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Page: 1/20

Committee on Anti-Dumping Practices
Committee on Subsidies and Countervailing Measures
Committee on Safeguards

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS UNDER
ARTICLES 18.5, 32.6 AND 12.6 OF THE AGREEMENTS**

VIET NAM

The following communication, dated 20 May 2020, is being circulated at the request of the Delegation of Viet Nam.

Pursuant to Article 18.5 of the WTO Anti-Dumping Agreement, Article 32.6 of the WTO Agreement on Subsidies and Countervailing Measures and Article 12.6 of the WTO Agreement on Safeguards, Viet Nam hereby notifies the Committee on Anti-Dumping Practices, the Committee on Subsidies and Countervailing Measures and the Committee on Safeguards of legislative changes enacted through the Circular No. 37/2019/TT-BCT dated 29 November 2019 detailing some contents regarding trade remedies. Circular No. 37/2019/TT-BCT replaces Circular No. 06/2018/TT-BCT dated 20 April 2018 detailing some contents regarding trade remedies and takes effect from 15 January 2020.

Please find attached the English translation of the Circular and note that the Circular is authentic only in Vietnamese and that the English version is free translation and for reference only.

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**MINISTRY OF
INDUSTRY AND
TRADE**

SOCIALIST REPUBLIC OF VIET NAM
Independence – Freedom - Happiness

No. 37/2019/TT-BCT

Hanoi, 29 November 2019

CIRCULAR

DETAILING SOME CONTENTS REGARDING TRADE REMEDIES MEASURES

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

Pursuant to Decree No. 10/2018/ND-CP dated 15 January 2018 of the Government detailing some articles of the Law on Foreign Trade Management regarding trade remedies measures;

Pursuant to Decree No. [98/2017/ND-CP](#) dated 18 August 2017 of the Government defining the functions, tasks, powers and organizational structure of the Ministry of Industry and Trade;

At the proposal of the Director General of Trade Remedies Authority of Viet Nam;

The Minister of Industry and Trade promulgates a Circular providing detailed regulations on trade remedies measures.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Circular provides detailed regulations on interested parties in an investigation; the provision, collection and confidentiality of information and documents; language used during investigation; management of imports subject to investigation and application of trade remedy; exemption from trade remedies.

Article 2. Regulated entities

1. State management authorities competent to investigate, apply and handle trade remedies.
2. Vietnamese traders, foreign traders, other domestic and foreign agencies, organizations and individuals involved in the investigation, application and handling of trade remedies measures.

Article 3. Interpretation of terms

For the purpose of this Circular, the following terms are construed as follows:

1. "Special products" refers to products which share physical and chemical properties with but have some characteristics, appearance or product quality different from like or directly competitive products produced by the domestic industry.
2. "Non-confidential summary" refers to the summary of information upon the treatment of information as confidential by the investigating authority and which provides sufficient details to give receiving parties a reasonable understanding of information submitted in confidence.
3. The authority in charge of handling trade remedies investigations (hereinafter referred to as "the Investigating Authority") is Trade Remedies Authority of Viet Nam under the Ministry of Industry and Trade.

Article 4. Language used during trade remedies investigation and application

1. The spoken and written language used during investigations for the application of trade remedies is Vietnamese. Interested parties are allowed to use their mother languages with the presence of accompanied interpreters/translators.

2. Information and documents in other languages provided by interested parties must be translated into Vietnamese. Interested parties must ensure the truthfulness and accuracy and assume liability for the contents of such translations.

Article 5. Investigating Authority's responsibility to provide information

1. Before issuing the decision to apply a final anti-dumping or countervailing measure, the Investigating Authority must provide the draft disclosure of investigation conclusions to both the applicants and the respondents and obtain their opinions thereon.

2. The Investigating Authority shall:

a) Send exemption decisions to the parties requesting for exemption;

b) Send decisions on revocation of exemption decisions to the organisations or individuals exempted from trade remedies;

c) Send exemption decisions and decisions on revocation of exemption decisions to the Ministry of Finance;

d) Publish exemption decisions and decisions on revocation of exemption decisions on the website of the Investigating Authority and the website of the Ministry of Industry and Trade.

Article 6. Registration as interested parties in trade remedies investigation and application

1. After the Minister of Industry and Trade has made a decision to conduct a trade remedies investigation or review the imposition of trade remedies measures, organisations and individuals prescribed in Clause 1 Article 74 of the Law on Foreign Trade Management are entitled to register to participate in the trade remedies investigation as interested parties.

2. The Ministry of Industry and Trade shall consider determining the time limit for registration as interested parties in each trade remedies investigation provided that it shall not be fewer than 60 working days from the effective date of the Decision on the initiation of a trade remedies investigation or the Review of imposition of trade remedies.

3. Organisations and individuals shall register according to the registration form as interested parties in Appendix 01 enclosed herewith and send to the Investigating Authority within the time limit prescribed in the Decision on the initiation of a trade remedies investigation or the Review of imposition of trade remedies.

4. Upon the receipt of the registration form as interested parties, except for cases prescribed in Point a, Point d and Point dd Clause 1 Article 74 of the Law on Foreign Trade Management, the Investigating Authority shall consider whether a party is accepted as an interested party or not within 07 working days. If an application for registration as interested party is refused, the Investigating Authority shall provide reasons for such refusal.

5. If applications for registration as an interested party are submitted after the time limit prescribed in Clause 2 of this Article, the Investigating Authority may consider accepting applicants as interested parties.

6. Organisations and individuals accepted as interested parties shall have rights and obligations prescribed in Article 9 and Article 10 of Decree No. 10/2018/ND-CP dated 15 January 2018 of the Government detailing some articles of the Law on Foreign Trade Management regarding trade remedies measures.

Article 7. Import declaration

1. Import declarations for products subject to trade remedies investigations as prescribed in Article 8 of Decree No. [10/2018/ND-CP](#) dated 15 January 2018 of the Government included in the import declaration dossier shall be made according to the Form in Appendix II enclosed herewith.
2. Import procedures prescribed in Clause 1 of this Article may be completed online in accordance with the law.

Chapter II**REGULATIONS ON PROVISION AND CONFIDENTIALITY OF INFORMATION AND DOCUMENTS IN TRADE REMEDIES INVESTIGATIONS AND APPLICATIONS****Article 8. Information to be published during a trade remedies investigation**

If requested by interested parties, the Investigating Authority shall provide non-confidential summaries of the following information/documents:

1. The petition for trade remedies investigation submitted by the requesting party and its accompanied appendices;
2. Documents provided by interested parties when registering to participate in the investigation;
3. Completed questionnaires and additional questionnaires provided by interested parties during the investigation;
4. Documents provided by interested parties to the Investigating Authority during trade remedies investigation, including documents serving the consultations; written opinions about the petition for trade remedies investigation provided by interested parties;
5. Records or summaries of public consultations on the investigation arranged by the Investigating Authority;
6. Notices issued by the Investigating Authority and the Ministry of Industry and Trade, including notices of the receipt of the petition for trade remedies investigation or review, disclosures of preliminary and final determinations, notices of acceptance of applications for registration as interested parties and questionnaires, public consultations, limitation of the scope of investigation by sampling, notices of acceptance or non-acceptances of commitments;
7. Other information concerning the trade remedies investigation to be published by the Investigating Authority in the investigation.

Article 9. Request for protection of confidential information concerning the investigation and application of a trade remedies case

1. The Investigating Authority shall consider, accept the request for protection of confidential information provided by interested parties of a trade remedies investigation, including:
 - a) Business secrets relating to the characteristics of some products or production process;
 - b) Confidential information concerning the enterprise's production, business and finance, including production costs, selling expenses, terms of sales, selling price of specific transaction, planned transactions or other offers for sale, information about clients, distributors or suppliers, and the enterprise's financial information;
 - c) Information about the dumping margin of a specific enterprise involved in an anti-dumping investigation;

d) Information concerning benefits received by the respondent under each subsidy program under investigation or review in an anti-subsidy investigation, except the program operation, benefits specified in documents or announced publicly; and the subsidy rate for each sales transaction which is calculated to each respondent under a subsidy program;

dd) Other information which is found by the Investigating Authority that its disclosure would have significantly adverse effects upon the person supplying the information or upon a person from whom that person acquired the information or cause significant effect to the competitive advantage of the party supplying the information.

2. If a request for protection of confidential information is refused, the Investigating Authority shall provide reasons within 45 days from the date of receipt of the request.

Chapter III

EXEMPTION FROM APPLICATION OF TRADE REMEDIES MEASURES

Section 1. SCOPE, TIME LIMITS, ENTITIES AND CRITERIA OF CONSIDERATION OF EXEMPTION FROM APPLICATION OF TRADE REMEDIES MEASURES

Article 10. Scope of exemption from application of trade remedies measures

The Minister of Industry and Trade shall consider granting exemptions from provisional, final trade remedies measures on certain imports subject to trade remedies measures under one of the following circumstances:

1. The products cannot be domestically produced;
2. The products possess characteristics which are different from and cannot be substituted by domestically produced products;
3. The products are special products of like or directly competitive products produced by the domestic industry;
4. There are no sale of like or directly competitive products produced by the domestic industry in the same ordinary course of trade in the domestic market;
5. Like or directly competitive products produced domestically are not enough to meet the needs of the domestic market;
6. The imports within the total quantities of imports requested for exemption prescribed in Clauses 1 through 5 of this Article are intended for research and development purposes as well as other non-commercial purposes.

Article 11. Period of exemption from application of trade remedies measures

1. Regarding the exemption from application of trade remedies measures as prescribed in Point a Clause 1 Article 16 of this Circular, the exemption period shall not exceed the period of application of such provisional trade remedies.
2. Regarding the exemption from application of trade remedies measures as prescribed in Point b Clause 1 Article 16 hereof, the Investigating Authority shall consider an exemption period which shall not exceed 18 months from the effective date of the decision on imposition of trade remedies to the end of December 31 of the same year or December 31 of the following year.
3. Regarding the exemption from trade remedies as prescribed in Point c Clause 1 Article 16 hereof, the Investigating Authority shall consider an exemption period which shall not exceed 18 months commencing from 1 January of the year in which the request for exemption is received or from the date of the exemption decision.

4. Regarding the requests for supplementing exemption received by the Investigating Authority under Clause 4 Article 16 hereof, the supplementing exemption period shall conform with the effective date of the initially issued exemption decision.

Article 12. Entities requesting exemption from application of trade remedies measures

The following entities may submit requests for exemption from application of trade remedies measures:

1. Organisations, individuals importing the products subject to the trade remedies investigation, application;
2. Organisations, individuals using the products subject to the trade remedies investigation, application for production;
3. Other organisations and individuals as decided by the Minister of Industry and Trade.

Article 13. Criteria for consideration and forms of exemption from application of trade remedies measures

1. The Minister of Industry and Trade shall consider, decide to grant exemption for products subject to exemption from trade remedies under the circumstances prescribed in Article 10 hereof on the basis of the assessment report of the request for exemption made by the Investigating Authority. The Investigating Authority shall promulgate and announce the procedures for the assessment of the request for exemption from trade remedies.

2. Under specific cases, for the consideration of the good requested for exemption from application of trade remedies measures as prescribed in Article 10 hereof shall be based on one or some of the following criteria:

- a) Regulations on list of products which cannot be produced domestically, investigation conclusions, technical regulations, standards, opinions given by regulatory authorities, organisations, business or trade associations, and other relevant technical documents;
- b) Ingredients, physical and chemical properties, technical standards, regulations, purposes of the use of the products;
- c) The possibility to produce like or directly competitive products by the domestic industry compared to the good for which the exemption is requested;
- d) The substitutability of like or directly competitive products produced by the domestic industry compared with the products for which the exemption is requested.

3. Under specific cases, the consideration of exemption from application of trade remedies measures shall be conducted in one of the following forms:

- a) There is no limitation on users, purpose of use, volume or quantity of the exempted products in case it is able to distinguish the difference between the products for which the exemption request is submitted and the products subject to trade remedies measures;
- b) There is limitation on the volume or quantity of the exempted products, purpose for exemption.

4. The Ministry of Industry and Trade shall consider not to grant exemption from application of trade remedies measures in cases where such exemption may lead to fraud for purpose of circumvention of trade remedies measures.

Section 2. RECEIPT AND PROCESSING OF EXEMPTION REQUESTS

Article 14. Request for exemption from application of trade remedies measures

1. A request for exemption from application of trade remedies measures (hereinafter referred to as the "exemption request") includes the following documents:

a) A written request for exemption from application of trade remedies measures made according to the form in Appendix III enclosed herewith;

b) A copy of the enterprise's certificate of business registration or investment certificate;

c) Description of the good for which the exemption request is submitted, including scientific name, trade name, common name; basic physical and chemical properties; main uses; production process; applicable international and domestic standards, regulations; HS code according to Viet Nam's nomenclature of exports and imports;

d) Information on the volume, quantity and value of the imported good for which the exemption request is submitted (in the last 03 years and in the current year);

dd) The written production process of the product of which input materials are the products for which the exemption request is submitted;

e) The demand for consumption or use of the imported good for which the exemption request is submitted (in the past 03 years and in the current year);

g) The consumption norms prescribed by law or the estimated consumption norms of raw material which is the good for which the exemption request is submitted;

h) Documents or samples proving the difference between the products for which the exemption request is submitted and like or directly competitive products produced by the domestic industry;

i) Information on the production line, facilities and output of the products for which the exemption request is submitted (in the past 03 years and in the current year);

k) Documents proving the demand for use of the quantity of products for which the exemption request is submitted, including contracts signed with customers, written approvals for in-progress projects or other relevant documents.

2. If an organisation or individual submits a supplementing exemption request to the Investigating Authority as prescribed in Clause 4 Article 16 hereof, the supplementing exemption request shall include the following documents:

a) A written request for (supplementing) exemption from application of trade remedies measures made according to the form in Appendix III enclosed herewith;

b) A copy of the import quantity monitoring sheet of the exempted products provided by the customs authority;

c) The report on inventory of the exempted products;

d) The report on the production of products of which the input materials are the exempted products;

dd) The production plan for the coming time, contracts signed and to be performed or other necessary information/documents.

3. Based on the exemption request or the supplementing exemption request of the organisations, individuals submitting the request, the Investigating Authority is responsible for assessing the request and report to the Minister of Industry and Trade to consider the issuance of the decision on

exemption from application of trade remedies measures or the decision on supplementing exemption.

Article 15. Submission and monitoring of exemption requests

1. The receipt, processing of requests for exemption of application of trade remedies measures, supplementing exemption requests and import declarations of the products subject to trade remedies investigation, application shall be conducted online via the public service portal as regulated by law.

2. Organisations and individuals are responsible to submit requests, documents and monitor the processing status thereof via registered email addresses or accounts for accessing the portal for updating and modifying information at the request of the Investigating Authority.

3. If the exemption request must be supported by sample products, such sample products must be submitted directly at the premise of the Investigating Authority or by post to the Investigating Authority.

Article 16. Notice of receipt of exemption requests

1. The Investigating Authority shall issue a notice of receipt of exemption request under the following circumstances:

a) After the Ministry of Industry and Trade has issued a decision on imposition of provisional trade remedies;

b) After the Ministry of Industry and Trade has issued a decision on imposition of final trade remedies measures; or

c) In March and September every year.

2. In case of changes in trade remedies, the Investigating Authority shall timely inform to the applicants of exemption request so that they can formulate appropriate business plans.

3. Within 30 days from the date on which the Investigating Authority gives notice of receipt of exemption request, the organisations, individuals requesting for exemption must submit the exemption requests as prescribed in Article 14 hereof to the Investigating Authority, except the case specified in Article 4 of this Article or other cases regulated by the Ministry of Industry and Trade.

4. If an organization, individual wishes to request for supplementing exemption, the organization, individual must submit the supplementing exemption request to the Investigating Authority.

5. Within 15 working days from the receipt of the request for supplementing information from the Investigating Authority, the exemption applicants are responsible to provide sufficient and accurate supplementing information as requested.

Article 17. Contents of a decision on exemption from application of trade remedies measures

1. Name of the organisation or individual whose products are exempted from application of trade remedies measures;

2. Description of the imported products exempted from application of trade remedies measures;

3. Volume, quantity of the imported products exempted from application of trade remedies measures;

4. Exemption period, conditions and obligations of the organisation or individual whose products are exempted from application of trade remedies measures.

Article 18. Customs procedures and customs inspection of exempted products

1. Exempted products must conduct customs procedures and must undergo the inspection, supervision by customs authorities as prescribed by customs law.
2. When conducting customs procedures, in addition to the prescribed customs dossier, the organization, individual importing the products must also submit a copy of the exemption decision to the customs authorities.
3. The customs authorities shall manage and monitor the quantity of products imported/exported on the basis of the quantity of products exempted as specified in the exemption decision. Deduction of import/export quantity shall be carried out in accordance with the customs law.

Article 19. Refund of trade remedies duties on products exempted from application of trade remedies measures

1. In cases where the imported products are exempted from application of trade remedies measures, the trade remedies duties charged on the shipments for which customs declarations have been submitted within the exemption period will be refunded.
2. Procedures for claiming refunds of trade remedies duties prescribed in Clause 1 of this Article shall be carried out in accordance with applicable legal provisions.

Article 20. Periodical reports

Every 06 months within the exemption period, the organizations, individuals whose products are exempted from application of trade remedies measures is required to submit reports on the import of exempted products and on the compliance with exemption conditions and obligations to the Investigating Authority according to the form in Appendix IV enclosed herewith.

Article 21. Disposal of scraps, discarded products and excess raw materials

1. Scraps, discarded products and excess raw materials within the limit prescribed in Point g Clause 1 Article 14 hereof may be sold or consumed domestically without paying trade remedy duties.
2. Scraps, discarded products and excess raw materials beyond the limit prescribed in Point g Clause 1 Article 14 hereof when sold or consumed domestically shall be subject to trade remedies duties in accordance with applicable legal provisions.

Section 3. INSPECTION, EXAMINATION AND REVOCATION OF DECISIONS ON EXEMPTION FROM APPLICATION OF TRADE REMEDIES MEASURES

Article 22. Post-exemption inspection

1. A post-exemption inspection team shall be established to conduct the inspection within the scope, subject, contents, tasks and period specified in the decision on post-exemption inspection. The post-exemption inspection team is composed of head of the inspection team, members of the inspection team and inspection government officials, and a deputy head of the inspection team if necessary.
2. The head of the post-exemption inspection team is a person who is assigned to perform specialised inspection duties and meets all requirements prescribed in legal provisions on specialised inspection, performs duties and powers as prescribed by legal provisions on inspection and on specialised inspection; assumes responsibility before the law and the person making the inspection decision for his/her performance of inspection duties.
3. Specialised inspection officials must meet all requirements for inspectors specialising in industry and trade sector as prescribed by the law.
4. Procedures and forms of reports used during the post-exemption inspection shall conform to legal provisions on inspection and specialized inspection in industry and trade sector.

Article 23. Post-exemption examination

1. The post-exemption examination shall be carried out by adopting the risk management method as prescribed by law to choose the subject, scope and contents of examination of the organizations, individuals whose products are granted exemption.

2. The post-exemption examination aims to verify and review the compliance by the organisations, individuals whose products are granted exemption with conditions and legal provisions on exemption from application of trade remedies measures.

3. Contents of a post-exemption examination include:

a) Examine, verify the legal status of the organizations, individuals whose products are granted exemption;

b) Examine, verify the accuracy of the exempted products according to the exemption request submitted to the Investigating Authority;

c) Examine the adequacy, legality and validity of customs dossiers, accounting records, financial statements, documents and data relating to the imported products exempted from trade remedies measures;

d) Examine the compliance with conditions, obligations of the applicant requesting for exemption as specified in the exemption decision;

dd) Examine and verify the consumption norms of raw materials, supplies and excess raw materials regarding the exempted products;

e) Examine and verify the scrap ratio of the exempted products.

Article 24. Conducting post-exemption examination

1. At the request of the Investigating Authority, the Minister of Industry and Trade shall make decision on the examination and establishment of an examination team. The head of the examination team must be an officer of the Investigating Authority. The examination team shall conduct the examination according to the scope, period and contents specified in the decision on establishment of the examination team.

2. The Investigating Authority shall send written notices of the decision and plan on post-exemption inspection to the organisations or individuals whose products are exempted in accordance with legal provisions and regulations on inspection before conducting the inspection.

3. During the post exemption examination, the Investigating Authority has the authority to collect documents and make verification by requesting concerned organisations, individuals or organisations, individuals who are able to provide assistance to clarify suspected, unreasonable issues or signs of legal violations. Collection of documents and verification include:

a) Requesting relevant, concerned state management authorities, organisations, individuals to cooperate in collecting documents and making verification;

b) Methods of verification include sending written requests and requesting written response; or appointing officers to directly work with relevant authorities, organisations, individuals according to the letter of introduction of the requester for verification;

c) Verification results shall be noted in records, written responses and accompanied documents and articles. Verification results shall be used as the basis for examining the case.

4. The inspected organisations or individuals shall appoint its/his/her representative and relevant officers to provide documents and papers as requested and directly work with the inspection team.

Article 25. Post-exemption examination results

1. Basing on the examination results, the examination team shall make the examination report immediately after completing the examination at the examined premise, and report the examination results to the authority issuing the examination decision and notify to the examined organisations, individuals.

2. Basing on the examination results, depending on the degree of violation, the examination team shall recommend the examination authority to handle or revoke the exemption decision or transfer the dossier on the violating conduct of the organisations, individuals to a competent authority in accordance with legal provisions.

3. If examination findings are made under Clause 2 of this Article, the head of the examination team shall send the drafted examination conclusions to the examined organisations, individuals. Within 05 working days from the date of receipt of the drafted examination conclusions, the examined organisations, individuals shall provide a written response (accompanied by written explanation and documentary evidences) if dissenting from such examination conclusions.

4. In case of expiry of the time limit specified in Clause 3 of this Article, if the examined organisations, individuals provide no response, they are considered to have assented to the examination conclusions.

5. After the time limit for comments, the examination team is responsible for:

a) Considering the explanatory written response by the examined organisations, individuals or work with their authorized representative in case there are disagreed issues or issues which need to be clarification;

b) In case where professional or technical advice is required or where the examination team does not have reasonable grounds for making conclusions, the examination conclusions shall be issued after obtaining views from specialised agencies or units.

Article 26. Revocation of exemption decision

1. The Minister of Industry and Trade shall revoke the exemption decisions when the organisations, individuals take one of the following conducts:

a) Fails to comply with provisions of the exemption decision;

b) Provides inaccurate, insufficient or false information or forges documents, data relating to the production and trading of the exempted products;

c) Fails to submit periodical reports as prescribed in Article 20.

2. The Ministry of Industry and Trade shall cooperate with customs authorities to take actions against the organisations or individuals that has its exemption decision revoked, and collect taxes/duties as prescribed by law.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 27. Effect

1. This Circular supersedes Circular No. [06/2018/TT-BCT](#) dated 20 April 2018 of the Minister of Industry and Trade and comes into force from 15 January 2020.

2. During the implementation of this Circular, if there are problems, authorities, organisations, individuals should report to the Investigating Authority and the Ministry of Industry and Trade for consideration and settlement.

Article 28. Transition Provision

Trade remedies cases of which investigation applications and requests for exemption from application of trade remedies measures have been received before the effective date of this Circular shall be considered and processed in accordance with regulations of Circular No. [06/2018/TT-BCT](#) dated 20 April 2018.

MINISTER

Tran Tuan Anh

ANNEX I:

**REQUEST FOR REGISTRATION AS AN
INTERESTED PARTY IN A TRADE REMEDY CASE**

(Issued with Circular No. 37/2019/TT-BCT dated 29 November 2019 of the Minister of Industry and Trade detailing some contents regarding trade remedies)

REQUEST FOR REGISTRATION

AS AN INTERESTED PARTY IN TRADE REMEDY INVESTIGATION

Case name:

Case code:

To: The Trade Remedies Authority of Viet Nam – Ministry of Industry and Trade

My name is:

Title:

Enterprise, unit: (in case of registration as an "individual", please specify)

(specify address, telephone, email)

Subject:¹

registering to participate as an interested party of the abovementioned trade remedy investigation, I would like to request the Investigating Authority to consider approving such registration.

I do not have a legal representative

or

My legal representative² is:

(Address, telephone, email)

Submitter

(sign, seal and indicate full name)

¹ Please specify in accordance with clause 1 Article 74 of the Law on Foreign Trade Management (for example: Applicant, Respondent, Importer, Foreign exporter, etc.)

² In case there is a legal counselling representative.

ANNEX II:**IMPORT DECLARATION**

(Issued with Circular No. 37/2019/TT-BCT dated 29 November 2019 of the Minister of Industry and Trade detailing some contents regarding trade remedies)

TRADER NAME**SOCIALIST REPUBLIC OF VIET NAM****Independence – Freedom- Happiness**

No: _____

Regarding import declaration for

Place, date

[¹]**IMPORT DECLARATION**

To: Trade Remedies Authority of Viet Nam – Ministry of Industry and Trade

- Name of importer of the product under investigation

(Address, Phone number)

- Enterprise Registration Certificate/ Business registration certificate/Investment certificate

Number:

- Name of the legal representative: Position:

- Contact person:

(address, phone number, email)

Kindly request Trade Remedies Authority of Viet Nam – Ministry of Industry and Trade to confirm the import declaration of the product(s) under investigation pursuant to Decision No. /QD-BCT dated of the Minister of Industry and Trade. Details about the import shipment(s)

No.	Product name	HS Code (8/10 digits)	Exporting country	Country of origin	Import purpose(s)	Quantity, weight (Unit)	Value (USD)
1
2
...

¹ Product under investigation as described in the Decision on investigation initiation of the Ministry of Industry and Trade.

- Import contract No. dated
 - Commercial invoice No. dated
 - Producer: (based on Quality Certificate or documents of equivalent value issued by the producer).
 - Export port:
 - Scheduled Import port:
- (Indicate if importing from a non-tariff zone)
- Scheduled date of conducting import procedures:

(Indicate from to)

I commit that all of the above-declared information is true and sufficient and understand that the import shipments may be subject to trade remedies measures applied retrospectively pursuant to Article 45 of Decree No. 10/2018/ND-CP dated 15 January 2018 detailing a number of articles of the Law on Foreign Trade Management on trade remedies./.

Place, Date.....

REPRESENTATIVE OF THE TRADER

(Sign, indicate full name, title and seal)

ANNEX III:

REQUEST FOR EXEMPTION FROM APPLICATION OF TRADE REMEDIES MEASURES

(Issued with Circular No. 37/2019/TT-BCT dated 29 November 2019 of the Minister of Industry and Trade detailing some contents regarding trade remedies measures)

**NAME OF ORGANISATION,
INDIVIDUAL**

SOCIALIST REPUBLIC OF VIET NAM

Independence – Freedom- Happiness

Place, Date.....

REQUEST

FOR EXEMPTION FROM APPLICATION OF TRADE REMEDIES MEASURES

Case: (Anti-dumping, Anti-subsidy, Safeguard)

Case code:

Request¹: (first request, supplement)

I. INFORMATION ON ORGANISATION, INDIVIDUAL REQUESTING EXEMPTION

1. ENTERPRISE NAME:

Enterprise Registration Certificate/ Business registration certificate/Investment certificate

information:

Abbreviated name (if any):

(Address, phone number, email)

Legal representative (Name, Position):

Contact person:

(Address, phone number, email)

2. LEGAL COUNSEL (IF ANY):

(Address, phone number, email)

3. FIELD OF PRODUCTION, BUSINESS

Form of operation of the enterprise: (manufacturing, commercial trading, importing, using the product(s) in question to manufacture, others etc.)

¹ For supplementing request, information in Section II.2 needs not be provided.

II. INFORMATION ON IMPORTED PRODUCTS UNDER THE EXEMPTION REQUEST

1. NAME AND FULL DESCRIPTION OF THE PRODUCT UNDER THE EXEMPTION REQUEST

(attach necessary documents)

2. PROVIDE DETAILED INFORMATION ON THE PRODUCT UNDER THE EXEMPTION REQUEST ACCORDING TO THE FOLLOWING TABLE

(Please provide available documents with clarifying descriptions)

2.1. First product under the exemption request:

HS Code classification:

Characteristics	Product under the exemption request	Like product, directly competitive product manufactured domestically (or specify if there is no domestic manufacturing)	Quantify distinctions between the product under the exemption request and like or directly competitive product
Physical properties			
Chemical components			
Size			
Technical specifications			
Quality			
Usage			
Market segment			
End user			
Others			

2.2. Second, third, etc. product under the exemption request (please provide information similar to section 2.1)

III. REASONS FOR THE EXEMPTION REQUEST

Please detail the bases and reasons for the enterprise's request to the Investigating authority for exemption from application of trade remedies measures for the imported products in the case.

IV. INFORMATION ON THE AMOUNT AND VALUE OF IMPORT

Please provide information on the import amount and value for the product(s) under the exemption request in the recent 03 years according and until present according to the following form:

Country of origin under investigation, subject to measures:	Year 01	Year 02	Year 03	Current year
Quantity (unit)				
Value (unit)				
Unit price (unit)				

Please specify if the enterprise would like to keep the information, data provided under this section confidential.

V. WEIGHT, QUANTITY UNDER THE EXEMPTION REQUEST

Please specify the weight, quantity under the exemption request and the bases for such weight, quantity.

VI. MATERIALS, INFORMATION CLARIFYING PRODUCT DESCRIPTIONS ATTACHED WITH THE REQUEST

a) Documents proving the distinctions (on physical/chemical properties, product surface, etc.) between the product under the exemption request and like or directly competitive products produced domestically;

b) Documents on production capacity of products using inputs which are the products under the exemption request;

c) Documents on the import volume and import value of the products under the exemption request in the last 3 years;

d) Other documents (if any).

VII. COMMITMENTS

The undersigned (legal representative of the enterprise) commits that the abovementioned information is adequate and accurate and understands that the information will be examined and verified by the Investigating Authority.

I am willing to accept that the Investigating Authority may conduct on-site examination to verify the information provided in this Request. If the Investigating Authority – Ministry of Industry and Trade discovers any violations, the enterprise shall bear full responsibility before the law and be subject to retrospective collection of exempted import duties pursuant to provisions of the law./.

REPRESENTATIVE OF THE ORGANISATION, INDIVIDUAL

(sign, seal and indicate full name, title)

ANNEX IV:

REPORT ON THE IMPORT STATUS OF EXEMPTED PRODUCTS

(Issued with Circular No. 37/2019/TT-BCT dated 29 November 2019 of the Minister of Industry and Trade detailing some contents on trade remedies measures)

TRADER NAME

SOCIALIST REPUBLIC OF VIET NAM

Independence – Freedom- Happiness

No.

Subject: report on the import
status of exempted products

..... ,

REPORT ON THE IMPORT STATUS OF EXEMPTED PRODUCTS

To: Trade Remedies Authority of Viet Nam – Ministry of Industry and Trade

Pursuant to Circular No. /2019/TT-BCT dated 2019 of the Ministry of Industry and Trade stipulating cases of exemption from application of trade remedies measures and Decision No. /QD-BCT dated of the Ministry of Industry and Trade on exemption from trade remedies for importing enterprises, the enterprise reports about its imports as follows:

1. Information on the organisation, individual granted the exemption:

Enterprise Registration Certificate/ Business registration certificate/Investment certificate information:

Abbreviated name (if any):

(Address, phone number, email)

Legal representative (Name, Position):

Contact person:

(Address, phone number, email)

2. Reporting period: from to

3. Data on imports of exempted products

Product name	HS code (8/10 digits)	Custom declaration number	Quantity/weight		Value (USD)	Cumulative import quantity to the reporting time	Cumulative import value to the reporting time (USD)	Import port	Country of origin

Situation of usage of imported products which are exempted:

The undersigned person commits that all information provided in this Report on import status of exempted products is adequate and accurate and understands that the Investigating authority may examine pursuant to regulations./.

Place, Date

**REPRESENTATIVE OF THE
ENTERPRISE**

(Sign, seal, indicate full name)
