

**PRIME MINISTER**

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**SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom – Happiness**

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No.: 33/2016/QĐ-TTg

*Hanoi, August 19, 2016*

**DECISION**

**PROMULGATION OF THE STATUTE ON PROVISION AND USE OF E-CUSTOMS  
DECLARATION INFORMATION**

*Pursuant to the Law on organization of the government dated June 19, 2015;*

*Pursuant to the Law on electronic transactions dated November 29, 2005;*

*Pursuant to the Law on information technology dated June 29, 2006;*

*Pursuant to the Law on customs dated June 23, 2014;*

*Pursuant to the Government's Decree No. 08/2015/ND-CP dated January 21, 2015 detailing and guiding the enforcement of the Law on customs with regard to customs procedures, examination, supervision and control procedures;*

*At the request of Minister of Finance;*

*Prime Minister decides to promulgate the statute on provision and use of e-customs declaration information.*

**Article 1.** This Decision is enclosed with the statute on provision and use of e-customs declaration information.

**Article 2.** This Decision takes effect as of October 15, 2016.

**Article 3.** Ministers, Heads of ministerial-level agencies, Heads of the Government's affiliates, Chairpersons of People's Committees of central-affiliated cities or provinces, and relevant agencies and entities shall implement this Decision./.

**PRIME MINISTER**

**Nguyen Xuan Phuc**

## **STATUTE**

### **ON PROVISION AND USE OF E-CUSTOMS DECLARATION INFORMATION** *(Enclosed to Decision No. 33/2016/QĐ-TTg dated August 19, 2016 by Prime Minister)*

#### **Chapter I**

#### **GENERAL PROVISIONS**

##### **Article 1. Scope**

This Statute provides for the provision and use of e-customs declaration information to carry out procedures for taxation, certification of commodity origin, payment made at banks and other administrative procedures, and serve as evidence to show the legality of commodities sold in the market.

##### **Article 2. Regulated entities**

This Statute applies to:

1. Information provider: General Department of Customs.
2. Information users:
  - a) Regulatory bodies that use e-customs declaration information to carry out procedures for taxation, issuance of certificates of origin, and other administrative procedures, and check the legality of commodities sold in the market;
  - b) Credit institutions that use e-customs declaration information to carry out procedures for taxation and payment made at banks;
  - c) Organizations issuing certificates of origin under the authorization of Ministry of Industry and Trade.

##### **Article 3. Interpretation of terms**

In this Statute, these terms are construed as follows:

1. “Inspecting authorities” include tax agencies, customs agencies, market surveillance units, police agencies, border defense forces, coast guard forces and other units or individuals competent to conduct inspections of entities importing, exporting and selling commodities in the market in accordance with the laws.

2. “E-customs declaration information portal” (hereinafter referred to as customs information portal) is an information system of General Department of Customs functioned to provide e-customs declaration information and manage the provision thereof.

#### **Article 4. Principles to provide and use e-customs declaration information**

1. E-customs declaration information must be provided in a sufficient, accurate and timely manner to proper entities.
2. E-customs declaration information must be properly used to serve professional activities according to functions and tasks of information users. The use of such information must also comply with laws on protection of national secrets.

### **Chapter II**

#### **SPECIFIC PROVISIONS**

##### **Section 1. PROVISION AND USE OF E-CUSTOMS DECLARATION INFORMATION**

#### **Article 5. Forms of provision and use of e-customs declaration information**

1. Information users shall access the customs information portal by using accounts granted by the General Department of Customs to use e-customs declaration information under the form of electronic records.
2. Information users may connect their information systems with the customs information portal to use e-customs declaration information under the form of electronic records.
3. Inspection agencies shall use e-customs declaration information under the form of messages sent by the General Department of Customs to their official telephone numbers.

#### **Article 6. Contents of provided e-customs declaration information**

1. Contents of provided e-customs declaration information are defined in Annex I enclosed with this Statute.
2. Apart from contents of provided information mentioned in Clause 1 of this article, information users may, according to the list of information items required in e-customs declarations for imported/exported goods as referred to by applicable laws, request the General Department of Customs to supplement information items that must be provided in conformity with administrative requirements of each agency. Procedures for requesting additional contents of provided e-customs declaration information are specified in Clause 2 Article 9 of this Statute.
3. E-customs declaration information shall be provided under the forms of electronic records and electronic data and certified by digital signature of General Department of Customs.

4. Information of customs declarations for goods imported to serve national defense and security purpose shall only be provided with the written approval by competent authorities.

#### **Article 7. Time limit for provision of e-customs declaration information**

Within 01 minute as of the receipt of a request, the following contents shall be sent to information users from the customs information portal:

1. E-customs declaration information; or
2. Notice of system errors or no e-customs declaration information found.

#### **Article 8. Information users' facilities to receive e-customs declaration information**

1. Based on information technology infrastructure facilities, information users shall actively upgrade, build and develop their information systems as well as coordinate with the General Department of Customs to connect information systems for providing/receiving and using e-customs declaration information.
2. In order to connect to the customs information portal, information users must have information systems to receive e-customs declaration information that:
  - a) have digital signatures in effect as regulated by laws;
  - b) encrypt transmission lines;
  - c) ensure information security as regulated by laws; and
  - d) comply with specifications announced by the General Department of Customs, including information items, data format, forms of connection and information exchange frequency.

#### **Article 9. Registration of use of e-customs declaration information**

1. An information user must assign a unit in charge of registering the use of e-customs declaration information (hereinafter referred to as "applicant") and send a notice thereof to the General Department of Customs. The assignment of applicant shall be conducted according to the following principles:
  - a) Ministries and ministerial-level agencies: Applicant shall be an administrative unit affiliated to that ministry/ministerial-level agency.
  - b) Credit institutions: Applicant shall be a professional unit located at the head office of that credit institution.
  - c) Organizations issuing certificates of origin under the authorization of Ministry of Industry and Trade:

- Vietnam Chamber of Commerce and Industry: Applicant shall be a professional unit located at its head office.

- Other organizations shall carry out the registration of use of e-customs declaration information via the applicant of Ministry of Industry and Trade.

2. Sending request from the applicant of an information user to the General Department of Customs and vice versa to serve the registration of use of e-customs declaration information shall be carried out by adopting any of two following methods:

a) Send paper documents by hand or by post to the head office of document-receiving party;

b) Send electronic documents by using a digital signature in effect as referred to by laws to the e-mail address announced by the document-receiving party or by online service provided by the document-receiving party.

3. Procedures for requesting additional contents of provided e-customs declaration information:

a) The applicant of an information user must send 01 original request to the General Department of Customs by using the Form No. 01 stated in Annex II enclosed to this Statute to request for additional contents of provided e-customs declaration information;

b) Within 02 working days from the receipt of request, General Department of Customs shall provide additional contents of e-customs declaration information as requested and inform the applicant of the information user in writing, including reasons of rejected information items.

4. Procedures for registration, extension and revocation of accounts to access to the customs information portal (hereinafter referred to as “accounts”):

a) The applicant of an information user must send 01 original request to the General Department of Customs by using the Form No. 02 stated in Annex II enclosed to this Statute to apply for registration or extension or revocation of an account;

b) Within 02 working days from the receipt of request, General Department of Customs shall provide account or extend the use period of an existing account or revoke an account, and inform the information user of the following contents:

- Inform result to the applicant of the information user in writing, including reasons to reject a request for registration of account or extension of account;

- With regard to new accounts: Inform the account information to each individual who request for registration of account by sending email or message to email addresses and telephone numbers officially announced by the General Department of Customs.

5. Procedures for registration, extension and revocation of use of messaging form:

a) The applicant of an inspection agency must send 01 original request for registration or extension or revocation of use of messaging form to the General Department of Customs by using the Form No. 03 stated in Annex II enclosed to this Statute;

b) Within 02 working days from the receipt of request, the General Department of Customs shall handle the request for registration or extension or revocation o use of messaging form and inform result thereof to the inspection agency's applicant in writing, including reasons to reject a request for registration or extension or revocation o use of messaging form.

6. Regulations on period for use of account and that of messaging form (hereinafter referred to as the use period):

a) Registration or extension of a use period: The use period shall be 24 months or as requested by the information user provided that it shall not exceed 24 months;

b) The use period shall be commenced from the date on which the General Department of Customs sends a written notice of result of registration or extension of the use period to the applicant of the information user;

c) For 30 days before ending a use period, the General Department of Customs shall inform each individual who register the use of account or messaging form of the upcoming ending of use period. That notice may be sent under the forms of email or message from email addresses and telephone numbers officially announced by the General Department of Customs.

7. Regulations on the revocation of account or use of messaging form:

a) The General Department of Customs shall carry out the revocation of account or use of messaging form in the following cases:

- When receiving a request for revocation from the information user's applicant; or
- When the use period is over; or
- An account or mobile phone number is not used for searching information within 06 months from the issued date; or
- The use of e-customs declaration information fails to comply with the principles mentioned in Clause 2 Article 4 of this Statue and other relevant laws.

b) The information user's applicant must be informed of revocation of account or use of messaging form in writing. The use of an account or the messaging form shall be officially terminated from the date when a written notice of revocation of account or use of messaging form is prepared.

8. Procedures for registration of connection or disconnection between the information user's information system and the customs information portal:

a) The applicant of an information user must send 01 original request to the General Department of Customs by using the Form No. 04 stated in Annex II enclosed to this Statute to request for connection or disconnection between its information system and the customs information portal;

b) Within 03 working days from the receipt of request, the General Department of Customs shall send a written notice to the information user's applicant of accepting or rejecting the information user's request. If a request is rejected, reasons must be included in that written notice.

c) If a request for connection is accepted: Within 10 working days from the date on which a written notice thereof is sent, the General Department of Customs shall appoint a survey team to inspect the location and facilities relating to the information system of the information user to ensure the satisfaction of requirements in Clause 2 Article 8 of this Statute.

- If the survey team comes to a conclusion that the information user's information system meets requirements in Clause 2 Article 8 of this Statute, the General Department of Customs shall, within 10 working days, send a written notice to the information user to inform its eligibility for connection and request for cooperation during the connection between its information system and the customs information portal to receive e-customs declaration information.

- If the survey team comes to a conclusion that the information user's information system fails to meet requirements in Clause 2 Article 8 of this Statute, the General Department of Customs shall, within 10 working days, send a written notice to the information user to inform that the information user is not eligible to connect its information system to the customs information portal.

d) If a request for disconnection is accepted: Within 10 working days from the date on which a written notice thereof is sent, the General Department of Customs shall coordinate with the information user to disconnect its system from the customs information portal.

9. Regulations on disconnection between the information user's information system and the customs information portal:

a) The General Department of Customs shall disconnect its system from the information user's information system in the following cases:

- When receiving a request for disconnection from the information user's applicant; or

- E-customs declaration information is used not for purposes regulated in Article 4 of this Statute and other relevant laws.

b) The General Department of Customs must send a written notice to the information user to inform the disconnection between its information system and the customs information portal for 05 working days before the official disconnection.

## **Section 2. RESPONSIBILITIES OF PARTIES CONCERNED**

## **Article 10. Responsibilities of General Department of Customs**

1. Provide e-customs declaration information and ensure its integrity as referred to in this Statue and other relevant laws.
2. Build, develop and manage the operation of customs information portal. To be specific:
  - a) Build and put in to use the customs information portal within 06 months as of the effective date of this Decision;
  - b) Ensure infrastructure facilities to meet operation demand and period for provision of e-customs declaration information;
  - c) Ensure the uninterrupted and stable operation of the customs information portal, and information security;
  - d) Lead the provision of instructions and assistance to operate information systems of the customs information portal.
3. Manage the registration of use of e-customs declaration information by information users.
4. Announce e-mail address and telephone number in service of provision of e-customs declaration information.
5. Formulate and announce specifications to connect to the customs information portal.

## **Article 11. Responsibilities of information users**

1. Prepare appropriate technical facilities and equipment to receive and use e-customs declaration information.
2. Use e-customs declaration information according to the principles mentioned in Clause 2 Article 4 of this Statue and other relevant laws.
3. Manage and keep secret of information about granted accounts for accessing to the customs information portal.
4. Build, develop and operate systems for receiving e-customs declaration information which must meet requirements mentioned in Clause 2 Article 8 of this Statue.

## **Chapter III**

### **IMPLEMENTATION**

## **Article 12. Responsibility for implementation**



1. Ministry of Finance:

- a) Take charge and coordinate with relevant ministries and agencies to implement this Statute;
- b) Monitor and sum up the implementation of this Statute; report to Prime Minister to make amendments and/or supplements to this Statute, if necessary.

2. Ministries and agencies:

- a) Relevant ministries and agencies shall organize and instruct their affiliates to implement relevant contents of this Statute;
- b) Ministry of Public Security and Ministry of National Defence shall coordinate with Ministry of Finance (General Department of Customs) to check and make an agreement on the scope and contents of information provision, and entities eligible to use information contained in e-customs declarations for imported goods to serve national defense and security purposes;
- c) Difficulties that arise during the implementation of this Statute should be reported to the Ministry of Finance (General Department of Customs) for aggregating and reporting to the Prime Minister.

**Article 13. Funding**

Funding for provision and use of e-customs declaration information by regulatory bodies as referred to in this Statute shall be derived from state budget on the basis of approved annual estimates for expenditures allocated to ministries/regulatory bodies as regulated by prevailing laws./.

**ANNEX I**

**PROVIDED E-CUSTOMS DECLARATION INFORMATION CONTENTS**  
(Enclosed to the Statute on provision and use of e-customs declaration information promulgated under Decision No. 33/2016/QĐ-TTg dated August 19, 2016 by Prime Minister)

1. Information provided by messaging form

No.	Information	Description, notes
1	Declaration number	
2	Type's code	Type of import/ export
3	Customs agency	Code of Sub-department of Customs where the customs declaration is registered
4	Date of registration of customs	

	declaration	
5	Code of importer/ exporter	Tax identification number of importer (import declarations) or that of exporter (export declarations)
6	Status of customs declaration	
7	Quantity of packages/ codes for types of packages	Total packages/measurement unit

## 2. Other forms

### a) Information provided to regulatory bodies

No.	Information	Description, notes
1	Declaration number	
2	Type's code	Type of import/ export
3	Customs agency	Code of Sub-department of Customs where the customs declaration is registered
4	Date of registration of customs declaration	
5	Code of importer/ exporter	Tax identification number of importer (import declarations) or that of exporter (export declarations)
6	Name of importer/ exporter	Name of importer in import declarations/ Name of exporter in export declarations
7	Status of customs declaration	
8	License number	If import/ export license is required
9	Description of goods	Name, description, specifications and composition of goods, model, sign/notation, features, uses of goods as defined in commercial contract and other documents relating to the shipment.
10	HS code	HS code defined in the List of imported/exported goods of Vietnam, preferential import and export tariff, and preferential import tariffs adopted by Ministry of Finance.
11	Code of country of origin	Code of country/territory where goods are manufactured (produced)
12	Quantity/ unit	Weight of goods at each line/ unit
14	Amounts of taxes paid by type	
13	Other records	In case goods are subject to sectorial inspection: registration number for inspection previously

		granted by a professional regulatory authority to the enterprise
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b) Information provided to credit institutions

No.	Information	Description, notes
1	Declaration number	
2	Type's code	Type of import/ export
3	Customs agency	Code of Sub-department of Customs where the customs declaration is registered
4	Date of registration of customs declaration	
5	Code of importer/ exporter	Tax identification number of importer (import declarations) or that of exporter (export declarations)
6	Name of importer/ exporter	Name of importer in import declaration/ Name of exporter in export declaration
7	Status of customs declaration	
8	Description of cargo	Name, description, specifications and composition of goods, model, sign/notation, features, uses of goods as defined in commercial contract and other documents relating to the shipment.
9	Invoice value/ code of currency	Invoice value for each line of goods/ code of currency
10	Amounts of taxes payable by type	

c) Information provided to organizations issuing certificates of origin under the authorization of Ministry of Industry and Trade

No.	Information items	Description, notes
1	Declaration number	
2	Type's code	Type of import/ export
3	Customs agency	Code of Sub-department of Customs where the customs declaration is registered
4	Date of registration of customs declaration	
5	Code of importer/ exporter	Tax identification number of importer (import declarations) or that of exporter (export declarations)

6	Name of importer/ exporter	Name of importer in import declaration/ Name of exporter in export declaration
7	Status of customs declaration	
8	Description of cargo	Name, description, specifications and composition of goods, model, sign/notation, features, uses of goods as defined in commercial contract and other documents relating to the shipment.
9	HS code	HS code defined in the List of imported/exported goods of Vietnam, preferential import and export tariff, and preferential import tariffs adopted by Ministry of Finance.
10	Quantity/ unit	Weight of goods at each line/ measurement unit
11	Code of country of origin	Code of country/territory where goods are manufactured (produced)