

IMPORT LICENSING SYSTEM OF VIET NAM

Questions from the UNITED STATES to VIET NAM

The following communication, dated 8 October 2008, is being circulated at the request of the delegation of the United States.

Questions from the United States on the *Decision on Application of Automatic Import Licensing System to Certain Goods Items (No.24/2008/QD-BC)*

What is the purpose of requiring automatic import licensing for those goods listed in Annex 1 of Decision 24/2008/QD-BCT?

According to Article 1 of the Decision, Vietnam states that the import licensing system is automatic. As a result, we would appreciate confirmation that import license applications will be approved in all cases, without discretion, for those goods listed in Annex 1 of the Decision.

Will import license applications be approved immediately upon receipt (provided that the applications are complete and accurate)?

We understand that Vietnam reserves the right to deny the listed imports in the event that there appears to be a shortage of foreign exchange? If so, these would not be automatic licenses. Under what circumstances would trade in these products be restricted, i.e. the licence not granted automatically?

- Is there a fee associated with obtaining the automatic import license? If so, is it a uniform fee for all goods or does the fee vary depending on the good?

How far in advance of importation must the import license application be submitted? Can licenses be obtained within a shorter amount of time or on an expedited basis for goods arriving at the port without a license?

What is the period of validity for the automatic import license?

Article 7 of the Decision reads, “When carrying out import procedures, in addition to the import dossier set as per current regulations, business entity should present to Customs agency an Application for import registration certified by the Ministry of Industry and Trade.”

- What does that mean? Must the business entity make a second application for an import license to the Customs Agency? Or does it mean that the business entity must present the automatic import license (certified registration) to the Customs Agency when completing the importation of the goods?

Article 8 of the Decision reads, “Not later than five days, from the date on which custom clearance procedures for imported consignments are finalized, business entities shall report its import situation to the Ministry of Industry and Trade as per standard form attached hereto as Annex 3.”

- We would greatly appreciate if Vietnam could provide a further explanation regarding this requirement. What is meant by “import situation”? What is the purpose for collecting this information in addition to those documents already required for the import license application?

The list of products covered by the requirement is extensive, applicable to a large number of agricultural and industrial goods. Approximately what percentage of Vietnam's imports are covered by the requirement?

Vietnam indicates that the automatic import license requirement will expire after 31 December 2008. Under what circumstances would Vietnam contemplate extending this requirement beyond 31 December?

We understand that Decision 24/2008/QD-BCT was published on 17 August 2008. Does Vietnam intend to make a notification to the WTO Committee on Import Licensing regarding these new import license requirements?
