

**Part I. LEGAL DOCUMENTS****THE MINISTRIES****THE MINISTRY OF INDUSTRY AND  
TRADE - THE MINISTRY OF NATURAL  
RESOURCES AND ENVIRONMENT****Joint Circular No. 47/2011/TTLT-  
BCT-BTNMT of December 30, 2011,  
providing the management of the  
import, export and temporary import  
for re-export of ozone layer-depleting  
substances according to the Montreal  
Protocol on Substances that Deplete  
the Ozone Layer**

*Pursuant to the 1985 Vienna Convention on Protection of the Ozone Layer and the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer and its amendments and supplementations, which have been ratified by the State of the Socialist Republic of Vietnam;*

*Pursuant to the Government's Decree No. 189/2007/ND-CP of December 27, 2007, defining the functions, tasks, powers and organizational structure of the Ministry of Industry and Trade;*

*Pursuant to the Government's Decree No. 44/2011/ND-CP of June 14, 2011, amending and supplementing Article 3 of the Government's Decree No. 189/2007/ND-CP of December 27, 2007, defining the functions, tasks, powers and organizational structure of*

*the Ministry of Industry and Trade;*

*Pursuant to the Government's Decree No. 25/2008/ND-CP of March 4, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment;*

*Pursuant to the Government's Decree No. 19/2010/ND-CP of March 5, 2010, amending Points c, d, g, h and i, Clause 5, Article 2 of the Government's Decree No. 25/2008/ND-CP of March 4, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment;*

*Pursuant to the Government's Decree No. 89/2010/ND-CP of August 16, 2010, amending Article 3 of the Government's Decree No. 25/2008/ND-CP of March 4, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment;*

*Pursuant to the Government's Decree No. 12/2006/ND-CP of January 23, 2006, detailing the Commercial Law regarding international goods sale and purchase, goods sale and purchase agency, processing and transit with foreign parties;*

*Pursuant to the Prime Minister's Decision No. 41/2005/QĐ-TTg of March 2, 2005, promulgating the Regulation on goods import licensing;*

*The Minister of Industry and Trade and the Minister of Natural Resources and Environment*

jointly provide the management of the import, export and temporary import for re-export of ozone layer-depleting substances according to the Montreal Protocol on Substances that Deplete the Ozone Layer as follows:

## Chapter I

### GENERAL PROVISIONS

**Article 1.** Scope of regulation and subject of application

1. This Circular guides the sequence and procedures for licensing the import and temporary import for re-export and certifying the registration for the import and export of ozone layer-depleting substances belonging to the Montreal Protocol on Substances that Deplete the Ozone Layer (below referred to as the Protocol for short).

2. This Circular applies to traders that import, export and temporarily import for re-export ozone layer-depleting substances and related organizations and persons.

3. Ozone layer-depleting substances to be managed under this Circular are:

a/ Hydrochlorofluorocarbons (HCFCs) belonging to Appendix I to this Circular (*not printed herein*).

b/ HCFC-141b pre-blended polyol.

**Article 2.** Principles of management of the import, export and temporary import for re-export of ozone layer-depleting substances

1. Traders may import, export and temporarily import for re-export ozone layer-depleting substances only with the Parties to the Protocol. The Ministry of Natural Resources and Environment shall update and post on its website the list of the Parties to the Protocol.

2. HCFCs belonging to Appendix I to this Circular shall be managed with import quotas according to the phase-out roadmap provided in the Protocol and the bilateral agreements on provision of financial assistance for HCFC phase-out between Vietnam and the Multilateral Fund for the Implementation of the Protocol.

3. The import, export and temporary import for re-export of HCFCs belonging to Appendix I and the import of HCFC-141b pre-blended polyol shall be managed on the following principles:

a/ Traders that import or export ozone layer-depleting substances shall register with the Ministry of Natural Resources and Environment and obtain the Ministry's certification thereof. The Ministry of Natural Resources and Environment shall certify the volume of HCFCs registered for import by a trader based on the import quotas for HCFCs provided in Article 3 and the average volume of HCFCs actually imported by that trader in three (3) consecutive years preceding the year of import registration by the trader.

b/ The import of HCFCs belonging to Appendix I complies with import licenses granted by the Ministry of Industry and Trade

on the basis of import registration certifications of the Ministry of Natural Resources and Environment.

c/ The temporary import for re-export of HCFCs belonging to Appendix I complies with licenses granted by the Ministry of Industry and Trade.

d/ The import of HCFC-141b pre-blended polyol and the export of HCFCs belonging to Appendix I must be based on traders' registrations certified by the Ministry of Natural Resources and Environment.

provided by the Multilateral Fund for the Implementation of the Protocol, have completed the production conversion for using their substitutes. Before November 31 every year, the Ministry of Natural Resources and Environment shall send to the Ministry of Industry and Trade a notice of the volumes of HCFCs actually phased out in Vietnam. Before January 31 of the subsequent year, the Ministry of Industry and Trade shall announce the reduced import quotas for HCFCs belonging to Appendix I on the basis of the notice of the Ministry of Natural Resources and Environment.

## Chapter II

### QUOTAS AND PROCEDURES FOR IMPORTING HCFCs

#### Article 3. Import quotas for HCFCs

1. The Ministry of Industry and Trade shall allocate import quotas for HCFCs belonging to Appendix I according to Vietnam's HCFC phase-out obligations. The annual volume of import quotas for each group of HCFCs from January 1, 2012, through December 31, 2019, are as follows:

*Unit of calculation: ton*

Substances/Year	2012	2013	2014	2015	2016	2017	2018	2019
HCFC-141b	500	300	150	0	0	0	0	0
Other HCFCs	3,700	3,400	3,700	3,600	3,600	3,600	3,600	3,600

2. During 2016-2019, the annual import quotas for HCFCs belonging to Appendix I shall be reduced corresponding to the substances for which traders, with funds and technologies

3. After 2019, the annual import quotas for HCFCs belonging to Appendix I shall be updated by the Ministry of Industry and Trade and the Ministry of Natural Resources and Environment based on the results of HCFC phase-out in Vietnam and decisions of the Parties to the Protocol.

4. Import quotas for HCFCs belonging to Appendix I may not be transferred and are valid for the import of these substances into Vietnam within the year of licensing.

5. If traders that import HCFCs belonging to Appendix I under quotas but later export

them (by themselves or entrust others to do so) wish to continue importing these substances, they may be considered for receiving additional quotas which, however,

must not exceed the exported volumes.

**Article 4.** Procedures for importing HCFCs

1. Procedures for certifying the registration for the import of HCFCs at the Ministry of Natural Resources and Environment

a/ Traders shall send by post to the Ministry of Natural Resources and Environment one (1) set of dossier of registration for the import of HCFCs belonging to Appendix I. A dossier comprises:

- Written registration for the import of HCFCs belonging to Appendix I: three (3) originals (made according to the form provided in Appendix II to this Circular, *not printed herein*).

- Business registration certificate or investment certificate or business license: one (1) copy containing the trader's certification and seal.

For the case specified in Clause 5 of Article 3, in addition to the above-mentioned documents, a trader shall send the goods sale invoice and export customs declaration containing the exporter's certification of completion of customs procedures (copies containing the trader's certification and seal) to the Ministry of Natural Resources and Environment for import certification.

b/ Within seven (7) working days after receiving a complete and valid dossier, the Ministry of Natural Resources and Environment shall make import certification in the three (3) written registrations for the import of HCFCs and send two (2) of them to the trader concerned

by post. The Ministry of Natural Resources and Environment's certification has the following contents: name of the country of exportation and name, chemical name, chemical formula, Ashrae index (for refrigerants), volume and HS code of the substance.

If refusing to certify the import, within seven (7) working days after receiving a dossier, the Ministry of Natural Resources and Environment shall issue a written reply clearly stating the reason to the trader concerned.

2. Procedures for licensing the import of HCFCs at the Ministry of Industry and Trade

a/ Traders shall send by post to the Ministry of Industry and Trade one (1) dossier of application for a license for import of HCFCs belonging to Appendix I. A dossier comprises:

- Written registration for the import of HCFCs containing the Ministry of Natural Resources and Environment's certification: one (1) original.

- Import contract: one (1) copy containing the trader's certification and seal.

- Business registration certificate or investment certificate or business license: one (1) copy containing the trader's certification and seal.

b/ Within seven (7) working days after receiving a complete and valid dossier, the Ministry of Industry and Trade shall grant a license made according to the form provided in Appendix III to this Circular (*not printed herein*) and send it by post to the trader concerned.

If refusing to grant a license, within seven (7) working days after receiving a dossier, the Ministry of Industry and Trade shall issue a **written** reply clearly stating the reason to the trader concerned.

3. Dossiers to be submitted by traders to customs offices when carrying out procedures for importing HCFCs

When carrying out procedures for importing HCFCs belonging to Appendix I, traders shall submit to customs offices the following papers:

a/ One (1) original import license granted by the Ministry of Industry and Trade;

b/ Other papers as provided by the customs law.

### Chapter III

#### PROCEDURES FOR IMPORTING HCFC-141b PRE-BLENDED POLYOL AND EXPORTING AND TEMPORARILY IMPORTING FOR RE-EXPORT HCFCs

**Article 5.** Procedures for importing HCFC-141b pre-blended polyol

1. Procedures for certifying the registration for the import of HCFC-141b pre-blended polyol at the Ministry of Natural Resources and Environment

a/ Traders shall send by post to the Ministry of Natural Resources and Environment one (1) set of dossier comprising three (3) original written registrations for the import of HCFC-141b pre-blended polyol, made according to the

form provided in Appendix IV to this Circular (*not printed herein*).

b/ Within seven (7) working days after receiving a complete and valid dossier, the Ministry of Natural Resources and Environment shall make certification in the three (3) written registrations for the import of HCFC-141b pre-blended polyol and send two (2) of them by post to the trader concerned. The Ministry of Natural Resources and Environment's certification has the following contents: name of the country of exportation, volume and HS code.

If refusing to make certification, within seven (7) working days after receiving a dossier, the Ministry of Natural Resources and Environment shall issue a written reply clearly stating the reason to the trader concerned.

2. Dossiers to be submitted by traders to customs offices when carrying out procedures for importing HCFC-141b pre-blended polyol

When carrying out procedures for importing HCFC-141b pre-blended polyol, traders shall submit to customs offices the following papers:

a/ One (1) original written import registration containing the Ministry of Natural Resources and Environment's certification;

b/ Other papers as prescribed by the customs law.

**Article 6.** Procedures for exporting HCFCs

1. Procedures for certifying the registration for the export of HCFCs at the Ministry of Natural Resources and Environment

a/ Traders shall send by post to the Ministry of Natural Resources and Environment one (1) set of dossier comprising three (3) original written registrations for export of HCFCs belonging to Appendix I.

b/ Within seven (7) working days after receiving a complete and valid dossier, the Ministry of Natural Resources and Environment shall make certification in the three (3) registrations for the export of HCFCs and send two (2) of them by post to the trader concerned. The Ministry of Natural Resources and Environment's certification has the following contents: name of the country of importation; and name, chemical name and chemical formula, Ashrea index (for refrigerants), volume and HS code of the substance.

If refusing to make certification, within seven (7) working days after receiving a dossier, the Ministry of Natural Resources and Environment shall issue a written reply clearly stating the reason to the trader concerned.

2. Dossiers to be submitted by traders to customs offices when carrying out export procedures for HCFCs

When carrying out procedures for exporting HCFCs belonging to Appendix I, traders shall submit to customs offices the following papers:

a/ One (1) original written registration for the export of HCFCs belonging to Appendix I containing the Ministry of Natural Resources and Environment's certification;

b/ Other papers as provided by the customs law.

**Article 7.** Procedures for temporarily importing HCFCs for re-export

1. Procedures for licensing the temporary import for re-export of HCFCs at the Ministry of Industry and Trade

a/ Traders shall send by post to the Ministry of Industry and Trade one (1) set of ~~of dossier~~ application for a license for temporary import for re-export of HCFCs belonging to Appendix I. A dossier comprises:

- An application for a license for temporary import for re-export of HCFCs belonging to Appendix I, made according to the form provided in Appendix VI to this Circular (*not printed herein*).

- Business registration certificate or investment certificate or business license: ~~one~~ (1) copy containing the trader's certification ~~and seal~~.

- Goods purchase contract and ~~goods sale~~ contract: one (1) copy of each ~~contract~~ containing the trader's certification ~~and seal~~.

b/ Within seven (7) working ~~days~~ after receiving a complete and valid ~~dossier~~, the Ministry of Industry and Trade shall ~~grant~~ a license to the trader concerned.

If refusing to grant a license, within seven (7) working days after receiving a ~~dossier~~, the Ministry of Industry and Trade shall ~~issue~~ a written reply clearly stating the reason to the trader concerned.

2. Dossiers to be submitted by traders to customs offices when carrying out procedures for temporarily importing HCFCs for re-export

When carrying out procedures for temporarily importing HCFCs for re-export, traders shall submit to customs offices the following papers:

a/ One (1) original license for temporary import for re-export of HCFCs granted by the Ministry of Industry and Trade;

b/ Other papers as provided by the customs law.

#### Chapter IV

### ORGANIZATION OF IMPLEMENTATION

#### Article 8. Reporting regime

Traders shall make reports on the import, export and temporary import for re-export of HCFCs and import of HCFC-141b pre-blended polyol according to the form provided in Appendix VII to this Circular (*not printed herein*) and send them to the Ministry of Industry and Trade and the Ministry of Natural Resources and Environment as follows:

1. Quarterly reports on the import and temporary import for re-export of HCFCs under licenses granted by the Ministry of Industry and Trade must be sent prior to the 5<sup>th</sup> of the first month of the subsequent quarter.

2. Annual reports (enclosed with copies of customs declarations) on the import and temporary import for re-export of HCFCs under licenses granted by the Ministry of Industry and Trade; and on the import of HCFC-141b pre-blended polyol, and the export of HCFCs under certifications of the Ministry of Natural Resources and Environment must be sent prior

to December 31.

When necessary, traders shall report on matters related to the import, export and temporary import for re-export of HCFCs and the import of HCFC-141b pre-blended polyol at written request of the Ministry of Industry and Trade and the Ministry of Natural Resources and Environment.

#### Article 9. Effect

1. This Circular takes effect on January 1, 2012, and replaces Joint Circular No. 14/2005/TTLT-BTM-BTNMT of July 11, 2005, of the Ministry of Trade and the Ministry of Natural Resources and Environment, guiding the management of the import, export and temporary import for re-export of ozone layer-depleting substances in pursuance to the Montreal Protocol on Substances that Deplete the Ozone Layer.

2. Any problems arising in the course of implementation of this Circular should be reported in writing to the Ministry of Industry and Trade and the Ministry of Natural Resources and Environment for consideration and guidance.-

*For the Minister of Industry and Trade*  
Deputy Minister  
NGUYEN THANH BIEN

*For the Minister of*  
*Natural Resources and Environment*  
Deputy Minister  
TRAN HONG HIA