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GOVERNMENT

No. 107/2018 / ND-CP

SOCIAL REPUBLIC OF VIETNAM**Independence - Freedom - Happiness***Hanoi, August 15, 2018***GOVERNMENT**No. **107** / 2018 / ND-CP**SOCIAL REPUBLIC OF VIETNAM****Independence - Freedom - Happiness***Hanoi, August 15, 2018***DECREE****About rice export business**

Pursuant to the June 19, 2015 Law on Organization of the Government;
Pursuant to the November 26, 2014 Investment Law;
Pursuant to the November 26, 2014 Enterprise Law;
Pursuant to the June 12, 2017 Law on Foreign Trade Management;
Pursuant to the June 14, 2005 Commercial Law;
Pursuant to the June 20, 2012 Law on Price;
At the proposal of the Minister of Industry and Trade;
The Government issued a decree on rice export business.

Chapter I**GENERAL PROVISIONS****Thing 1. Scope of adjustment**

1. This Decree provides for the export of rice and rice of all kinds (hereinafter referred collectively to as rice).
2. Activities of import, temporary import for re-export, temporary export for re-import, border-gate transfer, transit and processing of rice for foreign countries; Non-commercial export, aid, donations and donations of rice are not governed by this Decree.

Thing 2. Subjects of application

This Decree applies to traders under the provisions of the Commercial Law; agencies and organizations are responsible for managing and administering rice export and other relevant organizations and individuals.

Thing 3. Right to export rice

1. Vietnamese traders of all economic sectors, if meeting the conditions specified in Article 4 of this Decree and being granted certificates of eligibility for rice export business (hereinafter referred to as certificates for short)), have the right to export rice according to the provisions of this Decree and other relevant laws.
2. Traders being foreign direct investment enterprises shall be granted certificates and perform rice export business activities according to the provisions of this Decree; Other relevant provisions of Vietnamese law and the Socialist Republic of Vietnam commitment in international treaties to which the Socialist Republic of Vietnam is a member.

chapter II
BUSINESS CONDITIONS AND CERTIFICATES
CONDITIONS FOR EXPORTING RICE BUSINESS
Thing 4. Conditions for rice export business

1. Traders established and registered under the provisions of law may conduct rice export business when meeting the following conditions:
 - a) Having at least 01 specialized warehouse for storing rice and rice in accordance with national standards and technical regulations on rice and rice depots issued by competent agencies in accordance with the Law on Standards and Regulations

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Order	Technology;
Resolution	b) Having at least 01 grinding or milling facility or rice and rice processing facility in accordance with national standards and technical regulations on storage and milling, processing and processing establishments of rice and rice competence issued under the provisions of the Law on Standards and Technical Regulations.
Joint Resolution	
Decree	2. Warehouses, mills, mills, rice and rice mills to meet the business conditions specified in Clause 1 of this Article may be owned by traders or hired by other organizations or individuals. , have a written lease contract in accordance with the law with a minimum lease term of 05 years.
Decision	
Circulars	Traders with certificates are not allowed to lease, sublease warehouses, rice milling, milling or processing establishments which have been declared to prove their satisfaction of business conditions in their applications for certificates. for their use by other traders for the purpose of applying for a Certificate.
Joint Circular	3. Traders who only export organic rice, parboiled rice, and fortified rice without needing to meet the business conditions prescribed at Point a, Point b, Clause 1 and Clause 2 of this Article, may export these This type of rice does not need to have a certificate, does not have to carry out the reserve reserves stipulated in Article 12 and is responsible for reporting in accordance with the provisions of Clause 2, Article 24 of this Decree.
Year issued	When carrying out export customs procedures, the exporter of organic rice, rice, and micronutrient fortified rice does not have a certificate to produce to the customs office the original or certified copy. of competent agencies and organizations written certification and certification of competent agencies or organizations or export rice expertise certificates granted by expertising organizations according to law provisions on rice products export in accordance with defined criteria and methods guided by the Ministry of Agriculture and Rural Development and the Ministry of Health according to the provisions of Point e, Clause 2 and Clause 3, Article 22 of this Decree.
1945 to 1950	Thing 5. Checking conditions for rice export business
1951 to 1960	1. Traders shall self-declare dossiers of application for certificates, take responsibility before law for the declared contents, papers and documents in dossiers of application for certificates specified in Article 6 and meeting the rice export business conditions stipulated in Article 4 of this Decree.
1961 to 1970	2. Department of Industry and Trade presides and coordinates with Department of Agriculture and Rural Development and relevant agencies to organize post-inspection of storage, grinding, milling, processing rice and rice facilities to meet export business conditions. export of rice in the area of traders after being granted a certificate.
1971 to 1980	Within 5 working days from the end of the inspection, the Department of Industry and Trade reports to the Ministry of Industry and Trade the written inspection results, proposing measures to handle violations (if any) and enclose them with the minutes checklist.
1981 to 1990	3. According to the annual or irregular annual plans, the Ministry of Industry and Trade shall assume the prime responsibility and coordinate with the concerned agencies in examining the post-inspection work specified in Clause 2 of this Article and maintaining the economic conditions. rice export business of traders.
1991 to 2000	Thing 6. Certificate of eligibility for rice export business
2001 to 2010	1. The Ministry of Industry and Trade shall grant certificates to traders according to the provisions of Article 4 of this Decree.
2011 to 2020	2. A dossier of application for a Certificate includes: a) Application form No. 01 prescribed in the Appendix attached to this Decree: 01 original; b) Business registration certificate or business registration certificate, investment certificate: 01 copy, certified and stamped as true copy by the trader; c) Warehouse lease contract, rice milling, milling, processing facility (for traders renting storage, grinding, milling or processing facilities) or papers to prove land use rights and rights owning storage, grinding, milling and processing facilities (in case of warehouse, grinding, milling and processing facilities owned by traders): 01 copy, certified and stamped main trader. 3. Number of records: 01 set. Traders can apply directly at the Ministry of Industry and Trade office or send a dossier by post (address for receiving documents: Ministry of Industry and Trade, No. 54, Hai Ba Trung, Hoan Kiem District, Hanoi City) or submit an application on the online public services page, the Ministry of Industry and Trade electronic portal. In case of submission of documents directly at the office of the Ministry of Industry and Trade, traders may submit copies of papers and documents specified at Points b and c, Clause 2 of this Article and produce the originals for comparison. 4. Within 15 working days after receiving a complete and valid dossier, the Ministry of Industry and Trade shall consider and grant a Certificate according to Form No. 02 prescribed in the Appendix to this Decree. In case of not issuing the Certificate, within 07 working days, from the date of receiving the dossier, the Ministry of Industry and Trade must reply the trader in writing and state the reason. 5. Certificate has a validity period of 05 years from the date of issue. When the Certificate expires, the trader must apply for a new Certificate to continue the rice export business. 6. The granting of new certificates to traders to replace the expired certificates shall be carried out as follows: a) At least 30 days before the expiry date of the Certificate, traders shall send dossiers of application for Certificates according to the provisions of Clause 2 of this Article to the Ministry of Industry and Trade; b) The number of dossier sets, how to submit dossiers, time limits for considering and granting new certificates shall comply with the provisions of Clauses 3 and 4 of this Article.

Thing 7. Re-issue, adjust the content of the Certificate

1. The Ministry of Industry and Trade reviews and re-grants Certificate in cases where the Certificate is lost, damaged or destroyed.

Application for re-issuance of Certificate includes:

- An application made according to Form No. 03 prescribed in the Appendix to this Decree: 01 original;
- Original Certificate issued. In case there is no original copy due to loss, damage or destruction, traders must have an explanation report and clearly state the reason.

2. The Ministry of Industry and Trade shall consider and adjust the contents of the Certificate in case of changes in the contents of the Certificate.

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A dossier of request for adjustment of the contents of a certificate includes:

- a) An application made according to Form No. 03 prescribed in the Appendix to this Decree: 01 original;
- b) Documents related to the change in the contents of the Certificate: 01 copy, certified and stamped with the duplicator's original copy.

3. Number of records: 01 set.

Traders can apply directly at the Ministry of Industry and Trade office or by post (address for receiving documents: Ministry of Industry and Trade, No. 54, Hai Ba Trung, Hoan Kiem District, Hanoi City) or submit Profile on the online public service page, Ministry of Industry and Trade electronic portal.

In case of filing directly at the office of the Ministry of Industry and Trade, traders may submit copies of papers and documents specified at Point b, Clause 2 of this Article and produce the originals for comparison.

4. The time limit for reviewing, re-issuing or adjusting the contents of a Certificate is 10 working days, from the date of receiving a complete and valid dossier. In case of disagreement of re-issuance or adjustment of the contents of the Certificate, within 07 working days, from the date of receiving the dossier, the Ministry of Industry and Trade must reply the trader in writing and clearly state the reason.

5. The validity term of a re-granted or adjusted certificate according to the provisions of Clauses 1 and 2 of this Article is the validity term of the previously granted certificate.

Thing 8. Revocation of Certificate

1. The Ministry of Industry and Trade considers and decides to revoke the Certificate in the following cases:

- a) Traders are granted a certificate of request for revocation;
- b) Traders are dissolved or bankrupt according to the provisions of law;
- c) Traders have their business registration certificates or business registration certificates withdrawn, investment registration certificates;
- d) Traders do not export rice for a period of 18 consecutive months, unless traders have notified temporary suspension of business according to the provisions of law;
- e) Traders fail to meet the business conditions prescribed in Clauses 1 and 2, Article 4 of this Decree in the business process;
- e) Traders fail to declare the reality of depots, grinding, mashing or processing establishments for rice, rice or other frauds in order to be granted certificates;
- g) Traders fail to perform or improperly implement the direction and administration of competent agencies under the provisions of Article 15 of this Decree.

2. In cases where a certificate is withdrawn by a trader according to the provisions of Clause 1 of this Article, the Ministry of Industry and Trade shall consider and grant a new certificate to traders only after the following minimum time limit has expired:

- a) If the Certificate is revoked due to a violation of the provisions of Point d, Point d or the first violation specified in Points e and g, Clause 1 of this Article, this time limit is 12 months from the date of availability. withdrawal decision;
- b) Where a certificate has been revoked due to a violation of the provisions of Points e and g, Clause 1 of this Article, it shall be repeated within 24 months from the date of the latest recall decision.

3. The granting of new certificates to traders shall, after being withdrawn, comply with the provisions of Article 6 of this Decree and be implemented only after the minimum time limit prescribed in Clause 2 of this Article has expired.

Thing 9. Fees for issuance, re-issuance and adjustment of contents of certificates

Traders who request the issuance, re-issuance and adjustment of contents of the Certificate do not have to pay fees.

Chapter III

OPERATION OF RICE EXPORT

Thing 10. Objectives and principles of managing rice export

The management of rice exports must ensure the following objectives and principles:

- 1. Contribute to consuming rice and rice products and ensure the benefits of rice farmers according to current policies.
- 2. Ensuring export and domestic consumption balance; contributing to stabilizing the domestic price of rice and rice.
- 3. Implementation of international commitments; ensure effective export.

Thing 11. Balancing rice and rice products for export

1. Annually, the Ministry of Agriculture and Rural Development shall assume the prime responsibility and coordinate with the provincial-level People's Committees in balancing the domestic demand for rice and rice, announced in the fourth quarter of the yearly rice and rice sources. goods can be exported in the next planned year; update and inform the Ministry of Industry and Trade, the provincial People's Committee and the Vietnam Food Association about the production, output, rice and rice products that can be exported for each type and season in year.

2. The management of rice export shall be carried out on the basis of commodity rice and rice goods, which are balanced for export annually according to the provisions of Clause 1 of this Article.

Thing 12. Reserve circulation

Rice traders must regularly maintain the minimum circulation reserve equivalent to 5% of the quantity of rice that traders have exported in the previous 6 months.

Thing 13. Buying rice and rice for export goods

- 1. Rice export traders shall notify provincial-level People's Committees of paddy and rice buying places and announce purchase and listing prices for purchased rice according to quality and categories of rice and rice and harvest season for farmers to know and directly trade.
- 2. In case of purchasing paddy and rice goods through other traders or from processing establishments, traders and processing establishments must link and organize into a stable system to implement the provisions of Clause 1 of Article this.

Thing 14. Identify and announce orientation rice prices

- 1. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development in, promulgating regulations and guiding methods of investigation, **FROM THE BEGINNING OF THE PAGE** calculation of production costs of goods for rice to the People's Committee. The provincial people serve as a basis for

determining and announcing the estimated average production cost of rice in the whole province and city right from the beginning of the crop for each crop in the year.

2. On the basis of the estimated average production cost of each production case announced by the provincial-level People's Committee, the Ministry of Finance shall assume the prime responsibility and coordinate with the Ministry of Agriculture and Rural Development in examining and synthesizing it, and determine the average cost of rice production to estimate each production crop of the whole production area.

3. On the basis of the average production cost projected for each crop, the Ministry of Finance shall determine and announce the orientation of paddy prices right from the beginning of the crop to serve as a basis for applying measures to stabilize the above rice and rice prices, market, contributing to ensuring the average profit level for rice farmers according to current policies.

Thing 15. Stabilization of domestic rice and rice prices

1. The announcement and application of measures to stabilize paddy and rice prices comply with the law on prices.

2. In case the price of paddy and rice increases too unreasonably, the rice export trader is responsible for organizing the rice distribution system, supplying immediately the amount of rice in stock and the amount of rice reserved for circulation, stabilizing the domestic market under the direction of competent state agencies.

3. In cases where commodity rice and rice prices fall too unreasonably, not in line with the orientated paddy prices prescribed in Article 14 of this Decree, the Ministry of Agriculture and Rural Development shall assume the prime responsibility and coordinate with the ministries: Finance, Industry and Trade, State Bank of Vietnam and Vietnam Food Association submit to the Prime Minister for consideration and decision to apply specific measures to regulate the market, contributing to limit damage to people, manufacturing.

4. Rice export traders shall take measures to stabilize rice and rice prices prescribed in this Article and to offset arising expenses under decisions and directives of competent State agencies, right.

Thing 16. Linking production, consumption and construction of material areas

1. Encouraging rice export traders to build raw material areas or associate with producers to build raw material areas (hereinafter referred collectively to as raw material areas) according to the following modes:

a) Building raw material areas under the management and use right of traders on rice production areas allocated, leased or received by the State with land use rights or land lease by households or groups, officials and individuals for rice production according to the land law;

b) Implement policies to encourage cooperation and production linkages with consumption of agricultural products, construction of large fields;

c) Signing cooperation contracts for production and consumption of paddy and rice with rice farmer households or representatives of farmers under the guidance of the Ministry of Agriculture and Rural Development and law provisions;

d) Other forms as prescribed and guided by competent state agencies.

2. Traders who build material areas under the provisions of Clause 1 of this Article shall be considered with priority in the specific support policies as follows:

a) Participating in trade promotion programs, building and promoting images and brands of products and enterprises at home and abroad;

b) Allocation of targets for implementing centralized rice export contracts;

c) Participate in the program of purchasing paddy and rice for temporary storage of the State.

3. The Ministry of Agriculture and Rural Development shall assume the prime responsibility and coordinate with the concerned agencies in reviewing, promulgating or submitting to the Government and the Prime Minister for promulgation mechanisms and policies to encourage and support regional construction, resources.

Thing 17. Ensuring the quality of exported rice and rice

1. Exported rice must ensure compliance with relevant national standards and technical regulations and meet the requirements on quality, packaging, labeling, packaging, preservation and traceability according to regulations, of the importing country; unless the importer has other requirements, follow the request of the importer.

2. Traders engaged in rice export business and traders exporting rice goods under the provisions of Clause 3, Article 4 of this Decree shall have to implement the processes, standards and technical regulations on production and processing, preserving rice and rice products issued by competent state agencies.

Thing 18. P develops the rice export market

1. The Ministry of Industry and Trade shall assume the prime responsibility and coordinate with the Ministry of Agriculture and Rural Development and concerned agencies in negotiating the opening of the rice market, removing difficulties and barriers of markets; directing and organizing the implementation of market information, implementing programs, trading activities, promoting products, promoting rice trade, establishing, strengthening and expanding cooperation on trade, rice trade with countries and territories.

2. The Ministry of Industry and Trade shall assume the prime responsibility for, and coordinate with concerned ministries, branches and agencies in, negotiating and concluding memorandums and agreements on rice trade with foreign countries and territories at ministerial level. In cases where foreign countries and territories request to sign at the Government or enterprise level, the Ministry of Industry and Trade shall report to the Prime Minister for consideration and decision.

3. The Ministry of Agriculture and Rural Development shall assume the prime responsibility and coordinate with the Ministry of Industry and Trade and concerned agencies in monitoring, negotiating and removing technical and plant quarantine barriers of countries and territories, applicable to imported rice and rice; negotiating and signing agreements on plant quarantine, technical regulations on paddy and rice quality with foreign countries and territories.

4. The Ministry of Finance shall arrange annual funding for the implementation of programs and activities prescribed in Clauses 1, 2 and 3 of this Article.

Thing 19. Trading, negotiating, bidding, signing and organizing the implemen

1. Concentrated rice export contract (hereinafter referred to as centralized contract) is a rice export contract signed under a Memorandum of Understanding between the competent authority of the Vietnamese Government and the agency, authorized

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by foreign or foreign governments and rice export contracts signed under the direction of the Prime Minister.

2. The Ministry of Industry and Trade shall consult with relevant agencies and organizations and designate key traders for concentrated contract transactions according to the following criteria:

- a) Traders' rice export achievements in the last 2 years in the market are expected to deal with concentrated contracts;
- b) Rice export performance of traders in the last 2 years;
- c) Transactions with foreign partners designated or expected to be designated as rice importers.

Traders who have been appointed to act as transaction hubs before the effective date of this Decree shall continue to carry out until the end of the signed contracts.

3. In cases where two or more traders are appointed to act as focal points in a market with centralized contracts, to implement the rotating clue mechanism.

4. Responsibilities of key traders in transactions, negotiations or bidding and signing and organizing the implementation of centralized contracts.

- a) Actively monitor the market situation, timely grasp the information of transaction needs, sign rice import contracts or organize import tenders of competent agencies and organizations of importing countries ;
- b) On the basis of balancing supply and demand and capability, traders actively build trading and bidding plans, decide on the offering price to ensure export efficiency and take responsibility for the signed contracts themselves;
- c) To report to the Ministry of Industry and Trade in writing on the ability to transact, sign contracts or participate in bidding, the ability to balance goods sources and other related issues to ensure contract performance; transaction results, signing contracts or bidding results and plans for organizing contract performance;
- d) Ensuring the implementation of signed centralized contracts; implementation of export entrustment targets returned or not implemented or no trader entrusted to export.

5. Key traders sign and organize the implementation of contracts to directly export 20% of rice in the contract. In case of implementing the rotating clue mechanism under the provisions of Clause 3 of this Article, the Ministry of Industry and Trade shall prescribe the allocation of 20% of the rice volume in the contract to key traders.

Based on the criteria set out in Clause 6 of this Article and the regulations issued by the Ministry of Industry and Trade, the Vietnam Food Association allocates the remaining 80% of the centralized rice contract to export traders. Other rice to carry out export mandate.

6. The allocation of centralized contracts to rice export traders for export consignment is based on the following criteria:

- a) Direct export achievements of the previous 6 months of traders;
- b) Responsibility for delivery according to assigned centralized contracts;
- c) Results of construction of raw material areas or association of production and consumption of rice and rice by traders;
- d) Traders' achievements in purchasing rice paddies under the direction of competent agencies and organizations.

7. The Vietnam Food Association allocates quotas for performance of concentrated contracts for traders according to the criteria specified in Clause 6 of this Article; monitor and urge the implementation of centralized contracts, including signing and implementing export entrustment contracts and reporting on the implementation situation to the Ministry of Industry and Trade.

After the Vietnam Food Association allocates quotas, traders are allocated quotas and key traders must sign contracts on the implementation of centralized contracts, clearly defining the rights and obligations of the parties. copper.

The disputes arising between the parties are resolved in accordance with the law.

8. Traders must not allocate targets for performance of centralized contracts according to the provisions of this Article in the following cases:

- a) Bidding, transacting, and signing rice export contracts directly or indirectly into the market with centralized rice export contracts contrary to regulations and directives of competent State agencies;
- b) Forging vouchers or other frauds to be assigned a centralized contract contract, allocating the target of performance of the centralized contract or to be approved to return the allocated entrusted export target;
- c) Failing to comply with or not fully complying with the assigned entrusted export norms without falling into force majeure circumstances and failing to report to competent State agencies according to regulations.

The time-limit for the application of the measure of non-allocation of centralized contract performance norms specified in this Clause is 06 months.

In case a trader violates many points stipulated in this clause or is in the period of application and recidivism, the time limit for application of the measure prescribed in this Clause shall be determined by the total duration applicable to each violations are handled.

9. In cases where foreign countries and territories organize open and open bidding for traders who are not centralized contractual traders to participate in, on the basis of notifying agencies and organizations authorized by foreign countries and territories, the Ministry of Industry and Trade announces that rice export traders will be aware of and participate in bidding activities, be responsible for their business efficiency.

10. Based on the provisions of this Decree, the Ministry of Industry and Trade shall assume the prime responsibility and coordinate with the concerned agencies in promulgating regulations guiding criteria for designating key traders, the signing and organization of implementation Concentrated co.

Thing 20 . Statistics, exploitation of information, data and reporting regime of statistics of export contracts and implementation of rice export contracts

1. The Ministry of Industry and Trade shall assume the prime responsibility for, and coordinate with the Ministry of Finance and concerned agencies in, unifying the contents of information, announcing rice export contracts and the mechanism of information on situation of goods delivery according to The contract has been announced to serve the management of rice export.

2. The General Department of Customs shall be responsible for making statistics, updating and sending to the Ministry of Industry and Trade periodically monthly, quarterly or annually according to the following criteria: Quantity, value and strains types of paddy, rice, export gate; data on the export of organic rice, parboiled rice, and fortified rice.

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Thing 21. Ensuring the objectives and principles of rice export management

In order to ensure the objectives and principles of rice export management, based on the market situation and the actual requirements of rice export management, the Prime Minister considered and decided the adjustment of rice export activities. apply export rice floor price based on the proposal of the Ministers of Industry and Trade, Agriculture and Rural Development, Finance.

Chapter IV**RESPONSIBILITIES OF THE STATE AGENCY
AND RELATED ORGANIZATIONS AND INDIVIDUALS****Thing 22. Responsibilities of ministries, branches and provincial People's Committees**

In addition to the responsibilities stipulated in this Decree and other provisions of the current law, Ministries, sectors: Industry and Trade, Agriculture and Rural Development, Finance, Health, State Bank of Vietnam and The relevant provincial People's Committee also has the following responsibilities:

1. Ministry of Industry and Trade

a) Develop mechanisms for trade promotion, development of rice export market under a specific mechanism, focusing on key markets, traditions and new markets, potential markets and types of exported rice High value added.

Actively seek and expand rice export markets according to centralized contracts, negotiate and sign rice trade agreements with foreign countries or territories with foreign demands;

b) To inspect the implementation of the law on rice export business by traders and concerned agencies and organizations; coordinate with competent agencies and organizations in examining, detecting and handling violations of rice export business; settle complaints and denunciations and handle violations in rice export business according to its competence;

c) Leading and coordinating with relevant ministries, branches, provincial people's committees and relevant agencies to organize rice export management to ensure the principles stipulated in this Decree;

d) Assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development in, monitoring and supervising the allocation of quotas for implementation of concentrated rice export contracts of the Vietnam Food Association to be open, transparent and follow complying with the provisions of this Decree;

e) Coordinating with relevant agencies in guiding and organizing the implementation of policies to encourage and support rice export traders specified in Clause 2, Article 16 of this Decree;

e) Guide and support rice export traders to improve production, business, market information, negotiate, sign, implement export contracts, handle international trade disputes. .

2. Ministry of Agriculture and Rural Development

a) To uniformly direct localities in making and organizing the implementation of plannings on rice production areas; guide farmers in the direction of specialized cultivation of high quality, high quality rice varieties, ensuring food safety; apply scientific and technological advances in the production, processing and preservation of rice and rice; improve the quality and brand of Vietnamese rice in the market;

b) Assume the prime responsibility for, and coordinate with the provincial-level People's Committees and Vietnam Food Association in, monitoring the situation of production, holding rice and rice yields in order to balance rice and rice products for export; to assume the prime responsibility and coordinate with the ministries, branches and localities and Vietnam Food Association in ensuring national food security, meeting the objectives and principles of rice export management under the provisions of this Decree;

c) Promulgating or submitting to competent authorities for promulgating preferential mechanisms and policies for traders investing in the production, processing of rice, high-tech rice and production and trading of clean rice and organic rice products. , quality rice, high added value or processed by-products, by-products from rice and rice;

d) Formulate, promulgate or submit to competent authorities for promulgation policies to encourage and support the construction of raw material areas, link production and consumption of rice and rice; improve the capacity of organizing representatives of farmers, removing difficulties and obstacles regarding relevant mechanisms and policies;

e) Assume the prime responsibility for, and coordinate with concerned agencies in, guiding criteria and methods for determining organic and rice rice products specified in Clause 3, Article 4 of this Decree; promulgate rice production processes, processing, preservation and quality inspection of exported rice and rice products; formulating and promulgating national standards and technical regulations for rice and rice for export; to promulgate national standards and technical regulations on storage, milling, milling and processing establishments of rice and rice to meet the conditions for rice export business according to regulations; guide, direct and organize the inspection and supervision of the implementation of traders, producers and related organizations and individuals.

3. The Ministry of Health shall assume the prime responsibility for, and coordinate with concerned agencies in, guiding criteria and methods for determining rice products fortified with micronutrients specified in Clause 3, Article 4 of this Decree; promulgating regulations on maximum residue of chemicals for rice products; formulate and promulgate national standards and technical regulations for export rice product packages according to regulations; guide, direct and organize the inspection and supervision of the implementation of traders, producers and related organizations and individuals.

4. Ministry of Finance

a) To assume the prime responsibility and coordinate with the concerned ministries, branches and localities in taking measures to stabilize rice and rice prices according to law provisions;

b) To direct the General Department of Customs to synthesize and send to the Ministry of Industry and Trade periodical (monthly, quarterly and yearly) reports or unexpectedly as required by rice export.

5. State Bank of Vietnam

Direct credit institutions to proactively balance capital sources to promptly meet t
building warehouses, grinding, milling, processing rice, rice and paddy-drying estab
export traders build raw material areas, rice producers in raw material areas, rice producers associate production and

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consumption of rice and rice with rice export traders.

6. Responsibilities of provincial People's Committees

- a) Develop and organize the implementation of rice production planning, direct the supply of materials, breed structure, implement farming techniques, improve rice quality to meet market demand; inspect production, circulation, consumption of rice and rice in the area; manage and organize the planning of storage systems, rice milling and processing facilities in the locality; direct the purchase of paddy and rice directly from producers and purchase through contracts on production, consumption of rice and rice signed with producers according to the current policies of the State in the locality;
- b) Reporting periodically or unexpectedly at the request of the Prime Minister, concerned ministries and branches on the output, types of unsold rice and rice and expected yields and yields of paddy and rice. according to each type and season of production in the locality in service of the management of rice export;
- c) Direct the Departments of Finance, Agriculture and Rural Development, Industry and Trade and relevant agencies to conduct surveys, survey production costs and calculate the production cost of each crop according to Decree this decision and guidance of the Ministry of Finance; direct, inspect and supervise local rice export traders in the observance of regulations and abide by the direction and administration of competent state agencies according to the provisions of this Decree; organize the effective implementation of policies on building material areas in the area; inspect, detect and handle acts of violating regulations on production, business and use of fertilizers and plant protection drugs in the locality;
- d) To direct the Department of Industry and Trade and relevant agencies of the province to organize post-inspection of storage, grinding, milling, processing rice and rice facilities to meet business conditions in the locality as prescribed in Clause 2 Article 5 of this Decree;
- e) Propaganda, mobilization and local people's organizations to carry out rice production according to the State's planning and orientations in order to raise the efficiency of production, business and export of rice and rice; adhere to the direction and guidance of the agricultural sector on production processes, seed structure, seasonal structure; producing according to market demand and order of traders, associating and cooperating with traders to build rice material areas for export.

Thing 23. Responsibilities of the Vietnam Food Association

In addition to the functions and duties prescribed by the current law, the Vietnam Food Association has the following specific responsibilities:

1. Coordinating with the People's Committees of provinces and cities directly under the Central Government in directing, guiding and assisting Association members to build material areas according to the current policies of the State.
2. To coordinate with competent agencies in examining and detecting violations in the field of rice export business and proposing competent agencies to handle.
3. Coordinating with ministries, branches and localities in directing and guiding Association members to buy paddy and rice goods, maintaining reserve levels of compulsory circulation and market stabilization according to the provisions of the Decree. this.
4. Build and maintain the operation of the website on the situation of supply - demand for rice, domestic and foreign markets, import customers, prices and forecasts of rice trade, information on exports and consuming rice and rice.
5. Actively seek and expand rice export markets; guide members of the Association to improve market capacity, actively deal, negotiate and sign export contracts to improve rice export efficiency.
6. Weekly, monthly, and quarterly reports to the Ministry of Industry and Trade, the Ministry of Finance, the Ministry of Agriculture and Rural Development, the Government Office, and the provincial People's Committees on the situation of paddy price situation. domestic rice; rice and rice export prices; Rice inventories of Association members.
7. Promptly report to ministries and branches concerned with issues arising according to their assigned functions and tasks and propose handling measures.

Thing 24. Responsibilities of rice exporters

1. Immediately report in writing to the Ministry of Industry and Trade and the provincial Department of Industry and Trade where traders have a warehouse, a grinding, milling or processing facility for rice and rice declared to be granted a Certificate when they cannot meet business conditions or when there is a change in storage, rice milling, milling and processing establishments to meet business conditions prescribed in Article 4 of this Decree.
2. Periodically on the 20th of every month, report to the Ministry of Industry and Trade the situation of signing and implementing rice export contracts in the reporting period.
3. Periodically on every Thursday, report to the Ministry of Industry and Trade about the actual volume of paddy and rice inventories of traders according to each specific category to synthesize data for operation.
4. Quarterly and annual reports and extraordinary reports at the request of the Ministry of Industry and Trade, the Ministry of Finance, the Ministry of Agriculture and Rural Development, the People's Committees and the provincial Department of Industry and Trade where traders have Head office, storage, milling, processing, rice, or material area construction. Periodical reports shall be made according to Form No. 04 prescribed in the Appendix to this Decree.
5. Actively implementing the construction of material areas according to the State's policies; implement the regime of reporting on the implementation of construction of raw material areas with the Ministry of Industry and Trade and relevant agencies according to regulations.
6. Traders who report incorrectly or fail to comply with the reporting regime prescribed in this Article shall not enjoy the priority policies prescribed in Clause 2, Article 16 of this Decree until traders terminate. rectify violations.
7. Based on the provisions of this Decree, the Ministry of Industry and Trade shall specify the reporting regime of traders stipulated in this Article in the direction of enhancing the application of information technology to ensure convenience for traders to implement .

Chapter V

TERMS ENFORCEMENT

Thing 25. Terms of transition

1. Traders who have been granted certificates according to the provisions of Decree No. 109/2010 / ND-CP may continue their rice export business activities according to the validity duration of the granted Certificate without needing to reissue the

FROM THE BEGINNING OF THE PAGE

2. Traders with foreign direct investment have been engaged in rice production and export before the effective Decree No. 109/2010 / ND-CP continues to operate under the granted licenses.

The time of submission of traders' dossiers shall be calculated according to the date of submission of dossiers on postmark (for traders sending dossiers by post), the date the Ministry of Industry and Trade receives dossiers on public service pages. Online or date shown on the seal of receiving official letters of the Ministry of Industry and Trade for the case of traders applying directly at the Ministry of Industry and Trade headquarters.

1. This Decree takes effect from October 1, 2018.

2. Abolish Decree 109/2010 / ND-CP dated November 4, 2010 of the Government on rice export business.

1. Based on the provisions of this Decree, the Ministries: Industry and Trade, Agriculture and Rural Development, Health, Finance and the State Bank of Vietnam shall issue documents detailing and guiding the implementation. This decree.

The ministries of Agriculture and Rural Development and Health shall issue documents guiding the determination of rice types according to the provisions of Point e, Clause 2 and Clause 3, Article 22 of this Decree, for implementation from the date of this Decree. effective; promulgating regulations on criteria and methods determined for these types of rice before December 31, 2018.

2. Ministers, heads of ministerial-level agencies, heads of Government-attached agencies and presidents of provincial / municipal People's Committees, and the Vietnam Food Association President shall have to implement the Decree, this.

Appendix

(Attached to Decree No. 107/2018 / ND-CP

August 8, 2018 of the Government)

FROM THE BEGINNING OF THE PAGE

Number:

..., day ... month ... year 20 ...

PROPOSAL**Certification of eligibility for rice export business**

Dear: Ministry of Industry and Trade.

1. Name of trader:

- Name of trader in foreign language (if any):

- Abbreviated name in foreign language (if any):

- Head office address: Phone number: fax number:.....

- Website address (if any):

- Business registration certificate (or Business Registration Certificate, Investment Registration Certificate) number do
... (name of the issuing agency) issue date ... month ... year ...

Proposing the Ministry of Industry and Trade to grant certificates of eligibility for rice export business to traders according to the provisions of the Decree No. ... / 2018 / ND-CP dated ... month ... 2018 of the Government on export business rice.

2. Information on specialized warehouses for storing rice and rice and establishments of traders who cultivate, process and process rice and rice:

a) Specialized warehouse for storing rice and rice:

No.	Warehouse name	Address	Ownership form (Specified owned by a trader or hired)	Capacity (tons)		Storage conditions	Note
				Paddy	Rice		
1.
2.

b) Rice, rice husking, milling and processing establishments:

No.	Name of grinding, milling and processing facilities	Address	Ownership (Specified owned by the trader or hired)	Capacity (ton / hour)	Product	Note
1.
2.

3. Attached documents include:

-

-

4. Traders who assure that the above-mentioned contents are true, shall be responsible before law for the above-mentioned contents and papers and documents in the dossiers attached to this Application. .

Dear:

- Department of Industry and Trade where traders have their headquarters;

- Department of Industry and Trade where traders have storage, grinding, milling and processing facilities declared to meet business conditions.

LEGAL REPRESENTATIVE OF TRADERS

(Signature, full name, title and stamp)

*** Note:**

- Address address: Specify, exact house number (if any); street / street (or village, hamlet, hamlet); commune / ward / town; district / county / town / city in the province; province / city.

- Item of ownership form: Specify the warehouse, grinding, milling, rice-owned facilities owned by traders or hired by other organizations and individuals.

- Section "Storage conditions" (of storage): Specify storage conditions that are guaranteed or not guaranteed; How long is the preservation period?

FROM THE BEGINNING OF THE PAGE

- Section "Products" (of grinding, milling and processing establishments): Specify types of products, basic information about processed products.

Form No. 02

**MINISTRY OF INDUSTRY AND
TRADE**

**SOCIAL REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

..., day ... month ... year 20 ...

Number: ... / GCN

**CERTIFICATE
CONDITIONS FOR EXPORTING RICE BUSINESS**

MINISTER OF INDUSTRY AND TRADE

Pursuant to Decree No. ... / 2018 / ND-CP dated ... month ... of 2018 of the Government on rice export business;
Considering the application file for certificate of eligibility for rice export business ... (trade name) ...,

CERTIFICATION:

Name traders:.....

Name of trader and abbreviated name in foreign language (if any):

Head office address:

Business registration certificate (or Business registration certificate, Investment registration certificate) number by
..... (name of the issuing agency) ... on the day ... month ... year ...

CONDITIONS FOR EXPORTING RICE BUSINESS

according to the provisions of Decree No. ... / 2018 / ND-CP dated months ... 2018 of the Government on rice export business.

1. Details of the location and capacity of specialized warehouses containing rice and rice: ...

2. Details of the location and capacity of rice milling, processing and processing facilities: ..

This certificate is valid until the end of the day month year 20 ... /.

MINISTER

Dear:

- General Department of Customs;
- People's Committee, Department of Industry and Trade in provinces / cities ...;
- (Where traders have their headquarters / warehouse,
milling and processing facilities)
- Vietnam Food Association;
- Archive: Administrative, import and export (2)

Form No. 03

NAME TRADERS

**SOCIAL REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

Number:

..., day ... month ... year 20 ...

PROPOSAL

**Re-grant / adjust the content of the certificate
eligible for rice export business**

Dear: Ministry of Industry and Trade.

1. Name of trader:

- Name of trader in foreign language (if any):

- Abbreviated name in foreign language (if any):

- Head office address: Phone number: Fax number:

- Website address (if any):

- Business registration certificate (or Business registration certificate, Investment registration certificate) number ... issued by ...
(name of the issuing agency) ... issued on ... month ... year ...

Proposing the Ministry of Industry and Trade to re-grant / adjust the contents of the certificate of eligibility for rice export business for ... (trader name) ... to replace / in the certificate of number issued on ... month ... year ... according to the provisions of Decree No. ... / 2018 / ND-CP dated ... month ... in 2018 of the Government on rice export business.

The reason for re-granting is as follows:

.....
.....

FROM THE BEGINNING OF THE PAGE

2. Attached documents include:

3. Traders shall take responsibility before law for the contents of the applications and papers and documents in the dossiers enclosed with this application.

Dear:

- Department of Industry and Trade where traders have their headquarters;
- Department of Industry and Trade where traders have storage, grinding, milling and processing facilities declared to meet business conditions.

LEGAL REPRESENTATIVE OF TRADERS

(Sign and write the full name and title and stamp)

Form No. 04

NAME TRADERS

Number:

SOCIAL REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

..., day ... month ... year 20 ...

REPORT
Rice export business

Dear: Ministry of Industry and Trade.

Implementing the provisions of the Decree No. ... / 2018 / ND-CP, ... (name of trader) ... reporting the situation of rice export business as follows:

1. Regarding the implementation of regulations on rice export business conditions:
 - a) Regarding the capacity of rice and rice warehouses:
 - b) About grinding, milling and processing facilities:
 - c) About paddy drying capacity:
 - d) Regarding the construction of raw material areas, association of production and consumption
2. Regarding the implementation of regulations on buying rice and rice products directly from farmers, buying temporary storage of rice and rice:
 - a) The announcement of buying, buying, linking and organizing purchase system of rice and rice for farmers
 - b) Regarding quantity / price of buying rice and rice:
 - c) Regarding the time and progress of implementation:
3. Regarding the construction of material areas, the process of production, processing, preservation, standards and technical regulations related to the implementation of food safety regulations and the quality of paddy and rice are ensured. chemical, rice branding, notification of export contracts, implementation of centralized rice export contracts, market development, customers, consumption channels:
 - a) About building material areas
 - b) Regarding the implementation of the process of production, processing, preservation, relevant standards and technical regulations, implementation of regulations on food safety, ensuring the quality of rice and rice
 - c) About rice branding
 - d) Regarding notification of export contracts:
 - e) Regarding the implementation of concentrated rice export contracts
 - f) Market development, customers, consumption channels
4. Results of rice export business:
 - a) Results of domestic consumption, wholesale, retail, supply to domestic distribution systems (quantity, value according to each specific type of rice and rice products):
 - b) Export results (export quantity and value according to each product category, according to each export market, according to concentrated contracts / commercial contracts):
 - c) Commendable forms of reward (if any):
5. Regarding domestic law observance and compliance with export market regulations, dealing with business disputes:
 - a) Regarding the observance of domestic laws (Specifying the violations of tax, customs, other violations and the form of treatment applied, if any)
 - b) Regarding compliance with the regulations of the export market (Specify the cases of violations and the forms of handling that have been applied, if any)
 - c) Regarding the settlement of disputes in business (Specifying cases of disputes arising, judgments and conclusions of cases of domestic and foreign functional agencies, if any)
6. Other contents and recommendations of traders (if any):

The trader warrants that the above contents are correct and is responsible before the

FROM THE BEGINNING OF THE PAGE

Dear:

REPRESENTATIVE

- Ministry of Agriculture and Rural Development;
- Ministry of Finance: General Department of Customs,
General Department of Taxation;
- People's Committee of province / city ...;
- Department of Industry and Trade in provinces / cities
... ..;

LEGAL LAWS OF TRADERS
(Sign and write the full name and title
and stamp)

*** Note:** In order to apply for a Certificate in accordance with Article 6 of this Decree, traders only send this report to the Ministry of Industry and Trade. In case of a new request, traders shall report on rice export business activities after being granted the expired certificates.

**TM. GOVERNMENT
PRIME MINISTER**
(Signed)


Nguyen Xuan Phuc

Download the attachment

PDF version:

Attached files:

ND number 107.2018.NĐ.CP - FINAL.doc - (Quick view)

 Send feedback

CENTRAL DOCUMENTATION DOCUMENTATION BASIS

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