

THE PRIME MINISTER

defining the functions, tasks, powers and organizational structure of the Ministry of Industry and Trade;

Pursuant to the Government's Decree No. 15/2012/ND-CP of March 9, 2012, detailing a number of articles of the Law on Minerals;

Pursuant to the Government's Decree No. 59/2006/ND-CP of June 12, 2006, detailing the implementation of the Commercial Law regarding goods and services banned from trading, subject to trading restrictions or to conditional trading;

At the proposal of the general director of the General Department of Energy,

The Minister of Industry and Trade promulgates the Circular prescribing coal trading conditions as follows:

Article 1. Scope of regulation

This Circular prescribes coal trading conditions, including activities of domestic trading, import, export, temporary import for re-export, transit, transportation, storage and distribution of coal.

Article 2. Subjects of application

This Circular applies to state management agencies and enterprises engaged in coal trading in the territory of Vietnam.

Article 3. Interpretation of terms

In this Circular, the terms below are construed as follows:

1. Coal means all types of fossil coal and coal of fossil origin in crude or processed form.

2. Competent state agencies include central state management agencies (ministries) and People's Committees of provinces and

**THE MINISTRY OF INDUSTRY AND
TRADE**

**Circular No. 14/2013/TT-BCT of
July 15, 2013, prescribing coal
trading conditions**

*Pursuant to the Government's Decree
No. 95/2012/ND-CP of November 12, 2012,*

centrally run cities (provincial-level People's Committees).

3. Coal of lawful origin means coal which is:

a/ Mined or salvaged from mines, mining spots and dumps that have valid mining licenses or salvage licenses granted by competent state agencies;

b/ Lawfully imported;

c/ Confiscated or put on public sale by competent state agencies;

d/ Proceeded under certificates of coal processing investment in processing establishments having signed coal purchase contracts directly with enterprises that own coal sources prescribed at Points a, b and c of this Clause.

Imported coal is considered lawful when having imported coal declarations with certification by border-gate customs offices (certified copies).

For coal volumes confiscated or put on public sale, the following documents are required: Invoice on sale of confiscated assets and forfeiture to public funds, ex-warehousing bills, written records of handover of assets involved in administrative violations and confiscated for public sale (certified copies).

4. Coal trading activities means those specified in Article 1.

Article 4. Coal trading conditions

1. Only enterprises are allowed to trade in coal.

2. Coal trading enterprises must be established and operating in accordance with the Enterprises Law, and have a business registration certificate stating the business

line of coal trading.

3. Based on specific trading activities, a coal trading enterprise must satisfy the following conditions:

a/ Owning or renting a place of trading, means of transport, loading/unloading equipment, warehouses, ports, means for weighing and measuring coal volumes in service of business operations, and satisfying all technical requirements and conditions on safety, environmental sanitation and fire and explosion prevention and fighting under current regulations;

b/ Means of transport must be equipped with shields and screens to prevent dusting and dropping, and satisfy all requirements on environmental protection when joining traffic;

c/ Locations and positions of coal export or receipt ports and landings must comply with local port plans that require coal warehouses, equipment for safe loading/unloading of coal onto/from means of transport, and have environmental protection measures;

d/ Coal warehouses or coal trading stations or shops must have separate storing spaces for different categories of coal; positions of warehouses and storing spaces must conform with local construction plans and meet all requirements on environment, traffic order and safety under current regulations. For self-burning coal, fire prevention and fighting measures and devices must be inspected and granted licenses by local fire prevention and fighting agencies;

dd/ Managing officers, technicians and employees directly engaged in coal trading or providing coal trading services must have

practice certificates granted under current regulations.

4. Enterprises may trade in coal of lawful origin.

Article 5. Management responsibilities

1. The General Department of Energy (the Ministry of Industry and Trade) shall assume the prime responsibility for, and coordinate with related ministries, sectors and localities in, periodically investigating the implementation of this Circular and relevant regulations.

2. The General Department of Energy shall report on practical coal mining, processing and trading activities to the Ministry of Industry and Trade for consideration and revision of this Circular when necessary.

3. The Ministry of Industry and Trade may stop coal trading operation of coal trading enterprises that violate this Circular.

Article 6. Effect

This Circular takes effect on September 1, 2013, and replaces the Ministry of Industry and Trade's Circular No. 04/2007/TT-BCT of October 22, 2007, guiding coal trading conditions.

Article 7. Organization of implementation

State management agencies and enterprises engaged in coal trading shall implement this Circular. Any problems arising in the course of implementation should be reported in writing by agencies and enterprises to the Ministry of Industry and Trade for consideration and settlement.-

For the Minister of Industry and Trade
Deputy Minister
LE DUONG QUANG