

No. 60/2019/TT-BTC

Hanoi, August 30, 2019

CIRCULAR

AMENDING A NUMBER OF ARTICLES OF THE CIRCULAR NO. 39/2015/TT-BTC DATED MARCH 25, 2015 BY THE MINISTER OF FINANCE ON CUSTOMS VALUE OF EXPORTED GOODS AND IMPORTED GOODS

Pursuant to the Law on Customs dated June 23, 2014;

Pursuant to the Law on Intellectual property No. 50/2005/QH11 dated November 29, 2005, the Law on the amendments to the Law on Intellectual property No. 36/2009/QH12 dated June 19, 2009;

Pursuant to the Agreement on Implementation of Article VII of the General Agreement on Tariff and Trade (GATT 1994);

Pursuant to the Government's Decree No. 08/2015/ND-CP dated January 21, 2015 providing guidance on the implementation of the Law on Customs in terms of customs procedures and customs inspection, supervision and control; the Government's Decree No. 59/2018/ND-CP dated April 20, 2018 on amendments to some Articles of the Government's Decree No. 08/2015/ND-CP dated January 21, 2015 providing guidance on the implementation of the Law on Customs in terms of customs procedures and customs inspection, supervision and control;

Pursuant to the Government's Decree No. 87/2017/ND-CP dated July 26, 2017 on functions, tasks, powers and organizational structure of the Ministry of Finance;

At the proposal of the Director General of the General Department of Vietnam Customs,

The Minister of Finance promulgates the Circular amending a number of Articles of the Circular No. 39/2015/TT-BTC dated March 25, 2015 by the Minister of Finance on customs value of exported goods and imported goods.

Article 1. To amend a number of Articles of the Circular No. 39/2015/TT-BTC dated March 25, 2015 by the Minister of Finance on customs value of exported goods and imported goods as follows:

1. Clause 5 of Article 2 is amended; Clause 15, Clause 16, Clause 17, Clause 18 and Clause 19 are added to Article 2 as follows:

“5. “*application software*” means a set of data, programs or guidelines presented in form of commands, codes, coding schemes or any other forms that enables a piece of data processing equipment (e.g. desktop computer, laptop, tablet) to perform a specific task or to produce a specific outcome at the request of the user when it is installed in such equipment. In this Circular, audio recordings, video recordings or pictures are not considered application software.

15. “*actually paid*” means, at the time of customs valuation, the buyer has paid the seller in cash or via non-cash means of payment or offsetting of liabilities between both parties as shown in actual payment documents between the buyer and the seller.

16. “*payable*” means, at the time of customs valuation, the buyer has yet to pay the seller in cash or via non-cash means of payment or offsetting of liabilities between both parties and there is no actual payment records between the buyer and the seller.

17. “*direct payment*” means the buyer directly pays the seller in cash or via non-cash means of payment without the involvement of a third party. Credit institutions providing payment services for buyers and sellers are not considered a third party.

18. “*indirect payment*” means the buyer pays the seller in cash or via non-cash means of payment via a third party at the request of the seller or when the buyer requests a third party to represent the buyer to pay the seller or via offsetting of liabilities between both parties. Credit institutions providing payment services for buyers and sellers are not considered a third party.

19. “*operating system*” means a set of data, programs or guidelines presented in form of commands, codes, coding schemes or any other forms that acts as an interpreter for the user and a machine/a piece of equipment and provides an environment for the user to operate and control the functions of the machine/equipment when it is integrated into such machine/equipment.”

2. Article 3 is amended as follows:

“Article 3. Rights and obligations of customs declarants; responsibilities and competences of customs authorities

1. Customs declarants shall declare and carry out customs valuation themselves according to the rule and methods for customs valuation prescribed in the Law on Customs No. 54/2014/QH13 dated June 23, 2014, the Decree No. 08/2015/ND-CP dated January 21, 2015 by the Government providing specific provisions and guidance on enforcement of the customs law on customs procedures, examination, supervision and control procedures and the Decree No. 59/2018/ND-CP dated April 20, 2018 on amendments to some Articles of the Decree No. 08/2015/ND-CP and this Circular; take legal responsibility for the accuracy and honesty of the declaration and the result of customs valuation; submit or present documents at the request of customs authorities according to the Circular on customs procedures, customs supervision and inspection, export duty, import duty, and tax administration applied to exports and imports and this Circular; take advices to resolve the doubts of customs authorities relating to declared value; request customs authorities to make a written notification of customs value, basis and methods for customs valuation in case the customs value is determined by customs authorities.
2. When inspecting the declaration and customs valuation of exported goods and imported goods of a customs declarant, customs authorities may request the declarant to submit or present the documents relating to the methods for determining the declared value according to the Circular on customs procedures, customs supervision and inspection, export duty, import duty, and tax administration applied to exports and imports and this Circular to prove the accuracy and honesty of the declared value;
3. Customs authorities shall determine the customs value in the following cases:
- a) The customs declarant could not determine the customs value by using the methods prescribed in this Circular;
 - b) There is enough evidence/basis to reject the declared customs value;
 - c) There is evidence to conclude that the declarant's declared customs value is unsuitable;
4. Customs authorities shall determine customs value based on the rules and procedures for applying valuation methods, customs value databases and related documents prescribed in this Circular and promulgate a written notification of customs value in compliance with the form No. 04/TGHQ in Appendix II enclosed with this Circular.
5. Customs authorities shall carry out inspection and process discounts within 05 business days starting from the date of receipt of the complete dossier as prescribed in Point d, Clause 2 of Article 15 of this Circular."

3. Article 4 is amended as follows:

"Article 4. Rules and methods for customs valuation applicable to exported goods

1. The rules for customs valuation of exported goods are as follows:
- a) The customs value is the selling price of goods at exporting checkpoint exclusive of international insurance cost (I) and international freight cost (F) and determined by applying the valuation methods prescribed in Clause 2, Clause 3, Clause 4 and Clause 5 herein in succession until the customs value is determined.
 - b) The customs value must be determined based on documents and objective and quantifiable data.
 - c) The rule on apportionment is as follows:
The expenses prescribed in Clause 2 herein shall be calculated for each type of exported goods. In case a shipment contains different types of goods but the expenses of each type of goods are not yet calculated, such expenses shall be apportioned via one of the following arrangements:
 - c.1) By selling price of each type of goods;
 - c.2) By weight or volume or quantity of each type of goods.
2. Methods for determination of selling price of goods at exporting checkpoint
- The selling price of goods at exporting checkpoint includes the selling price stated in the goods sale contract or commercial invoices and expenses related to exported goods at exporting checkpoint matching relevant documents if these expenses are not included in the selling price.
- b) Methods for determination of selling price of goods at exporting checkpoint are as follows:
 - b.1) For exported goods delivered to exporting checkpoint: the selling price of goods at exporting checkpoint includes the selling price stated in the goods sale contract or commercial invoices and expenses related to such exported goods at exporting checkpoint matching relevant documents if these expenses are not included in the selling price.
 - b.2) For exported goods not delivered to exporting checkpoint:

b.2.1) If the place of delivery is outside of Vietnam's territory, the selling price of goods at exporting checkpoint shall be determined based on the selling price stated in the goods sale contract or commercial invoices exclusive of international insurance cost (I, if any) and international freight cost (F) for transportation from exporting checkpoint to place of delivery;

b.2.2) If the place of delivery is in Vietnam's inland area, the selling price of goods at exporting checkpoint shall be determined based on the selling price stated in the goods sale contract or commercial invoices inclusive of the following expenses:

b.2.2.1) Inland freight costs and expenses related to transportation of exported goods from place of delivery to exporting checkpoint, including expenses of goods consolidation, rent of warehouses and storage yards, goods loading and unloading during the whole delivery period;

b.2.2.2) Costs of insurance for exported goods covering from place of delivery to exporting checkpoint (if any);

b.2.2.3) Other costs related to exported goods incurred during transportation from place of delivery to exporting checkpoint (if any).

c) Documents for this method of customs valuation include (01 copy for each):

c.1) Goods sale contract or commercial invoice;

c.2) Documents related to expenses of exported goods at exporting checkpoint (if any);

c.3) Other documents related to the selling price of exported goods at exporting checkpoint (if any).

3. Method for customs valuation based on selling price of identical/similar exported goods in customs value database

a) The customs value of exported goods is determined based on the selling price of identical/similar exported goods contained in the customs value database after converted to the selling price of goods at exporting checkpoint at the nearest time from the day on which the exporting declaration of the shipment undergoing customs valuation is registered.

b) Conversion to selling price of goods at exporting checkpoint shall take place if:

b.1) There is difference in distance;

b.2) There is difference in means of transportation.

c) Conditions for application of this method include:

c.1) The customs value of exported goods may be determined by this method provided that the identical/similar exported goods declared by the enterprise according to the methods prescribed in Clause 2 herein have been accepted or confirmed according to one of the methods prescribed in Clause 8 of Article 1 of the Decree No. 59/2018/ND-CP by customs authorities;

c.2) Conversion upon difference in terms of distance and/or means of transportation shall only be carried out when there are objective and quantifiable documents for this method;

c.3) If there are more than one customs values of identical/similar exported goods is determined, the lowest one shall prevail. Questionable customs values of identical/similar shipments shall not be used as prescribed by law.

d) Documents for this method of customs valuation include (01 copy for each):

d.1) Exporting declaration of identical/similar exported goods;

d.2) Transportation contract or documents providing freight costs of identical/similar exported goods (if there is any adjustment to these costs);

d.3) Other documents related to the selling price of identical/similar exported goods in customs value database.

4. Method for customs valuation based on selling price of identical/similar goods in Vietnam's market

a) The customs value of goods shall be determined based on the selling price of identical/similar goods in Vietnam's market stated in sales invoices at the nearest time from the day on which the exporting declaration of the shipment undergoing customs valuation is registered, aggregating with inland freight costs and other relevant costs incurred in delivering goods to exporting checkpoint.

b) The selling price of identical/similar exported goods in Vietnam's market must be stated in accounting books and documents and recorded according to Vietnamese accounting regulations. If more than one selling price is determined, the one with the highest amount of aggregate sales shall prevail.

c) Inland freight costs and relevant costs incurred in delivering goods to exporting checkpoint shall only be included in the customs value when there are objective and quantifiable documents.

d) Documents for this method of customs valuation include (01 copy for each):

d.1) Sales invoices according to the Ministry of Finance's regulations;

d.2) Documents for inland freight costs and costs incurred in determination of the customs value prescribed in point a of this Clause.

5. Method for customs valuation based on selling price of exported goods collected, compiled and classified by customs authorities

a) The customs value of exported goods shall be determined by using the selling prices compiled from information sources as prescribed in Article 25 herein after converted to the selling price at exporting checkpoint of the goods undergoing customs valuation.

b) If more than one customs value is determined after conversion, the lowest one shall prevail. Questionable customs values of identical/similar shipments shall not be used as prescribed by law.

c) Documents for this method of customs valuation include documents related to selling price from information sources and documents on conversion of selling price at exporting checkpoint (01 copy for each).

6. Method for customs valuation applicable to exported goods in special cases

For exported goods without sale contracts and commercial invoices, the customs value is the declared value. In case there is evidence to conclude that the declared value is unsuitable, customs authorities shall determine the customs value based on the rules and methods for customs valuation prescribed in this Article."

4. Article 5 is amended as follows:

"Article 5. Rules and methods for customs valuation applicable to imported goods

1. The rules for customs valuation of imported goods are as follows:

a) The customs value of imported goods is the actual price of goods at the first importing checkpoint, determined by applying the valuation methods prescribed from Point a to Point e of Clause 2 herein in succession until the customs value is determined;

b) If the customs declarant submits a request in writing, the method based on deductible value and the method based on computed value are interchangeable;

c) The customs value must be determined based on documents and objective and quantifiable data.

2. Methods for customs valuation applicable to imported goods are based on one the following elements:

a) Transaction value of imported goods;

b) Transaction value of identical imported goods;

c) Transaction value of similar imported goods;

d) Deductible value;

dd) Computed value;

e) Deductive method."

5. Article 6 is amended as follows:

"Article 6. Customs valuation according to transaction value of imported goods (hereinafter referred to as "transaction value-based method")

1. The customs value of imported goods determined by this method is the transaction value of imported goods.

2. Transaction value of imported goods is the price actually paid or payable by the buyer to the seller for purchase and importation of the goods after being adjusted according to the provisions of Article 13, Article 14 and Article 15 of this Circular.

3. The price actually paid or payable is the total payment made or to be made by the buyer for imported goods, either directly or indirectly, to the seller to purchase the imported goods, including:

a) Buying price on commercial invoice;

b) The amounts payable by the buyer but not yet included in the buying price on commercial invoice, including:

b.1) Amounts actually paid or payable (e.g. advance for goods, deposit for the production, trade, transportation and insurance of goods);

b.2) Indirect payments to the seller.

c) Additions and deductions according to the provisions in Article 13, Article 14 and Article 15 of this Circular.

4. The transaction value will be applied if all of the following conditions are satisfied:

a) The buyer does not have the right to dispose of or use the goods after importation restricted, except for the following ones:

a.1) The restrictions prescribed in Vietnam's laws such as the regulations that imported goods shall have Vietnamese labels, regulations that conditioned imported goods or imported goods shall receive inspection before being granted customs clearance;

a.2) The restriction on places where goods may be sold after importation;

a.3) Other restrictions that do not affect the value of the goods. These restriction are one or multiple factor(s) that is/are directly or indirectly related to the imported goods without leading to increase or decrease of the price actually paid or payable for such goods.

E.g. A car seller requests a buyer not to sell or display an imported car before such model is announced.

b) Price or the sale of goods does not depend on conditions or payments but the fact that they cannot help determine the value of goods subject to customs valuation.

E.g. The seller will fix the selling price of imported goods provided that the buyer buys a certain quantity of other goods; The price of the imported goods depends on the prices of other goods which will be sold together with the imported goods.

In case the trade or price of the goods depends on one or several condition(s) but the buyer possesses objective and valid documents for the determination of the pecuniary impact of such dependence, this condition shall still be regarded as being satisfied. Upon customs valuation, the amount of money increased/reduced due to the impact of such dependence must be added to or deducted from the transaction value.

c) After reselling, transferring or using the imported goods, except for the additions specified in Point e Clause 2 Article 13 of this Circular, the buyer is not required to pay any additional sum from the amount of money collected from the disposal of the imported goods.

d) The buyer and the seller have no special relationship; if any, such relationship does not affect the transaction value as prescribed in Article 7 of this Circular.

5. If the imported goods are machines/equipment imported together with operating system, the customs value is the transaction values of such machines/equipment and operating system.

a) In case the operating system is written or installed in carrier media for installation on machines/equipment after importation:

a.1) In case the value of the operating system is separate from the value of the carrier media, the customs value is the transaction value of the imported machines/equipment and operating system exclusive of the value of the carrier media. The method for valuation of the carrier media shall be carried out according to Clause 6 of this Article;

a.2) In case the value of the operating system is not separate from the value of the carrier media, the customs value is the transaction values of the imported machines/equipment and operating system inclusive of the value of the carrier media.

b) Cases where the value of the operating system is not aggregated with the customs value of the machines/equipment:

b.1) The operating system is imported for the purpose of upgrading or replacing operating system whose value was aggregated with the value of imported machines/equipment during the first importation;

b.2) The operating system is manufactured in Vietnam for installation on imported machines/equipment.

c) If the buyer must pay for the right to use the operating system for installation on and operation of machines/equipment, the actual amount of payment for such right must be aggregated with the value of the imported machines/equipment.

d) Procedures for declaration and inspection are as follows:

d.1) In case the operating system is imported with the machines/equipment:

d.1.1) The customs declarant shall determine and declare the customs value of the machines/equipment, including the value of the operating system; determine and declare the customs value of the carrier media (if any) on the customs declaration for importation of machines/equipment or declaration of customs valuation (if any);

d.1.2) Customs authorities shall inspect and handle the inspection results as prescribed in the Circular on customs procedures, customs supervision and inspection, export duty, import duty, and tax administration applied to exports and imports.

d.2) In case the operating system is not imported with the machines/equipment:

d.2.1) The customs declarant shall:

d.2.1.1) If the operating system is imported before the machines/equipment are imported, the customs declarant shall declare and determine the value of the operating system as prescribed in Point a of this Clause. The "Description of goods" section of the declaration must contain descriptions of the operating system used for the machines/equipment to be imported; the "HS code" section must contain the HS code of the machines/equipment to be imported. The customs declarant shall also determine and declare the customs value of the carrier media (if any) in the customs declaration for importation of operating system. Upon importation of the machines/equipment, the customs declarant shall specify the number of the declaration for importation of operating system in the "Details of value" section of the customs declaration for importation of machines/equipment.

d.2.1.2) If the operating system is imported after the machines/equipment are imported, the customs declarant shall provide the HS code and customs value of the operating system and carrier media (if any) as prescribed in Point d.2.1.1 and specify the number of the declaration for importation of machines/equipment in the "Details of value" section.

d.2.2) Customs authorities shall inspect documents related to the value of the imported operating system, carrier media (if any) and declaration of the customs declarant and proceed as follows:

d.2.2.1) If the declarant's declaration does not comply with the provisions in Point d.2.1, customs authorities shall request the declarant to provide additional declaration or handle the violation as prescribed by law. If the declarant fails to provide additional declaration within 05 business days starting from the date of receipt of the request for additional declaration, customs authorities shall determine customs value, impose tax, collect all tax and late payment interest and handle the violations as prescribed by law;

d.2.2.2) If the declarant's declaration and valuation comply with the provisions in Point d.2.1, customs authorities shall accept the declared customs value of the declarant.

6. For imported goods that are carrier media bearing software for data processing equipment, the customs value is the amount actually paid or payable for such carrier media exclusive of the value of the application software if the value of the application software is separate from that of the carrier media in commercial invoices.

7. Documents for this method of customs valuation include (01 copy for each):

- a) Goods sale contract or commercial invoice;
- b) Documents proving that the special relationship does not affect the transaction value as prescribed in Point a.2 Clause 4 of Article 7 of this Circular at the request of customs authorities;
- c) Documents related to the amounts payable by the buyer but are not yet included in the buying price stated in the commercial invoice (if any);
- d) Documents proving the additions (if any);
- dd) Documents proving the deductions (if any);
- e) Other documents related to the declared customs value of the customs declarant."

7. Clause 4 of Article 7 is amended as follows:

"4. Procedures for declaration and inspection are as follows:

a) The customs declarant shall:

a.1) At the time the customs declaration is registered, if the seller and the buyer have a special relationship that does not affect the transaction value, the customs declarant shall fill both the declaration of imported goods and the declaration of customs value (if any);

a.2) Provide documents proving the special relationship does not affect the transaction value at the request of customs authorities, to be specific:

a.2.1) Documents proving the sale transaction is carried out in the same way as sale transactions between persons with no special relationship (if any);

a.2.2) Documents proving the transaction value of the goods undergoing customs valuation is close to or equal to the transaction value of identical/similar goods traded between parties with no special relationship (if any);

a.2.3) Other relevant documents proving that the special relationship does not affect the transaction value (if any).

b) Customs authorities shall inspect and proceed as follows:

b.1) If the buyer and the seller has a special relationship that the customs declarant did not declare in the customs declaration and declaration of customs value (if any), customs authorities shall request the declarant to provide additional declaration as prescribed in Article 29 of the Law on Customs and handle administrative violations as prescribed by law;

b.2) If the special relationship between the buyer and the seller is suspected to affect the transaction value of imported goods, customs authorities must compare such transaction value with the values prescribed in Point b Clause 2 of this Article.

b.2.1) If the transaction value satisfies the conditions prescribed in Point b Clause 2 of this Article, customs authorities shall recognize that the special relationship does not affect the transaction value;

b.2.2) If the transaction value does not satisfy the conditions prescribed in Point b Clause 2 of this Article, customs authorities shall request the declarant to provide the information and/or documents prescribed in Point a.2 of this Clause as proofs.

b.2.2.1) If there is/are sufficient information and/or documents to confirm that the special relationship does not affect the transaction value or there is not enough evidence to confirm whether the special relationship affects the transaction value, the declared customs value of the declarant shall be accepted;

b.2.2.2) If there is/are sufficient information and/or documents to confirm that the special relationship affects the transaction value, the declared customs value of the declarant shall be rejected and the customs value shall be re-determined based on the rules and procedures prescribed in this Circular.

b.3) Customs authorities shall not inspect whether the special relationship affects the transaction value if all of the following requirements are satisfied:

b.3.1) Customs authorities have inspected and recognized that the special relationship does not affect the transaction value;

b.3.2) The transaction value of the imported goods undergoing value inspection is not different from the transaction value of identical imported goods that have been inspected and accepted in the past.”

7. Article 12 is amended as follows:

“Article 12. Deductive method

1. Applicable cases: If the customs value could not be determined by using the methods prescribed in Articles 6, 8, 9, 10 and 11 of this Circular, the customs value of the imported goods shall be determined by the deductive method according to the documents and data available at the time of customs valuation.

2. The customs value determined by the deductive method means the customs value determined by applying successively the methods for customs valuation specified in Articles 6, 8, 9, 10 and 11 of this Circular until the customs value is determined provided that such application complies with the provisions in Clause 3 of this Article.

3. For this method of customs valuation, the customs declarant and customs authorities shall not use the following values for customs valuation:

a) The selling price in the domestic market of goods of the same kind made in Vietnam;

b) The selling price of goods in the domestic market of the exporting country;

c) The selling price of goods exported to another country beside Vietnam;

d) The manufacture costs of goods, excluding cases where manufacture costs of imported goods are used to determine the computed value in the computing method;

dd) Reference prices in the list of imported goods with possibly-misdeclared value;

e) The value provided by the customs declarant before the trade of goods for importation to Vietnam;

g) The higher of the two alternative values as the customs value.

4. The deductive method may be used for customs valuation as follows:

a) By applying the transaction value-based method: If the customs value could not be determined by the transaction value-based method due to lack of the documents and quantifiable data for additions or reductions prescribed in Article 13 and Article 15 herein, the customs value shall be determined based on the data for such additions/reductions that has been confirmed by the supplier in writing.

b) By applying the methods for customs valuation according to the transaction value of identical/similar imported goods. If there is no identical/similar imported goods exported to Vietnam on the same day or within 60 days before or after the date of exportation of the imported shipment undergoing customs

valuation, identical/similar imported goods exported within a longer duration that does not exceed 90 days before or after the date of exportation of such shipment may be chosen.

c) The deductible value-based method may be used for customs valuation in any of the following ways:

c.1) If no unit price is determined for deduction within 90 days from the date of importation, the sale unit price of goods sold in the greatest aggregate quantity within 120 days from the date of importation of the shipment chosen for deduction may be chosen;

c.2) If there is no reselling unit price of the very imported goods or identical/similar imported goods to a person having no special relationship with the importer, the reselling unit price of goods to the buyer having special relationship with the importer may be chosen on condition that the special relationship does not influence the reselling unit price.

d) The customs value of the imported goods is determined based on the customs value of the identical imported goods that have already been determined according to the deductible value or computed value.

dd) The customs value of the imported goods is determined based on the customs value of the similar imported goods that have already been determined according to the deductible value or computed value.

e) In case the customs value could not be determined according to the provisions from Point a to Point dd of this Clause, the methods for customs valuation shall be applied based on the customs value database in compliance with the provisions in Clause 3 herein.

5. Documents for this method of customs valuation include (01 copy for each):

a) Documents proving the additions or reductions confirmed by the supplier if the transaction value-based method is applied;

b) The customs declaration of the identical/similar imported goods if the customs value is determined based on the transaction value of identical/similar imported goods;

c) The sales invoices of the importer if the deductive value-based method is applied;

dd) Other documents related to this method of customs valuation (if any)."

8. Article 14 is amended as follows:

"Article 14. Royalty and license fee

1. "Royalty" means an amount of money that the buyer must pay directly or indirectly to the intellectual property rights holder to be transferred the right to use the subject matters of intellectual property rights.

a) "Intellectual property rights" means rights of organizations and individuals to intellectual property, including copyright and related rights, industrial property rights and plant variety rights/plant breeders' rights;

a.1) "copyright" means rights of organizations and individuals to works they have created or own;

a.2) "related rights" means rights of organizations and individuals to performances, phonograms, video recordings, broadcasts and encrypted program-carrying satellite signals;

a.3) "industrial property rights" means rights of organizations and individuals to patents, industrial designs, layout-designs of semiconductor integrated circuits, trademarks, trade names, geographical indications and trade secrets they have created or own, and the right to repression of unfair competition;

a.4) "plant variety rights" means rights of organizations and individuals to new plant varieties they have created or discovered and developed or own.

Such rights above are exercised according to the provisions of the Law on Intellectual Property.

b) "intellectual property rights holder" means an owner of intellectual property rights or an organization or individual to which the intellectual property rights are transferred by the owner.

2. "license fee" means an amount of money that the buyer must pay directly or indirectly to the intellectual property rights holder to perform some activities within the industrial property rights.

3. Royalty/license fee shall be added to the imported goods only when all of the following conditions are satisfied:

a) The buyer must pay royalty/license fee for use of or transfer of the right to use the subject matters of intellectual property rights relating to the imported goods undergoing customs valuation according to Clause 4 of this Article;

b) Royalty/license fee is paid directly or indirectly by the buyer as a condition for sale transaction of the goods undergoing customs valuation according to Clause 6 of this Article and specified in the goods sale contract, license contract or other agreement on transfer of the right to use the subject matters of intellectual property rights;

c) Royalty/license fee has not been included in the price actually paid or payable of the imported goods undergoing customs valuation.

4. Royalty/license fee is considered relating to the imported goods if:

a) Royalty/license fee must be paid directly or indirectly by the buyer for use of product trademarks appropriating to the documents relating to the agreement on and payment of royalty/license fee if all of the following requirements are satisfied:

a.1) Imported goods are resold in the same conditions as when imported to Vietnam's market or simply processed after importation according to the provisions of Clause 5 of this Article;

a.2) Imported goods bear trademarks when they are sold in Vietnam.

b) Royalty/license fee is paid directly or indirectly by the buyer for use of patents, trade secrets, industrial designs, layout-designs of semiconductor integrated circuits or the right to use other subject matters of intellectual property rights specified in the sale/license contract or other agreements on transfer of the right to use the subject matters of intellectual property rights in any of the following cases:

b.1) Patents, trade secrets, layout-designs of semiconductor integrated circuits or the right to use other subject matters of intellectual property rights are/is used for producing the imported goods;

b.2) The imported goods bearing inventions, industrial designs or the right to use other subject matters of intellectual property rights;

b.3) The imported goods are machines or equipment created or manufactured for the application of patents, trade secrets, layout-designs of semiconductor integrated circuits or the right to use other subject matters of intellectual property rights.

Examples of royalty/license fee satisfying the "relating to imported goods" condition are provided in Appendix I of this Circular.

5. Simple processing after importation includes:

a) The maintenance of goods during transportation and storage (airing, spreading out, drying, freezing, pickling, sulphur smoking or using other additives, removing damaged parts and similar activities);

b) Activities such as dusting, screening, selecting, classifying (including arranging into sets), cleaning, painting and dividing into parts;

c) Changing the wrapping and dismantling or assembling shipments; bottling, packaging, wrapping, boxing and other simple packaging activities;

d) Sticking labels or other similar identification marks on products or product wrapping;

dd) Simple mixing of products regardless of type;

g) Simple assembling of product parts to form a finished product;

h) Combination of two or more activities specified from Point a to Point g of this Clause;

Slaughter of animals.

6. Royalty/license fee is considered a condition for sale of imported goods in any of the following cases:

a) The seller and the buyer have an agreement that the buyer must directly or indirectly pay the royalty/license fee relating to the imported goods;

b) The seller and the rights holder/licensor have an agreement to exclusively sell the goods to the buyer who has directly or indirectly paid royalty/license fee to the intellectual property rights holder/licensor;

c) The seller provides the goods to the buyer per the designation of the intellectual property rights holder/licensor;

d) The seller provides the goods to the buyer according to the technical standards approved by the intellectual property rights holder/licensor;

dd) The buyer pays royalty/license fee to the intellectual property rights holder/licensor or another person per the designation of the seller;

e) There is evidence that the buyer would not be able to purchase or receive the imported goods without direct or indirect payment of royalty/license fee.

Examples of the imported goods satisfying the “being considered a condition for sale of imported goods” condition are provided in Appendix I of this Circular.

7. Royalty/license fee is not added to the customs value in any of the following cases:

a) The amount of money that the buyer must directly or indirectly pay for the right to reproduce the imported goods or artworks in Vietnam (for example: if a goods specimen is imported and used to produce exact copies of itself, the amount of money directly or indirectly paid for the production of such replicates is considered as the right to reproduce imported goods);

b) The amounts of money that the buyer must directly or indirectly pay for the right to distribute or resell the imported goods, in case such amounts are not considered a condition for sale of imported goods.

If the amounts of money the buyer directly or indirectly pays for the right to reproduce, distribute or resell the imported goods are included in the price actually paid or payable, such amounts shall not be deducted from the customs value upon customs valuation of such imported goods.

8. Procedures for declaration and inspection:

a) For royalty/license fee determinable at the time the declaration is registered:

a.1) The customs declarant shall declare the amount of royalty/license fee in the declaration of imported goods or declaration of customs value (if any) themselves;

a.2) Customs authorities shall inspect and handle the inspection results as prescribed in Article 25 of the Circular on customs procedures, customs supervision and inspection, export duty, import duty, and tax administration applied to exports and imports.

b) For royalty/license fee undeterminable at the time the declaration is registered due to dependence on sales after importation or other reasons provided for in the goods sale contract or separate agreements for payment of royalty/license fee:

b.1) At the time the declaration is registered, the customs declarant shall provide an explanation for the lack of royalty/license fee in the “Details of value” section. If the declarant possesses data on the amount of royalty/license fee, such amount shall be declared in the declaration of imported goods at the time of registration of the declaration and tax payment as prescribed by law;

Within 05 days from the date of actual payment, the declarant shall declare and determine the tax liabilities for the actual amount of royalty/license fee in the additional declaration after customs clearance and fulfill such tax liabilities concurrently as prescribed by law.

b.2) Customs authorities shall inspect documents related to the amount of royalty/license fee and the declarant’s declaration and proceed as follows:

b.2.1) If the declarant does not declare the correct amount of royalty/license fee according to Point b.1 of this Clause, customs authorities shall request the declarant to provide additional declaration or handle the violation as prescribed by law. If the declarant fails to provide additional declaration within 5 business days starting from the date of receipt of the request for additional declaration, customs authorities shall determine the customs value, impose tax, fully collect the tax and late payment interest and handle the violations as prescribed by law;

b.2.2) If the declarant declares the amount of royalty/license fee later than 05 days from the date of actual payment of such amount as prescribed in Point b.1 of this Clause, customs authorities shall handle the violation as prescribed by law;

b.2.3) If the declarant’s declaration and valuation comply with the provisions in Point b.1 of this Clause, customs authorities shall accept the declared customs value.

9. For royalty/license fee determined based on to the imported goods and other elements unrelated to the imported goods:

a) If there are figures enabling the separation between the royalty and the license fee relating to the imported goods, such value shall be added to transaction value;

b) If the royalty and license fee relating to the imported goods are inseparable, the customs value shall not be determined by the transaction value-based method but the next one instead.”

9. Point b of Clause 2, Clause 5, Clause 9 of Article 17 are amended; Clause 11 is added to Article 17 as follows:

“2. The imported goods that have been used in Vietnam and their uses are changed into those not exempted from tax:

b) Other imported goods include:

b.1) For goods whose uses are changed in order to be destroyed, the customs value is the declared value;

b.2) For goods whose uses are changed in order to be sold: the customs value is the declared value determined based on the actual selling price. If customs authorities possess the evidence proving that the declared value is not suitable, the customs value shall be determined by a method for customs valuation prescribed in this Circular, suiting the actual state of the goods;

b.3) For other cases beside those prescribed in Point b.1 and Point b.2 of this Clause, the customs value is the declared value. If customs authorities possess the evidence proving that the declared value is not suitable, the customs value shall be determined by a method of customs valuation prescribed in this Circular, suiting the actual state of the goods.

5. Regarding the goods imported without a sale contract or commercial invoice and the goods transported to Vietnam via post service or express mail service without a sale contract or commercial invoice, the customs value is the declared value. If there is evidence proving that the declared value is not suitable, the customs value shall be determined by a method for customs valuation prescribed in this Circular, suiting the actual state of the imported goods.

9. Regarding imported rented goods, the customs value is the declared value determined based on the price actually paid or payable for rent of such goods and other expenses that the renter must pay at the first importing checkpoint, suitable with documents related to the rented goods.

Regarding imported borrowed goods, the customs value is the total amount of expenses that the borrower must pay at the first importing checkpoint, suitable with documents related to the borrowed goods.

If customs authorities possess the evidence proving that the customs declarant did not declare the suitable value, the customs value shall be determined by a method for customs valuation prescribed in this Circular, suiting the actual state of the imported goods.

11. For the goods that have not been used in Vietnam and their uses are changed into those not exempted from tax:

a) For goods whose uses are changed in order to be destroyed, the customs value is the declared value;

b) For goods whose uses are changed for the purpose of selling, the customs value is the declared value determined based on the actual selling price. If customs authorities possess the evidence proving that the declared value is not suitable, the customs value shall be determined by a method for customs valuation prescribed in this Circular, suiting the actual state of the goods

c) For other cases beside those prescribed in Point a and Point b of this Clause, the customs value is the declared value at the time of importation. If customs authorities possess the evidence proving that the declared value is not suitable, the customs value shall be determined by a method for customs valuation prescribed in this Circular, suiting the actual state of the goods.”

10. Article 21 is amended as follows:

“Article 21. Customs value database

1. The customs value database contains information related to customs valuation of exported/imported goods that is collected, compiled and classified by customs authorities. The customs value database is established on the bases of concentration and consistence and is updated regularly by the General Department of Vietnam Customs, including:

a) Customs value data management system;

b) Lists of exported/imported goods with possibly-misdeclared value and reference prices enclosed therewith;

c) List of enterprises having goods with possibly-misdeclared value.

2. Sources of information for establishment of the customs value database include:

a) Information from customs documents contains information available on the electronic system or in customs documents (for physical declarations) provided by customs declarants or collected by customs authorities through customs procedures and after customs clearance;

b) Information from the lists of exported/imported goods with possibly-misdeclared value and list of enterprises having goods with possibly-misdeclared value prescribed in this Circular;

c) Information on legal compliance of enterprises, including information relating to enterprise's compliance with legal policies in declaration and determination of customs value, number of violations and severity of violation collected and analyzed by customs authorities on the risk management system;

d) Other sources of information, including information⁷³⁶ collected by customs authorities or provided by other relevant bodies that is verified.

3. The customs value database is used for:

- a) Compilation of the lists of exported/imported goods with possibly-misdeclared value and list of enterprises having goods with possibly-misdeclared value;
- b) Inspection of customs value of exported/imported goods;
- c) State management of goods exportation/importation and other fields.

4. The Director General of the General Department of Vietnam Customs shall promulgate the regulations on development, management, operation and use of the customs value database."

11. Article 22 is amended as follows:

"Article 22. Competence in development, supplementation and modification; rules on use of lists of exported/imported goods with possibly-misdeclared value and reference prices and list of enterprises having goods with possibly-misdeclared value

1. The Director General of the General Department of Vietnam Customs shall organize the development, supplementation and modification of the following:

- a) The lists of exported/imported goods with possibly-misdeclared value based on the criteria prescribed in Article 24 of this Circular. Such lists shall contain the code and name of goods, description of goods, calculation unit, origin of goods and reference price;
- b) The reference prices of the goods in the lists of exported/imported goods with possibly-misdeclared value based on the sources of information prescribed in Article 25 of this Circular;
- c) The list of enterprises having goods with possibly-misdeclared value based on the results of enterprise risk assessment according to the rules on risk management. Such list shall contain enterprise code, enterprise name and place of registration of customs declaration.

2. Rules on use:

- a) The lists of exported/imported goods with possibly-misdeclared value and list of enterprises having goods with possibly-misdeclared value shall serve as one of the bases for customs authorities to identify subjects of customs value inspection during customs procedures or after the goods have obtained customs clearance;
- b) The reference prices of the goods contained in the lists of exported/imported goods with possibly-misdeclared value are the bases for customs authorities to compare and inspect the declared value of customs declarants during customs procedures or after the goods have obtained customs clearance as prescribed by law. Such prices shall not be used to impose customs value and shall be consistently used within the customs sector."

12. Article 23 is amended as follows:

"Article 23. Time limit and responsibilities for compilation, supplementation and modification of the lists of exported/imported goods with possibly-misdeclared value and reference prices enclosed therewith, and list of enterprises posing risks to customs valuation

1. The lists of exported/imported goods with possibly-misdeclared value and reference prices enclosed therewith and list of enterprises posing risks to customs valuation shall be compiled, supplemented and/or modified at least once every six months or when necessary on the basis of:

- a) Requests of organizations/individuals;
- b) Recommendations of province-level customs departments and affiliates of the General Department of Vietnam Customs as prescribed in Clause 2 herein.

2. Heads of province-level customs departments shall be responsible for organizing the following:

a) Update of results of document inspection, physical verification of goods, consultation and determination of value, post-customs clearance inspection, investigation against smuggling, information on handling of violations, enterprise dossier information, evaluation of legal compliance and risk classification in corresponding database systems.

b) Submission of reports to the General Department of Customs based on results of document inspection, physical verification of goods and investigation against smuggling, turnover conditions, export/import tax rates, states of smuggling and commercial fraud for the General Department of Customs to:

b.1) Add reference prices for exported/imported goods listed in the lists of exported/imported goods with possibly-misdeclared value that do not have any reference price yet based on the report proposing additions to the lists of exported/imported goods with possibly-misdeclared value (the Form

No. 02/DMBX/2015 in Appendix II enclosed with this Circular) by collecting the information prescribed in Article 25 (except for Point h Clause 1) of this Circular;

b.2) Modify the reference prices if there is at least a 10% increase or decrease in the declared price and collected information compared to the reference prices in the lists of exported/imported goods with possibly-misdeclared value based on the report proposing additions to the lists of exported/imported goods with possibly-misdeclared value (the form No. 03/DMSĐ/2015 in Appendix II enclosed with this Circular) by collecting the information prescribed in Article 25 (except for Point h Clause 1) of this Circular;

b.3) Add to the lists of exported/imported goods with possibly-misdeclared value and reference prices enclosed therewith the exported/imported goods satisfying any of the criteria prescribed in Clause 1 and Clause 2 of Article 24 herein that have not been included in such Lists. Such addition shall be based on the report proposing additions to the lists of exported/imported goods with possibly-misdeclared value by collecting the information prescribed in Article 25 (except for Point h Clause 1) of this Circular;

b.4) Add to the list of enterprises posing risks of customs valuation the enterprises that satisfy the criteria prescribed in Clause 3 of Article 24 herein.

3. The affiliates of the General Department of Vietnam Customs shall update the sources of information prescribed in Clause 1 Article 25 of this Circular to corresponding database systems according to ex officio management of such sources of information.

4. The Department of export tax and import tax (General Department of Vietnam Customs) shall supervise, expedite and direct province-level customs departments to update information and propose amendments to the lists of exported/imported goods with possibly-misdeclared value and reference prices enclosed therewith and list of enterprises posing risks of customs valuation according to Clause 2 herein.”

13. The name of Article 24 and Clause 3 of Article 24 are amended as follows:

“Article 24. Criteria for development and modification of the lists of exported/imported goods with possibly-misdeclared value and list of enterprises posing risks of customs valuation

3. The enterprises that are evaluated as posing risks of customs value include:

a) The enterprises evaluated as not complying with the law by customs authorities at the time of evaluation;

b) The enterprises classified as enterprises with high possibility of misdeclared value or very high possibility of misdeclared value by customs authorities at the time of evaluation or enterprises engaging in exporting/importing operation for fewer than 365 days prior to the time of evaluation;

c) The enterprises receiving penalty from customs authorities for violations related to customs misvaluation that led to tax underpayment or increase of amounts of exempted, reduced, refunded or cancelled tax; or penalty from state authorities for tax fraud or tax evasion within 730 days (02 years) prior to the date of evaluation. The severity of the penalty and the fine for violations handled by customs authorities are prescribed in the Ministry of Finance’s Circular on risk management in customs operation.”

14. The appendixes are amended as follows:

a) Appendix I of the Circular No. 39/2015/TT-BTC is replaced by the Appendix I herein;

b) Form No. 04/TGHQ is added to the Appendix II of the Circular No. 39/2015/TT-BTC.

Article 2. Responsibilities for implementing organization

1. Based on this Circular, the Director General of the General Department of Vietnam Customs shall provide guidance to all customs affiliates for consistent implementation, ensuring facilitation of importing and exporting operations and efficiency of customs management.

2. Customs authorities, customs declarants, taxpayers and relevant organizations and individuals shall be responsible for customs valuation according to this Circular. Should any issue arise, customs authorities, customs declarants and taxpayers shall report to the Ministry of Finance (General Department of Vietnam Customs) for consideration and guidance on resolution.

Article 3. Effect

1. This Circular takes effect from October 15, 2019.

2. Clause 15 of Article 1 of the Minister of Finance’s Circular No. 39/2018/TT-BTC dated April 20, 2018 is annulled.

3. During the implementation of this Circular, if the relevant documents cited in this Circular are amended or replaced, the amended or replaced documents shall supersede./.

PP. THE MINISTER
THE DEPUTY MINISTER

Vu Thi Mai

APPENDIX I

THE APPENDIX I ENCLOSED WITH THE CIRCULAR NO. 39/2015/TT-BTC IS AMENDED AS FOLLOWS: (Enclosed with the Circular No. 60/2019/TT-BTC dated August 30, 2019 by the Minister of Finance)

“APPENDIX I

SOME EXAMPLES ON ROYALTY/LICENSE FEE (Enclosed with the Circular No. 39/2015/TT-BTC dated March 25, 2015 by the Minister of Finance)

1. Examples of royalty/license fee satisfying the “relating to imported goods” condition (prescribed in Point a Clause 3 and Clause 4 of Article 14 herein)

Example 1: Example for the case prescribed in Point b.1 Clause 4 of Article 14 herein is as follows:

Company Y (the seller) of country B uses the technical know-how Z (trade secret) to produce the K brand motorcycle engine. Company X (the buyer) of Vietnam imports the K brand motorcycle engine of company Y. Beside paying for the imported goods, company X must pay a fee for the right to use the K brand motorcycle engine to company K.

The payment for the right to use the K brand motorcycle engine is related to the imported goods being motorcycle engines, thus satisfying the regulations in Point b.1 Clause 4 of Article 14 herein.

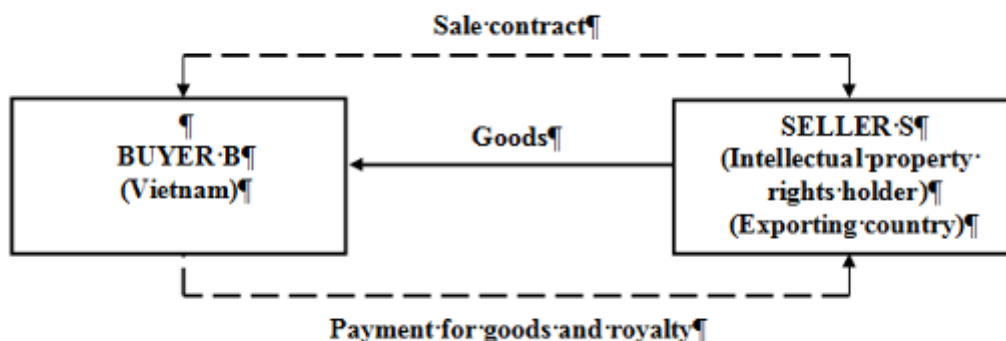
Example 2: Example for the case prescribed in Point b.2 Clause 4 of Article 14 herein is as follows:

Company I of Vietnam signs a contract with company J of country X on importation of a drug containing the active ingredient A. The active ingredient A is a product created based on the patent B. Therefore, in order to purchase the drug containing the active ingredient A, the buyer – company I - must pay a royalty to company J (calculated by product unit). The royalty in this case is considered to be related to the imported goods as prescribed in Point b.2 Clause 4 of Article 14 herein.

2. Examples of the cases where the buyer must directly or indirectly pay royalty/license fee as a condition for sale of imported goods (as prescribed in Point b Clause 3 and Clause 6 of Article 14 herein)

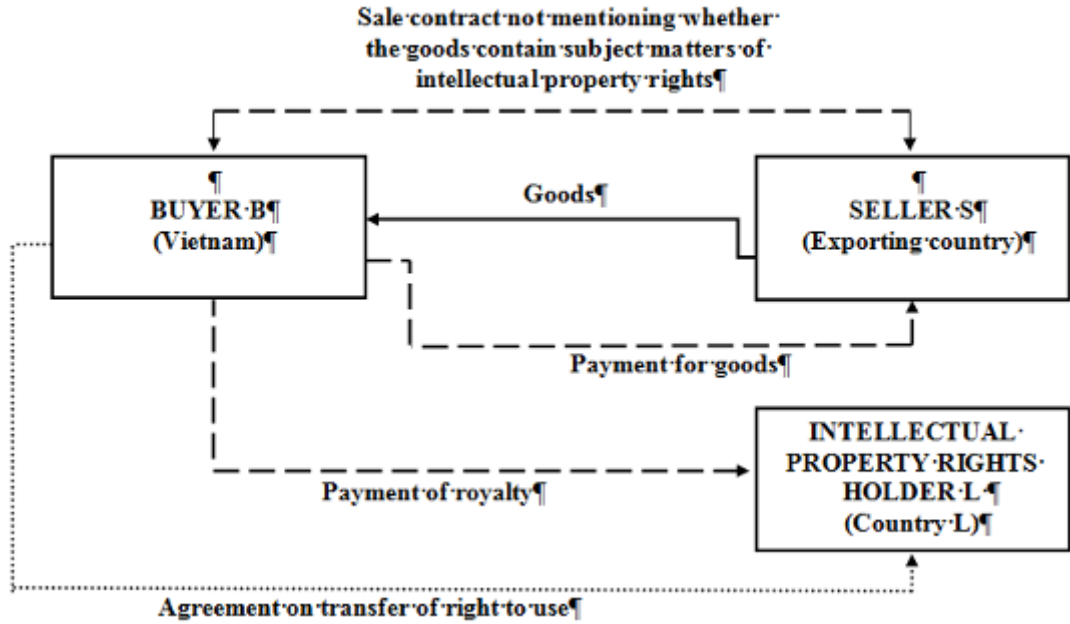
The cases from 1 to 7 (except for case 2) all satisfy the condition where the buyer pays royalty/license fee “as a condition for sale of imported goods”. To be specific:

Case 1:



The Buyer B and the Seller S agree that the buyer shall pay for the goods and royalty in the sale contract. In reality, the buyer pays for the goods and royalty to the seller as agreed. Thus, the royalty paid by the buyer in this case satisfies the “as a condition for sale of imported goods” condition as prescribed in Clause 6 Article 14 herein, because the Buyer B pays the royalty to the Seller S (who is also the intellectual property rights holder) to be able to purchase the goods.

Case 2:



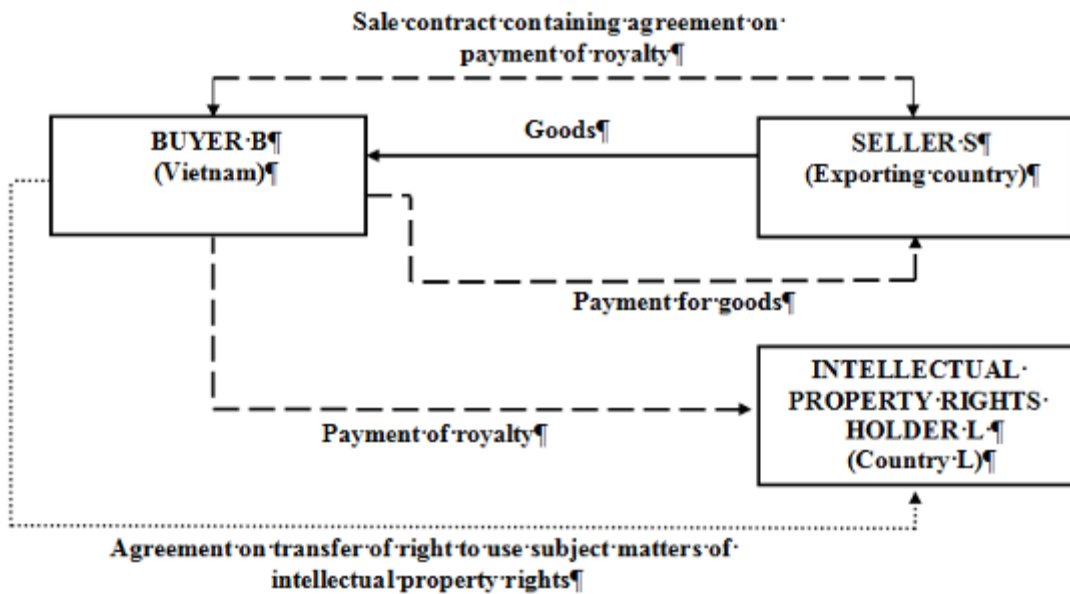
The Buyer B and the Seller S signs a goods sale contract stating that the seller shall provide the goods and the buyer shall pay for such goods. There is no agreement between B and S on the subject matters of intellectual property rights related to the trade of goods between B and S.

Based on the sale contract, the Buyer B pays the Seller S for the goods; in return, the Seller S delivers the goods to the Buyer B.

On the other hand, to ensure lawful business rights for the goods incorporating subject matters of intellectual property rights, the Buyer B signs an agreement on transfer of right to use subject matters of intellectual property rights with the intellectual property rights holder L and pays the royalty as agreed with L.

The royalty paid by the Buyer B to L in this case does not satisfy the “as a condition for sale of imported goods” condition as prescribed in Point b Clause 3 and Clause 6 of Article 14 herein as there is no agreement stipulating that the Buyer B must pay royalty to be able to purchase the goods from the Seller S.

Case 3:



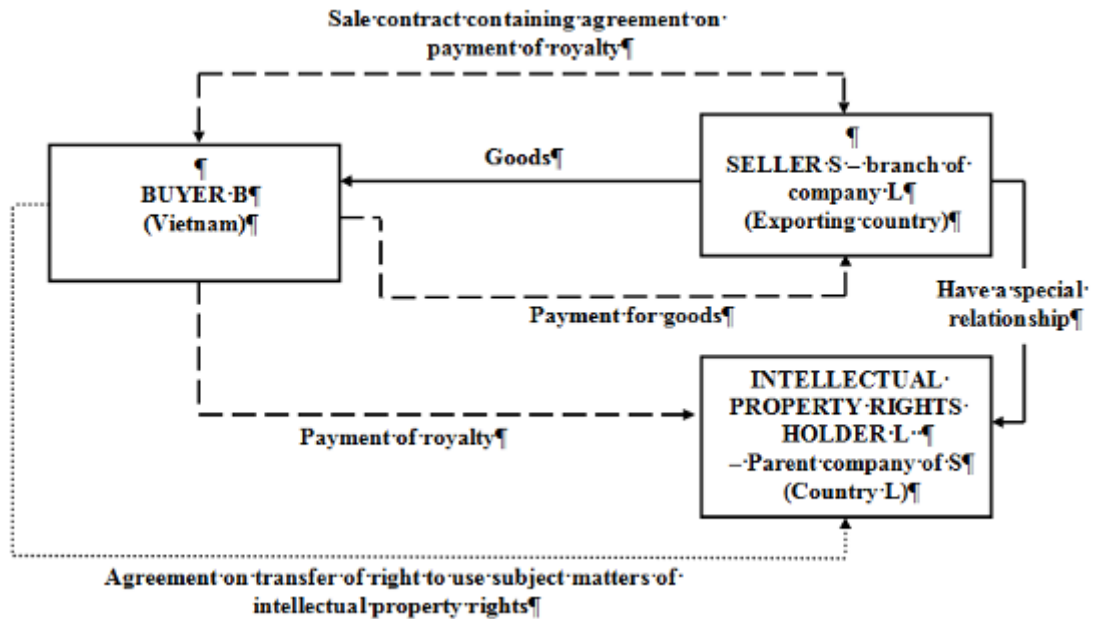
The Buyer B signs a goods sale contract with the Seller S stating that B must sign an agreement on transfer of right to use subject matters of intellectual property rights with the intellectual property rights holder L and pay royalty to L.

B receives the goods from S and pays S for such goods.

B pays royalty to L per the concluded agreement on transfer of right to use subject matters of intellectual property rights.

The royalty paid by the Buyer B to L in this case satisfies the “as a condition for sale of imported goods” condition prescribed in Point b Clause 3 and Clause 6 of Article 14 herein as there is an agreement between the Buyer B and the Seller S that the Buyer B must pay royalty to L to be able to purchase the imported goods.

Case 4:

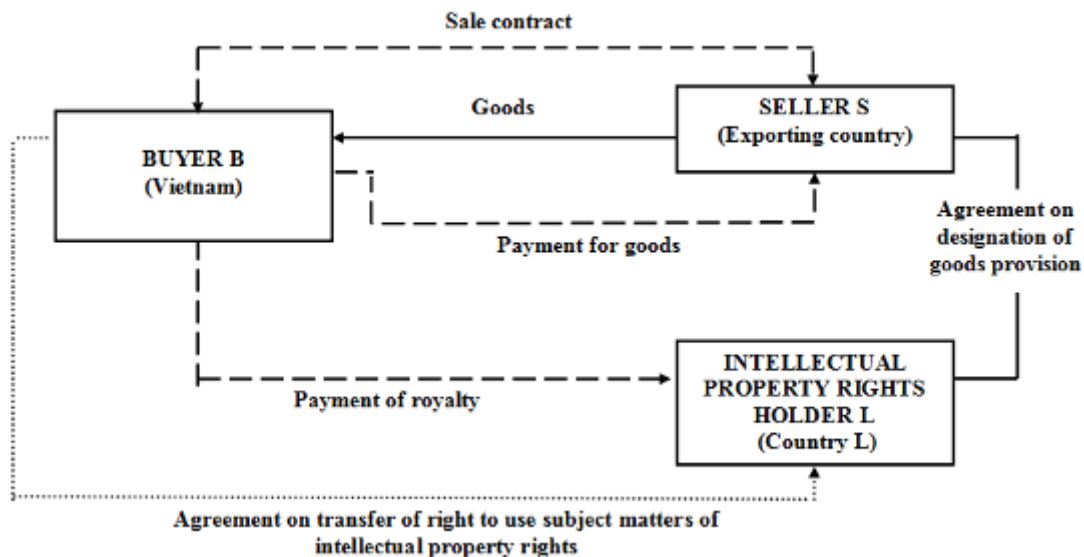


The Buyer B signs a goods sale contract with the Seller S stating that B must sign an agreement on transfer of right to use subject matters of intellectual property rights with the intellectual property rights holder L and pay royalty to L. L is the parent company of S.

The Buyer B receives the goods from S and pays S for such goods as agreed in the sale contract. The Buyer B also pays royalty to L per the transfer agreement.

The royalty paid by the buyer in this case satisfies the “as a condition for sale of imported goods” condition as prescribed in Point b Clause 3 and Clause 6 of Article 14 herein as the Seller S and the intellectual property rights holder L have a special relationship (subsidiary - parent company) and the buyer can only purchase the goods when the royalty is paid.

Case 5:



The Buyer B signs a goods sale contract with the Seller S stating that B must sign an agreement on transfer of right to use subject matters of intellectual property rights with the intellectual property rights holder L and pay royalty to L.

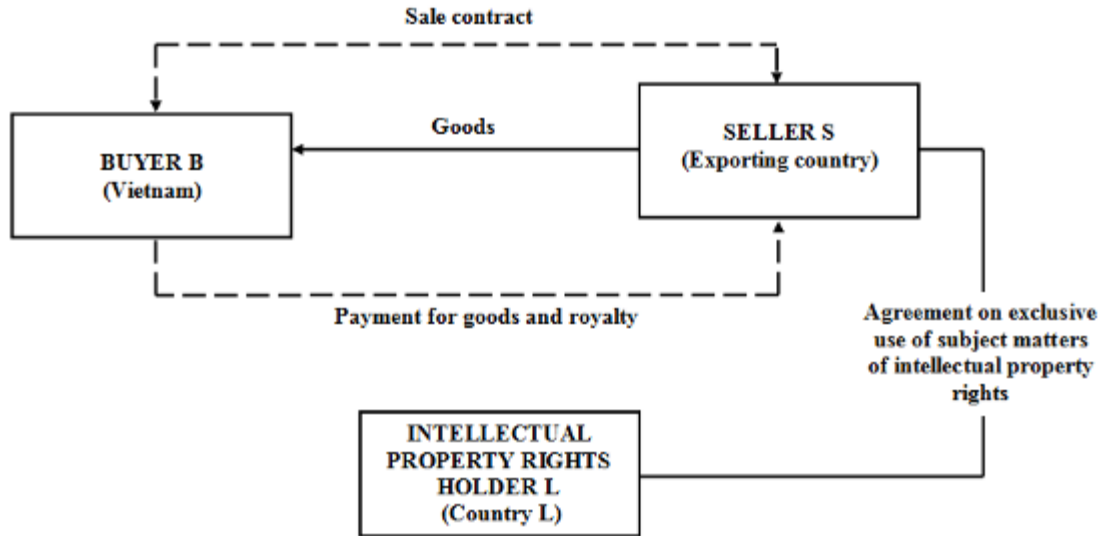
The Buyer B has signed the agreement on transfer of right to use subject matters of intellectual property rights with L and paid royalty to L.

The Holder L and the Seller S have an agreement that the Holder L shall only sign the agreement on transfer of right to use subject matters of intellectual property rights if the buyer buys S’s goods; in

return, when signing the goods sale contract, the Seller S shall only agree to sell to the buyer who agrees to pay royalty to L.

The royalty paid by the buyer in this case satisfies the “as a condition for sale of imported goods” condition as prescribed in Point b Clause 3 and Clause 6 of Article 14 herein as the Buyer B who purchases the goods from the Seller S is designated by the intellectual property rights holder L

Case

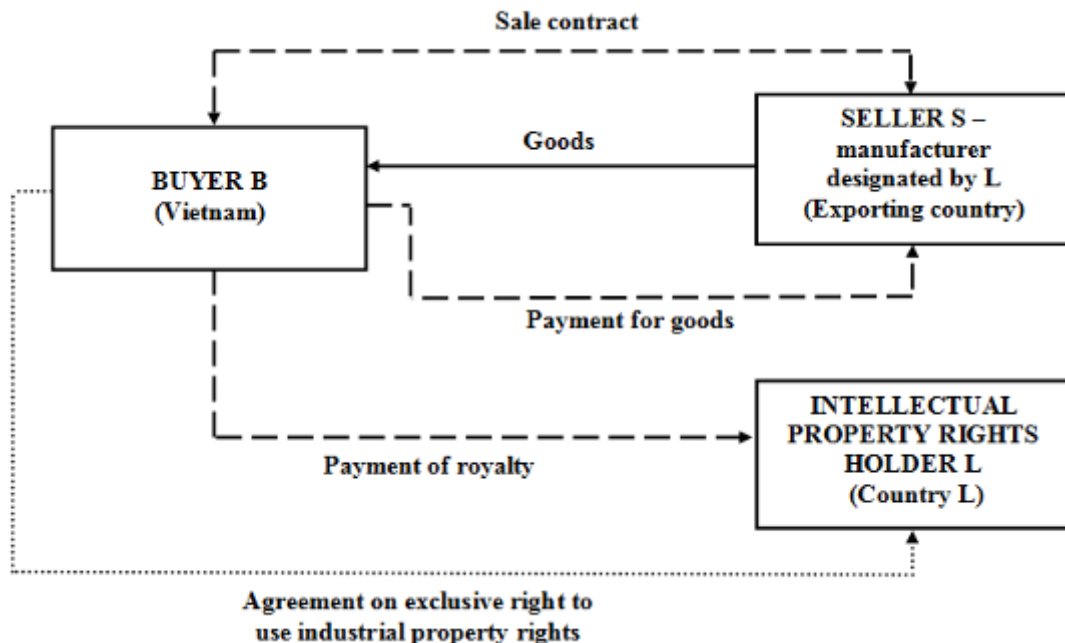


6:

The Buyer B signs a goods sale contract with the Seller S, receives the goods from S and pays for the goods per the contract. In the goods sale contract, both parties agree that B shall pay a fee for the right to use subject matters of intellectual property rights to S as S has an agreement on exclusive use of subject matters of intellectual property rights with the Holder L.

The royalty paid by the buyer in this case satisfies the “as a condition for sale of imported goods” condition as prescribed in Point b Clause 3 and Clause 6 of Article 14 herein as the Buyer B can only purchase the goods after paying the royalty to the Seller S.

Case 7:



The Buyer B signs an agreement on exclusive right to use industrial property rights with the intellectual property rights holder L where the Holder L designates the Buyer B to buy only the goods from the Manufacturer S. B pays royalty to L per the license contract. According to the agreement with the Holder L, the Buyer B signs a goods sale contract with the Seller S, receives the goods from S and pays S for such goods.

The royalty paid by the buyer in this case satisfies the “as a condition for sale of imported goods” condition as prescribed in Point b Clause 3 and Clause 6 of Article 14 herein as the Buyer B must pay royalty to be able to purchase the goods from the Seller S, meeting the technical standard of the intellectual property rights holder L.”.

APPENDIX II

THE APPENDIX II ENCLOSED WITH THE CIRCULAR NO. 39/2015/TT-BTC IS AMENDED AS FOLLOWS: (Enclosed with the Circular No. 60/2019/TT-BTC dated August 30, 2019 by the Minister of Finance)

“APPENDIX II

LIST OF FORMS (Enclosed with the Circular No. 39/2015/TT-BTC dated March 25, 2015 by the Minister of Finance)

The form No. 04/TGHQ is amended as follows:

| Form No. | Form name | No. | Provided for in |
|----------|-------------------------------|---------|-----------------|
| (01) | (02) | (03) | (04) |
| 04 | Notification of customs value | 04/TGHQ | Article 3 |

Form No. 04/TGHQ

NAME OF MANAGEMENT BODY
NAME OF ISSUER OF THIS
DOCUMENT

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom – Happiness

No./TB- abbreviation of issuer
of this document

[Location and date]

NOTIFICATION OF CUSTOMS VALUE

To: [Name of company] (name, tax identification number and address of the importer)

Pursuant to the Government's Decree No. 59/2018/ND-CP dated April 20, 2018 on amendments to some Articles of the Government's Decree No. 08/2015/ND-CP dated January 21, 2015 providing guidance on the implementation of the Law on Customs in terms of customs procedures and customs inspection, supervision and control;

Pursuant to the Circular No. dated ... amending the Minister of Finance's Circular No. 39/2015/TT-BTC dated March 25, 2015 on customs value of imported goods and exported goods.

On the basis of.....;

[Name of customs department/customs branch] hereby announces the customs value of the exported/imported goods as follows:

| No. | No. and date of declaration | HS code | Description of goods | Unit | Declared value (USD) | Basis for rejection of declared value | Customs value determined by customs authority (USD) | Methods for customs valuation |
|-----|-----------------------------|---------|----------------------|------|----------------------|---------------------------------------|---|-------------------------------|
| | | | | | | | | |

For your reference and compliance./.

HEAD OF UNIT”
(signature, full name and stamp)
