

CIRCULAR No. 02/2006/TT-BCN OF APRIL 14, 2006, GUIDING THE EXPORT OF MINERALS

Pursuant to the Government's Decree No. 55/2003/ND-CP of May 28, 2003, defining the functions, tasks, powers and organizational structure of the Ministry of Industry;

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

Pursuant to the March 20, 1996 Law on Minerals; the June 14, 2005 Law Amending and Supplementing a Number of Articles of the Law on Minerals; and the Government's Decree No. 160/2005/ND-CP of December 27, 2005, detailing and guiding the implementation of the Law on Minerals and the Law Amending and Supplementing a Number of Articles of the Law on Minerals;

The Ministry of Industry hereby guides the export of minerals as follows:

I. INTERPRETATION OF TERMS

1. *VILAS standards* are standards set by the Vietnam Laboratory Accreditation Scheme. Laboratories meeting VILAS standards are those having the quality management system under ISO/IEC 17025, equivalent to TCVN ISO/IEC 17025:2001. VILAS certificates are granted by the Quality Accreditation Office under the General Department of Standardization, Metrology and Quality Control.

2. *State agencies competent to grant mineral exploitation or processing permits* are the Ministry of Industry (before November 11, 2002), the Ministry of Natural Resources and Environment (as from November 11, 2002), or provincial/municipal People's

Committees.

II. PROVISIONS ON THE EXPORT OF MINERALS

1. Minerals shall be permitted for export only if they fully meet the following conditions and standards:

a/ Being exploited from mines not planned for domestic processing.

b/ Having been processed to meet the quality standards and conditions specified in the List enclosed with this Circular. The quality standards of minerals for which a certain percentage of metal is required must be certified by laboratories meeting VILAS standards.

2. To be licensed to export minerals, enterprises must be those set up under the provisions of law, fully meeting the conditions set in the Commercial Law on goods import, export, processing as well as purchase and sale agency with foreign countries, and satisfying one of the following conditions:

a/ Possessing valid mineral exploitation permits or mineral full-extraction permits, granted by competent state agencies.

b/ Possessing valid mineral processing permits and contracts on the purchase of minerals for processing, signed with organizations or individuals that possess valid mineral exploitation permits or mineral full-extraction permits.

c/ Possessing contracts on the purchase of minerals or contracts on entrusted export of minerals, signed with organizations or individuals that possess valid mineral exploitation permits, mineral full-extraction permits or mineral processing permits.

3. The export of minerals by mode of temporary import for re-export or undertaking processing for foreign traders shall comply with the provisions of the Government's Decree No. 12/2006/ND-CP of January 23, 2006, detailing the implementation of the Commercial Law regarding international goods sale

and purchase activities and goods sale and purchase agency, processing and transit with foreign countries.

4. The export of pit coal shall comply with the Industry Ministry's Circular No. 02/1999/TT-BCN of June 14, 1999, guiding the conditions for trading in pit coal. The non-quota export of coal to China shall comply with the Trade Ministry's Circular No. 15/2000/TT-BTM of August 10, 2000.

5. The export of petroleum shall comply with the July 6, 1993 Petroleum Law and the June 9, 2000 Law Amending and Supplementing a Number of Articles of the Petroleum Law.

6. For minerals which have been categorized, sorted, washed and processed but fail to reach the quality standards provided for in the List enclosed with this Circular or minerals not yet included in the List, the Ministry of Industry (for solid and non-metal minerals) or the Ministry of Construction (for minerals used as construction materials) shall guide the export thereof. Any special adjustment or supplement to the planning must be reported to the Prime Minister.

III. IMPLEMENTATION PROVISIONS

1. Basing itself on the demands for each type of mineral used for domestic projects on intensive processing of minerals, the Ministry of Industry shall consider the adjustment of minerals permitted for export on the List enclosed with this Circular and publish such adjustment one year before stopping the export thereof.

2. This Circular takes effect 15 days after its publication in "CONG BAO" and replaces the Industry Ministry's Circular No. 04/2005/TT-BCN of August 2, 2005, guiding the export of minerals in the 2005-2010 period.

For the Minister of Industry
Vice Minister
DO HUU HAO

LIST OF QUALITY STANDARDS AND CONDITIONS OF EXPORTED MINERALS

(Issued together with the Industry Ministry's Circular No. 02/2006/TT-BCN
of April 14, 2006)

No.	Exported minerals	Content	Time limits and conditions
1	Refined chromite ore	$\geq 46\% \text{Cr}_2\text{O}_3$	
2	Titanium ore products		
	- Refined ilmenite ore (mineral sand)	$\geq 52\% \text{TiO}_2$ (<57%)	To be permitted for export till the end of 2008 only
	- Refined ilmenite ore (base)	$\geq 48\% \text{TiO}_2$	Those exploited from Cay Cham mine (Thai Nguyen province) shall be permitted for export till the end of 2008 only
	- Refined zircon ore	$\geq 65\%$	To be permitted for export till the end of April 2007 only
	- Refined rutile ore	$\geq 83\% \text{TiO}_2$	
	- Refined monazite ore	$\geq 57\% \text{ReO}$	
3	Refined lead sulfide ore	$\geq 50\% \text{Pb}$	
4	Refined copper ore	$\geq 18\% \text{Cu}$	To be permitted for export till the end of 2006 only
5	Zinc ore products		
	- Refined zinc sulfide ore	$\geq 50\% \text{Zn}$	To be permitted for export till the end of 2006 only
	- Zinc oxide ore	$\geq 25\% \text{Zn}$	To be permitted for export till the end of 2006 only
	- Zinc oxide powder	$\geq 60\% \text{Zn}$	
6	Iron ore	$\geq 54\% \text{Fe}$ Granule size < 50 mm	Minerals exploited from Thach Khe mine, Ha Tinh province, must not be exported. Minerals exploited from Quy Xa mine shall be permitted for export only in exchange for imported coke in service of domestic steel refinement
7	Iron ore in granules	$\geq 66\% \text{Fe}$ Granule size of 8 - 15 mm	

8	Refined magnetite ore	$\geq 75\% \text{Fe}_2\text{O}_3$	Exploited from mines outside the Central Highlands area Those exploited from Bao Loc mine, Lam Dong province (by the Southern Base Chemical One-Member Limited Liability Company), shall be permitted for export till the end of 2006 only
9	Manganese ore	$\geq 35\% \text{Mn}$	
10	Refined wolframite ore	$\geq 65\% \text{WO}_3$	
11	Refined bauxite ore	$\geq 48\% \text{Al}_2\text{O}_3$	
		$\geq 48\% \text{Al}_2\text{O}_3$	
12	Pyrophyllite kaolin ore	$\geq 17\% \text{Al}_2\text{O}_3$	Except for Cam Ranh mine (Khanh Hoa province), which is managed by the Ministry of Construction Van Hai mine (Quang Ninh province)
13	Fluorite ore	$\geq 65\% \text{CaF}_2$	
14	White sand	Already sorted and washed	
		Grade II; Already sorted and washed < 98% SiO_2	
15	Gravel and yellow sand	Already sorted and washed	
16	Block of stone	Already cut and processed	
17	Slabs	Already processed	
18	White stone	Already processed	
19	White stone powder	Whiteness $\geq 90\%$	
20	Barite		
	- Barite ore	Already sorted and washed	
	- Barite powder	$\geq 89\% \text{BaSO}_4$	
21	Felspar	$\geq 12\% \text{K}_2\text{O} + \text{Na}_2\text{O}$	