

LEGAL UPDATE (June 13th, 2022)

In this issue, we would like to bring to your attention to the following:

- Competence to issue inspection decisions of market surveillance.
- Rules of origin in the ASEAN Trade in Goods Agreement.

1. Competence to issue inspection decisions of market surveillance

The Government issued Decree 33/2022/ND-CP guiding the Ordinance on Market surveillance. In which, the authority to issue inspection decisions of the market surveillance is as follows:

- Persons competent to issue inspection decisions specified in Clause 1, Article 21 of the Ordinance on Market surveillance include:
 - + Director of the General Department of Market surveillance;
 - + Director of the Market Surveillance Operations Department under the General Department of Market Surveillance;
 - + Director of the provincial-level Market Surveillance Department under the General Department of Market Surveillance (hereinafter referred to as the provincial-level Market Surveillance Department) includes: the director of the provincial-level Market Surveillance Department; Director of the Inter-provincial Market Surveillance Department;
 - + Head of the market surveillance team under the provincial-level Market Surveillance Department includes: the head of the market surveillance team of a district, urban district, town, provincial city, or city under the central government;
 - + Head of the inter-district Market surveillance team, urban district, town, provincial city, city under central government; Head of specialized market surveillance team; Head of Mobile market surveillance team.
- Persons competent to issue inspection decisions as mentioned above may authorize their deputy to issue inspection decisions according to the provisions of Clauses 2 and 3, Article 21 of the Ordinance on Market Surveillance.

Decree 33/2022/ND-CP takes effect from July 15th, 2022, replacing Decree 148/2016/ND-CP and Decree 78/2019/ND-CP.

2. Rules of origin in the ASEAN Trade in Goods Agreement

The Ministry of Industry and Trade has just issued Circular 10/2022/TT-BCT amending and supplementing a number of Circulars regulating the implementation of the Rules of Origin of goods in the ASEAN Trade in Goods Agreement.

The Circular clearly outlines the mechanism of origin certification and inspection and verification of goods origin. Accordingly, for the Certificate of Origin (C/O), the Circular stipulates: In order to enjoy tariff preferences, at the time of carrying out import procedures, the importer must submit C/O form D or self-certification of origin of goods, together with relevant documents to the customs authority of the importing country.

Regarding the validity period of Documents of origin of goods, the Circular stipulates: C/O, Documents of origin of goods are valid for 12 months from the date of grant or from the date of issuance and shall be submitted to the customs authorities of the importing Member State within that period.

According to the Circular, electronic C/O can be filed, issued and accepted instead of paper C/O, with equivalent legal effect.

This Circular takes effect from July 16th, 2022.

We hope this Newsletter would bring you useful information.

Best regards.

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