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 Validity: **Out of full effect** Effective date: **January 1 , 2011**
GOVERNMENT

Number: 109/2010 / ND-CP

SOCIAL REPUBLIC OF VIETNAM**Independence - Freedom - Happiness***Hanoi, November 4, 2010***DECREE****About rice export business****GOVERNMENT**

Pursuant to the Law on Government Organization dated December 25, 2001;

Pursuant to the June 14, 2005 Commercial Law;

Pursuant to the November 29, 2005 Enterprise Law;

At the proposal of the Minister of Industry and Trade,

DECREE:**Chapter I****GENERAL RULES****Article 1. Scope**

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.

Article 2. Subjects of application

This Decree applies to traders in accordance with the Commercial Law; agencies and organizations are responsible for managing and administering rice export and other relevant organizations and individuals.

Article 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 conducting rice export business activities under this Decree; Other relevant provisions of Vietnamese law and commitment of the Socialist Republic of Vietnam in international treaties to which the Socialist Republic of Vietnam is a member.

chapter II**BUSINESS CONDITIONS AND CERTIFICATES OF QUALITY OF EXPORT RICE BUSINESS****Article 4. Conditions for rice export business**

1. Rice export traders must fully meet the following conditions:

- a) Being established and registering business according to the provisions of law.
- b) At least 01 (one) specialized warehouse with a capacity of at least 5,000 (five thousand) tons of paddy, in conformity with the general standards issued by the Ministry of Agriculture and Rural Development.
- c) Have at least 01 (one) facility for grinding, milling rice, rice with a minimum capacity of 10 tons of rice / hour, in accordance with the general standards issued by the Ministry of Agriculture and Rural Development.

2. Warehouses, grinding and milling establishments prescribed in this Article must **FROM THE BEGINNING OF THE PAGE** provinces and centrally-run cities with rice or rice goods exported or with international seaports. export rice and rice at the time the trader proposes a certificate.

Article 5.- Inspection and certification of storehouses, grinding and milling establishments

The Department of Industry and Trade of provinces and cities directly under the Central Government shall assume the prime responsibility and coordinate with the Agriculture and Rural Development Department in examining and certifying the storehouses, grinding and milling establishments in the localities according to the form prescribed in the Appendix. Appendix IV, Appendix V attached to this Decree for a maximum of 10 (ten) working days from the date of receipt of the trader 's written request and related papers and documents.

Article 6. Granting certificates of eligibility for rice export business

1. The Ministry of Industry and Trade shall grant certificates to traders according to the provisions of Article 4 of this Decree.

2. A dossier of application for a Certificate includes:

a) An application made according to the form prescribed in Appendix I to this Decree.

b) Valid copy of the Business Registration Certificate or Business Registration Certificate, Investment Certificate.

c) The original list of warehouses, the original of the list of grinding and milling establishments made according to the form prescribed in Appendix IV and Appendix V attached to this Decree, certified by the Industry and Trade Department of the province or city directly under the Central Government. according to the provisions of this Decree.

3. Within 15 (fifteen) working days, from the date of receiving a complete and valid dossier, the Ministry of Industry and Trade shall consider and grant a certificate according to the form prescribed in Appendix II to this Decree.

In case of not issuing a Certificate, the Ministry of Industry and Trade must reply in writing and state the reason.

4. The certificate has a validity of 05 (five) years, from the date of issue. When the Certificate expires, the trader must apply for a new Certificate to continue the rice export business.

5. The granting of new certificates to traders to replace the expired certificates is carried out as follows:

a) At least 30 (thirty) days before the expiry date of the Certificate, traders shall send a dossier of application for a new Certificate to the Ministry of Industry and Trade, including:

- Papers prescribed in Clause 2 of this Article.

- Original Certificate issued. In case there is no original copy due to loss, damage or destruction, traders must have an explanation report and specify the reason.

- Report of rice export business activities in the form prescribed in Appendix VI attached to this Decree.

b) The time limit for considering and granting new certificates to traders shall comply with the provisions of Clause 3 of this Article.

Article 7. Re-issuance and adjustment of contents of certificates

1. The Ministry of Industry and Trade considers, re-grants or adjusts the contents of the Certificate in the following cases:

a) There is a change in the content of the Certificate.

b) The certificate is lost, damaged or destroyed.

2. Dossiers of application for re-issuance or adjustment of contents of a certificate include:

a) An application made according to the form prescribed in Appendix III to this Decree.

b) Original Certificate issued. In case there is no original copy due to loss, damage or destruction, traders must have an explanation report and specify the reason.

c) Documents related to the change of the contents of the Certificate, if it falls into the case specified at Point a, Clause 1 of this Article.

3. The time limit for considering, re-issuing or adjusting the contents of the Certificate is 15 (fifteen) working days from the date of receipt of a complete and valid dossier. In case of refusal to grant or adjust the contents of the Certificate, the Ministry of Industry and Trade must reply in writing and state the reason.

4. The validity of a re-granted certificate or adjusted content in the cases specified in Clause 1 of this Article is the validity term of the previously granted certificate.

Article 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 withdrawal request.

b) Traders are dissolved or bankrupt according to the provisions of law.

c) Traders have their business registration certificates or business registration certificates and investment certificates withdrawn.

d) Traders do not export rice for a period of 12 (twelve) consecutive months, unless traders have notified temporary suspension of business in accordance with law.

e) Traders do not maintain meeting business conditions specified at Points b and c, Clause 1, Article 4 of this Decree in the course of business.

e) Traders who commit acts of violation are prescribed in Clauses 1 thru 5, Article 26 of this Decree.

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g) Traders relapse into violations according to the provisions of Point c, Clause 3, Article 2/ of this Decree.

2. In cases where traders are handled for violations according to the provisions of Point e, Clause 1 of this Article, the Ministry of Industry and Trade shall consider and grant new certificates to traders only after the following minimum time limits have expired:

- a) In case of a first violation by a trader, this time limit is 12 (twelve) months from the date of issuance of the recall decision.
- b) In case of a violation by a trader for the second time or for the first time but with 02 (two) or more violations, this time limit is 36 (thirty six) months from the date of determination. intend to withdraw.

3. The granting of new certificates to traders shall, after being withdrawn, comply with the provisions of Article 6 of this Decree.

In case the Certificate of Business is revoked as stipulated in point e, Clause 1 of this Article, the issuance of a new Certificate must comply with the time limit specified in Clause 2 of this Article.

4. In addition to the cases of revocation of the Certificate in accordance with this Decree, the certificate of the export of rice may be revoked under the provisions of other legal documents due to Authorized state agencies.

Article 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

Article 10. Objectives and principles of administering rice export

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

- 1. Contribute to the consumption of rice and commodity rice 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.

Article 11. Balance of rice and rice products for export

1. Annually, the Ministry of Agriculture and Rural Development shall assume the prime responsibility and coordinate with the People's Committees of the provinces and centrally-run cities in balancing the domestic consumption demands, announced in the fourth quarter. Every year, rice and rice products can be exported in the next planning year; update and inform the Ministry of Industry and Trade and the Vietnam Food Association about the production, production, and seasonal categories of the 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.

Article 12. Circulation reserves

Rice traders must regularly maintain the minimum circulation reserve equivalent to 10% (ten percent) of the quantity of rice that traders have exported in the previous six (six) months.

Article 13. Purchase of rice and rice for export goods

- 1. The rice export traders shall have to notify the People's Committees of the provinces and centrally-run cities of rice and rice buying places and announce these buying places so that people know; listing purchase prices according to quality, types of rice and rice products to create favorable conditions for farmers to directly conduct transactions.
- 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.
- 3. Encouraging traders to buy rice and rice products through contracts signed with producers according to the State's current policies on the consumption of commodity farm produce through contracts.
- 4. Traders that purchase paddy and rice goods under this Article may borrow export credits according to current regulations.

Article 14. Regulating the price of exported rice and rice

- 1. Regulatory principles.

Implementing the mechanism of regulating the price of exported rice and rice on the market based on the average orientation of paddy prices for each production season is determined and announced according to the provisions of this Article in order to contribute to ensuring profits for rice growers according to the current policy (hereinafter called orientation paddy prices).

- 2. Identify and announce orientation rice prices.

a) The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development in, promulgating regulations on, and guiding methods of investigation, determining production costs and calculating production costs of commodity rice for the People's Committee. The provinces and cities directly under the Central Government shall serve as a basis for determining and announcing the estimated average production cost of rice in the whole province or city right from the beginning of the crop for each production year.

On the basis of the estimated average production cost of each production crop at **FROM THE BEGINNING OF THE PAGE** province or city directly under the Central Government, the Ministry of Finance coordinate with the Ministry of Agriculture and Rural Development in examining check, synthesize and determine the average production cost of rice projected for each production season of the whole production area

production cost of rice projected for each production season of the whole production area.

b) On the basis of the average production cost projected for each crop, the Ministry of Finance determines and announces the orientation of paddy prices right from the beginning of the season to serve as a basis for regulating the price of rice and commodity rice on the market, contributing to ensure the average profit level for rice growers according to the current policy.

3. Regulatory mechanism

a) In case the market price of paddy is equal to or higher than the price of paddy, the State will not intervene.

b) In case the market price of paddy is lower than the orientation of paddy price, the Ministry of Agriculture and Rural Development shall assume the prime responsibility and coordinate with the Ministry of Finance, Industry and Trade, the State Bank of Vietnam and the Association. Vietnamese food is submitted to the Prime Minister for consideration and decision to apply specific regulating measures to maintain the price of paddy and rice in the market not lower than the price of paddy, and at the same time ensure export activities. effective rice export.

Article 15. Stabilization of domestic rice and rice prices

1. The People's Committees of the provinces and cities directly under the Central Government shall assume the prime responsibility and coordinate with the Ministry of Industry and Trade and the Ministry of Agriculture and Rural Development in directing rice traders to sell rice in the localities where the collection system is organized. buying and distributing rice and ensuring the stability of the domestic consumer market; inspect the implementation of buying rice and rice products according to the provisions of this Decree.

2. When domestic rice prices fluctuate in excess of the prescribed level under the current law, the Ministry of Industry and Trade presides and coordinates with People's Committees of provinces and cities directly under the Central Government, Vietnam Food Association, Based on the current law provisions on stabilizing rice commodity prices and the direction of the Prime Minister, directing and guiding rice export traders to immediately supply additional reserve rice to supply sources. domestic market.

3. Rice export traders shall participate in price stabilization and may offset arising expenses under the guidance of competent State agencies.

4. The announcement and application of measures to stabilize rice and rice prices comply with current law provisions.

Article 16. Implementation of centralized rice export contracts

1. Concentrated rice export contract is a rice export contract signed under an agreement between a competent authority of the Government of Vietnam and a foreign or foreign territory and rice export contracts. signed under the direction of the Prime Minister.

2. The Ministry of Industry and Trade shall assume the prime responsibility and coordinate with the Ministry of Finance, the Ministry of Agriculture and Rural Development and the Vietnam Food Association in formulating mechanisms and criteria to designate traders to sign and organize the implementation thereof. co-concentrating and directing the implementation of centralized contracts.

3. Traders signing and organizing the performance of contracts directly focus on exporting 20% (twenty percent) of the rice volume in the contract.

Based on the criteria in paragraph 4 of this Article and the regulations issued by the Ministry of Industry and Trade, the Vietnam Food Association allocates the remaining 80% (eighty percent) of the contract to other traders to export mandate.

4. The allocation of centralized contracts to traders to implement export consignment is based on the following criteria:

a) Direct export achievements of the previous 06 (six) months of traders.

b) Responsibility for delivery under centralized contracts has been assigned.

c) The amount of paddy and rice available by traders.

d) Traders' achievements in purchasing rice paddies under the direction of competent agencies and organizations.

5. Based on the provisions of this Decree, the Ministry of Industry and Trade promulgates regulations on guiding rice export contracts and handling violations related to the transaction, signing and implementation of rice export contracts. enter the market with centralized contracts.

Article 17. Registration of rice export contracts

1. Based on the provisions of this Decree, the Ministry of Industry and Trade issued regulations on registration of rice export contracts for Vietnam Food Association to register rice export contracts.

2. Within 03 (three) working days, from the date the rice export contract is signed, the trader submits the dossier as prescribed by the Ministry of Industry and Trade to register the export contract at the Vietnam Food Association. Male. In case of plausible reasons, this time limit may be extended but must not exceed 10 (ten) working days.

3. Traders shall be responsible for the authenticity of the contents of the registered contracts; Delivery is only possible after the contract has been registered as prescribed; produce export contracts that have been registered with the customs office when carrying out export procedures.

4. Within 02 (two) working days, from the date of receipt of valid dossiers of traders registration, Vietnam Food Association shall register traders' export contracts according to regulations. of the Ministry of Industry and Trade if traders meet the criteria for registering rice export contracts prescribed in Clause 1, Article 18 of this Decree

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In case of disapproval of registration, Vietnam Food Association must have a written reply within 02 (two) working days at the latest from the date of receipt of traders' registration dossiers and clearly state the reasons.

Article 18. Criteria for registration of rice export contracts

1. Traders having certificates of rice export contracts may be registered when they meet the following criteria:

- a) Export contracts with export prices not lower than export rice floor prices shall be announced according to the provisions of Article 19 of this Decree.
 - b) At least 50% (fifty percent) of rice is available in the export registration contract, excluding the amount of rice that must be regularly maintained in order to maintain the circulation reserve as prescribed in Article 12. This decree.
 - c) Compliance with regulations on concentrated rice export contracts issued by the Ministry of Industry and Trade under this Decree.
2. Priority to pre-register contracts for traders who meet the criteria specified in Clause 1 of this Article to buy rice and rice directly from rice producers through contracts on farm produce sale according to the current policies of Government.

Article 19. Export rice floor price

1. The Ministry of Finance shall assume the prime responsibility and coordinate with the Ministry of Industry and Trade, the Ministry of Agriculture and Rural Development, the People's Committees of the provinces and centrally-run cities in the production of large commodity rice and the Vietnam Food Association. The South guides the method of determining the floor price of exported rice according to the following principles:

- a) Consistent with developments of the domestic and world markets.
- b) In accordance with the published orientation of paddy prices, the price of domestic paddy and rice products, business costs and profits of rice export traders.

2. Based on the guidance of the Ministry of Finance, Vietnam Food Association announced the floor price of exported rice in each period as a basis for signing and registering export contracts.

3. The Ministry of Finance shall assume the prime responsibility and coordinate with the Ministry of Industry and Trade in inspecting and supervising the announcement of export rice floor prices by Vietnam Food Association according to the provisions of this Decree.

Article 20. Statistics and reporting on registration of export contracts

1. The Vietnam Food Association is responsible for statistics, updating the quantity, value, types of paddy, rice, market, customers, export traders, the number of daily registration contracts and reports. written in weekly, monthly, quarterly and annual reports or extraordinary reports upon request to the Ministry of Industry and Trade, the Ministry of Finance, the Ministry of Agriculture and Rural Development.

Periodical reports shall be sent to the People's Committees of the provinces and centrally-run cities where rice and rice products are exported.

2. In case of unusual developments in the registration of export contracts, the Vietnam Food Association must immediately report to the concerned ministries and branches for timely handling.

Article 21. Export tax for rice and rice

The application of taxes on exported rice and rice shall comply with the provisions of tax law.

Article 22. Ensuring the objectives and principles of administering rice export

In order to ensure the objectives and principles of rice export management, based on the requirements of actual export management, the Prime Minister considers and decides the adjustment of rice export activities at the request of the Ministry. heads of ministries: Industry and Trade, Agriculture and Rural Development, Finance and Vietnam Food Association.

Chapter IV**RESPONSIBILITIES OF STATE AGENCIES AND RELATED ORGANIZATIONS AND INDIVIDUALS****Article 23.- Responsibilities of ministries, branches and People's Committees of provinces and centrally-run cities**

In addition to the responsibilities stipulated in this Decree and other regulations of the current law, Ministries, sectors: Industry and Trade, Agriculture and Rural Development, Finance, State Bank of Vietnam and People's Committee People in provinces and cities directly under the Central Government have rice and rice goods for export, they also have the following responsibilities:

1. Ministry of Industry and Trade

a) Actively seek and expand rice export markets under centralized contracts, negotiate with countries that need to import and sign agreements on rice export with foreign countries or regions foreign territory.

b) Checking the satisfaction of traders' business conditions; coordinate with competent agencies and organizations in examining, detecting and handling violations of rice export business; settle complaints and denunciations and handle violations in the field of rice export business according to its competence.

c) Leading and coordinating with relevant ministries, branches, People's Committees of provinces and cities directly under the Central Government and Vietnam Food Association to organize the management of rice exports to ensure the principles stipulated in the Decree. this.

2. Ministry of Agriculture and Rural Development

a) To uniformly direct localities to make and organize the implementation of plannings on rice production areas; guide farmers

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in the direction of cultivating high quality and high quality rice varieties; apply scientific and technological advances in the production and processing of rice and rice; improve the quality and brand of Vietnamese rice in the market.

b) Leading and coordinating with the People's Committees of provinces and cities directly under the Central Government, the Vietnam Food Association to monitor the situation of production, to hold the output of paddy and rice to balance rice and export rice. password; to assume the prime responsibility and coordinate with the ministries, branches, localities, Vietnam Food Association and State Food Corporation in ensuring national food security, stabilizing the domestic market, meeting the objectives, principles of administering rice export stipulated in this Decree.

c) Coordinate with People's Committees of provinces and cities directly under the Central Government to have rice and rice goods for export in directing the purchase of paddy and rice directly from rice producers according to current policies and regulations in the Decree. this.

d) Develop planning of storage systems, grinding facilities, rice milling, rice; promulgating common standards on storage, grinding, milling, rice and rice production instructions nationwide from May 1, 2011.

3. Ministry of Finance

a) Promulgating according to its competence or submitting to the Government and the Prime Minister for promulgation policies and regulations on export credit and export credits for traders who build, expand and modernize warehouses and engines. grinding, milling rice, rice and rice export traders.

b) Assume the prime responsibility for, and coordinate with concerned ministries, branches and localities in, implementing measures to stabilize rice prices according to current law provisions.

c) Direct the General Department of Customs to synthesize and report monthly to the Ministry of Finance, the Ministry of Industry and Trade, the Ministry of Agriculture and Rural Development, the Government Office and the Vietnam Food Association for quantity and price. , export markets and rice export results of each rice export trader.

4. State Bank of Vietnam

Direct commercial banks to take the initiative in balancing and ensuring capital sources for traders to borrow rice and rice goods according to the planned plan to balance according to the provisions of this Decree.

5. Responsibilities of the People's Committees of provinces and centrally-run cities with export rice and rice

a) Formulate and organize the implementation of plannings on rice production development, ensuring the structure of breeds, directing the supply of materials, farming techniques, improving rice quality to meet market demands; inspect production, circulation, consumption of rice and rice in the area; manage and organize the implementation of the planning of building storage systems, rice and rice mills in the locality; direct the purchase of paddy and rice directly from producers and purchase through contracts signed with producers under the current policy of the State.

b) Reporting periodically or unexpectedly at the request of the Prime Minister, concerned ministries and branches on the output, types of outstanding rice and rice goods and expected yields and yields of paddy and rice. in the area to serve the management of rice export.

c) Direct the Departments of Finance, Agriculture and Rural Development, Industry and Trade to conduct surveys, survey production costs and calculate rice production costs for each crop in the area in accordance with this Decree. and specific guidance of the Ministry of Finance; direct, inspect and supervise local rice export traders in the observance of regulations and comply with the direction and guidance of competent agencies and organizations according to the provisions of this Decree.

d) Propaganda, mobilization and local people's organizations to implement rice production according to the general planning and orientations of the State to develop production, improve the efficiency of production, business and export of rice and rice. .

Article 24. Responsibilities of 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. Coordinate with the People's Committees of provinces and cities directly under the Central Government in directing and guiding rice export traders to buy rice and rice through contracts signed with producers according to current policies. State administration.

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 traders to buy commodity rice and rice, maintaining the reserve level for compulsory circulation and market stabilization according to the provisions of this Decree.

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 to actively trade, negotiate and sign export contracts to improve rice export efficiency.

6. Periodically weekly, monthly and quarterly reports on Ministry of Finance, Ministry of Industry and Trade, Ministry of Agriculture and Rural Development, Government Office, People's Committees of provinces and cities directly under the Central Government Mekong River Delta region, about the situation of buying rice and rice prices; rice and rice export prices; rice stocks in reserve inventory of rice export traders.

7. Promptly report to relevant ministries and branches on issues arising according propose handling measures.

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Article 25. Responsibilities of traders

Rice export traders are responsible for implementing the following reporting regime:

1. Quarterly and annual reports and extraordinary reports at the request of the Ministry of Industry and Trade, Ministry of Finance, Ministry of Agriculture and Rural Development, Vietnam Food Association, People's Committee and Department of Public Works In provinces and cities directly under the Central Government, where traders have their headquarters and where traders have warehouses, grinding establishments, mills on the situation of purchase, purchase prices of rice, rice, temporary storage, reserve, signing and implementing rice export contracts. Periodical reports shall be made according to the form prescribed in Appendix VI issued together with this Decree.
2. Immediately report in writing to the Ministry of Industry and Trade and the Department of Industry and Trade of the provinces and cities directly under the Central Government when they fail to meet the conditions on storehouses, grinding and milling establishments under the provisions of Article 4 of this Decree. or when there is no certificate issued due to loss, damage or destruction and the reason.

Chapter V**VIOLATION AND HANDLING OF VIOLATIONS****Article 26. Violation acts of rice export business**

1. Incorrectly declaring the actual storage, grinding, grinding or other frauds to be granted a Certificate.
2. Forgery, erase, repair Certificate.
3. Failing to implement or improperly executing and directing the direction and administration of competent agencies and organizations according to the provisions of Article 15 of this Decree.
4. Rice and rice speculation aimed at cornering the market, causing instability in rice and rice prices in the market; price squeeze or other behavior in the process of exporting rice causes damage to rice growers.
5. Not guaranteeing the quantity of rice reserved for circulation according to the provisions of Article 12 of this Decree.
6. Fraud in declaring export prices, available quantities of rice or other tricks to deceive them to register export contracts; failing to register rice export contracts according to regulations.
7. Forging vouchers or other frauds to get priority in registering export contracts, allocating and implementing concentrated contracts.
8. Bidding, trading rice export contracts directly or indirectly into the market with concentrated rice export contracts contrary to regulations and directives of competent State agencies.
9. The report is not true or does not comply with the reporting regime as stipulated in Article 25 of this Decree.

Article 27. Handling violations of rice export business

1. Organizations and individuals that commit acts of violating rice export business under this Decree shall, depending on the nature and seriousness of their violations, be disciplined, administratively sanctioned or prosecuted. For criminal acts, in case of causing damage, they must compensate therefor according to the provisions of law.
2. Traders engaged in rice export business that commit acts of violating the provisions of this Decree shall, apart from being handled according to law provisions, be handled according to the provisions of Clauses 3 and 4 of this Article or Certificate revoked under Article 8 of this Decree.
3. Traders that commit one of the acts of violation specified in Clauses 6 thru 9, Article 26 of this Decree shall be subject to the measure of temporary suspension of registration of rice export contracts according to the following regulations:
 - a) In case of a first-time violation, the trader shall be temporarily suspended from registration of the rice export contract within 03 (three) months.
 - b) Within 12 (twelve) months, from the date of being subject to the application of suspension of the export contract registration for 03 (three) months but the trader continues to commit acts of violation, he / she shall be temporarily suspended. signing rice export contract for 06 (six) months, excluding the time of suspension of previous export contract registration.
 - c) Within 12 (twelve) months, from the date of being subject to the application of suspension of registration of export contracts for six (six) months, if the trader continues to repeat the violation, the Ministry of Industry and Trade shall consider and decide on the collection. Revoke the certificate of the trader.
4. In cases where traders commit acts of violating the provisions of this Decree, on the basis of written requests of People's Committees, Departments of Industry and Trade of provinces and centrally-run cities, Food Association Vietnam or other agencies and organizations, the Ministry of Industry and Trade shall consider and apply measures to handle violations against traders according to the provisions of this Decree and other relevant law provisions.

Chapter VI**TERMS ENFORCEMENT****Article 28. Transitional provisions**

1. Within 09 (nine) months from the effective date of this Decree, traders who have not yet obtained the certificate of eligibility for rice export business may continue to export rice.

As of October 1, 2011, traders do not have a certificate of rice export business.

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2. Traders with foreign direct investment capital already engaged in rice production and export before this Decree takes effect

shall continue to operate under the granted licenses.

3. Within 01 (one) year, counting from the expiry of the transition term prescribed in Clause 1 of this Article, traders may hire warehouses, grinding and milling establishments to meet the business conditions prescribed at the points. b, c Clauses 1 and 2, Article 4 of this Decree;

The leasing of storage and grinding and milling facilities is chaired by the Ministry of Industry and Trade, in coordination with the Ministry of Agriculture and Rural Development.

Article 29. Implementation effect

1. This Decree takes effect from January 1, 2011.

2. To annul Clause 1, Article 10 of the Government's Decree No. 12/2006 / ND-CP of January 23, 2006, detailing the implementation of the Commercial Law regarding international goods purchase and sale activities and major activities management, purchase, sale, processing and transit of goods with foreign countries and previous guiding documents contrary to the provisions of this Decree.

Article 30. Implementation organization and implementation responsibility

1. Based on specific responsibilities assigned under the provisions of this Decree and other relevant law provisions, the ministries: Industry, Trade, Finance, Agriculture and Rural Development and Home Bank Vietnam is responsible for guiding the implementation of this Decree.


2. Ministers, heads of ministerial-level agencies, heads of Government-attached agencies and presidents of People's Committees of provinces and centrally-run cities and the chairman of Vietnam Food Association shall implement the Decree. this.

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

Nguyen Tan Dung

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