

Legal Update

January 2024

On 02 November 2023, the Government issued Decree 77/2023/ND-CP ("**Decree 77**") governing the management of the importation of refurbished goods under the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) which shall come into force starting from 01 January 2024. Decree 77 includes 5 chapters and 22 articles with notable points as follows:

1. Applicable objects: Decree 77 is only applicable to refurbished goods which are imported under CPTPP and of the same category as used goods prohibited from importation into Vietnam in accordance with prevailing laws.

2. Licensing requirements:

The following licensing procedures must be adhered to before importation of the refurbished products into Vietnam:

2.1. Step 1: Application for the refurbishment code with the Ministry of Industry and Trade ("MOIT")

a. Subject of registration: Must be one of two following entities:

- **Refurbishing enterprise** is a foreign enterprise that plays a major role in organizing the production of refurbished goods and carrying out procedures to bring refurbished goods into circulation; or
- **Trademark owner** is an organization or individual that legally owns the trademark of the original goods or of the goods for which the refurbished goods are used as parts, components, or spare parts.

b. Validity of the refurbishment code: 5 years and can be renewed when expired.

c. Procedures:

- **For goods under the management of the MOIT:** The MOIT shall grant or refuse to grant the refurbishment code within 90 days from the date of receipt of the sufficient application dossier.
- **For goods under the management of other ministries:**
 - The MOIT shall seek appraisal opinions from relevant ministries within 7 days from the date of receipt of the sufficient application dossier.
 - The specialized ministry shall appraise the application dossier and issue a written response indicating its approval or refusal to grant the refurbishment code to MOIT within 90 days from the date of receipt of MOIT's official letter.
 - The MOIT shall grant and refuse to grant the refurbishment code within 7 working days from the date of receipt of the written response from the specialized ministry.

MOIT and the specialized ministry are entitled to request an on-site inspection of the refurbishment facility before granting the refurbishment code in case of doubt about the authenticity of the application dossier for the refurbishment code.

2.2. Step 2: Application for Import License for importing refurbished goods with the specialized ministry

a. Subject of registration: Vietnamese trader importing refurbished goods.

b. Types of Import License for importing refurbished goods:

- i. Import License for each shipment: To be issued for first shipments of refurbished goods into Vietnam.
- ii. Fixed-term Import License: After 3 shipments under the Import Licenses for each shipment, if the refurbished goods are imported under the same name, category, HS code and of the same refurbishment code holder, the Vietnam trader could be granted with the fixed-term Import License with validity of at least 12 months.

c. Procedure: The licensing authority shall grant and refuse to grant the Import License within 15 working days from the date of receipt of the sufficient application dossier.

Contact us

Hanoi

46th Floor, Keangnam Landmark 72,
E6 Pham Hung, Me Tri, Nam Tu Liem
T +84 (24) 3946 1600

Ho Chi Minh City

10th Floor, Sun Wah Tower,
115 Nguyen Hue, Ben Nghe, District 1
T +84 (28) 3821 9266

Da Nang

Unit D3, 5th Floor, Indochina Riverside Towers,
74 Bach Dang, Hai Chau I, Hai Chau
T +84 (236) 351 9051

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