

**TRADE FACILITATION
AGREEMENT AND
AMENDMENT OF CUSTOMS
LAW**



Trade Facilitation Agreement



➤ Structure

- Part I: 13 articles on technical measures
- Part II: SDT (provisions for developing countries)





TF Measures

Transparency and rights of businesses

- Publication/Information available through internet
- Enquiry points on trade information
- Time between publication and entry into force
- Opportunity to comment
- Advance rulings
- Right to appeal or review



TF Measures

Transit

- Limitations on fees and charges
- Non-discrimination
- Customs duties exemptions
- Use of guarantee



TF Measures

Procedures, fees and charges imposed on or in connection with importation/ exportation and transit

- Disciplines on Fees and Charges
- Pre-arrival Processing
- Risk Management
- Post-Clearance Audit
- Publication of Average Release Time
- Authorized Operators
- Border Agency Cooperation
- Formalities and Documentation Review
- Single Window
- Abolishment the use of PSI
- Separation between release and clearance of goods

TFA – Customs Law



TFA

Article 1: Publication and Availability of Information

- Publication
- Information available through the internet
- Enquiry points
- Notification

Article 2: Opportunity to Comment, Before Entry Into Force and Consultation

Opportunity to Comment and Information before Entry into Force
Consultations

Vietnam Legal System

Law on the promulgation of legal documents

Publication

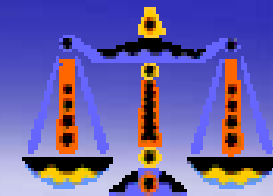
Publication of admin. Procedures; number of documents, steps and processes etc.

Publish customs regulations and procedures on www.customs.gov.vn

Help desk: GDC, local Customs

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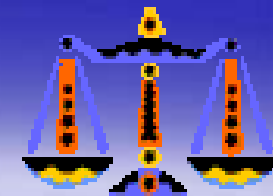
TFA – Customs Law



TFA	Vietnam Legal System
Article 3: Advance Rulings	Revised Customs Law
Scope:	Article 26: Advance rulings
Classification Origin Method of Customs valuation Reliefs or exempt Tariff quota Others	Scope: Classification Origin Method of customs valuation
Time and Validity	Time and Validity Processing time: Draft decree (30 days) Validity: 3 years from the date of issuance
Processing Time Validity	

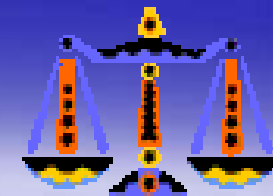
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TFA – Customs Law



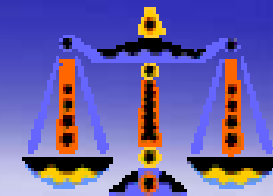
TFA	Vietnam Legal System
Article 4: Appeal or Review	Law on settlement of complaints and denunciations
Rights to Appeal or Review	Revised Customs Law
Art 5: Other measures to enhance the impartiality, non-discrimination and transparency	Enhancement of border controls Quarantine Food safety inspection Quality control ...
Notifications for enhanced controls or inspections Detention Test Procedures	Inspection procedures, re-inspection: the choice of assessment if not consent with customs inspection results
Public Administration Reform	

TFA – Customs Law



TFA	Vietnam Legal System
Art 6: Disciplines on Fees and Charges	Ordinance on Fees and Charges
General Disciplines on fees and charges on importation and exportation: Publication before application Periodic review	Customs Law: Customs fee: VND20.000 VND/declaration Fee based on processed volume
Specific disciplines on fees and charges on importation and exportation Service charges	Law on settlement of administrative violations Decree no. 127/2013/ND-CP on settlement of administrative violations in customs area
Penalty Disciplines	
Public Administration Reform	

TFA – Customs Law



TFA	Vietnam Legal System
Art 7: Release and Clearance of Goods	Customs Law: Release and Clearance of Goods
Pre-arrival Processing Fast clearance E-document	Art 25: Declaration before arrival or departure Declarations valid for 15 days from the date of registration Advance clearance (except inspection)
Electronic Payment	Electronic Payment: Banking payment
Release of Goods : guarantee for customs duties, taxes, fees and charges	Art 36: Release of goods: Undetermined officially applied duties (HS, value, quantity...) Payment of duties and fees (self-declared) Determine officially applied duties within 30 days

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TFA – Customs Law

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Vietnam Legal System

Article 7: Release and Clearance of Goods

Revised Customs Law:

Risk Management concentrate customs control on high risk consignments expedite the release of low risk consignment

Article 4: The concept of risk management

**Art 17: Risk management in customs operations
Customs Inspection and Supervision
Prevention of smuggling and trade fraud**

**Post-clearance Audit
Assessment of businesses' law compliance**

**Art 77-82: Post clearance audit
Concept
Post clearance audit cases
Post clearance audit at customs offices
Post clearance audit at declarer's premises**

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Vietnam Legal System

Article 7: Release and Clearance of Goods

Customs Law

Establishment and Publication of Average Release Times
WCO Release Time Measurement

Establishment and Publication of Average Release Times

WCO Release Time Measurement

WB report, VCCI survey and report by Customs

**Average time:
Around 115h
Clearance time 31h**

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Vietnam Legal System

Article 7: Release and Clearance of Goods

Customs Law: Authorized operators: Art 42-45

Trade Facilitation Measures for Authorized Operators
Conditions for authorized operators
Prioritized measures

Conditions for authorized operators:
Law compliance in 02 consecutive years;
Export, imports turnover;
Implementation of customs procedures, electronic taxation;
Use of banking payment;
Application of internal control system;
Compliance with accounting, auditing laws and regulations.

Preferences for authorized operators :
Exemption from customs documents control and actual inspection of goods
Incomplete customs declarations or their substitutions. submit complete customs declarations and related customs documents within 30 days.
Prioritized implementation of taxation procedures

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New Vietnam Legal System

Article 7: Release and Clearance of Goods

Customs Law

Expedited Shipments

Advance submission of information

Prioritized expedited release

Good compliance with customs laws

Art 52: Customs procedures for Expedited Shipments

Art 22: Customs declaration 2h before departure of means of transport

Perishable Goods

Prioritized customs procedures: advance inspection

Goods release beyond office hours

Art 33: Actual inspection of goods
Prioritized customs procedures: advance inspection for perishable goods
Goods clearance beyond office hours (Art 19 – Duration of customs procedures)

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Article 8: Border agency cooperation

- Within member state:
cooperation and coordination

- Among members:
Unification of working hours
Unification of procedures
Building and sharing joined infrastructure
Joined inspection
Setting up one-stop inspection location

New Vietnam Legal System

Revised Customs Law

Art 35: Coordinate specialized inspection at the border:
- 8 laws, 11 Ministries, agencies
- Draft decree
- Unified management projects

- Art : Actual inspection of goods
+ Building and sharing joined infrastructure
+ Joined inspection
+ Setting up a one-stop test location

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TFA – Customs Law

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Vietnam Legal System

Article 9: Movement of goods under customs control intended for import

Revised Customs Law:

Sect. 6: Movement of goods under customs control (Art 64, 65)

Procedures that allow movement from a customs office to another customs office

**Gate transfer
Port transfer
Transit**

Commercial Law

Regulations on transit of goods

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TFA – Customs Law

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Article 10: Formalities connected with importation and exportation and transit

Formalities and Documentation Requirements

Acceptance of Copies

Use of International Standards

Single Window

Pre-shipment Inspection

Use of Customs Brokers

Common Border Procedures and Uniform Documentation Requirements

Rejected Goods

Temporary Admission of Goods/Inward and Outward Processing

Processing

Vietnam Legal System

Revised Customs Law requirement on procedures

Article 21 – Customs Procedures

Declarants

Customs Offices

Article 24 – Customs documents

Customs declaration forms

Related documents:

Contract of sale of goods,

Commercial invoice,

Transport documents

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Processing

Vietnam Legal System

**Revised Customs Law
Requirements on Customs Procedures**

Article 24 – Customs Documents

**Related documents (cont.)
Certificate of origin of goods
License, notice of inspection results,
Other documents.**

**Forms of documents:
Acceptance of copies
Original copies: License, C/O,
taxation document (exemption,
reduction, reimbursement...)**

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TFA – Customs Law

TFA

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Goods/Inward and Outward Processing

Processing

Vietnam Legal System

Revised Customs Law
Requirements on Customs Procedures

Article 4 –SW Definition

E-information, e-documents
Licensing; clearance decisions
Integrated IT system

Relevant provisions in the Law
Art 24: Customs documents
Art 25: Filing time limit

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TFA – Customs Law

TFA

Vietnam Legal System

Article 10: Formalities connected with importation and exportation and transit

Revised Customs Law
Article 20 – Customs Brokers

Formalities and Documentation Requirements

Conditions to be agent for customs brokers:

Acceptance of Copies

Registration of business sector for forwarding services or agent for customs procedures;

Use of International Standards

Agent staffs for customs procedures;
E-customs declaration.

Single Window`

Pre-shipment Inspection

Use of Customs Brokers

Common Border Procedures and Uniform Documentation Requirements

Rejected Goods

Temporary Admission of Goods/Inward and Outward Processing

Customs broker Agent
Vietnamese citizenship
College degree in economics, law, engineering;
Professional certificates of customs declaration;
Provided with identification numbers for agent staff for customs procedures

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Vietnam Legal System

Article 10: Formalities connected with importation and exportation and transit

Revised Customs Law
Requirements on Customs Procedures

Formalities and Documentation Requirements

Article 58 – Backlog handling

Acceptance of Copies

Backlog:

Use of International Standards

Given up by owners (except violation) unclaimed beyond 90 days

Single Window`

Beyond bill of lading, manifest, collected at the port

Pre-shipment Inspection

Use of Customs Brokers

Common Border Procedures and Uniform Documentation Requirements

**Handling procedures:
Notice within 60 days**

Rejected Goods

Handling:

Temporary Admission of

Liquidation Sale

Goods/Inward and Outward Processing

Goods of environmental impact:

- + Forced transport out of the territory**
- + Destruction**

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Vietnam Legal System

Article 10: Formalities connected with importation and exportation and transit

**Revised Customs Law
Requirements on Customs Procedures**

**Formalities and Documentation Requirements
Acceptance of Copies
Use of International Standards
Single Window
Pre-shipment Inspection**

**Temporary import for re-export
Tax exemption
Tax payment or guarantee:
temporary import for re-export business**

**Use of Customs Brokers
Common Border Procedures and Uniform Documentation Requirements
Rejected Goods
Temporary Admission of Goods/Inward and Outward Processing**

Art 46 – goods for temporary import for re-export business

Art 48 – Other temporary imports, temporary exports

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www.wto.org

www.customs.gov.vn

THANK YOU