

In order to carry out the administrative procedure reform, enhance the responsibility of the State inspection bodies as well as the responsibilities of the goods owners for the quality of export and import goods, thus creating favorable conditions for export and import business activities; pending the promulgation of a Decree by the Government guiding the 1999 Ordinance on Goods Quality; after reaching a consensus with the specialized managing ministries, the Ministry of Science, Technology and Environment and the General Department of Customs hereby jointly provide provisional guidance on the customs procedures for and the State inspection of export and import goods which are subject to the State quality inspection as follows:

I. GENERAL PROVISIONS

1. This Joint Circular temporarily guides the State quality inspection of export goods and import goods for customs clearance on the basis of meeting requirements of the State quality management over export goods and import goods on the list of goods subject to the State quality inspection, publicized by the competent State body.

2. The State quality inspection prescribed in this Circular shall be carried out by mode of registration first, inspection later:

- Prior registration is the registration by goods owners for inspection with the agency in charge of the State quality inspection (hereinafter referred to as the inspection agency for short) before they fill in the customs procedures for import.

- Later inspection is the quality inspection by the inspection agency after the customs procedures have been cleared for the goods.

3. For the following goods, the inspection agency shall not give certifications on inspection registration papers, and the customs procedures shall be cleared for such goods only after the inspection agency announces that such goods have met the quality requirements:

- The inspection agency has obtained an objective evidence that the import goods lot to be registered for inspection has failed to satisfy the prescribed quality requirements;

- The inspection agency detects that the lot of goods of the same category previously imported by the same owner has failed to satisfy the prescribed quality

**THE MINISTRY OF SCIENCE, TECHNOLOGY
AND ENVIRONMENT - THE GENERAL
DEPARTMENT OF CUSTOMS**

**JOINT CIRCULAR No. 37/2001/TTLT/
BKHCNMT-TCHQ OF JUNE 28, 2001
GUIDING THE CUSTOMS PROCEDURES
FOR AND QUALITY INSPECTION OF
EXPORT AND IMPORT GOODS SUBJECT TO
THE STATE QUALITY INSPECTION**

Pursuant to the Customs Ordinance of February 20, 1990;

Pursuant to the Ordinance on Goods Quality of December 24, 1999;

Pursuant to the Government's Decree No.22/CP of May 22, 1993 on the tasks, powers and organizational structure of the Ministry of Science, Technology and Environment;

Pursuant to the Government's Decree No.16/1999/ND-CP of March 27, 1999 on the customs procedures, customs supervision and customs fees;

Pursuant to the Prime Minister's directing opinions in the Government Office's Official Dispatch No.5397/VPCP- KTHH of December 11, 2000;

requirements.

4. The quality inspection of Vietnamese export goods shall be effected in compliance with bilateral or multilateral agreements between Vietnam and relevant countries and/or international organizations.

5. Goods owners' import goods shall be exempt from inspection as notified by the inspection agency in the following cases:

- Import goods are affixed with standard conformity stamps of the exporting country(ies), which have been recognized and publicized in each period by the General Department of Standardization, Measurement and Quality;

- Lots of goods of the same category, the same manufacturer and the same supplier (foreign exporter), which were imported earlier by the goods owners, have been inspected, and satisfy the quality requirements (within 6 months as from the latest importation);

- Goods satisfy the conditions for inspection exemption as prescribed by specialized managing ministry(ies).

6. For goods which are simultaneously on the list of goods subject to the State quality inspection and subject to other inspection requirements (determination of remaining quality of used goods), such inspection requirements shall be effected by the State quality inspection agency (for example: used land-road motorized vehicles shall have to go through only the State inspection at the Vietnam Register, the expertise to certify the quality standard conformity of the used equipment according to the provisions of Decision No.2019/1997/QĐ-BKHCNMT of December 1, 1997 is not required).

7. Goods, luggage and equipment of the following subjects shall not be subject to the State quality inspection:

- Personal effects; diplomatic goods; sample goods, goods for exhibitions and fairs, donations;

- Barter goods of border inhabitants;

- Supplies, equipment and machinery of investment joint ventures, which are not directly circulated on markets but only in service of establishments' goods production demand;

- Goods, supplies and equipment temporarily imported for re-export;

- Goods on transit or transshipped;

- Goods deposited in bonded warehouses;

- Goods processed by Vietnamese enterprises for foreign traders.

II. SPECIFIC PROVISIONS

1. Responsibilities of goods owners:

Goods owners shall be held responsible before law for the quality standard conformity of imported goods and have to satisfy the following requirements when importing goods on the list of goods subject to the State quality inspection:

- Before their goods arrive at the border-gates, the goods owners shall have to register for quality inspection with the inspection agency. The form of inspection registration papers shall be set by the inspection agency.

- Within one working day after the customs clearance for their goods, goods owners shall have to present such goods in status quo together with the customs dossier sets which have gone through the customs procedures and other dossiers and documents as prescribed, for the inspection agency to carry out the quality inspection right at the places registered by the goods owners with the inspection agency.

- The imported goods shall be put into use only after the inspection agency issues notices on import quality standard conformity thereof.

- They shall have to abide by handling decisions of the specialized State management bodies in cases where they violate the regulations on State inspection of quality of import goods.

- In cases where goods are forced to be re-exported, the goods owners shall have to re-export them within the time limit prescribed in the specialized State management agency's decisions on compulsory re-export. When re-exporting their goods, the goods owners shall have to show their goods, customs dossiers and compulsory re-export decisions to the border-gate customs offices for re-export procedures clearance.

2. Responsibilities of the inspection agency:

2.1. To carry out the inspection and issue notices on the result of State quality inspection of import goods or inspection exemption notices according to the provisions at Point 5, Section I of this Circular;

2.2. Within one working day after receiving the goods owners' applications, the goods inspection agency shall have to give certifications on papers of registration for State quality inspection of import goods or issue

inspection exemption notices to goods owners, so that the latter submit them to the customs offices when filling in the procedures for goods import.

- For goods specified at Point 3, Section I of this Circular, the inspection agency shall not give its certification on State inspection registration paper. The customs procedures for such goods shall be cleared only when notices on import quality standard conformity are issued.

- It shall monitor and request goods owners to present their goods together with import goods dossier sets for which the customs procedures have been completed for inspection. Before carrying out the goods quality inspection, it shall make the comparisons and check whether the goods are intact and their actual appellations and categories are fully compatible with those stated in customs dossiers or not. In cases where the goods are no longer intact and their actual appellations and categories are not compatible with those stated in customs dossiers, the inspection agency shall make written record thereof and report such to the specialized State management agency for handling as prescribed.

- Within 5 days after the goods owners present their goods and fully supply dossiers related to such goods as prescribed for inspection, the inspection agency shall have to announce the inspection result. For special-type goods, the time limit for announcing the inspection result shall be prescribed by the specialized managing ministry(ies).

- In cases where goods are not up to the import quality standards and forced to be re-exported, the inspection agency shall seal up the whole volume of goods subject to the compulsory re-export, report such to the specialized State management body for handling and issuance of decision compelling the re-export, and notify such to the customs offices where the procedures for importing such goods lots have been carried out. The compulsory re-export decisions of the specialized State management body shall be sent to the customs offices where the procedures for importing such goods lots have been carried out so that the latter shall carry out the re-export procedures. The time limit for re-exporting goods from Vietnam shall be prescribed in compulsory re-export decisions.

3. Responsibilities of customs offices:

3.1. For export goods: Customs offices shall not require the submission or presentation of quality certificates.

3.2. For import goods: Apart from the customs dossier set as prescribed, when carrying out the goods import procedures, the goods owner shall have to submit one paper of registration for State quality inspection of import goods certified by the inspection agency or the inspection exemption notice. Basing itself on the valid dossier set and goods, the customs office shall carry out the customs clearance procedures for the goods lot as prescribed. The customs office shall not take responsibility for quality of import goods after the customs clearance.

- Particularly for goods being land-road motorized vehicles on the list of goods subject to the State quality inspection, after the inspection agency (the Vietnam Register - the Ministry of Communications and Transport) issues quality certificates for import automobiles, the customs office shall base itself on the certification content to affirm *written declarations of origin of import automobiles*, if such certification content is compliant with the current regulations, or to make a written handling record as prescribed by law, if such certification content is not compliant with the current regulations.

Upon receiving the specialized State management body's decisions on the compulsory re-export of import goods, which are not up to the quality standards, the border-gate customs offices where the procedures for importing such goods lots have been carried out shall have to compare the archived dossier sets of the goods lots previously cleared through customs with the actual state of goods lots presented by the goods owners and compulsory re-export decisions, and carry out the re-export procedures if they are consistent. In cases where a goods lot under a compulsory re-export decision is inconsistent with the dossier set kept by the customs, the customs office shall return it to the specialized State management body for further handling according to the provisions of law.

4. The organizations that conduct the State quality inspection:

- The export and import goods-inspecting bodies under the specialized managing ministries;

- Enterprises that provide expertise services and are fully qualified therefor, and are recognized and designated by the Ministry of Science, Technology and Environment to inspect specific goods items after reaching an agreement with the specialized managing ministries.

Names of goods subject to the inspection and names

of inspection bodies are specified in the list of goods subject to the State inspection.

III. IMPLEMENTATION PROVISIONS

This Circular takes effect after its signing.

The Ministry of Science, Technology and Environment, the specialized managing ministries and the General Department of Customs shall have to organize the thorough study of this Circular at their attached units and publicize it at the State quality inspection bodies and places where the customs procedures are carried out, so that the goods owners can know and implement.

*For the General Director of Customs
Deputy General Director*
DANG VAN TAO

*For the Minister of
Science, Technology and Environment
Vice Minister*
BUI MANH HAI

good morality and professional ethics, sense of discipline, industrial working style and health, with a view to creating conditions for laborers to find jobs, meet socio-economic requirements, consolidate national defense and security.

The ministries and branches shall coordinate with the Ministry of Education and Training in determining objectives and working out intermediate vocational training framework program of their own branches.

The headmasters of intermediate vocational training schools shall have to determine objectives and work out specific education programs for the fields of training given by their schools on the basis of the regulations in this intermediate vocational training framework program and the branch intermediate vocational training framework programs.

This intermediate vocational training framework program applies to the form of regular training in intermediate vocational training schools (including public, semi-public, people-founded and private schools) and intermediate vocational training establishments throughout the country.-