

**THE MINISTRY OF  
AGRICULTURE AND RURAL  
DEVELOPMENT**

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No. 63/2010/TT-BNNPTNT

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

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*Hanoi, November 01, 2010*

**CIRCULAR**

**PROVIDING CERTIFICATES OF FREE SALE FOR EXPORTS AND IMPORTS UNDER  
THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT'S MANAGEMENT**

*Pursuant to the Government's Decree No. 01/ 2008/ND-CP of January 3, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development; and the Government's Decree No. 75/2009/ND-CP of September .10. 2009, amending Article 3 of the Government's Decree No. 01/200S/ND-CP of January 3, 2008;  
Pursuant to the November 21, 2007 Law on Product and Goods Quality;  
Pursuant to the Government's Decree No. 132/2008/ND-CP of December 31. 2008, detailing a number of articles of the Law un Product and Goods Quality;  
Pursuant to the June 29, 2006 Law on Standards and Technical Regulations;  
Pursuant to the Government's Decree. No. 127/2007/ND-CP of August 1, 2007, detailing a number of articles of the Law on Standards and Technical Regulations;  
Pursuant to the Prime Minister's Decision No. 10/2010/QD-TTg of February 10, 2010, providing certificates of five sale for exports and imports;  
The. Ministry of Agriculture and Rural Development provides certificates of free sale for exports and. imports under the Ministry of Agriculture and Rural Development's management as follows:*

**Chapter 1**

**GENERAL PROVISIONS**

**Article 1. Scope of regulation**

This Circular provides the grant of certificates of free sale (CFS) for products and goods domestically made for export and the management of CFS for products and goods imported for sale in Vietnam, which are managed by the Ministry of Agriculture and Rural Development.

**Article 2. Subjects of application**

This Circular applies to state management agencies, traders and manufacturers of products and goods, and organizations and individuals engaged in activities related to product and goods quality in Vietnam, which arc managed by the Ministry of Agriculture and Rural Development.

**Article 3. Competence to manage CFS of imports and grant CFS of exports**

1. The competence to manage CFS of imports and grant CFS of exports is specified in Appendix I to this Circular.
2. Competent agencies specified in Clause 1 of this Article shall clearly announce places for registering trader dossiers; granting CFS of exports and inspecting CFS of imports.

**Chapter II**

## **GRANT OF CERTIFICATES OF FREE SALE FOR EXPORTS**

### **Article 4. Conditions for products and goods to obtain CFS**

Products and goods domestically made for export may be granted CFS when satisfying the following conditions:

1. Such grant is requested by exporters.
2. Their standard or regulation conformity announcement is certified under current law.
3. Such grant is requested by the importing country's agency in charge of CFS grant (under the importing country's regulations, if any).

### **Article 5. Registration of CFS grant**

1. Registration order:

a/ Trader dossiers are registered at an agency competent to grant CFS under Article 9 of the Prime Minister's Decision No. 10/2010/QĐ-TTg of February 10, 2010.

b/ Traders submit CFS application dossiers to an agency competent to grant CFS.

2. A CFS application dossier comprises:

a/ An application for a CFS which is made completely and properly (according to the form provided in Appendix II a to this Circular, not printed herein).

b/ A certified true copy of the lawful written certification of the standard or regulation conformity announcement.

c/ Written request of a competent agency of the importing country (if any).

3. Dossier submission:

A CFS applicant shall submit a dossier to an agency competent to grant CFS directly or by post.

### **Article 6. Dossier verification and CFS grant**

1. For an incomplete or invalid dossier:

a/ For a dossier sent by post: Within 2 working days after receiving the CFS application dossier, an agency competent to grant CFS shall notify in writing the CFS applicant of the dossier's contents to be modified, supplemented and completed.

b/ For a dossier submitted directly: The civil servant receiving the dossier shall examine the dossier's validity. When it is incomplete or invalid, he/she shall return the dossier and guide the applicant in supplementing and completing the dossier.

2. For a complete and valid dossier under Article 5 of this Circular:

a/ The civil servant receiving the dossier shall produce a dossier receipt slip (if the dossier is submitted directly).

b/ Within 5 working days after receiving a CFS application dossier, an agency competent to grant CFS shall grant a CFS (made according to the form provided in Appendix III to this Circular, not printed herein, or as required by the importing country)- A CFS is valid for 2 years at most from the date of its grant.

3. When a product or goods fails to meet the conditions to obtain a CFS under Article 4 of this Circular, an agency competent to grant CFS shall make a written notice to the CFS applicant clearly stating the reason.

4. When finding that examination of the dossier does not provide sufficient grounds for granting a CFS or when detecting violations of previously granted CFS, an agency competent to grant CFS may conduct examination at the place of manufacture or designate a capable conformity assessment institution to conduct examination. Examination expenses shall be paid by the CFS applicant.

### **Article 7. Re-grant of CFS**

1. Conditions for CFS re-grant:

A CFS is re-granted when:

a/ The original CFS remains valid but is lost or missing;

b/ The original CFS remains valid but is damaged and no longer usable;

c/ The CFS is detected to contain errors made by the CFS applicant or the agency competent to grant CFS.

In the cases defined at Points b and c of this Clause, the original CFS must be recalled when a new CFS is granted.

2. Re-grant procedures:

a/ An applicant submits an application for re-grant of a CFS (made according to the form provided in Appendix II, b to this Circular, not printed herein) to an agency competent to grant CFS.

b/ The agency competent to grant CFS notifies the trader of the re-grant of a CFS when detecting a CFS's errors due to its fault.

3. Dossier verification and CFS re-grant:

a/ Within 4 working days after receiving an application for re-grant of a CFS, an agency competent to grant CFS shall consider and compare it, with the original dossier filed at its office and:

- Grant a certified true copy of the CFS, for the cases specified at Points a and b, Clause 1 of this Article. This copy must contain the phrase "certified true copy", date of grant and validity based on the original CFS's validity.

- Grant a new CFS for the case specified at Point c. Clause I of this Article.

b/ In case of refusal, the agency competent to grant CFS shall reply the CFS applicant in writing clearly stating the reason.

### **Article 8. CFS revocation**

1. An agency competent to grant CFS shall revoke a CFS in the following cases:

a/ The cases specified in Clause 1, Article 14 of the Prime Minister's Decision No. 10/2010/ QĐ-TTg of February 10, 2010.

b/ The CFS is granted to a product or goods which fails to comply with its announced technical regulations.

2. CFS shall be revoked under Clause 2. Article 14 of the Prime Minister's Decision No.10/2010/QĐ-TTg of February 10, 2010.

### **Chapter III**

#### **MANAGEMENT OF CERTIFICATES OF FREE SALE OF IMPORTS**

##### **Article 9. Requirements on CFS of imports**

1. CFS granted by competent authorities of exporting countries or territories must contain all the information specified in Clause 2, Article 6 of the Prime Minister's Decision No.10/2010/QĐ-TTg of February 10, 2010, providing certificates of free sale for exports and imports.

2. Upon request of a competent state agency specified in Clause 1. Article 3 of this Circular, a CFS granted by an exporting country or territory must be consularly legalized under law, except cases exempt from consular legalization under treaties to which Vietnam is a contracting party.

##### **Article 10. Imports required to have CFS**

1. The list of imports required to have CFS as a basis for competent state agencies to grant import licenses or other certificates under current law is provided in Appendix IV to this Circular.

2. A CFS may be used for one or more than one lot of the same imported product as provided by competent state agencies specified in Clause 1. Article 3 of this Circular.

##### **Article 11. CFS in specification**

1. CFS is included in a dossier of application for an import license or another certificate for imports under the current law and serves as a basis for competent agencies to issue regulations on relevant procedures and management.

2. Competent agencies specified in Clause 1. Article 3 of this Circular shall inspect CFS of imports under Clause 1. Article 11 of this Circular.

3. When suspecting the truthfulness of CFS of imports or finding imports unconformable with their CFS, concerned competent state agencies shall request in writing the CFS granting agency to provide necessary information for clarification.

4. Competent state agencies may reject untruthful CFS of imports as certified by the CFS granting agency of the exporting country.

### **Chapter IV**

#### **ORGANIZATION OF IMPLEMENTATION**

##### **Article 12. Responsibilities of manufacturers, exporters and importers of products and goods**

1. To prove exports\* or imports' satisfaction of CFS requirements at the request of agencies competent to grant, inspect and manage CFS.

2. To take responsibility before current law for the accuracy and truthfulness of their declarations related to their CFS application.

3. To take responsibility before current law for the accuracy and truthfulness of CFS of imports.

4. To be inspected and examined for their declaration and use of CFS under this Circular and other relevant laws.

**Article 13. Responsibilities of agencies competent to inspect and manage CFS of imports and grant CFS of exports**

1. To assume the prime responsibility for carrying out, disseminating and guiding procedures to grant CFS for exports and manage CFS of imports under their competence provided in Article 3 of this Circular.

2. To receive and verify dossiers and grant CFS when exports meet the CFS requirements specified in Article 6 of this Circular.

3. To inspect and manage CFS of imports provided in Appendix IV to this Circular.

4. To direct and guide their attached units in professional operations of CFS grant, inspection and management.

5. Annually or upon request, to submit reports on the grant and inspection of CFS of exports and imports under their management to the National Agro-Forestry-Fisheries Quality Assurance Department for summarization and reporting to the Ministry,

**Chapter V**

**IMPLEMENTATION PROVISIONS**

**Article 14. Effect**

This Circular takes effect 45 days from the date of its signing.

**Article 15. Amendment and supplementation**

Any problems arising in the course of implementation should be reported in writing to the Ministry of Agriculture and Rural Development for consideration, amendment and supplementation.

**MINISTER OF AGRICULTURE AND RURAL  
DEVELOPMENT**

**Cao Duc Phat**

**APPENDIX I**

**COMPETENCE TO MANAGE CFS OF EXPORTS AND IMPORTS**

*(To the Agriculture and Rural Development Ministry's Circular No. 63/2010/TT-BNNPTNT of November 1, 2010)*

No.	Group of" products and goods	Management agency
I	Varieties and breeds	

1	Agricultural crop varieties (except imports)	Department of Crop Production
2	Livestock breeds (including embryos, sperms and breeding livestock)	Department of Livestock Husbandry
3	Aquatic breeds	Directorate of Fisheries
4	Forest tree varieties originated from seeds, tissue transplantation and cutting raising	Directorate of Forestry
II	Agricultural supplies	
1	Fertilizers and materials for production of fertilizers for cultivation	Department of Crop Production
2	PE bags for saplings; organic and microorganic fertilizers for forestry	Directorate of Forestry
3	Animal feeds and feed additives	Department of Livestock Husbandry-
4	Media for preparation and preservation of animal sperms and embryos	Department of Livestock Husbandry
5	Plant protection drugs	Department of Plant Protection
6	Veterinary drugs (including aquatic veterinary drugs)	Department of Animal Health
7	Supplies and chemicals for animal breeding	Department of Livestock Husbandry
8	Additives and chemicals for processing and preserving agricultural, forest and aquatic materials and products and salt	Department of Processing and Trade for Agro-Forestry-Fisheries Products and Salt Production
9	Biological preparations and chemicals for treating and improving the aquaculture environment	Directorate of Fisheries
10	Aquatic feeds, aquatic feed additives	Directorate of Fisheries
III	Products	
1	Products originated from terrestrial animal species	Department of Animal Health
2	Products originated from aquatic animal species	National Agro-Forestry-Fisheries Quality Assurance Department
3	Products originated from aquatic species	Department of Processing and Trade for Agro-Forestry-Fisheries Products and Salt Production
4	Products of plant origin	
5	Forest products: timber and non-limber products of lawful origin	
6	Forest, animals and plants	
IV		
I	Fishing gear	
2	Devices and equipment for aquaculture	

## APPENDIX IV

### LIST OF IMPORTS REQUIRED TO HAVE CFS UNDER THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT'S MANAGEMENT

*(To the Agriculture and Rural Development Ministry's Circular No. 63/2010/TT-BNNPTNT of  
November 1, 2010)*

No	Products and goods
I	Agricultural supplies:
	- Samples of plant protection drugs; - Plant protection drugs outside or not yet included in the list of those permitted for use in Vietnam, which are used by agricultural production establishments under economic contracts with foreign parties; or used for treating export wood, rattan and bamboo products; or used in entertainment and recreation establishments; - Plant protection drugs outside or not yet included in the list of those permitted for use in Vietnam, which are imported for re-export or used in subcontract export production under economic contracts with foreign parties.
2	Veterinary drugs (including aquatic veterinary drugs)
3	Fertilizers and materials for fertilizer production
4	Animal feeds and feed additives
5	Aquatic feeds and aquatic feed additives
6	Additives and chemicals for processing and preserving agricultural, forest and aquatic materials and products and salt
7	Biological preparations and chemicals for treating and improving the aquaculture environment
II	Agricultural products:
1	Non-food agricultural and aquatic products
2	Specimen wild animals and plants
3	Forest products (timber and non-limber products)
4	Agricultural, forestry and aquatic food products which contain genetically modified ingredients or are irradiated or produced with new technologies
	Edible salt
III	Fishing gear and equipment subject to strict requirements on fishing safety
1	Materials used as fishing gear
2	Fishing nets
3	Other fishing gear

