make a single customs declaration for multiple importation or exportation during a certain period of time for certain goods items.

6. In case of goods which are undergoing customs procedures or goods for which customs procedures have been completed but are still subject to

customs supervision, the customs declarant may change the form of exportation and importation in accordance with the laws on customs.

Article 30. Registration of customs declaration forms

1. Methods of registration of customs declaration forms are prescribed as follows:

- a) E-customs declaration forms shall be electronically registered;
- b) Paper customs declaration forms shall be registered directly with the customs.

2. Customs declaration forms shall be registered after the customs accepts the declaration by the customs declarant. The time of registration shall be stated in customs declaration forms.

In case Customs refuses the registration of customs declaration forms, it shall notify in writing or electronically reasons to the customs declarant.

Article 31. Grounds and competence for deciding on customs inspection

Based on results of analysis and assessment of risks and information relating to goods, heads of the Customs that processes customs files shall decide on the examination of customs files and physical inspection of goods.

Article 32. Examination of customs files

When conducting the examination of customs files, Customs shall examine the accuracy and adequacy of customs declaration contents and their consistency with documents in customs files, and the compliance with goods management policies and taxes policies on exported and imported goods and other relevant law provisions.

The examination of customs files shall be conducted through the e-customs data processing system or directly by customs officers.

Article 33. Physical inspection of goods

1. Goods falling in one of the following cases shall be exempted from physical inspection:

- a) Goods of urgent requirements;
- b) Goods exclusively used for national defense and security purposes;
- c) Goods in other special cases as decided by the Prime Minister.

2. When signs of violation are detected in goods specified in clause 1 of this Article, such goods shall be physically inspected.

3. For goods other than those specified in clause 1 of this Article, physical inspection shall be conducted based on the application of risk management.

4. Priority shall be given to the inspection of goods which are live animals or plants, perishable or other special goods.

5. The physical inspection of goods shall be conducted manually by customs officers or with the aid of machinery, technical equipment or by other technical measures.

The physical inspection of goods shall be conducted in the presence of the customs declarant or their lawful representatives after customs declaration forms are registered and goods are transported to places of inspection, except the cases specified in Article 34 of this Law.

6. The physical inspection of goods at joint inspection sites with neighboring countries shall be conducted under agreements between Viet Nam and these countries.

7. The Minister of Finance shall specify the physical inspection of goods.

Article 34. Physical inspection of goods in the absence of the customs declarant

1. The physical inspection of goods in the absence of the customs declarant shall be decided and responsible for by the head of the Customs where goods are stored in the following cases:

a) For security protection;

b) For hygiene and environmental protection;

c) Upon detection of signs of law violation;

d) Past 30 days from the date of arrival of imported goods at the border gate but the customs declarant fails to appear to carry out customs procedures;

đ) Other cases prescribed by law provisions.

2. Physical inspection of goods in the absence of the customs declarant shall be conducted in the following forms:

a) Non-intrusive inspection by scanners;

b) Inspection by technical equipment and other technical measures of the customs;

c) Opening goods bales for inspection to the witness of representatives of state agencies at border gates or of the carrier or port, warehouse and storing yard operator. An inspection record shall be made and signed by related parties.

Article 35. Responsibility to inspect goods and means of transport in areas of customs operations

1. Within areas of customs operations, Customs shall take the responsibility to inspect goods and means of transport.

Where law provisions requires specialized inspection related to quality, health, culture, animal and plant quarantine or food safety for goods and means of transport, customs shall base themselves on the inspection results of specialized inspection agencies to decide on customs clearance.

2. Goods subject to specialized inspection shall be stored at border gates until they are cleared from customs procedures. In case law provisions allow goods to be brought to other places for specialized inspection or when the goods owner requests to bring goods to other storage places for preservation, such storage places shall satisfy customs supervision conditions and the goods shall be subject to customs supervision until they are cleared.

Owners of goods shall preserve and store goods at places for specialized inspection or at their storage places until Customs decides on customs clearance.

3. The time limit for specialized inspection of goods shall comply with relevant law provisions. Specialized inspection agencies shall notify inspection results to the customs within 2 working days after the inspection results are available.

4. Heads of Customs Branches shall assume the prime responsibility for, and coordinate with specialized inspection agencies at border gates in ensuring fast customs clearance for goods and means of transport.

Article 36. Release of goods

1. Release of goods means permission for the export or import of goods by customs when the following conditions are fully met:

a) Goods which are fully eligible for export or import but of which the official payable duty amount cannot be determined yet;

b) The customs declarant has paid duties or has the declared and calculated payable duty amount guaranteed by a credit institution.

2. The time limit for determining the official payable duty amount is 30 days from the date of release of goods; for goods which are subject to assessment, this time limit shall be counted from the date of receipt of assessment results.

3. In case the customs declarant disagrees with the payable duty amount determined by the customs, he or she may lodge complaints. The lodging and settlement of complaints shall comply with the provisions of the Law on Complaints.

Article 37. Customs clearance of goods

1. Goods shall be cleared after such procedures are completed.
2. In case the customs declarant has completed customs procedures but has not yet paid or fully paid the payable duty amount within the prescribed time limit, his or her goods may be cleared from customs procedures when he or she has such payable tax amount guaranteed by a credit institution or enjoy a tax payment time limit in accordance with law provisions on tax.
3. In case owners of goods are fined by Customs or competent state agencies for their customs-related administrative violations and their goods are permitted for export or import, such goods may be cleared from customs procedures if the owners of goods have paid the fines or have their payable fines guaranteed by a credit institution for implementing the fining decisions.
4. For goods which are subject to inspection, analysis or assessment to determine their eligibility for export or import, Customs shall only permit customs clearance after determining that the goods are eligible for export or import on the basis of inspection, analysis or assessment conclusions or inspection exemption notices of specialized inspection agencies in accordance with law provisions.
5. Goods of urgent requirements; goods to be exclusively used for security and defense purposes; and diplomatic bags, consular bags and luggage of agencies, organizations or individuals entitled to privileges or immunities shall be cleared under Article 50 and Article 57 of this Law.

Article 38. Objects, methods and duration of customs supervision

1. Objects of customs supervision include goods, means of transport and domestic means of transport which transport goods currently subject to customs supervision.
2. Customs supervision shall be conducted by the following methods:
 - a) Customs sealing;
 - b) Direct supervision carried out by customs officers;
 - c) Use of technical means and equipment.
3. Based on risk analysis and assessment results and other information relating to objects of customs supervision, Customs shall decide on appropriate methods of supervision. In case there are signs of law violation, customs shall conduct physical inspection of goods.
4. Duration of customs supervision:
 - a) Imported goods shall be subject to customs supervision from the time they arrive at areas of customs operations until they are cleared, released and brought out of these areas;

b) Exported goods which are exempt from physical inspection shall be subject to customs supervision from the time they are cleared until they are brought out of areas of customs operations. Exported goods subject to physical inspection shall be subject to customs supervision from the time the physical inspection starts until the goods are brought out of areas of customs operations;

c) Goods in transit shall be subject to customs supervision from the time they arrive at the first border gate of importation until they are brought out of the last border gate of exportation;

d) For means of transport, the duration of customs supervision shall comply with Article 68 of this Law.

Article 39. Responsibilities of Customs in customs supervision

1. To apply appropriate methods of supervision which facilitate export, import, exit, entry and transit activities and ensure customs management of goods in accordance with this Law.

2. To use technical means and equipment ensuring customs supervision in accordance with this Law.

3. To guide and examine the customs declarant, operators of port, warehouse and storing yard, export producers and related parties in their observance of regulations on customs supervision.

Article 40. Responsibilities of the customs declarant and commanders or drivers of means of transport in customs supervision

1. To comply with and create conditions for Customs to conduct customs supervision in accordance with this Law.

2. To preserve the original state of goods and customs seals; to transport goods following the routes, itineraries and time accepted by Customs. The customs declarant shall take responsibility for the loss, missing or damage of goods in accordance with law provisions.

3. To use goods strictly according to the purposes declared to Customs.

4. To use means of transport meeting the prescribed conditions for Customs to apply appropriate methods of customs supervision.

5. To produce files and goods to Customs for inspection upon request.

6. In force majeure events where the original state of goods or customs seals cannot be maintained or goods are not transported following the routes, itineraries and time, after taking necessary measures to limit and prevent possible losses, to immediately notify the events to Customs for handling; in case of failure to immediately notify the events to Customs, to notify the

events to the public security, border guard or coast guard as appropriate for their certification.

Article 41. Responsibilities of operators of port, warehouse and storing yard in customs supervision

1. To arrange places for installation of technical equipment and facilities serving customs supervision at the request of Customs.

2. To connect their goods management information systems with the e-customs clearance system of customs for managing goods currently subject to customs supervision which are brought in for storage or brought out of the areas of ports, warehouses or storing yards.

3. To fully comply with regulations on management, statistics and archive of documents, books and data of goods brought in for storage or brought out of the areas of ports, warehouses or storing yards, and submit and provide these documents, records and data to customs upon request.

4. To provide information to, and coordinate with, customs in monitoring, inspecting and supervising goods brought in, brought out or stored in the areas of ports, warehouses or storing yards.

5. To preserve, arrange and store goods in their original state in the areas of ports, warehouses or storing yards to meet supervision and management requirements of Customs.

6. To permit the transportation of goods in and out of the areas of ports, warehouses or storing yards only when documents of Customs are available.

7. To comply with decisions of competent agencies on handling of violating goods.

Section 2

PRIORITY REGIME FOR ENTERPRISES

Article 42. Conditions for application of the priority regime

1. An enterprise shall enjoy the priority regime when fully meeting the following conditions:

- a) Strictly observing laws on customs and tax for 2 consecutive years;
- b) Earning an annual export and import volume reaching the prescribed level;
- c) Carrying out electronic customs procedures and electronic tax procedures; having an information technology program for managing its export and import activities connected with the customs office's network;
- d) Making via-bank payment;
- d) Having its internal control system;

e) Strictly observing accounting and audit regulations.

2. Priority enterprises in countries or territories that have signed with Viet Nam agreements on mutual recognition of priority enterprises may apply the priority regime in accordance with this Law.

3. The Government shall specify conditions and procedures for recognition, extension, suspension, termination, priority regime and management of enterprises entitled to the priority regime.

Article 43. Priority regime for enterprises

1. To be exempted from examination of relevant documents in customs files and exemption from physical inspection of goods in the course of carrying out customs procedures, except cases in which signs of law violation are detected or random inspection is needed to assess law compliance.

2. To carry out customs procedures with an incomplete customs declaration form or a document in substitution of the customs declaration form. Within 30 days from the date of registration of the incomplete customs declaration or submission of the document in substitution of the customs declaration form, the customs declarant shall submit the complete customs declaration form and relevant documents in customs files.

3. To be prioritized when carrying out tax procedures for goods in accordance with the law provisions on tax.

Article 44. Responsibilities of Customs in implementing the priority regime

1. The Director General of the General Department of Customs shall consider, recognize, extend, suspend or terminate the application of the priority regime to enterprises.

2. Customs at all levels shall:

a) Examine, supervise and assess enterprises with regard to law compliance;

b) Provide enterprises with guidance on tax and customs policies and regulations.

Article 45. Responsibilities of enterprises entitled to the priority regime

1. To annually provide Customs with audit reports and financial statements.

2. To comply with inspection and supervision regulations of Customs.

3. To notify Customs of decisions of competent agencies on the handling of enterprises' violations of tax and accounting laws.

SECTION 3
**CUSTOMS INSPECTION AND SUPERVISION OF GOODS,
MOVABLE ASSETS AND LUGGAGE**

Article 46. Customs inspection and supervision of goods temporarily imported for re-export

1. Customs procedures for temporary import and customs procedures for re-export shall be carried out at border-gate Customs Branches.

2. Customs inspection and supervision of goods temporarily imported for re-export are prescribed as follows:

a) Goods temporarily imported for re-export shall be stored at border gates or places subject to customs inspection and supervision;

b) Goods temporarily imported for re-export shall be subject to customs inspection and supervision from the time customs procedures for temporary import are carried out until the goods are re-exported out of the Vietnamese territory; the customs declarant or operators of goods temporary import for re-export shall preserve temporarily imported goods throughout the period of storage in Viet Nam and re-export such goods.

3. Temporarily imported goods shall be re-exported within the prescribed time limit; temporarily imported goods which are not re-exported but used for domestic sale shall be subject to customs procedures like imported goods.

Article 47. Customs inspection and supervision of goods sold at duty-free shops

1. Goods sold at duty-free shops shall be subject to customs procedures at the Customs Branches managing these shops.

2. Customs inspection and supervision of goods sold at duty-free shops are prescribed as follows:

a) Goods sold at duty-free shops shall be stored at duty-free shops or warehouses of duty-free goods-selling enterprises which meet customs supervision requirements. The goods storage duration shall not exceed 12 months from the date of completion of customs procedures. The head of the Customs Branch managing duty-free shops may grant a single extension which shall not exceed 12 months for cases with plausible reasons;

b) Goods sold at duty-free shops shall be subject to customs inspection and supervision from the time customs procedures are carried out until the goods are sold, exported or handled in accordance with law provisions.

3. Goods temporarily imported for sale at duty-free shops which are used for domestic sale shall be subject to customs procedures as applicable to imported goods.

Article 48. Customs inspection and supervision of temporarily imported or temporarily exported goods

1. Temporarily imported or temporarily exported goods include:

- a) Means which are rotationally used for containing goods;
- b) Machinery, equipment and professional tools which are used in a specified duration;
- c) Machinery, equipment, means for construction, molds and models for manufacture or construction under hire or borrowing contracts;
- d) Components and parts imported by ship owners for replacement or repair of foreign sea-going ships and aircraft;
- đ) Goods for display in fairs, exhibitions or for marketing purposes;
- e) Other goods prescribed by law provisions.

2. Temporarily exported goods shall be re-imported and temporarily imported goods shall be re-exported within the prescribed time limit and shall be subject to customs procedures.

3. Temporarily exported goods or temporarily imported goods under the same customs declaration may be re-imported or re-exported in different shipments under different re-import or re-export customs declaration forms.

4. Temporarily exported goods which are not re-imported or temporarily imported goods which are not re-exported but are sold, given as gifts or exchanged shall be subject to customs procedures as applicable exported or imported goods.

5. The Government shall detail this Article.

Article 49. Customs inspection and supervision of goods being gifts

1. Goods being gifts or donations shall be subject to customs procedures; if such goods fall under the list of goods subject to conditional export or import, the law provisions on goods subject to conditional export or import shall apply.

The export and import of goods being gifts which fall under list of goods prohibited from export or import shall be strictly forbidden.

2. The allowance of duty-free goods being gifts or donations shall comply with the law provisions on tax.

Article 50. Customs inspection and supervision of goods of urgent requirements and goods exclusively serving security and defense purposes

1. Goods of urgent requirements include goods required for the remedy of consequences of natural disasters or epidemics or goods required for urgent relief.

Goods of urgent requirements shall be certified in writing by competent state agencies.

The customs declarant may use an incomplete customs declaration form or a document in substitution of the customs declaration for carrying out customs procedures. Customs shall base themselves on the incomplete customs declaration form or document in substitution of the customs declaration form to decide on the clearance of such goods.

Within 30 days from the date of registration of the incomplete customs declaration form or submission of a document in substitution of the customs declaration, the customs declarant shall submit the complete customs declaration and relevant documents in customs files.

2. Goods exclusively required for security and national defense purposes:

a) For goods exclusively required for security and defense purposes under the in-writing certification of the Minister of National Defense or the Minister of Public Security, the customs declarant may use the incomplete customs declaration form for carrying out customs procedures. Customs shall base themselves on the incomplete customs declaration form to decide on the clearance of such goods.

Within 30 days from the date of registration of the incomplete customs declaration form, the customs declarant shall submit the complete customs declaration form and relevant documents in customs files;

b) Goods exclusively required for security and national defense purposes which are subject to confidentiality requirements under the in-writing certification of the Minister of National Defense or the Minister of Public Security shall be exempted from customs declaration and physical inspection.

Article 51. Customs inspection and supervision of goods traded or exchanged by residents living in border zones

1. Goods traded or exchanged by residents living border zones shall be goods serving daily-life and normal production activities of the residents living in border zones of Viet Nam with the residents living in border zones of the country sharing its national border with Viet Nam.

2. Goods traded or exchanged by residents living in border zones are subject to customs inspection and supervision; in zones where customs is not available, such goods are subject to inspection and supervision by border guards in accordance with this Law.

Article 52. Customs inspection and supervision of goods exported or imported through post or express delivery services

1. Goods exported or imported through post or express delivery services shall be subject to customs procedures, customs inspection and supervision.

2. In case international post service providers or express delivery service providers are authorized to make customs declaration, they shall perform the responsibilities of the customs declarant prescribed in Article 18 of this Law, and shall transfer and deliver goods only after the goods are cleared from customs procedures.

Article 53. Customs inspection and supervision of movable assets

Movable assets of individuals, families or organizations shall be subject to customs procedures and customs inspection and supervision.

Exporters or importers of goods being movable assets shall hold papers proving their residence and operation in Viet Nam or overseas.

Article 54. Customs inspection and supervision of luggage of persons on exit or entry

1. Luggage of persons on exit or entry is subject to customs inspection and supervision at border gates.

2. Luggage of persons on exit or entry which exceeds duty-free allowance shall be subject to customs procedures as applicable to exported or imported goods.

Persons on exit or entry may consign their luggage in border-gate warehouses and collect it upon their entry or exit.

3. The requirements and allowances of duty-free luggage shall comply with the laws on tax.

Article 55. Customs inspection and supervision of foreign currencies in cash, Vietnamese dong in cash, negotiable instruments, gold, precious metals and gems of persons on exit or entry

1. Persons on exit or entry who carry foreign currencies in cash, Vietnamese dong in cash, negotiable instruments, gold, precious metals and gems are subject to customs inspection and supervision.

2. Persons on entry who carry along foreign currencies in cash, Vietnamese dong in cash, negotiable instruments, gold, precious metals and

gems in excess of the allowance prescribed by the State Bank of Viet Nam shall make customs declaration at border gates.

3. Persons on exit who carry along foreign currencies in cash, Vietnamese dong in cash, negotiable instruments, gold, precious metals and gems in excess of the allowance prescribed by the State Bank of Viet Nam shall make customs declaration and produce papers at border gates under regulations of the State Bank of Viet Nam.

Article 56. Customs inspection and supervision of goods on means of transport

1. Goods being articles on means of transport shall not be customs procedures but shall be subject to customs inspection and supervision.

2. Goods purchased on means of transport on entry shall be subject to customs procedures as applicable to imported goods.

3. Goods supplied to serve means of transport on exit or in transit shall be subject to customs procedures as applicable to exported goods.

Article 57. Customs inspection and supervision of diplomatic bags, consular bags, luggage and means of transport of agencies, organizations and individuals entitled to privileges or immunities

1. Privileges and immunities provided in this Law include privileges and immunities in customs declaration and inspection.

2. Diplomatic bags and consular bags shall be exempted from customs declaration and inspection.

Luggage and means of transport of entities entitled to privileges or immunities under law provisions on privileges or immunities for diplomatic missions, consulates and representative offices of international organizations to Viet Nam shall be exempted from customs inspection.

3. When there are grounds to believe that diplomatic bags or consular bags are misused for the purposes which is in contravention of a treaty on diplomatic relationships or consular relationships to which the Socialist Republic of Viet Nam has contracted or acceded, or when luggage or means of transport contain goods falling under the list of goods prohibited from export or import or goods ineligible for privileges or immunities, the Director General of the General Department of Customs shall decide on the handling thereof in accordance with the provisions of such treaty.

Article 58. Customs inspection and supervision, handling of goods in stock

1. Goods in stock which are stored in ports, warehouses and storing yards in areas of customs operations shall include:

a) Goods of which the owner has declared abandonment or has acted in a way that proving abandonment thereof.

The abandonment of goods or the act taken by the goods owner to prove the abandonment of goods shall not be recognized where there is a sign of violation of law;

b) Goods that have been imported for more than 90 days from the date of their arrival at border-gates but left unclaimed;

c) Goods which are collected by operators of port, warehouse and storing yard during the process of goods loading and unloading;

d) Goods imported outside bills of lading or manifests but left unclaimed.

2. Where customs has grounds to determine that the goods specified in clause 1 of this Article are smuggled goods, such goods shall be handled in accordance with law provisions.

3. The goods specified at points b, c, and d, clause 1 of this Article which are left unclaimed shall be publicly announced in the mass media by customs. Within 60 days from the date of public announcement, if owner of goods claim such goods, they shall carry out customs procedures and shall be fined in accordance with law provisions on handling of administrative violations. If such goods remain unclaimed, they shall be handled under clause 6 of this Article.

4. Where the goods which are specified in clause 1 of this Article are perishable, frozen, toxic and dangerous chemicals and almost expired goods, they shall be promptly handled in accordance with this Law and other relevant law provisions.

5. Operator of ports, warehouses and storing yards shall be responsible for the arrangement of ports, warehouses and storing yards which satisfy the customs supervision conditions for storing goods in stock; and shall coordinate in the handling of goods in stock under clause 6 of this Article.

6. Goods in stock shall be handled as follows:

a) Customs shall handle goods in stock in accordance with law provisions. In case of sale of goods in stock, proceeds from the sale shall be remitted into the state budget after subtracting sale expenses and retention at ports and warehouses at port and warehousing enterprises.

b) For polluting goods, owners and drivers of means of transport or persons authorized by owners of means of transport shall transport such goods out of the Vietnamese territory. In case owners or drivers of means of transport or persons authorized by owners of means of transport are unidentifiable, customs shall assume the prime responsibility for, and

coordinate with operators of port, warehouses and storing yard, local administrations and related agencies in destroying such goods.

SECTION 4

CUSTOMS INSPECTION AND SUPERVISION OF GOODS IMPORTED FOR EXPORT PROCESSING AND PRODUCTION

Article 59. Responsibilities of Customs in customs inspection and supervision of goods imported for export processing and production

1. Goods being materials and supplies imported for export processing and production shall be subject to customs inspection and supervision from the date of their import, during the process of production until products are exported or their use purpose is changed.

2. Customs shall:

a) Inspect processing and production establishments, processing and production capability of organizations and individuals importing materials and supplies for export processing and production;

b) Inspect the use of imported materials and supplies in the export processing and production process and quantity of goods in stock of organizations and individuals engaged in export processing and production;

c) Inspect the finalization, management and use of materials and supplies of organizations and individuals importing materials and supplies for export processing and production;

3. Customs inspection and supervision prescribed in this Article shall comply with the risk management principle.

Article 60. Responsibilities of organizations and individuals engaged in export processing and production

1. To notify Customs of export processing and production establishments.

2. To use materials and supplies imported for the export processing and production purpose. In case the use purpose is changed, to carry out customs procedures in accordance with this Law.

3. To store exported goods, materials and supplies used for export processing and production in production areas. In case of storage outside production areas, approval of Customs is required.

4. To fully comply with regulations on management, accounting, statistics and archive of documents, books and data on goods brought into or out of processing and production establishments; to produce books, documents and goods to Customs for inspection.

5. To make finalization reports on management and use of imported materials and supplies and exported goods in accordance with the laws on customs.

SECTION 5

CUSTOMS INSPECTION AND SUPERVISION OF GOODS IN BONDED WAREHOUSES, TAX SUSPENSION WAREHOUSES AND CONTAINER FREIGHT STATIONS

Article 61. Goods stored in bonded warehouses, bonded factory and container freight stations

1. The time limit for storing goods in bonded warehouses is 12 months from the date of their consignment. In case of plausible reasons, the Director of the Customs Department managing bonded warehouses may extend this time limit once for no more than 12 months.

2. The time limit for storing materials and supplies in bonded factory for export production is 12 months from the date of their consignment. In case of plausible reasons according to requirement of the production process, the Heads of the Customs Branch managing bonded factory may extend the time limit. The extension shall be suitable to the production cycle.

3. Goods brought into container freight stations include imported goods for which customs procedures have not yet been done, exported goods which have been cleared from customs procedures or exported goods for which the customs declaration form have been registered but physical inspection will be conducted at container freight stations.

The time limit for storing goods in container freight stations is 90 days from the date of being brought into such container freight stations. For plausible reasons, the Head of Customs Branch managing container freight stations may extend the time limit once for no more than 90 days.

Article 62. Conditions for establishment of bonded warehouses, bonded factory and container freight stations

1. Bonded warehouses and container freight stations shall be established in areas that are home to:

a) Seaports, international civil airports, inland import and export ports, land border gates, international railway stations;

b) Industrial parks, hi-tech parks, non-tariff zones and other zones prescribed by law provisions.

2. Bonded factory shall be established within factories of export production enterprises.

3. The Director General of the General Department of Customs shall decide to establish, extend the operation duration, suspend and terminate the operation of bonded warehouses, bonded factory and container freight stations.

4. The Government shall detail the establishment and operation of bonded warehouses, bonded factory and container freight stations.

Article 63. Rights and obligations of operators of bonded warehouse or container freight station, container freight service providers, goods owners and owners of bonded factory

1. Operators of bonded warehouses and owners of goods stored in bonded warehouses shall have the following rights and obligations:

a) Operators of bonded warehouses may perform contracts on storing goods in their bonded warehouses and move the goods in their bonded warehouses according to agreements with goods owners.

Operators of bonded warehouses shall comply with requests of Customs for goods inspection. Once every three months, operators of bonded warehouses shall notify in writing the Customs Department managing bonded warehouses of actual conditions of the goods and the operation of the bonded warehouses.

b) Goods owners may consolidate packing, categorize goods or take goods samples under the supervision of customs officers and may transfer the ownership of such goods. The transfer of goods from one bonded warehouse to another shall be approved in writing by the Director of the Customs Department managing bonded warehouses where such goods are stored.

2. Owners of bonded factory have the following rights and obligations:

a) To store goods being materials and supplies imported for export production;

b) To arrange, re-pack and move the goods in the bonded factory;

c) To notify in advance Customs of tentative plans for bringing materials and supplies from bonded factory to production;

d) Once every three months, to notify in writing the Customs Departments managing bonded factory of the actual conditions of the goods and the operation of their bonded factory;

đ) Not later than January 31 every year, to make a general list of import customs declaration forms and the total quantity of materials and supplies that have been brought into bonded factory and a general list of export customs declaration forms and the total quantity of exported goods in the previous year and send them to the Customs Department managing bonded factory.

3. Goods owners, operators of container freight stations and container freight service providers shall have the following rights and obligations:

a) Goods owners may transfer of the ownership of the goods, pack, re-pack, consolidate, repair and preserve goods;

b) Container freight service providers may break bulk or load shipments of different owners in the same container, arrange or re-arrange stored goods;

c) Once every three months, operators of container freight stations shall notify in writing the Customs Department managing container freight stations of the actual conditions of the goods and their operation.

4. Operators of bonded warehouses, operators of container freight stations and owners of bonded factory shall comply with regulations on accounting and statistics, be equipped with technical means and equipment to manage goods electronically and connected to Customs' network for customs inspection and supervision in accordance with this Law.

5. Operators of bonded warehouses, operators of container freight stations, container freight service providers, owners of bonded factory and goods shall comply with the law on operation of bonded warehouses, bonded factory and container freight stations.

SECTION 6

CUSTOMS PROCEDURES, INSPECTION AND SUPERVISION OF GOODS TRANSPORTED UNDER CUSTOMS SUPERVISION

Article 64. Customs procedures for goods transported under customs supervision

1. Goods transported under customs supervision include goods in transit and goods transported from border gate to border gate.

2. When transporting goods subject to customs supervision, the customs declarant shall fill in goods transportation declaration forms; submit or produce the documents specified at point b, clause 1, Article 24 of this Law.

3. Customs shall receive goods transportation declaration forms, check documents and goods produced by the customs declarant to decide to permit the transportation of goods subject to customs supervision.

4. In the course of transporting goods under customs supervision, if the customs declarant wishes to transship, warehouse or divide shipments, change the transportation mode or perform other jobs, they shall notify such to Customs and obtain their approval before implementation. Customs shall reply within two hours after receiving the notice of the customs declarant.

Article 65. Transportation routes and duration

1. Goods under customs supervision shall be transported along prescribed routes, through prescribed border gates and within prescribed time limit.

2. Routes for transportation of goods in transit are prescribed by the Minister of Transport.

3. Routes for transportation of goods from border gate to border gate are registered by the customs declarant and accepted by the Customs that receives and processes customs files.

SECTION 7

CUSTOMS PROCEDURES, INSPECTION AND SUPERVISION OF MEANS OF TRANSPORT

Article 66. Notification of information on means of transport

Owners and drivers of means of transport, persons authorized by owners of means of transport or persons issuing bills of lading shall directly notify Customs or via the national single-window information system of exported and imported goods and passengers on exit or entry aboard means of transport before their entry or exit.

Article 67. Places for conduction of customs procedures for means of transport

Means of transport on exit or entry shall go through border gates.

Means of transport on entry shall undergo customs procedures at the first entry border gate. Means of transport on exit shall undergo customs procedures at the last border gate for exit.

Article 68. Routes and duration subject to customs supervision for means of transport

1. Foreign commercial means of transport on entry, exit or in transit shall go along the prescribed routes, be subject to customs supervision from the time they arrive at areas of customs operations, during their movement and to the time they leave the Vietnamese territory.

2. Vietnamese commercial means of transport on entry shall be subject to customs supervision from the time they arrive at areas of customs operations to the time when all imported goods carried by these means of transport are unloaded for conducting import procedures.

Vietnamese commercial means of transport on exit shall be subject to customs supervision from the time the loading of exported goods begins to the time they leave the Vietnamese territory.

3. Non-commercial means of transport on entry, exit or in transit shall be subject to customs inspection and supervision when carrying out customs

procedures at entry or exit border gates or other places prescribed by law provisions.

4. When there are grounds to believe that smuggled goods are hidden on board means of transport and there are other signs of law violation, the head of the Customs where customs procedures for means of transport are carried out, the head of the customs enforcement unit may decide to temporarily suspend the departure or stop the means of transport for search. Such search shall comply with law provision and decision issuers shall take responsibility before law for their decisions.

Article 69. Customs procedures for means of transport

1. When carrying out customs procedures for means of transport, owners and drivers of means of transport or persons authorized by owners of means of transport shall make customs declaration; submit or produce bills of lading for carrying out customs procedures; supply information and documents related to goods and items on means of transport.

Where relevant documents have satisfied requirements of the customs inspection, owners and drivers of means of transport or persons authorized by owners of means of transport are not required to fill in the customs declaration forms, except for baggage, imported or exported goods of people on exit or entry aboard their means of transport.

2. Time limits for declaration and submission of customs declaration form and relevant documents are prescribed as follows:

a) For means of transport in transit, immediately after their arrival at the first entry border gate and before they go through the last border gate for exit;

b) For seagoing means of transport on entry, within 2 hours after the port authorities announce that these means of transport have arrived at the places for pilot embarkation; for seagoing means of transport on exit, within 1 hour before they exit;

c) For air means of transport on exit or entry, immediately after their arrival at the border-gate and before carriers stop carrying out procedures for receiving exported goods and passengers on exit;

d) For railway, land and river way means of transport on exit or entry, immediately after their arrival at the first entry border gate and before they go through the last border-gate for exit.

3. Military vehicles and other means of transport used for national defense and security purposes shall go through customs procedures and be subject to customs inspection and supervision.

4. The Government shall prescribe customs procedures and customs inspection and supervision of means of transport.

Article 70. Transshipment, carriage transfer, carriage detachment, loading and unloading of goods and baggage aboard means of transport

The transshipment, carriage transfer, carriage detachment, loading and unloading of goods and baggage aboard means of transport which are subject to customs inspection and supervision may only be conducted when approval of Customs is obtained.

Goods handled through transshipment, carriage transfer and carriage detachment shall have their packing, boxes and parcels kept intact.

Article 71. International transportation combined with domestic transportation, domestic transportation combined with transportation of exported and imported goods

1. Means of transport used for international transportation, if permitted by competent state agencies and satisfying customs supervision conditions prescribed by the Minister of Finance, may also be used for domestic goods transportation.

2. Means of transport used for domestic transportation, if permitted by competent state agencies and satisfying customs supervision conditions prescribed by the Minister of Finance, may be used for transportation of exported and imported goods subject to customs supervision.

Article 72. Responsibilities of heads at airports, seaports and international railway stations

Heads of competent agencies and organizations at airports, seaports and international railway stations shall notify Customs of the arrival and departure time and stop places of seagoing ships, aircrafts and international transportation trains; and time for goods loading onto and goods unloading from seagoing ships, aircrafts and international transportation trains.

SECTION 8

INSPECTION, SUPERVISION, TEMPORARY SUSPENSION OF CUSTOMS PROCEDURES FOR EXPORTED AND IMPORTED GOODS UPON REQUEST FOR PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

Article 73. Principles of inspection, supervision and temporary suspension of customs procedures

1. Holders of intellectual property rights protected in accordance with the law on intellectual property have the right to request Customs to apply inspection and supervision methods or temporarily stop carrying out customs procedures for exported and imported goods showing signs of intellectual property right infringement.

2. Customs shall decide to temporarily suspend customs procedures for imported or exported goods only when intellectual property rights holders or legally authorized persons make written requests and show evidence of their lawful holding of intellectual property rights and evidence of infringements thereupon and have paid a deposit or produced documents on guarantee by credit institutions as security for payment of damage compensation and expenses as prescribed by law provisions which may arise due to wrong requests for temporary suspension of customs procedures.

3. Provisions on temporary suspension of customs procedures for exported and imported goods showing signs of intellectual property right infringement specified in this Law are not applicable to humanitarian aid goods, movable assets, goods eligible for privileges and immunities, baggage, donations and gifts within the duty-free allowance and goods in transit.

Article 74. Formalities for requesting customs inspection and supervision and temporary suspension of customs procedures

1. Intellectual property rights holders may directly or through legally authorized persons send their written requests to Customs for customs inspection and supervision or temporary suspension of customs procedures for exported and imported goods showing signs of intellectual property right infringement.

2. In case of request for customs inspection and supervision, the intellectual property rights holder or legally authorized person shall pay charges and fees prescribed by the law on charges and fees and provide Customs with the following materials:

a) Written request; power of attorney in case of authorized submission of request;

b) Copy of protection title for industrial property rights or another material proving industrial property rights currently protected in Viet Nam or copy of the certificate of registration of industrial property licensing contract; copy of the certificate of registration of copyright, copyright-related rights or rights to plant varieties or another material proving copyright, copyright-related rights or rights to plant varieties;

c) Detailed description of intellectual property right-infringing goods, photos and characteristics for distinguishing genuine goods from intellectual property right-infringing goods;

d) List of lawful exporters or importers of goods requiring supervision; list of persons likely to export or import intellectual property right-infringing goods.

The time limit for application of customs inspection and supervision measures for goods requiring protection of intellectual property rights is 2

years from the date Customs accepts the request of the intellectual property rights holder. This time limit may be extended for another 2 years but shall not exceed the duration of protection of the concerned intellectual property subject matter in accordance with the Law on Intellectual Property.

3. In case of requesting temporary suspension of customs procedures, the intellectual property rights holder or legally authorized person shall provide the customs office with the materials specified in clause 2 of this Article and pay a sum of money or submit documents on guarantee by a credit institution equal to 20% of the value of the goods shipment in the contract or at least 20 million Vietnamese dong if the value of the suspected infringing goods shipment is not identified to pay damage compensation and expenses as prescribed by law provisions which may arise due to wrong request for temporary suspension of customs procedures.

Article 75. Receipt and handling of written requests for customs inspection and supervision and temporary suspension of customs procedures

1. Request-receiving places:

a) Custom Branches shall receive written requests for temporary suspension of custom procedure clearance;

b) The General Department of Customs shall receive written requests for customs inspection and supervision.

2. Customs shall notify in writing requesters of the acceptance or refusal of requests within the following time limits:

a) Within 20 days after receiving sufficient materials specified in clause 2, Article 74 of this Law.

b) Within 2 working hours after receiving sufficient materials specified in clause 3, Article 74 of this Law.

In case of refusal of request, Customs shall issue a written reply which clearly states the reason of its refusal.

Article 76. Formalities for temporary suspension of customs procedures

1. Formalities for temporary suspension of customs procedure for requesters whose inspection and supervision requests are accepted by Customs shall be carried out as follows:

a) When detecting shipments which show signs of intellectual property right infringement, Customs shall temporarily suspend customs procedures and promptly notify such in writing to the requester;

b) Within 3 working days after receiving the notice of customs, if the requester does not require temporary suspension of customs procedures, Customs shall continue carrying out customs procedures under regulations.

In case the requester requires temporary suspension and pays a deposit or submits a document on guarantee as specified in clause 3, Article 74 of this Law, Customs shall decide to temporarily suspend customs procedures.

2. In case intellectual property rights holders make requests for temporary suspension of customs procedures for goods showing signs of intellectual property right infringement but make no written request for customs inspection and supervision, Customs shall decide to temporarily suspend customs procedures if the conditions prescribed in clause 3, Article 74 of this Law are satisfied.

3. The time limit for temporary suspension of customs procedures is 10 working days from the date Customs issues the decision. In case the requester has a plausible reason for temporary suspension, this time limit may be extended but shall not exceed 20 working days, provided the requester pays an additional sum of money or submits an additional document on guarantee as specified in clause 3, Article 74 of this Law.

4. Upon expiration of the temporary suspension duration specified in clause 3 of this Article, if the requester for temporary suspension of customs procedures initiates no civil lawsuit and Customs decides not to handle the case according to procedures for handling of administrative violations, Customs shall continue carrying out customs procedures for the shipment.

In case the requester of temporary suspension of customs procedures withdraws the request and Customs decides not to handle the case according to procedures for handling of administrative violations before the expiration of the temporary suspension duration, Customs shall immediately continue carrying out customs procedures for the shipment.

5. Intellectual property rights holders or legally authorized persons shall pay to goods owners arising expenses for warehousing, loading, unloading and preservation of goods due to wrong requests for temporary suspension of customs procedures.

6. Customs shall refund security amounts to intellectual property rights holders or legally authorized persons after the latter have fulfilled their obligation to pay arising expenses and damage compensations under decisions of Customs or competent agencies.

7. The time limit for tax payment (if any) is counted from the date the customs office decides to continue carrying out customs procedures for the shipment.

SECTION 9

POST CLEARANCE AUDIT

Article 77. Post clearance audit

1. Post clearance audit means the inspection of customs files by Customs, accounting books and documents and goods-related documents and data; and post-clearance physical inspection when necessary and conditions permit.

Post clearance audit aims to evaluate the accuracy and integrity of the contents of the documents and files declared, submitted and produced by the customs declarant to Customs; and to evaluate compliance by the customs declarant of the laws on customs and other law provisions on the management of exported and imported goods.

2. Post clearance audit shall be carried out at offices of Customs or premises of the customs declarant.

Premises of the customs declarant include his or her head offices, branches, stores and goods production and preservation establishments.

3. The time limit for post clearance audit is 5 years from the date of customs declaration registration.

Article 78. Cases of post clearance audit

1. Inspection in case where there are signs of violation of the customs law and other laws relevant to the management of exported and imported goods.

2. In cases other than those specified in clause 1 of this Article, post clearance audit shall be carried out based on the application of risk management.

3. Inspection of law compliance by the customs declarant.

Article 79. Post-clearance audit at head offices of Customs

1. Directors of Customs Departments or Heads of Customs Branches shall issue decisions on post clearance audit, request the customs declarant to provide commercial invoices, bills of lading, goods purchase and sale contracts, certificates of origin of goods, payment documents, files and technical documents of goods related to files under inspection and explain relevant contents.

The inspection duration is determined in the inspection decision but shall not exceed 5 working days.

2. A post clearance audit decision shall be sent to the customs declarant within 3 working days from the date of its signing and within 5 working days before the inspection is conducted.

The customs declarant shall explain and provide files and documents related to the dossier under inspection at the request of the customs office.

In the course of inspection, the customs declarant may explain and additionally provide customs dossier-related information and documents.

3. The handling of inspection results is prescribed as follows:

a) In case provided information and documents and explained contents prove that customs declaration contents are correct, the customs dossier is accepted;

b) In case of failure to prove that customs declaration contents are correct or the customs declarant fails to provide files and documents and give explanations according to inspection requirements, customs shall decide on handling in accordance with laws on taxes and laws on handling of administrative violations.

4. Within 5 working days after an inspection is completed, the issuer of inspection decision shall sign and send the notice of inspection results to the customs declarant.

Article 80. Post clearance audit at premises of the customs declarant

1. Competence to decide on post clearance audit:

a) The Director General of the General Department of Customs and the Director of the Department of Post Clearance Audit shall decide on post clearance audit nationwide;

b) Directors of Customs Departments shall decide on post clearance audit in localities under their management.

In case of inspection of enterprises which are not located in localities under their management, Customs Departments shall report to the General Department of Customs for consideration and assignment of other units to conduct the inspection.

The inspection and assessment of law compliance of the customs declarant shall comply with annual post clearance audit plans promulgated by the Director General of the General Department of Customs.

2. Duration of post clearance audit:

a) The duration of post clearance audit shall be specified in the inspection decision but shall not exceed 10 working days. The inspection duration is counted from the date when the inspection begins. In case the scope of inspection is large and involves complicated issues, the inspection decision issuer may extend the inspection duration once for no more than 10 working days.

b) The post clearance audit decision shall be sent to the customs declarant within 3 working days from the date of its signing and within 5 working days before the inspection is conducted, except the cases specified in clause 1, Article 78 of this Law.

3. Order and procedures for post clearance audit:

a) Announcing the post clearance audit decision before the inspection is conducted;

b) Comparing declared contents with accounting books and documents, financial statements, related documents and actual conditions of exported and imported goods within the scope and content of the post clearance audit decision;

c) Making a written record of post clearance audit within 5 working days after the inspection is concluded;

d) Within 15 working days after the inspection is concluded, the issuer of inspection decision shall sign the inspection conclusion and send it to the customs declarant. In case the inspection conclusion requires expert opinions of a competent agency, the time limit for signing the inspection conclusions is counted from the date the competent agency gives its opinions. Competent professional agencies shall give their opinions within 30 days from the date of receiving requests of Customs;

đ) Handling according to the competence of customs officers or transferring the case to a competent authority for handling according to inspection results.

4. If the customs declarant fails to abide by an inspection decision, explain and provide files and documents within the prescribed time limit to Customs, Customs shall base themselves on collected and verified files and materials to decide on handling in accordance with law provisions on taxes and law provisions on the handling of administrative violations or conduct specialized inspection in accordance with law provisions.

Article 81. Tasks and powers of customs officers in post clearance audit at premises of the customs declarant

1. The Director General of the General Department of Customs, the Director of the Department for Post clearance audit and Directors of Customs Departments shall have the following tasks and powers:

a) To issue inspection decisions and form inspection teams;

b) To extend the inspection duration in case of necessity;

c) To issue inspection conclusions; handle inspection results; to decide on handling in accordance with the laws on taxes and the laws on handling of

administrative violations or propose competent persons to decide on handling in accordance with law provisions;

d) To settle complaints and denunciations in accordance with law.

2. Heads of inspection teams shall have the following tasks and powers:

a) To organize and direct their team members to conduct inspection according to the contents, subjects and within time limits specified in inspection decisions;

b) To request the customs declarant to provide information, documents and written explanations about issues related to inspection contents, produce goods for inspection when necessary and conditions permit;

c) To make written records of, and report to competent authorities for handling on acts of failing to abide by, obstructing or delaying the implementation of inspection decisions by the customs declarant;

d) To temporarily seize and seal documents and material evidence in case the customs declarant shows signs of dispersal and destruction of documents and material evidence related to law violations;

đ) To make and sign written records of inspection;

e) To report on inspection results to inspection decision issuers and be held responsible for the accuracy, truthfulness and objectiveness of their reports.

3. Inspection team members shall have the following tasks and powers:

a) To perform tasks assigned by inspection team heads;

b) To report on results of performance of their assigned tasks to inspection team heads; to be held responsible before law and inspection team heads for the accuracy, truthfulness and objectiveness of their reports;

c) To make and sign written records of inspection as assigned by inspection team heads.

Article 82. Rights and obligations of the customs declarant in post clearance audit

1. To exercise the rights and fulfill the obligations specified in Article 18 of this Law.

2. To promptly, fully and accurately provide files and documents as requested and be held responsible for the accuracy and truthfulness of such files and documents.

3. To refuse to provide information and documents irrelevant to inspection contents or information and documents involved in state secrets, unless otherwise provided by law provisions.

4. To receive written inspection conclusions and request explanations about inspection conclusions; to reserve their opinions in written inspection conclusions.

5. To request inspection team heads to produce inspection decisions, customs identity cards in case of post clearance audit at head offices of the customs declarant.

6. To comply with requests for post clearance audit and appoint competent persons to work with Customs.

7. To explain related issues at the request of Customs.

8. To sign written records of inspection.

9. To abide by handling decisions of Customs and competent agencies.

CHAPTER IV

COLLECTION OF DUTIES AND OTHER CHARGES ON EXPORTED AND IMPORTED GOODS

Article 83. Responsibilities of the customs declarant for the declaration, calculation and payment of duties and other charges

1. To declare and calculate duties in an accurate, truthful and complete manner and on time and be held responsible for their tax declaration and calculation.

2. To pay taxes and other charges in full and on time in accordance with law provisions on taxes, charges and fees and other relevant law provisions.

3. To comply with the decisions of Customs on duties and other charges in accordance with law provisions on taxes, charges and fees and other relevant law provisions.

Article 84. Responsibilities of Customs for collection of taxes and other charges

1. The General Department of Customs shall organize the collection of taxes and other charges on exported and imported goods in a consistent manner; and apply measures to ensure the correct and full collection of duties and other charges in accordance with law provisions on taxes, charges and fees and other relevant law provisions.

2. The Customs where procedures for exported and imported goods are performed shall, in accordance with functions and competency delegated to it, examine the duty declaration and calculation; effect duty exemption, reduction, refund, non-collection, assessment, extension of payment time limit, and writing-off of arrears and late-payment fines payable by the customs declarant; collect duties and other charges and manage payment of duty.

Article 85. Determination of duty rates, time of duty calculation and time limits of duty payment for exported and imported goods

The determination of duty rates for exported and imported goods shall be based on codes of goods and tax policies applicable to exported and imported goods effective at the time of tax calculation.

The time of tax calculation and time limits for tax payment for exported and imported goods shall comply with law provisions on tax.

Article 86. Customs value

1. Customs value shall be used as a basis for the calculation of import and export duties and for the compilation of statistics on exported and imported goods.

2. The customs value of an exported goods item means the selling price of such goods item determined upon its arrival at the border gate of exportation, excluding international insurance cost and freight.

3. The customs value of an imported goods item means the payable actual price determined upon its arrival at the first border gate of importation in compliance with Vietnamese law and international treaties to which the Socialist Republic of Viet Nam has contracted or acceded.

4. The exchange rate for duty calculation means the exchange rate between Vietnamese dong and a foreign currency announced by the State Bank of Viet Nam at the time of duty calculation. In case the State Bank of Viet Nam fails to announce the exchange rate at the time of duty calculation, the latest announced exchange rate shall apply.

5. The Government shall detail this Article.

CHAPTER V

PREVENTION AND COMBAT OF SMUGGLING AND ILLEGAL CROSS-BORDER TRANSPORTATION OF GOODS

Article 87. Tasks of Customs in the prevention and combat of smuggling and illegal cross-border transportation of goods

1. Within the scope of their tasks and powers, Customs at all levels shall organize the performance of the task of preventing and combating smuggling and illegal cross-border transportation of goods.

2. Customs at all levels may form full-time units to perform the task of preventing and combating smuggling and illegal cross-border transportation of goods.

Article 88. Scope of responsibility to prevent and combat smuggling and illegal cross-border transportation of goods

1. Within areas of customs operations Customs shall conduct customs inspection, supervision and control of goods and means of transport to take the initiative in preventing and combating smuggling and illegal cross-border transportation of goods.

In case agencies, organizations or individuals detect acts of smuggling or illegal cross-border transportation of goods while such goods and carrying vehicles have not yet been taken out of custom operation areas, they shall immediately report such to Customs for inspection and handling.

In case there are grounds to believe that goods are smuggled or illegally transported across the border or carrying vehicles are moving out of areas of customs operations, Customs shall continue pursuing them and notify such to police offices, border guards, marine police officers and market managers in their localities for coordination and concurrently apply measures to prevent and handle them in accordance with law. The halt and pursuit of foreign vehicles traveling in sea areas of Viet Nam shall comply with the Law on Sea of Viet Nam.

2. In case related state agencies have grounds to believe that acts of smuggling or illegal cross-border transportation of goods are committed while goods or carrying vehicles have been taken out of areas of customs operations, they shall conduct according to their competence inspection and handling of such acts in accordance with law provisions. Customs shall coordinate with related state agencies in applying measures to prevent and combat smuggling and illegal cross-border transportation of goods.

3. For goods subject to customs supervision which are being transported on routes, Customs shall take the responsibility to perform supervision using customs operational measures. When detecting acts of law violations, Customs shall assume the prime responsibility for, and coordinate with related state agencies in inspecting and handling violations in accordance with law provisions.

4. In internal waters, territorial waters and contiguous zones, Customs shall initiate or coordinate with other related state agencies in conducting patrol and control activities to prevent smuggling and illegal cross-border transportation of goods, apply measures to prevent and handle violations according to their competence in internal waters and territorial waters in accordance with the Law on Sea of Viet Nam.

5. People's committees at all levels shall direct the coordination among Customs and other related state agencies in their localities in performing the task of preventing and combating smuggling and illegal cross-border transportation of goods.

6. The Government shall detail customs control measures and responsibilities of competent agencies to coordinate with Customs in the prevention and combat of smuggling and illegal cross-border transportation of goods.

Article 89. Competence of Customs for the application of measures to prevent and combat smuggling and illegal cross-border transportation of goods

1. To organize forces, to establish databases, to apply necessary customs control measures, to collect customs information in Viet Nam and abroad relating to customs operations so as to actively prevent and combat smuggling and illegal cross-border transportation of goods, and to facilitate customs clearance of goods and post clearance audit; to coordinate with related agencies in keeping secret providers of information on cases of smuggling and illegal cross-border transportation of goods in accordance with law provision.

2. To conduct customs control of goods and means of transport; to assume the prime responsibility for, and coordinate with related state agencies in, carrying out activities of preventing and combating smuggling and illegal cross-border transportation of goods within areas of customs operations.

When conducting customs control of goods and means of transport in areas of customs operations, Customs may apply patrol, investigation and verification or other technical measures in accordance with this Law and the laws on handling of administrative violations, criminal procedure and organization of criminal investigations.

3. To request related agencies, organizations and individuals to provide information and documents for the purpose of inspection, supervision and verification of acts of smuggling and illegal cross-border transportation of goods.

4. To request postal and express mail service providers to open postal parcels and goods exported or imported by post or via express mail service for inspection when there are grounds to believe that such postal parcels and goods contain documents and goods related to smuggling and illegal cross-border transportation of goods.

5. To use banners, flashlights, flares, whistles and loudspeakers; to use weapons and supporting tools in accordance with law provisions on management and use of weapons, explosives and supporting tools.

6. Apart from areas of customs operations, Customs shall coordinate and conduct customs control activities to prevent and combat smuggling and illegal cross-border transportation of goods in accordance with law.

Article 90. Competence of Customs and customs officers in handling acts of smuggling and illegal cross-border transportation of goods

1. To handle administrative violations, to apply preventive measures and ensure the handling of administrative violations in accordance with law provisions on handling of administrative violations.

Where there are grounds to believe that there are acts of smuggling or illegal cross-border transportation of goods, Heads of Customs Branches, Heads of Enforcement Units under Customs Departments, Heads of anti-smuggling Enforcement Units and Heads of Marine Enforcement Units under the Anti-Smuggling Investigation Department are competent to halt means of transport, temporarily detain people and escort violators. Order and procedures for temporarily holding people and escorting violators shall conform to relevant provision of the Law on handling of administrative violations.

2. On detecting acts of violation of the laws on customs which are serious enough to be examined for penal liability, Customs and officers shall have the competence to initiate criminal cases and lawsuits against the accused and conduct investigation activities in compliance with the law provisions on criminal proceedings and organization of criminal investigation.

3. When carrying out activities prescribed in this Article, Customs and customs officers shall be held responsible before law for their decisions.

Article 91. Rights and obligations of related organizations and individuals in the prevention and combat of smuggling and illegal cross-border transportation of goods

1. In the prevention and combat of smuggling and illegal cross-border transportation of goods, related organizations and individuals shall have the rights:

a) To provide information, files, documents and evidence relating to cases of violation to Customs; to request Customs to solicit expert examination to protect their rights and lawful interests;

b) To have their privacy and life protected and enjoy preferential treatment as provided by law provisions when providing information, reporting or denouncing acts of smuggling or illegal cross-border transportation of goods.

2. In the prevention and combat of smuggling and illegal cross-border transportation of goods, related organizations and individuals shall have the obligations:

a) Drivers and people on board vehicles shall obey orders to stop their means of transport, to be searched and produce papers, documents and

materials at the request of customs officers. Vehicles operators shall provide diagrams of cargo holds and instructions or open places where goods are concealed on vehicles for search by customs officers;

b) Credit institutions and insurance businesses shall provide files and materials related to payment and insurance transactions at the request of Customs to serve investigation, verification and handling of acts of smuggling or illegal cross-border transportation of goods;

c) Organizations and individuals related to exported, imported goods or goods in transit, vehicles on entry or exit or in transit shall provide related information, files and documents to serve investigation, verification and handling of acts of smuggling or illegal cross-border transportation of goods; and be present at the office of Customs to explain questionable issues as requested;

Article 92. Furnishing and use of technical equipment and means of prevention and combat of smuggling and illegal cross-border transportation of goods

1. Customs and customs officers shall be equipped with and use technical means, weapons, supporting tools, banners, flares, flashlights, observative and screening devices, biochemical technologies, mechanical equipment, electric and electronic equipment and other devices prescribed by law provisions to perform the task of preventing and combating smuggling and illegal cross-border transportation of goods. The equipment and the use of weapons and supporting tools shall comply with law provisions on management and use of weapons, explosives and supporting tools.

2. Where necessary, Customs and customs officers that directly perform the task of combating smuggling and illegal cross-border transportation of goods shall be entitled to request agencies, organizations and individuals to provide their support in terms of resources, means and information. Where provided means are damaged, Customs shall be obliged to pay compensation in accordance with law provisions.

Chapter VI

**CUSTOMS INFORMATION AND COMPILATION OF STATISTICS
ON EXPORTED AND IMPORTED GOODS**

Section 1

CUSTOMS INFORMATION

Article 93. Customs information

Customs information shall be collected, archived, managed and used for the performance of customs procedures; for the collection of statistics on exported and imported goods; for the application of risk management in

customs operations and post clearance audit; and for the prevention and combat of smuggling and illegal cross-border transportation of goods.

Article 94. Customs information system

1. The customs information system consists of:

- a) Database on the information system;
- b) Technical infrastructure on the information system.

2. The customs information database contains:

- a) Information on imported, exported and goods in transit;
- b) Information on vehicles on exit or entry or in transit;
- c) Information on organizations and individuals involved in import or export activities, on exit or entry or in transit;
- d) Other information related to operations of Customs.

3. The customs information database shall be managed in a centralized and uniform manner. The General Department of Customs shall establish, manage and develop the database and technical infrastructure of the customs information system by updating and integrating information and data of the entire customs service; connect and share information and data with the information systems of organizations and individuals outside the customs service, Customs of other countries and international organizations in accordance with Vietnamese law and international treaties to which the Socialist Republic of Viet Nam has contracted or acceded.

Customs shall apply measures to keep confidential information and prevent illegal access to the customs information system.

Article 95. Collection and provision of customs information in the country

1. Customs shall organize the collection of information from the following sources:

- a) Customs operations;
- b) Ministries and related ministerial-level agencies;
- c) Organizations and individuals involved in or related to production, import and export activities, on exit or entry or in transit;
- d) Other sources of information.

2. Responsibilities and powers of Customs in the collection and provision of customs information:

- a) To receive and provide information to the customs declarant;

b) To establish and implement the mechanism for coordination in the exchange and provision of information to functional agencies of related ministries and ministerial-level agencies;

c) To apply measures and professional techniques to collect information;

d) To request organizations and individuals to provide information related to import, export, exit, entry and transit activities;

đ) To access other related sources of information.

3. Rights and responsibilities of agencies, organizations and individuals in providing customs information:

a) Organizations and individuals may request Customs to provide customs information related to their rights and obligations;

b) Ministries and related ministerial-level agencies shall provide information related to import, export, exit, entry and transit activities to Customs;

c) Organizations and individuals involved in or related to import, export, exit, entry and transit activities shall provide information to Customs in accordance with this Law and other relevant laws.

4. The Government shall detail this Article.

Article 96. Collection of customs information abroad

1. Sources of customs information collected abroad shall include:

a) Information provided by Customs and other agencies of states and territories under cooperation agreements on mutual assistance in information exchange and supply;

b) Information provided by related international organizations under international treaties to which the Socialist Republic of Viet Nam has contracted or acceded;

c) Information provided by organizations and individuals involved in or related to the production, import and export of goods as requested by Customs in compliance with Vietnamese law and treaties to which the Socialist Republic of Viet Nam has contracted or acceded.

2. Customs shall organize the collection of information abroad to serve the following activities:

a) To determine the origin, transaction value, standards and quality of imported goods;

b) To determine the lawfulness of documents and transactions related to exported and imported goods;

c) To verify acts of smuggling and illegal cross-border transportation of goods or other acts violating the customs law;

d) To verify other information related to persons involved in or related to export and import activities, on exit or entry or in transit; exported, imported goods and goods in transit; means of transport on exit or entry or in transit.

SECTION 2

COMPILATION OF STATISTICS ON EXPORTED AND IMPORTED GOODS

Article 97. Compilation of statistics on exported and imported goods

1. Compilation of statistics on exported and imported goods is the process of collection, handling, summarization, analysis, anticipation, report, distribution and archive of statistical information on exported and imported goods carried out by the General Department of Customs.

2. Statistical information on exported and imported goods is a product of statistical activities, including statistical data on exported and imported goods and analyses of these statistics.

3. The General Department of Customs shall produce publications on statistics on exported and imported goods.

Article 98. Statistical reports on exported and imported goods

The General Department of Customs shall submit to the Government and Ministry of Finance monthly reports on statistical information on exported and imported goods made according to the prescribed forms and reports on analysis and assessment of importation and exportation of goods.

Chapter VII

STATE ADMINISTRATION OF CUSTOMS

Article 99. Contents of the State administration of customs

Contents of the State administration of customs shall include the following:

1. Refinement and direction of the implementation of strategy, master planning and plans on development of Viet Nam Customs;

2. Promulgation and organization of the implementation of legal instruments on customs;

3. Provision of guidance for, implementation and propagation of the laws on customs;

4. Provisions on organization and operation of Customs;

5. Training, fostering and building a contingent of customs officers;

6. Organization of research and application of science and technology and methods of modern customs management;
7. Compilation of state statistics in customs;
8. Inspections and internal audit, settlement of appeals and denunciations and handling of violations of the laws on customs;
9. International cooperation on customs.

Article 100. Agencies in charge of the State administration of customs

1. The Government shall assume responsibility for the uniform state administration of customs.
2. The Ministry of Finance shall be responsible to the Government for the performance of the uniform state administration of customs.
3. Ministries and ministerial equivalent agencies shall, within the scope of their respective tasks and powers, shall be responsible for coordinating with the Ministry of Finance for the performance of state administration of customs.
4. People’s Committees at all levels shall, within the scope of their tasks and powers, shall be responsible for organizing the implementation of the laws on customs in their respective localities.

Chapter VIII

IMPLEMENTATION PROVISIONS

Article 101. Amendment and supplementation of a number of articles of the Law No. 78/2006/QH11 on Tax Administration which had a number of articles amended and supplemented under Law No. 21/2012/QH13

1. To amend clause 5, Article 4 as follows:
“5. To apply the priority regime when carrying out tax procedures for exported and imported goods if taxpayers fully satisfy the conditions for application of the priority regime in accordance with the Customs Law.”
2. To amend clause 4, Article 32 as follows:
“4. For exported and imported goods, the time limit for submission of tax declaration files is prescribed by the Customs Law.”
3. To amend clause 2, Article 34 as follows:
“2. For exported and imported goods, an additional declaration in tax declaration files shall comply with the Customs Law.”
4. To amend point b, clause 1, Article 78 as follows:

“b) Cases of post clearance audit are specified in the Customs Law.

Where signs of tax evasion or fraud are detected during post clearance audit, the Director of the Department of Post Clearance Audit, Directors of Customs Departments and Heads of Post Clearance Audit Branches are competent to decide on the application of the measures specified in Section 4, Chapter X of this Law;”

5. To annul point d, clause 3, Article 77; to delete the phrase “and point d” at point a, clause 1, Article 78; to delete the phrase “at premises of taxpayers under clause 2, Article 34 of this Law” at point a, clause 2, Article 107.

6. To change the phrase “from the date of registration of the declaration form” at point a, clause 2, Article 107 to “from the date of customs clearance”.

Article 102. Amendment and supplementation of a number of articles of the Law No. 15/2012/QH13 on Handling of Administrative Violations

1. To amend clause 1, Article 122 as follows:

“1. The temporary detention of persons according to administrative procedures is applied only where necessary to promptly prevent or stop acts of disturbing public order and inflicting injury on another person or where there are grounds to believe that there are acts of smuggling or illegal cross-border transportation of goods.”

2. To amend the first paragraph of clause 1, Article 123 as follows:

“1. Where there is an act of disturbing public order or inflicting injury on another person or where there are grounds to believe that there are acts of smuggling or illegal cross-border transportation of goods as specified in clause 1, Article 122 of this Law, the following persons may decide on the detention of persons according to administrative procedures:”

Article 103. Effectiveness

This Law shall enter into force on January 1, 2015.

The Customs Law No. 29/2001/QH10 and the Law No. 42/2005/QH11 on amendment and supplementation a number of articles of the Customs Law shall no longer apply from the effective date of this Law.

Article 104. Detailed provisions

The Government shall detail articles and clauses of this Law as assigned herein.

