

**THE MINISTRY OF
INDUSTRY & TRADE**

No. 06/2011/TT-BCT

**SOCIALIST REPUBLIC OF VIET NAM
Independence-Freedom-Happiness**

Hanoi, March 21 , 2011

CIRCULAR

**PROVIDES FOR PROCEDURES OF ISSUING CERTIFICATE OF ORIGIN REFERENTIAL
GOODS**

Pursuant to Decree No.189/2007/ND-CP dated December 27, 2007 of the Government providing for function, duties, authorities of organizational structure of the Ministry of Industry and Trade; Pursuant to Decree No.19/2006/ND-CP dated February 20, 2006 of the Government detailing the Trade Law on origin;

The Minister of Industry and Trade provides for procedures of issuing certificate of referential goods origin in the Agreements of free trade region, Agreements of all-sided economic partner and Agreements with two or more parties providing the tariff reduction between Vietnam with one or more countries or territories such as:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of application

This Circular provides procedures of issuance of referential certificate of origin (C/O) in the Agreements of free trade region, Agreements of all-sided economic partner and Agreements with two or more parties providing the tariff reduction between Vietnam with one or more countries or territories.

Article 2. Subjects of application

This Circular applies to the organization that is authorized by the Ministry of Industry and Trade to issue referential C/O, traders and relative organizations, individuals.

Article 3. Interpretation of terms

1. Referential C/O referred in this Circular means type of C/O is provided in the Agreements of free trade region, Agreements of all-sided economic partner and Agreements with two or more parties providing the tariff reduction between Vietnam with one or more countries or territories.
2. Organizations of issuing referential C/O of Vietnam (herein abbreviated as Organization of issuing C/O) mean the one provided in the relative Circulars on original principle.
3. Persons requesting for referential C/O issuance (herein abbreviated as applicants for C/O) include exporters, manufacturers, legal authorized representatives of exporters, manufacturers.
4. The eCOs means the system of electronic original certification management of Vietnam with website address at: <http://www.ecosys.gov.vn>.

Article 4. Goods are issued referential C/O

Goods are issued referential C/O mean the one meeting provisions on C/O in the relative legal documents issued by the Ministry of Industry and Trade.

Article 5. Responsibility of applicants for C/O

Applicants for C/O is responsible for:

1. Registering trader dossier with the organization of issuing C/O;
2. Applying dossier requesting for C/O to the organization of issuing C/O;
3. Evidencing that exporting goods meet provisions on C/O and creating convenient conditions to the Organization of issuing C/O in the verification of the origin;
4. Taking responsibility before law for the accuracy, faithfulness for the declarations and original verification, including the cases to be authorized by exporters;
5. Promptly reporting to the Organization of issuing C/O of Vietnam at the place in which traders requested for C/O on the C/Os issued by them but rejected by importing countries (if any);
6. Cooperating with and creating conditions to the Organization of issuing C/O to examine in reality at the units of raising, planting, reaping and producing exporting goods;
7. Evidencing the accuracy of origin of exporting goods at the requirement of the Ministry of Industry and Trade, the Organization of issuing C/O, domestic customs agencies and customs agencies of exporting countries.

Article 6. Responsibility of the Organization of issuing C/O

The Organization of issuing C/O is responsible for:

1. Guiding applicants for C/O if being requested;
2. Receiving, examining trader dossier and dossier requesting for C/O;
3. Verifying the original reality of goods if necessary;
4. Issuing C/O when goods satisfy provisions on origin referred in the relative legal documents;
5. Sending specimen signatures of persons who are authorized to sign C/O and seal of the Organization of issuing C/O to the Ministry of Industry and Trade (Export-Import Department) according to provisions of the Ministry of Industry and Trade in order to register with the competent agencies of importing countries;
6. Handling complaints relating to the C/O issuance according to its powers;
7. Reconfirming the origin of importing goods at the request of competent agencies of importing countries;
8. Communicating information relating to the C/O issuance with other organizations of issuing C/O;
9. Implementing regime of report, taking part in all professional and skill training classes of origin and other requirements according to provisions of the Ministry of Industry and Trade.

Chapter II

TRADER DOSSIER AND DOSSIER REQUESTING FOR C/O

Article 7. Registration of trader dossier

1. Applicants for C/O must register trader dossier with the Organization of issuing C/O when requesting for so for the first time and shall be considered only when trader dossier registered.
2. Trader dossier shall be handed in directly or by post to head office of the Organization of issuing C/O.
3. Trader dossier comprises:
 - a) Registration of specimen signatures of authorized persons to sign in the application form for C/O, sign C/O and seal sample of trader (Annex 1);
 - b) Certified true copy of business registration certificate of trader;
 - c) Certified true copy of certificate of tax code registration (if any);
 - d) List of units of manufacturing goods (if any) request for C/O (Annex 2).
4. Any change to trader dossier must be notified to the Organization of issuing C/O in which registered before requesting for C/O. In case there is not any change, trader dossier must also updated twice (02) per year.

Article 8. Changing place of issuing C/O

1. If trader would like to be issued C/O at the place where is different from the one previously registered trader dossier due to force majeurs or legitimate reason, applicants for C/O must register trader dossier and hand in the following dossier to the Organization of issuing new C/O:
 - a) Letter dispatch requesting for C/O at the Organization of issuing new C/O;
 - b) Written confirmation or the printing of notification on the eCOsys of the Organization of issuing previous C/O for the matter that trader is no longer owning such Organization any documents from the times of being issued previous C/O, without committing violation of provisions of this Circular within 06 months forward since the date of having written request for changing place of issuing C/O.
2. Legitimate reasons for being requested to issue C/O at the place where is different from the one registered previous trader dossier, include:
 - a) Convenience for traders to export goods;
 - b) Other appropriate reasons supplied by traders.

Article 9. Dossier requesting for C/O issuance

1. For the enterprises manufacturing and exporting fixed products and handed in set of previous detail dossier referred in clause 2 of This Article, dossier requesting for C/O comprises:
 - a) Written request for C/O which is declared completely and regularly (Annex 3);
 - b) Correlative C/O form declared completely;
 - c) A copy of customs declarations completed customs formalities (with seal of certified true copy of enterprise). The cases that exporting goods must not make customs declarations under regulations of law shall not hand in the copy of customs declarations;
 - d) A copy of trading invoice (with seal of certified true copy of trader);

đ) A copy of bill of lading or a copy of correlative lading document (with seal of certified true copy of traders) if traders have not got bill of lading (B/L). In case of issuing back-to-back C/O to the whole or part of goods lot from free duty zone into domestic market, such documents may not be compelled to hand in if traders have not got in reality;

e) Detailed calculation of regional value content (for the criterion of regional value content) or detailed statements of the HS of the input and the HS of the output (for criteria of conversion of goods code or the criteria for specific processing)

In case there is not a copy of customs declarations completed customs formalities and B/L (document corresponding to B/L), applicants for C/O may be owned such documents but not exceed 15 working days since the date of being issued C/O.

2. For traders who request for C/O for the first time or new products are exported for the first time, besides the above mentioned documents, in the necessary case, Organization of issuing C/O may examine in reality at the manufacture of trader and require the applicants to hand in more following papers, documents under forms of copy with seal of certified true copy of traders:

a) Process of producing goods;

b) Customs declarations of exporting raw material, auxiliary materials used to produce goods for export (in cases where the use of raw materials, auxiliary materials imported during the production process);

c) Purchase contract or value added invoice purchasing and selling raw materials, auxiliary materials in domestic (in cases where the use of raw materials, auxiliary materials purchased in domestic during the production process);

d) Seller's certification or certification by the local government where is producing raw materials and goods (in cases where the use of raw materials, auxiliary materials purchased in domestic during the production process) in case there is not documents referred point c clause 2 of This Article;

đ) Permission of export (if any);

e) Other necessary papers, documents.

3. HS code of goods declared on C/O is the HS code of import country. In case HS code of import country is different from HS code of the export country, trader should make the commitment to take responsibility for the accuracy of HS code of import country declared by trader.

4. Papers, documents referred in clause 2 of this Article are valid within 02 years since the date of handing in dossier to Organization of issuing C/O. After this period, traders must submit their detailed referred in clause 2 of This Article to update new information on production processes, raw materials used for producing goods and other information.

5. Traders must archive papers, documents of each exporting goods lot referred in clause 1, 2 of This Article within 03 years since the date of issuing C/O in order to show to Organization of issuing C/O for later examination on the origin of goods lots issued C/O.

6. In case traders export more new goods without filing detail dossier, traders must submit additional detailed records as provided in clause 2 of this Article for such goods.

7. The Organization of issuing C/O may require traders to provide originals of the copies referred to in clauses 1, 2 of this Article for comparison in case there are clear grounds to doubt the authenticity of the documents and must state such basis in writing, with signature of competent person to sign C/O in such written requests.

8. The Organization of issuing C/O may require traders to provide originals of the copies referred to in clauses 1, 2 of this Article for comparison randomly.

Chapter III

PROCEDURES OF REQUEST FOR C/O

Article 10. Filing dossier requesting for C/O

1. Traders who request for C/O for the first time can file trader dossier simultaneously with dossier of request for C/O.
2. Traders file directly dossier requesting for C/O or send by post to head office of the Organization of issuing C/O where traders registered its dossier.
3. Traders may select the request for C/O via the Internet according to provision in Chapter IV of this Circular.

Article 11. Receipt of dossier requesting for C/O

Upon receiving the written records of trader to send, receiving official shall be responsibility for receiving dossiers and examining records and notifying to trader one of the following contents:

1. To accept to issue C/O and time that trader will receive C/O;
2. To request for supplementing documents (stating specifying documents need to be supplemented);
3. To request for re-checking documents (stating specifying the information need to be checked if any authenticated, specific evidence used as a basis for the proposed checking);
4. To refuse issuing C/O if detecting one of the following cases:
 - a) Applicant for C/O has not conducted registration of trader dossier;
 - b) Applicant for C/O not in compliance with provision in 9;
 - c) Applicant for C/O has not filed owned documents from previous C/O issuances;
 - d) Applicant for C/O cheats of the origin from previous C/O issuances and the case has not resolved yet;
 - đ) Applicant for C/O fails to supply in full archiving dossier according to provision to evidence the origin when the Organization of issuing C/O conducts post- examination of the origin;
 - e) The dossier with conflict of contents;
 - g) C/O shall be declared in red ink, written, or erased, or faded out, or printed in different colored ink;
 - h) There are clear, legitimate grounds evidencing that goods have not got origin in accordance with the law.

Article 12. Methods of Notification, guidelines for traders

The notification and guidance to traders must be done in the fastest and most convenient way.

1. For traders who filed dossier requesting for C/O directly to the head office of the Organization of issuing C/O, such organization must notify in writing, stating clearly contents need to notify to traders as defined in Article 11 and return to the applicants for C/O.

2. For traders who filed dossier requesting for C/O by post, the Organization of issuing C/O must notify by fastest method to traders by telephone or email, stating clearly contents need to notify to traders as defined in Article 11. The notification contents by telephone must be recorded and archiving in dossier, with date, time of notification and certified signature of leader of the Organization of issuing C/O.

Article 13. Time of issuing C/O

1. Except for cases as provided in clause 2 and 3 this Article, C/O is issued for a period as follows:

- Not more than four hours from the time that the C/O applicants apply complete and regular dossier in case of exporting by air traffic;
- Not more than eight hours from the time that the C/O applicants apply complete and regular dossier in case of exporting by other means;
- For the cases traders filed dossier by post, time to issue C/O is one working day since the date of receipt written on the envelope.

2. In case traders commit violations of the origin of goods in the period of 6 months since the date of handling violations, the Organization of issuing C/O lists publicly these traders at the issuance place. Time for issuing C/O for these traders is 3 working days since the date of applying complete and regular dossier. After 6 months from the date of handling violations, if the trader has no act of violations of origin, the Organization of issuing C/O will review and delete traders' names from the list of violations. Traders who are deleted from the list of violations will be applied the time of issuing C/O specified in Clause 1 of this Article.

3. The Organization of issuing C/O can conduct to examine at the manufacture in case there are clear grounds that the examination based on dossier is not sufficient for issuing C/O or detecting signs of law violations for the C/O previously issued. When setting up the inspection team at the manufacture of trader, The Organization of issuing C/O must send a written request to trader requesting for examination and send a copy to the Ministry of Trade and Industry (Import and Export Department).

Inspectors of the Organization of issuing C/O will make a minute on the results of the examination and require the applicant and/or the exporters to co-sign in the minute.

In case the applicant and/or the exporters refuse to sign, the inspectors must state clearly such refusal reason and sign in the minute.

Time limit for the issuance of C/O in this case not exceed 5 working days since the date the applicant submits a complete and regular dossier.

4. During the review process for C/O issuance, if detecting that goods do not meet the origin or the dossier is invalid, the Organization of issuing C/O notifies to applicant according to clause 2 and 3 Article 11.

5. Verification time limit must not obstruct the delivery to or payment by the exporter, except for the fault of the exporter.

Article 14. Withdrawal of issued C/O

The Organization of issuing C/O withdraws issued C/O in the following cases:

1. The exporters, applicants for C/O issuance forged documents.
2. Issued C/O is not appropriate with provisions on the origin.
3. Traders requesting for C/O notify in writing to request for canceling the issued C/O.

Chapter IV

DECLARATION OF DOSSIER REQUESTING FOR C/O VIA THE INTERNET

Article 15. Registration of requesting for C/O via the Internet

1. Traders declare dossier requesting for C/O via the Internet is responsible for computer equipment, peripheral devices, Internet connection, equipping and installing the other necessary technical equipment under Ministry of Trade and Industry's regulations before declaring dossier requesting for C/O via the Internet.

2. To make the implementation of the declaration of dossier requesting for C/O via the Internet, traders contact with e-Commerce and Information Technology Agency at the address for detailed instructions at:

- 25, Ngo Quyen Street, Hoan Kiem, Hanoi

- Tel: 04.22205395

- Fax: 04.22205397

- Email: trungtt@moit.gov.vn

Article 16. Declaration of dossier requesting for C/O via the Internet

1. Traders make the declaration of data as required by the eCOSys at www.ecosys.gov.vn electronic information website based on available, factual information, on dossier requesting for C/O. Traders conduct electronic signatures and transmit this data to the Organization of issuing C/O.

2. Within one working day since the date of receiving electronic data transmitted by traders, the Organization of issuing C/O reviews information of electronic declaration of traders and informs to the traders of the results of reviewing this information through the Internet at the website www.ecosys.gov.vn. Notice is in one of the following two cases:

a) To agree to issue C/O in the case of declared electronic information in compliance with current regulations;

b) To require traders to conduct the amendments and supplements of information via the Internet. Such requirement of amendments or supplements should state clearly the specific reasons that the Organization of issuing C/O does not accept the traders' declaration, and concurrently, state clearly the specify requirements to amend for trader based on it to amend its declaration on the eCOSys and re-transmit the data of amendments and supplements to the

Organization of issuing C/O. The Organization of issuing C/O shall inform to consent to issue C/O only when the electronic information declared is regular.

3. After receiving the notification by the Organization of issuing C/O that they agree to issue C/O via the Internet, traders submit a set of dossier requesting for C/O at the Organization of issuing C/O. The application can be carried out directly or by post.

4. After receiving dossier, receiving official of the Organization of issuing C/O implement according to provisions in Article 11, Article 12, Article 13 (clause 2, clause 3, and clause 4) and Article 14.

5. During the process of reviewing paper records, if detecting that it is false or irregular, the Organization of issuing C/O shall require traders to amend and supplement. Time for issuing C/O shall be calculated from the time of receiving the documents revised and supplemented fully and regularly.

Article 17. Time for issuing C/O as traders implement the declaration via the Internet

1. Dossier requesting for C/O declared via Internet system shall be considered to solve before the one that sent directly or by post to the Organization of issuing C/O.

2. Dossier requesting for C/O declared via Internet system shall be issued in a soonest period, the latest is not exceed 4 working hours since the Organization of issuing C/O has received paper records fully and regularly according to current regulations.

Chapter V

COMPLAINTS AND DENUNCIATIONS

Article 18. Complaints

1. In case of disagreement with the non-issuance of C/O or requirement of modification, supplementation of the Organization of issuing C/O, applicants are entitled to complaint to the Organization of issuing C/O or complaint to the Ministry of Industry and Trade.

2. Procedures for settling complaints shall be implemented according to Law on Complaint and Denunciation.

Article 19. Denunciation

1. Applicants for C/O are entitled to denunciate C/O issuance official to the Ministry of Industry and Trade when such official has one of the following acts:

a) Having attitude of harassment, annoyance, causing difficulties, prolong the time of issuing C/O;

b) Requiring for giving additional money or suggesting for so out of C/O issuance fee (if any), money for C/O form according to regulations of the State;

c) Guiding false compared to provision on relative referential original principle;

d) The acts of other violations of law in relating to C/O issuance.

2. Procedures for settling denunciation shall be implemented according to Law on Complaint and Denunciation.

Chapter VI

ORGANIZATION OF OPERATION OF ISSUING C/O

Article 20. Office, equipment of the Organization of issuing C/O

1. Office of the Organization of issuing C/O is designed into a separate area for official and waiting space for applicants for C/O.
2. The Organization of issuing C/O must equip computer connecting with the Internet, eCOSys, in which equips at least one desktop enabling traders to type at sight data at the requirement via eCOSys at website the Organization of issuing C/O www.ecosys.gov.vn on the basis of the authentic, available information on dossier requesting for C/O.
3. Trader dossier, dossier requesting for C/O must be archived according to year, month. This archive must ensure scientifically, clearly, create convenient to later examination.

Article 21. Ability, attitude of official working in the Organization of issuing C/O

1. Officials working in the Organization of issuing C/O must have professional and skill, knowledge of original principle, foreign language level enough for meeting requirement of C/O issuance and examination of origin.
2. Attitudes of officials working in the Organization of issuing C/O must be enthusiastic, fun, nature of trader service. The instructions of the officials need detailed, clear, complete, comprehensive and ensure that the applicants for C/O can understand and implement the request of C/O issuance quickly, easily.

Article 22. Making list publicly the process of C/O issuance

The Organization of issuing C/O must make list publicly the process for C/O issuance at the headquarters of the Organization clearly, conveniently enabling the applicants for C/O and concerned organizations, individuals may review, reference.

Chapter VII

STATE MANAGEMENT OF C/O ISSUANCE OPERATION

Article 23. Competence of C/O issuance

Only Head or Deputy Head of the Organization of issuing C/O who has completed the registration procedures of the specimen signatures with the Ministry of Industry and Trade and the Ministry of Industry registered such specimen signatures with the competent agencies of the importing countries is competent to sign for issuing C/O.

Article 24. Contact point agency of state management on C/O issuance operation

Department of Import and Export is contact point agency of state management on C/O issuance operation under the Ministry of Industry and Trade implementing the following tasks:

1. To guide the implementation and supervise the C/O issuance, regularly organizes professional training classes of origin to the Organization of issuing C/O, the officials working in the Organization of issuing C/O and concerned traders.
2. Implementation of procedures for registration of the specimen signatures of competent persons to sign for granting C/O and seal forms of the Organization of issuing C/O of Vietnam to the member countries in corresponding free trade regional agreements.
3. To print referential C/O form and issue for the Organizations of issuing C/O.

4. To help the Minister of Industry and Trade to solve matters relating to management, issuance, examination of C/O, complaints, denunciations, disputes on C/O and relative matters.

Article 25. Regime of report

1. The Organization of issuing C/O must conduct regime of updating data of C/O issuance via eCOSys daily with full information need to be declared according to provision in the application for C/O.

2. The Organization of issuing C/O that has not connected eCOSys must deploy the connection of eCOSys with e- Commerce and Information Technology Agency under the Ministry of Industry and Trade within 2 months since the date of being authorized to issue C/O. During the incomplete connection of eCOSys, the Organization of issuing C/O must make monthly reports in writing and by e-mail reports (submitted in Excel data). The report must be submitted to the Ministry of Industry and Trade not later than the 5th day of next month, calculated according to the postmark or date of sending email according to form provided in Annex 4.

3. The Organization of issuing C/O commits violation of regulations on reporting regime referred to in clause 1, clause 2 This Article to the third time will be suspended from the C/O issuance and publicized on the website of the Ministry of Industry and Trade at www.moit.gov.vn. After a period of at least 6 months, the Ministry of Industry and Trade will review the re-authorization to the Organization of issuing C/O suspended from the C/O issuance on the basis of the proposal and explanation of such organization.

Article 26. Handling of violations

Traders who have acts of violation during the course of dossier application for C/O shall be handled under regulations of law.

Article 27. Implementation provisions

1. This Circular takes effect on May 04, 2011.

2. The contents on procedures for C/O issuance in this Circular shall replace the correlative contents on procedures for C/O issuance in the concerned Circulars of origin.

3. This Circular shall be publicized on:

a) Website of the Ministry of Industry and Trade: www.moit.gov.vn;

b) Website requesting for C/O via the Internet of the Ministry of Industry and Trade at: www.ecosys.gov.vn; and

c) Making list publicly at head office of the Organization of issuing C/O.

4. The Organizations of issuing C/O is responsibility for guiding, explaining specifying, clearly provisions in this Circular to Traders.

5. In case having difficulties during the course of implementation, traders, the Organizations of issuing C/O and relative organizations, individuals contact to the following address for being solved: the Ministry of Industry and Trade

Address: 54, Hai Ba Trung Street, Hoan Kiem District, Hanoi

Tel: 04.22205444

Email: co@moit.gov.vn./.

**FOR THE MINISTER
DEPUTY MINISTER**

Nguyen Thanh Bien