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MINISTRY OF INDUSTRY AND TRADE

Number: 44/2010 / TT-BCT

SOCIAL REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

Hanoi, December 31, 2010

CIRCULARS
Detailing a number of articles of Decree No. 109/2010 / ND-CP dated November 4, 2010 of the Government about rice export business

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

Pursuant to the Government's Decree No. 109/2010 / ND-CP of November 4, 2010, on rice export business (hereinafter referred to as the Government's Decree No. 109/2010 / ND-CP);

After discussing with the Ministry of Finance, Ministry of Agriculture and Rural Development, Vietnam Food Association,

The Minister of Industry and Trade details some articles of Decree No. 109/2010 / ND-CP of the Government as follows:

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

This Circular prescribes the registration of rice export contracts, concentrated rice export contracts (hereinafter referred to as centralized contracts) and related issues according to the provisions of Decree No. 109/2010 / ND -CP of the Government.

Thing 2. Subjects of application

This Circular applies to rice export traders; agencies and organizations shall have to register rice export contracts, transactions, signing and performance of centralized contracts and concerned agencies, organizations and individuals.

Chapter II**REGISTER TO CONTRACT FOR RICE EXPORT****Thing 3. Dossiers and procedures for registering rice export contracts**

1. Dossiers for registration of rice export contracts include:

- Written request for registration of rice export contract.
- The original or a valid copy of the signed rice export contract.
- The original report of the amount of paddy and rice available, including the total quantity of paddy and commercial rice available in stock; The specific address and the amount of paddy contained in each warehouse contains traders' grain and rice.
- Valid copy of Certificate of eligibility for rice export business (hereinafter referred to as Certificate for short), when registering the contract for the first time.
- In order to be given priority according to the provisions of Clause 2, Article 18 of Decree No. 109/2010 / ND-CP of the Government, traders shall submit a written request for priority and a general report on the purchase of rice and rice. directly through contract of farm produce consumption signed with producers with relevant documents to prove.

2. The order and procedures for registering rice export contracts comply with Article 17 of Decree No. 109/2010 / ND-CP of the Government.

Traders apply for contracts directly or send by registered mail (or courier) to the Vietnam Food Association. The Vietnam Food Association is responsible for directly registering and confirming each page of rice export contracts of traders according to the provisions of Decree No. 109/2010 / ND-CP of the Government and defined in this Circular.

3. The priority of pre-registration according to the provisions of Clause 2, Article 18 of the Government's Decree No. 109/2010 / ND-CP is as follows:

- In case the application for contract registration meets the prescribed criteria, it is allowed to register immediately on the date of receiving the dossier.

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Order	on receiving the dossier.
Resolution	b) In case the dossier needs to be amended and supplemented, the Vietnam Food Association immediately notifies the trader on the date of receiving the dossier and registering the contract right on the day of receiving the amended and supplemented dossier. rate.
Joint Resolution	
Decree	c) If the application is received at the end of the working day and there is not enough time to process, the priority file must be checked and processed in advance of other documents at the beginning of the next working day.
Decision	
Circulars	Thing 4. Regulations on application of export rice floor prices and verification of traders' available rice volume
Joint Circular	1. About export rice floor price
	a) The effective time to apply for contract registration of export rice floor price is at least 03 (three) days after the Vietnam Food Association announces it according to regulations.
Year issued	b) In case the export price in the contract is not lower than the price of exported rice floor announced by the Vietnam Food Association at the time the contract is signed but lower than the floor price at the time of contract registration, then According to the floor price at the time of signing, the time for contract registration does not exceed the time specified in Clause 2, Article 17 of Decree No. 109/2010 / ND-CP of the Government.
1945 to 1950	2. About the amount of rice available by traders
1951 to 1960	a) Traders themselves declare the amount of rice available in the report mentioned at Point c, Clause 1, Article 3 of this Circular and take responsibility before law for the authenticity of the reported data.
1961 to 1970	b) In case of detecting that the traders report incorrectly, immediately after registering the contract, the Vietnam Food Association shall send a written request to the Department of Industry and Trade of the province or city directly under the Central Government for inspection and verification. .
1971 to 1980	Thing 5. Contents of rice export contracts
1981 to 1990	1. The rice export contract must conform to Vietnamese law and international practice and must have the following information:
1991 to 2000	a) Name and address of the Buyer and the Seller.
2001 to 2010	b) Name of goods, quantity, type, quality, packing specifications, packing. The rate of tolerance on quantity does not exceed the plus and minus five percent ($\pm 5\%$).
2011 to 2020	c) Delivery method, delivery time, loading and unloading port; port of transfer (if any).
	d) Price, payment method, payment term.
	2. The rice export contract must contain provisions on the export of rice to a third country (re-export clause) as follows:
	a) The re-exportation by the Purchaser to a third country which is a country or territory with a contractual transaction with Vietnam must be approved by the Seller.
	b) The Seller is only allowed to re-export or deliver goods to a third country which is a country or territory that has a contract deal with Vietnam within the period specified in Clause 2, Article 15 of this Circular if approved by the Ministry of Industry and Trade.
	3. The time limit for delivery of the first batch of rice export contracts shall not exceed 90 (ninety) days from the date the rice export contracts are signed.
	4. In case of adjustment of the contents of the registered contract, the trader must sign the appendix of the contract and register that appendix at the Vietnam Food Association within 03 (three) working days, from date of the annex to the contract is signed.
	Thing 6. Handling violations in registration of export contracts
	1. In the process of registering rice export contracts, if detecting price frauds or violating regulations and directives of competent state agencies on concentrated contracts, the Food Association Vietnam or traders report in writing to the Ministry of Industry and Trade and propose handling measures.
	On the basis of the report proposed by the Vietnam Food Association, the Ministry of Industry and Trade checks and handles according to regulations.
	2. Traders are obliged to fully and promptly supply relevant documents and documents for competent agencies to examine and verify matters prescribed in Clause 1 of this Article.
	Thing 7. Update information on implementation of rice export contracts
	1. The rice export trader is responsible for notifying the Vietnam Food Association about the implementation of the contract which has been registered at the request of the Vietnam Food Association.
	2. Traders who fail to notify according to the provisions of Clause 1 of this Article or fail to deliver goods according to the provisions of Clause 3, Article 5 of this Circular, shall consider the cancellation of registration of such export contracts by the Vietnam Food Association. trader or request traders to renegotiate with the partner to determine the ability to perform the contract and re-register with the Vietnam Food Association.
	Chapter III
	FOCUSING THE CONCENTRATION AGREEMENT
	Thing 8. Assign traders of trading clues
	1. After consulting with relevant agencies and organizations, the Ministry of Industry and Trade appoints a focal trader to deal with concentrated contracts according to the following criteria:
	a) Traders' rice export performance in the last 2 (two) years into the market is expected to focus on contract transactions.

b) The rice export performance of traders in the last 2 (two) years.

c) Transactions with foreign partners designated or expected to be designated as rice importers.

2. Traders who have been designated as contact points before the effective date of this Circular may continue performing until the end of the signed contracts.

Thing 9. Responsibilities of Vietnam Food Association

1. The Vietnam Food Association is responsible for monitoring the situation and balancing the source of commercial rice to guide and support traders in preparing transactions, negotiating and signing concentrated contracts.

2. The Vietnam Food Association shall register concentrated contracts with key traders when receiving dossiers according to the provisions of Clause 3, Article 10 of this Circular.

Thing 10. Responsibilities of key traders

1. Key traders shall report in writing to the Ministry of Industry and Trade and Vietnam Food Association:

a) Estimated time of starting and ending transactions; Bidding, negotiating and signing centralized contracts ensure effective and self-responsibility for signed contracts.

b) Results of contract signing and plan implementation, immediately after signing the centralized contract.

2. Key traders must base themselves on balancing the source of commodity rice to negotiate the quantity and delivery schedule suitable to the situation of the domestic harvest season, without negatively affecting the price of rice in the market. country; The export price of rice under centralized contracts must not be lower than the export price under commercial contracts in the market at the same time to ensure export efficiency.

3. Focal merchants shall register concentrated contracts at Vietnam Food Association within 5 (five) working days from the date the contracts are signed. Dossiers for registration of concentrated contracts include papers specified at Points a and b, Clause 1, Article 3 of this Circular.

4. Key traders shall ensure the performance of signed centralized contracts; implementation of export entrustment targets returned or not implemented or no trader entrusted to export.

Thing 11. Criteria for allocation of export entrustment norms

1. The allocation of centralized contract performance quotas to rice export traders for export consignment shall be based on the criteria specified in Clause 4, Article 16 of Decree No. 109/2010 / ND-CP. government.

2. The Vietnam Food Association sets up a plan to allocate norms according to the criteria specified in Article 16 of Decree No. 109/2010 / ND-CP of the Government and send it to the Ministry of Industry and Trade for consideration before allocating the norm to traders implement; organize the allocation of targets according to the provisions of Decree No. 109/2010 / ND-CP of the Government and this Circular; monitor, urge the signing, implementation of export entrustment contracts and report on the implementation situation to the Ministry of Industry and Trade.

Thing 12. Procedures for allocation

1. After receiving reports of key traders on the results of signing contracts, the Vietnam Food Association announces in writing so that rice export traders know to register commission quotas. export waterfall.

2. Within 05 (five) working days, from the date of notification of the Vietnam Food Association, traders shall send dossiers of registration of export entrustment norms to Vietnam Food Association and dossiers. including:

a) A written request for allocation of traders' export entrustment norms, clearly stating the volume and type of rice entrusted for export.

b) Report on the achievement of direct rice export in the previous 6 (six) months and the situation of traders' rice and rice inventories, clearly stating the amount of rice in stock due to the temporary purchase under the direction of agencies and groups. competent authority (if any).

3. Based on traders' registration dossiers, balancing sources of commodity rice and the situation of domestic harvest seasons, Vietnam Food Association shall elaborate plans on allocation of norms according to the provisions of Clause 2 of Article. 11 This Circular.

The leadership of the Vietnam Food Association decides the allocation of targets, notifies in writing to registered traders to know, implement and report the results to the Ministry of Industry and Trade with a list of post traders. sign.

Thing 13. Return the entrusted export quota

1. In case of force majeure circumstances where traders cannot fulfill the allocated entrusted quotas, traders shall have to return documents to such traders and the Vietnam Food Association.

2. Traders who fail to comply with the allocated norms but do not fall into the cases prescribed in Clause 1 of this Article shall not allocate the norms for performance of concentrated contracts later within 6 (six) months, counting from the date of violation.

Thing 14. Signing and implementing export entrustment contracts

1. The contract of entrusted export of rice according to the norms allocated from the centralized contract must contain provisions to handle the responsibilities of the parties if violating the signed entrustment contract, on the basis of the terms of the contract. Focus signed.

2. Traders who fail to comply with the signed entrustment contracts shall have to bear responsibility under the entrustment contracts and shall not allocate the norms prescribed in Clause 2, Article 13 of this

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Thing 15. Regulations on export and re-export of rice into markets with centralized contracts

1. Traders must not trade, sign rice export contracts or let the buyers re-export rice into markets with concentrated contracts

Traders must not lease, sign lease export contracts or let the buyers re-export rice into markets that centralized contracts within the time specified in Clause 2 of this Article, except for cases approved by the Ministry of Industry and Trade written agreement in accordance with clause 3 of this Article.

2. The Ministry of Industry and Trade informs in writing about the time and market where there is a centralized contract transaction with Vietnam to be sent to the Vietnam Food Association for dissemination to rice exporters. defined in Clause 1 of this Article.

3. The approval for traders to sign and sign rice export or export contracts for foreign traders to re-export rice into centralized contract markets is prescribed as follows:

a) Traders have written requests together with relevant documents to the Ministry of Industry and Trade and send to Vietnam Food Association.

b) After receiving a written request from a trader, the Ministry of Industry and Trade shall consider and reply in writing.

4. When registering contracts, if detecting that traders show signs of violation specified in Clause 1 of this Article, the Vietnam Food Association has not yet registered export contracts and reported and proposed handling measures by documents sent to the Ministry of Industry and Trade for consideration and handling according to regulations.

In case of disagreement with the handling of the Vietnam Food Association, traders reflect in writing to the Ministry of Industry and Trade for consideration and handling according to regulations.

Chapter IV

PROVISIONS ON RENTING WAREHOUSE, GRINDING, CARRYING, RICE BASES TO MEET THE CONDITION OF RICE EXPORT BUSINESS

Thing 16. Provisions for renting and leasing warehouses, facilities for grinding, grinding rice and rice to meet the conditions of rice export business

1. Organizations and individuals that lease warehouses, establishments for grinding, milled rice and rice to meet the conditions for rice export business without signing lease contracts exceed the actual capacity of warehouses and grinding capacity. and rubbing from the grinding and milling facility.

Traders hiring warehouses, grinding and milling establishments to meet the conditions for rice export business must check the actual warehouses, grinding and milling establishments and take responsibility before law for the signed lease contracts.

2. Traders with certificates may not lease or sub-lease warehouses, grinding or milling establishments so that other traders may rent or re-rent such warehouses, such grinding and milling establishments shall use them for the purpose of applying for certificates. receive.

3. Traders that hire warehouses, grinding or milling establishments to meet business conditions must have written lease contracts in accordance with the provisions of Clauses 1 and 2 of this Article and other provisions of law. related laws.

4. Traders engaged in rice export business in violation of the provisions of Clauses 1 and 2 of this Article shall be handled according to the provisions of Decree No. 109/2010 / ND-CP of the Government.

Thing 17. Application file for issuance, re-issuance and adjustment of certificate contents

In addition to the documents prescribed in Article 6, Article 7 of Decree No. 109/2010 / ND-CP of the Government, traders hire warehouses, grinding and milling facilities to meet the business conditions to be submitted together with the copies. it is the lease contract in the application file for issuance, re-issuance and adjustment of the content of the Certificate.

Thing 18. The validity of the Certificate issued to traders hiring storage, grinding and milling facilities to meet business conditions

1. Certificates issued to traders who rent warehouses, grinding and milling facilities to meet business conditions are valid until September 30, 2012.

2. After the time limit prescribed in Clause 1 of this Article, this trader must have a warehouse, a grinding and milling establishment under its ownership according to the provisions of Article 4 of Decree No. 109/2010 / ND-CP of the Government. continue to export rice.

Chapter V

TERMS ENFORCEMENT

Thing 19. Responsibility to implement

1. The Vietnam Food Association is responsible for:

a) Develop and publicize operational procedures, export registration forms, statistics and reports to perform assigned tasks in accordance with the Decree No. 109/2010 / ND-CP of the Government, report to the Ministry of Industry and Trade before issuing.

b) Notifying address of receiving dossiers, telephone numbers, fax numbers and e-mail addresses so that rice traders can know and transact; publish the process of receiving and processing dossiers, the results of processing dossiers at the dossier receiving place and on the website of the Vietnam Food Association.

c) Notify in writing the full name, title and signature of the authorized person to sign the certification of registration of the rice export contract and sign documents issued by the Vietnam Food Association in accordance with the provisions of the Decree. Decree No. 109/2010 / ND-CP of the Government and this Circular to the Ministry of Industry and Trade, the People's Committee and the Department of Industry and Trade of the provinces and cities directly under the Central Government with rice and rice products for export, Hai agency traders and traders of rice export business

2. The Vietnam Food Association, rice export traders and concerned agencies, organizations and individuals shall have to comply with the provisions of this Circular and other law provisions. mandarin

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Thing 20. Effect


- 1. This Circular takes effect from February 14, 2011.
- 2. For registered rice export contracts, concentrated contracts already allocated before the effective date of this Circular shall continue to be performed without having to be registered or reallocated.
- 3. In the course of implementing this Circular, if problems arise, rice-exporting agencies, organizations and traders shall report in writing to the Ministry of Industry and Trade for handling.

KT MINISTER
DEPUTY
(Signed)

Nguyen Thanh Bien

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