

LEGAL UPDATE (August 18th, 2022)

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

- Introducing new regulations on self-certification of origin of goods.
- Proposing pilot procedures for changing forest use purposes to other purposes in Khanh Hoa.

1. **Introducing new regulations on self-certification of origin of goods**

The Ministry of Industry and Trade is publishing the draft Decree amending and supplementing a number of articles of Decree No. 31/2018/ND-CP dated March 8th, 2018 on origin of goods for public comments.

The draft Decree supplements Article 25b (Criteria for self-certification of origin of goods), Article 25c (Issuing of written approvals), Article 25d (Revoking written approval of self-certification of origin), Article 25d (Documents of self-certification of origin), Article 25e (Entitlement to preferential tariff treatment for imported goods with self-certification of origin).

In particular, on the criteria for self-certification of origin of goods, the draft Decree clearly states that traders to be able to self-certify the origin of goods must fully meet the following criteria:

- a. As a manufacturer and exporter of goods. In case the exporter is not the manufacturer, the exporter must have a written commitment from the manufacturer about the origin of the exported goods and be ready to cooperate in case of checking the records and documents related to the certification of origin of goods and inspection, verification at the production facility.
- b. Having not violated the regulations on origin in the last 2 years up to the time of submitting the application for approval of the self-certification of Origin.
- c. Having an adequate recordkeeping system (paper records and electronic records) to ensure the authenticity of self-certification documents of origin within the record period as prescribed in Decree No. 31 /2018/ND-CP.
- d. Having trained staffs who are granted certificates or certificates related to origin of goods issued by a training unit designated by the Ministry of Industry and Trade.
- e. Being granted at least 30 sets of preferential C/O per year and having implemented the electronic C/O declaration process through the Electronic Certificate of Origin and Management System (www.ecosys.gov.vn) for goods in the same HS class (4 numbers) in the last 2 years up to the time of submitting the application for approval.

2. Proposing pilot procedures for changing forest use purposes to other purposes in Khanh Hoa

The Ministry of Agriculture and Rural Development is drafting the Prime Minister's Decision on pilot regulations on procedures for deciding the policy of changing forest use purposes to other purposes under the Prime Minister's competence authorizing the People's Council of Khanh Hoa province in Resolution No. 55/2022/QH15.

According to the draft, the Prime Minister authorizes the People's Council of Khanh Hoa province to carry out procedures for deciding on the policy of changing forest use purposes to other purposes for production forests from 50 hectares to under 1,000 ha according to the provisions of Clause 1, Article 5 of Resolution No. 55/2022/QH15 dated June 16th, 2022 of the XV National Assembly on piloting a number of specific mechanisms and policies for the development of Khanh Hoa province.

For changing the purpose of using natural forests to another purpose: comply with the provisions of Clause 2, Article 14 of the Law on Forestry, Decree No. 83/2020/ND-CP dated July 15th, 2020 of the Government on amending and supplementing a number of articles of Decree No. 156/2018/ND-CP dated November 16th, 2018.

We hope this Newsletter would bring you useful information.

Best regards.

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