

THE GOVERNMENT

No. 28/2018/ND-CP

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, March 01, 2018

DECREE

ELABORATION OF THE LAW ON FOREIGN TRADE MANAGEMENT REGARDING SOME MEASURES FOR FOREIGN TRADE DEVELOPMENT

Pursuant to the Law on Government Organization dated June 19, 2015;

Pursuant to the Law on Foreign Trade Management dated June 12, 2017;

At the request of the Minister of Industry and Trade;

The Government hereby promulgates a Decree to elaborate some articles of the Law on Foreign Trade Management on some measures for foreign trade management.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Decree elaborates the Law on Foreign Trade Management regarding development of foreign trade through trade promotion, operation of foreign-based Vietnamese trade promotion organizations and operation of Vietnam-based foreign trade promotion organizations.

Article 2. Regulated entities

1. Domestic trade promotion organizations;
2. Foreign-based Vietnamese trade promotion organizations;
3. Vietnam-based foreign trade promotion organizations;
4. Domestic and foreign organizations and individuals engaging in foreign trade and foreign trade promotion activities.

Chapter II

FOREIGN TRADE PROMOTION ACTIVITIES

Section 1. FOREIGN TRADE PROMOTION ACTIVITIES

Article 3. Foreign trade promotion activities

1. Establish trade connection and join distribution systems in foreign countries and in Vietnam.
2. Provide assistance in the development and operation of trade and logistics infrastructure.
3. Provide assistance in the research into development and enhancement of the quality of products and products.
4. Provide training to increase the capacity for trade promotion and market development.
5. Carry out other activities in accordance with regulations of law.

Article 4. Establishment of trade connection and participation in distribution systems in foreign countries and in Vietnam

1. Organize and participate in trade promotion conferences, fairs, exhibitions, trade exchanges and events in foreign countries and in Vietnam to serve import and export.
2. Provide counseling and assistance in building distribution systems and areas for display and introduction of exports in foreign countries and in Vietnam.
3. Form business delegations to carry out market survey and trade exchanges with foreign businesses and organizations.
4. Let delegations of foreign businesses enter Vietnam to participate in conferences, fairs, exhibitions, carry out market survey and trade exchanges with Vietnamese businesses.
5. Establish trade promotion through e-commerce platforms, portals, Internet and telecommunications network.
6. Other specific activities decided by the Minister of Industry and Trade.

Article 5. Provision of assistance in the development and operation of trade and logistics infrastructure

1. Provide assistance in the development of trade and logistics infrastructure that includes: exhibition and fair centers, trade promotion infrastructure, logistics centers, bonded warehouses, container freight stations.
2. Trade promotion activities aimed at providing assistance in logistics include:
 - a) Organizing and participating in logistics conferences, fairs and exhibitions in foreign countries;

- b) Inviting business delegations to Vietnam to discuss about opportunities for investment and cooperation in development of logistics services;
- c) Holding Vietnamese logistics forums, international logistics fairs and exhibitions in Vietnam;
- d) Other specific activities decided by the Minister of Industry and Trade.

Article 6. Provision of assistance in the research into development and enhancement of the quality of products and products

1. Provide assistance in the research into products, industries and markets

- a) Establish and release information and database on products, industries and markets, instruct and assist enterprises in accessing, applying and complying with regulations, standards and conditions set out by importers and international commitments relating to exports and imports;
- b) Arrange and participate in survey programs, conduct research into products, industries and markets;
- c) Organize domestic and foreign conferences, workshops, seminars and forums to provide information about products, industries and markets;
- d) Introduce products with export potential through domestic and foreign mass media.

2. Provide assistance in increasing the capacity for design creation to develop products and markets

- a) Provide training to increase the capacity for product design and development for enterprises and designers;
- b) Provide counseling, hire experts to provide counseling and assistance in product design and development;
- c) Promote international cooperation in product design and development;
- d) Establish a connection between enterprises and designers;
- dd) Propagate product design and development;
- e) Other activities related to provision of assistance in increasing the capacity for design creation for enterprises.

3. Provide assistance in increasing the capacity for brand development and protection.

4. Other specific activities decided by the Minister of Industry and Trade.

Article 7. Provide training to increase the capacity for trade promotion and market development

1. Provide training and counseling and increase capacity (direct and online)
 - a) Search, collect and process commercial information, survey and research into markets and export industries;
 - b) Formulate and implement import and export marketing strategies;
 - c) Develop and introduce brands of potential export industries, increase the capacity of developing and introducing brands;
 - d) Organize and participate in trade promotion programs, conferences, fairs, exhibitions and trade exchanges;
 - dd) Organize and participate in establishing trade connection, participate in distribution systems, including trade connection through e-commerce platforms, portals, Internet and telecommunications network;
 - e) Negotiate, sign and execute contracts; settle international trade disputes;
 - g) Design and develop products to meet market demands;
 - h) Other trade promotion skills decided by the Minister of Industry and Trade.
2. Prepare and release publications and documents about training aimed at increasing the capacity for trade promotion and market development.
3. Other specific activities decided by the Minister of Industry and Trade.

Section 2. NATIONAL TRADE PROMOTION PROGRAM

Article 8. General provisions on national trade promotion program

1. The national trade promotion program (hereinafter referred to as “Program”) includes trade promotion activities that are carried out according to the following criteria:
 - a) Promote trade in products and industries with export potential of economic areas and country and develop export markets;
 - b) Boost import efficiency and serve domestic production and export;
 - c) Conform to socio - economic development strategy and foreign trade strategy from time to time;

d) Be promulgated by the Prime Minister and have regulation on cooperation by ministries. The Ministry of Industry and Trade shall be a presiding authority;

dd) Promote export and import trade, establish a connection between ministries, and between industries or between areas;

e) Implement the Program through the Program implementation schemes that are decided by the competent authority specified in Article 10 of this Decree and funded by state budget;

g) The units presiding the schemes must be reputable, typical and capable of organization.

2. Objectives of the Program

a) Contribute to increasing enterprise community's capacity for production and trade;

b) Provide assistance in development of commercial and logistics infrastructure to serve foreign trade;

c) Promptly and effectively respond to changes in import and export markets.

3. The units presiding the schemes included in the Program include (presiding units):

a) Trade promotion organizations affiliated to Ministries and ministerial agencies;

b) Other trade promotion organizations: Industry associations and enterprise associations that operate nationwide; Vietnam Farmers' Union; local authorities' trade promotion organizations, trade promotion organizations established by the Prime Minister.

4. Program's participants and beneficiaries are enterprises of all economic sectors, cooperatives and Vietnamese trade promotion organizations that are established in accordance with applicable laws. Program's participants and beneficiaries shall comply with regulations of this Decree and effectively implement foreign trade promotion schemes.

5. The Program implementation scheme must satisfy the following requirements:

a) Conform to practical demands of the enterprise community;

b) Conform to the import and export and industry development strategies approved by the competent authority;

c) Conform to economic area and local development strategies and planning;

d) Conform to regulations specified Articles 9 and 15 of this Decree;

dd) Ensure the feasibility of implementation methods, implementation date and progress, human resources and budget;

e) Regarding the schemes that are implemented for more than 01 year, the presiding unit shall develop contents, prepare funding and make an estimate for each year.

Article 9. Funding sources, rules for provision of funding and funding for trade promotion schemes included in the Program

1. Funding for implementation of the Program is covered by:

a) State budget annually allocated in conformity with export growth target decided by the National Assembly from time to time;

b) Contributions of participants;

c) Sponsorship from domestic and foreign organizations and individuals;

d) Other legal funding sources prescribed by law.

2. Rules for provision of funding:

a) The State shall provide partial funding for implementation of trade promotion schemes;

b) Funding for implementation of the Program is included in the annual budget expenditure estimate of the Ministry of Industry and Trade;

c) The presiding units is entitled to receive state funding for implementation of trade promotion schemes included in the Program and shall use such funding in an effective manner and for the right purposes, and settle it in accordance with applicable regulations;

d) Units shall be provided with assistance in participation through the unit in charge of implementation of the Program.

dd) The presiding units shall call for funding in addition to the funding provided by the state.

3. 100% of funding shall be provided for performance of trade promotion activities specified in Article 15 of this Decree.

4. The Ministry of Industry and Trade shall prescribe criteria, contents and funding for trade promotion activities included in the Program.

Article 10. Procedures for formulating Program implementation schemes

1. Before May 30 of the year succeeding the plan year, presiding units shall submit 02 sets of application for proposal for the Program implementation scheme to the Ministry of Industry and Trade.

2. An application for proposal for the Program implementation schemes includes:

- a) A written proposal for the Program implementation schemes;
- b) A detailed trade promotion scheme;
- c) A copy of the establishment decision or Charter (or the equivalent), the presiding unit's latest trade promotion report.

3. The application may be submitted:

- a) by post; or
- b) directly to the Ministry of Industry and Trade.

4. Cases in which the application is rejected:

- a) The presiding units fail to comply with Clause 3 Article 8 of this Decree;
- b) The activities included in the schemes are not mentioned in Article 15 of this Decree;
- c) The application is not prepared as prescribed in Clause 2 of this Article;
- d) Other cases prescribed by relevant regulations of law.

5. In the case of rejection of the application as prescribed in Clause 4 of this Article, within 10 working days from the date on which the application is received, the Ministry of Industry and Trade shall provide a written explanation to the presiding units.

6. The Program implementation scheme shall be approved

- a) Within 20 working days from the date on which the budget expenditure estimate is received, the Minister of Industry and Trade shall decide to approve the schemes and funding in a manner that total funding for implementation of the schemes shall not exceed the total allotted funding.
- b) Within 05 working days from the date of issuance of the scheme approval decision, the Ministry of Industry and Trade shall inform presiding units and relevant regulatory authorities of disapproved schemes.

Article 11. Addition of the Program implementation schemes

1. In the case of addition of the schemes apart from the approved ones, the presiding units shall submit 02 sets of application for proposal for additional schemes.

2. An application for proposal for additional Program implementation schemes includes:

- a) A written proposal for the Program implementation schemes;

- b) A detailed trade promotion scheme;
- c) A copy of the establishment decision or Charter (or the equivalent), the presiding unit's latest trade promotion report.

3. The application may be submitted:

- a) by post; or
- b) directly to the Ministry of Industry and Trade.

4. The Ministry of Industry and Trade shall review progress, contents and funding for the schemes to adjust and recover the remaining funding, and approve additional Program implementation schemes.

Article 12. Contract for assignment of implementation of the scheme included in the Program

1. According to the Program approval decision of the Minister of Industry and Trade, the trade promotion authority affiliated to the Ministry of Industry and Trade shall sign a contract for assignment of implementation of the scheme included in the Program with the presiding units and settle the funding under the signed contract.

2. The contract includes the following contents:

- a) Name of the scheme;
- b) Time for implementation;
- c) Place where trade promotion activities are carried out;
- d) Specific work items;
- dd) Rights and obligations of the contracting parties;
- e) Cost estimate;
- g) Terms concerning commissioning, payment and settlement.

Article 13. Adjustment and change to scheme's contents

1. In the case of adjustment or change to the contents of the approved scheme, at least 15 days before the first date of trade promotion, the presiding unit shall submit a written request for adjustment or change to the scheme's content to the Ministry of Industry and Trade.

2. Within 07 working days from the date on which the written request is received, the Ministry of Industry and Trade shall send a written response specifying its assenting or dissenting opinions about the adjustment or change to the scheme's contents.

3. In case the presiding unit fails to achieve the targets, contents or progress of the approved scheme or the scheme's contents are considered no longer inappropriate, the Minister of Industry and Trade shall consider and decide to close the scheme.

4. In case of failure to implement or complete the scheme during the plan year, the presiding unit shall inform the Ministry of Industry and Trade for consideration.

Article 14. Reporting scheme implementation

1. Within 15 working days from the last date of trade promotion, the presiding unit shall submit a scheme implementation report to the Ministry of Industry and Trade.

2. The presiding unit shall submit reports, provide documents or explanation for issues concerning scheme implementation at the request of the competent authority in accordance with regulations of this Decree.

Article 15. Activities eligible to be provided with assistance from the Program

1. Establishment of trade connection and participation in distribution systems in foreign countries and in Vietnam

a) Organize international fairs and exhibitions on imports in foreign countries and in Vietnam; organize domestic fairs and exhibitions on imports, imported materials and equipment imported that serve manufacture of exports, technology products and raw materials that serve manufacture of domestic products that have an competitive advantage;

b) Provide assistance in design of an exports display and introduction column on the web portal, e-commerce network, internet and telecommunication network;

c) Form business delegations to carry out market survey and trade exchanges with foreign businesses and organizations;

d) Let delegations of foreign businesses enter Vietnam to participate in conferences, fairs, exhibitions, carry out market survey and trade exchanges with Vietnamese businesses.

dd) Organize international conferences on export industries in Vietnam.

2. Provide assistance in the development and operation of trade and logistics infrastructure

a) Organize and participate in logistics conferences, fairs and exhibitions in foreign countries;

b) Invite business delegations to Vietnam to discuss about opportunities for investment and cooperation in development of logistics services;

c) Hold Vietnamese logistics forums, international logistics fairs and exhibitions in Vietnam.

3. Provision of assistance in the research into development and enhancement of the quality of products and products

a) Establish and release information and database on products, industries and markets, instruct and assist enterprises in accessing, applying and complying with regulations, standards and conditions set out by importers and international commitments relating to exports and imports;

b) Arrange and participate in survey programs, conduct research into products, industries and markets;

c) Organize domestic and foreign conferences, workshops, seminars and forums to provide information about products, industries and markets;

d) Provide training to increase the capacity for product design and development for enterprises and designers;

dd) Provide counseling, hire experts to provide counseling and assistance in product design and development;

e) Establish a connection between enterprises and designers;

g) Promote international cooperation in product design and development;

h) Introduce products.

4. Provide training to increase the capacity for trade promotion and market development

a) Provide training and counseling and increase capacity (direct and online) as prescribed in Clause 1 Article 7 of this Decree;

b) Prepare and release publications and documents about training aimed at increasing the capacity for trade promotion and market development.

5. Carry out other foreign trade activities prescribed by the Prime Minister.

Section 3. NATIONAL BRAND DEVELOPMENT PROGRAM

Article 16. Rules and general regulations on the national brand development program

1. The national brand development program includes specific trade promotion activities that are carried out according to the following criteria:

- a) Provide assistance in development, introduction and protection of product brand, enterprises and industries to promote foreign trade;
 - b) Conform to the socio-economic development and trade promotion strategies from time to time;
 - c) Be carried out in the long term, in the country and foreign countries;
 - d) Be carried out within the framework of the brand development programs decided by the Prime Minister.
2. The funding for implementation of the national brand development programs is covered by:
- a) Annual state budget;
 - b) Contributions of the participants;
 - c) Sponsorship from domestic and foreign organizations and individuals;
 - d) Other funding sources prescribed by law.
3. Funding for implementation of the programs is included in the annual budget expenditure estimate of the presiding authority.
4. The logo and other forms of its expression within the framework of national brand development programs shall be protected under Vietnamese law and treaties to which the Socialist Republic of Vietnam is a signatory.

Article 17. National brand development programs

- 1. Vietnam national branding program.
- 2. Vietnamese industry brand development program.
- 3. Other programs decided by the Prime Minister.

Article 18. Vietnam national branding program

- 1. The Vietnam national branding program means a Government's specific and long term trade promotion program. The Ministry of Industry and Trade takes charge and cooperates with ministries in developing and protecting brands, introducing national images and brands.
- 2. The program includes the following contents:
 - a) Setting targets, formulating strategies and plans for development from time to time;

- b) Establishing criteria and logo of Vietnam national brand;
- c) Assisting enterprises in developing products that satisfy the criteria for Vietnam national brand;
- d) Assisting in developing and protecting domestic and foreign brands;
- dd) Providing information about and introducing Vietnam national branding program in the country and foreign countries;
- e) Trade promotion activities prescribed in Article 3 of this Decree.

3. Rights of enterprises whose products are included in the Vietnam national branding program

An enterprise whose product is included in the Vietnam national branding program is entitled to:

- a) use the Vietnam national brand logo and Vietnam national brand identity system to conduct its business operation according to regulations on logo management and use of the Vietnam national branding program
- b) participate in formulating specific action strategies and programs to be included in the Vietnam national branding program;
- c) receive funding for its involvement in the activities included in the Vietnam national branding program;
- d) be given priority to engage in the activities included in the national trade promotion programs and relevant Vietnamese industry brand development programs;
- dd) access database and information on market, product and industries included in the program, except for the information concerning its competitors or confidential information prescribed by law;
- e) receive legal assistance from regulatory authorities in disputes about trade promotion measures of foreign countries, and about intellectual property rights over trademarks;
- g) be given priority over completion of tax and customs procedures and other administrative procedures.

4. Obligations of enterprises whose products are included in the Vietnam national branding program

- a) Comply with regulations of the Vietnam national branding program;
- b) Submit periodic and ad hoc reports on its compliance with regulations of the program at the request of the Ministry of Industry and Trade;

c) Offer contributions (if any).

5. The Ministry of Industry and Trade shall take charge of making, and request the Prime Minister to promulgate regulations on design, management and implementation of the Vietnam national branding program.

6. The Ministry of Industry and Trade shall define criteria for the Vietnam national branding program.

Article 19. Vietnamese industry brand development program

1. The Vietnamese industry brand development program means a Government's specific and long term program which is executed by Ministries and ministerial authorities in order to develop and introduce national brand to the industries suitable for import and export strategies and industry development strategies from time to time, orientations and targets of the Vietnam national branding program

2. The Vietnamese industry brand development program includes the following contents:

a) Setting targets, formulating strategies and plans for industry development from time to time; establishing industry criteria and logo systems;

b) Assisting and increasing associations and enterprises' capacity for developing, managing and protecting industry brands;

c) Introducing industry brands in the country and foreign countries;

d) Trade promotion activities prescribed in Article 3 of this Decree;

dd) Assisting enterprises in developing products that satisfy the criteria for programs;

3. Vietnamese industry brand development program gives priority to areas, organizations, industry associations whose collective trademarks, certification trademarks and geographical indications are protected by industrial property rights in the country and foreign countries.

4. Ministries and ministerial agencies shall cooperate with the Ministry of Science and Technology in integrating development of industry brand into development of collective trademarks, certification trademarks and geographical indication in areas.

Section 4. MARKET DEVELOPMENT AND BRAND DEVELOPMENT AND INTRODUCTION PROGRAMS EXECUTED BY LOCAL GOVERNMENTS

Article 20. Rules and general regulations

1. A market development and brand development and introduction program executed by local governments includes trade promotion activities that are aimed at developing market, developing

and introducing brand, and supporting local potential products for the purpose of local socio-economic development.

2. Ministries, ministerial agencies and relevant authorities shall cooperate with local governments in designing market development and brand development and introduction programs executed by local governments.

Article 21. Contents and funding for implementation

1. Local governments shall prescribe specific contents of market development and brand development and introduction programs executed by local governments and funding appropriate to local actual conditions.

2. The funding for market development and brand development and introduction executed by local governments is covered by:

- a) Local government budget;
- b) Contributions by the participants;
- c) Sponsorship from domestic and foreign organizations and individuals;
- d) Other funding sources prescribed by law.

3. Local governments shall publish information concerning local market development and brand development and introduction programs.

Chapter III

OPERATION OF FOREIGN-BASED VIETNAMESE TRADE PROMOTION ORGANIZATIONS

Article 22. Rules for operation

1. Any Vietnamese trade promotion organization that is established and operates in foreign countries shall comply with laws and regulations of Vietnam and the host country.

2. Any foreign-based Vietnamese trade promotion organizations that are not affiliated to Ministries and ministerial agencies are not allowed to label the name of Vietnam during their establishment and operation.

Article 23. Foreign trade promotion by Vietnam in foreign countries

1. The trade promotion organizations affiliated to Ministries and ministerial agencies shall:

- a) take charge and cooperate with trade representatives and relevant units affiliated to the representative missions of the Socialist Republic of Vietnam in foreign countries in carrying out trade promotion activities;
- b) introduce national image and Vietnamese enterprises' brands, services and products in foreign countries;
- c) provide information, counseling and assistance for foreign enterprises in developing trade relations with Vietnam;
- d) consolidate and provide information about market situation, market demands and tastes with respect to potential products of domestic enterprises on a periodic basis and on request to Vietnamese enterprises;
- dd) assist Vietnamese enterprises in finding partners, providing information about partners, development of sale of exports in foreign countries (including assistance provided for domestic enterprises in fulfilling legal obligations in the host country); assist enterprises in removing their doubts during their operation in the foreign market;
- e) provide information and cooperate with the Ministry of Industry and Trade in carrying out trade promotion activities in foreign countries.

2. Other trade promotion organizations are entitled to carry out trade promotion activities in accordance with regulations and laws of the host country and Vietnam.

Chapter IV

OPERATION OF VIETNAM-BASED FOREIGN TRADE PROMOTION ORGANIZATIONS

Section 1. RULES FOR OPERATION OF VIETNAM-BASED FOREIGN TRADE PROMOTION ORGANIZATIONS

Article 24. Rules for operation

1. Foreign trade promotion organizations including governmental or non-governmental organizations and associations (or the equivalent) that are established in accordance with applicable laws of the area where they are located shall establish a representative office in Vietnam when carrying out trade promotion activities in Vietnam.
2. The trade promotion organizations specified in Clause 1 of this Article do not include foreign traders, foreign non-governmental organizations, authorities for cooperation and research, educational and cultural institutions and foreign organizations specified in other legislative documents.

3. Foreign trade promotion organizations are not allowed to establish more than 01 representative office in a province or central-affiliated city.
4. Foreign trade promotion organizations' Vietnam-based representative shall have a Charter that is in accordance with Vietnam's law. Representative offices are not allowed to carry out activities to make direct profit in Vietnam.
5. The representative office is an affiliate of the foreign trade promotion organizations and it is not allowed to establish a representative office that is affiliated to a representative office.
6. The heads and personnel of representative offices in Vietnam shall be decided by the foreign trade promotion organizations and registered with a licensing authority.
7. The recruitment of foreigners to work at representative offices in Vietnam shall comply with Vietnam's laws and Vietnam's commitments specified in the treaties to which Vietnam is a signatory.
8. Foreign trade promotion organizations shall be responsible to Vietnam's law for their representative office's activities in Vietnam.

Article 25. Operation of Vietnam-based representative offices of foreign trade promotion organizations

1. The Vietnam-based representative office of a foreign trade promotion organization shall only carry out trade promotion activities in Vietnam, including:
 - a) Acting as a contact office;
 - b) Carrying out activities to encourage and assist foreign enterprises to access and operate in the Vietnamese market; considering and providing information about economy, trade and market to foreign enterprises and organizations; promoting its foreign trade with Vietnam, and activities aimed at establishing trade connection with foreign enterprises and Vietnamese organizations and enterprises;
 - c) Other trade promotion activities prescribed by law.
2. The representative office and its head shall exercise and fulfill the following rights and obligations:
 - a) The representative office shall operate in accordance with the representative office establishment license;
 - b) The head of a representative office is entitled to rent an office and recruit personnel to work at the representative office in accordance with Vietnam's applicable regulations and laws;

- c) The head of a representative office shall register and use the seal of the representative office in accordance with Vietnam's applicable regulations and laws;
- d) The representative office shall not act as a representative of another trade promotion organization and sublet its office;
- dd) The head of a representative office shall not be concurrently the head of a representative office of another foreign trader or foreign organization in Vietnam;
- e) The foreigner working at a representative office must have a work permit in accordance with regulations and laws of Vietnam.

Section 2. ISSUANCE, ADJUSTMENT, REISSUANCE AND EXTENSION OF REPRESENTATIVE OFFICE ESTABLISHMENT LICENSE; NOTICE OF OPERATION, ACCOUNT OPENING AND REPORTING BY AND SHUTDOWN OF REPRESENTATIVE OFFICES OF FOREIGN TRADE PROMOTION ORGANIZATIONS

Article 26. Issuance of Vietnam-based representative office establishment license

1. The foreign trade promotion organization shall submit 01 application for issuance of the Vietnam-based representative office establishment license to the Ministry of Industry and Trade.
2. An application for the representative office establishment license includes:
 - a) An application form made using the Form No. 01 in the Appendix hereof and signed by the competent representative of the foreign trade promotion organization;
 - b) A written permission for the Vietnam-based representative office establishment license granted by a foreign competent authority or documentary evidences for the foreign trade promotion organization's right to establish a foreign-based representative office;
 - c) A copy of the establishment license or the equivalent;
 - d) A copy of the Charter or operating regulation of the foreign trade promotion organization;
 - dd) Expected Charter or operating regulation of the Vietnam-based representative office;
 - e) A report on the foreign trade promotion organization's operation in the past year;
 - g) A letter of appointment and profile of the head, profiles of personnel of the Vietnam-based representative office;
 - h) Copies of contracts, agreements or relevant documents about the location of the representative office;

i) The documents mentioned in Points b, c, d, dd, e and g of this Clause shall be translated into Vietnamese. The documents mentioned in Points b, c, d and g shall be consularly legalized in accordance with Vietnam's applicable laws.

3. The application may be submitted:

a) by post to the licensing authority; or

b) directly to the licensing authority. The applicant shall have a letter of introduction or a power of attorney translated into Vietnamese and consularly legalized in accordance with Vietnam's applicable laws.

4. Within 15 working days from the date on which the satisfactory application is received, the licensing authority shall consider it and issue the representative office establishment license (Form No. 02 in the Appendix hereof) to the foreign trade promotion organization. In case of rejection of the application, the licensing authority shall provide a written explanation.

5. The representative office establishment license shall be valid for a period of 05 years but not exceed the remaining effective period of the establishment license or the equivalent of the foreign trade promotion organization in case the law of the country where the organization is established prescribes on effective period of the establishment license.

6. Cases in which the application is rejected:

a) The foreign trade promotion organization fails to comply with Articles 24 and 25 of this Decree;

b) The foreign trade promotion organization applies for the representative office establishment license within 02 years from the date of revocation of the Vietnam-based representative office establishment license under Clause 2 Article 33 of this Decree;

c) There are reasonable grounds to believe that the establishment of the representative office causes harm to national defence, security, social security and order, history, culture, code of ethics and fine traditions and customs of Vietnam, and health of the people, destroys natural resources and causes environmental pollution;

d) The application for issuance of the representative office establishment license fails to comply with Clause 2 of this Article;

dd) Foreign organizations and individuals are on the United Nations Security Council sanctions list.

7. After issuing the establishment license, the licensing authority shall send a copy of the license to the Ministry of National Defense, the Ministry of Public Security, People's Committees of provinces and central-affiliated cities (hereinafter referred to as the "People's Committees of

provinces”), Departments of Industry and Trade, tax authorities, statistical authorities and police authorities of provinces where the representative office is located.

8. In case the representative office’s operation involves promotion of trade in goods and services used for security and defence purposes, the Ministry of Industry and Trade shall reach an agreement with the Ministry of Public Security and the Ministry of National Defense before issuing the license.

Article 27. Amendment to the representative office establishment license

1. A representative office establishment license of the foreign trade promotion organization shall be amended in the following cases:

- a) Change of the head of the representative office;
- b) Change in the location of the representative office;
- c) Change in the name or operation of the representative office that has been issued with the license;
- d) Change in the location of the headquarters of the foreign trade promotion organization;
- dd) Change in the name or in the location where the foreign trade promotion organization is established, from one country to another;
- e) Change in the operation of foreign trade promotion organization.

2. Within 30 working days from the date on which the changes specified in Clause 1 of this Article are made, the foreign trade promotion organization shall submit 01 application for amendment to the representative office establishment license to the licensing authority.

3. An application for amendment to the representative office establishment license includes:

- a) An application form made using the Form No. 03 in the Appendix hereof and signed by the competent representative of the foreign trade promotion organization;
- b) An original of the representative office establishment license of the Vietnam-based foreign trade promotion organization;
- c) A letter of appointment of the head of the representative office of the trade promotion organization that is translated into Vietnamese and consularly legalized in accordance with Vietnam’s applicable laws (in case the change specified in Point a Clause 1 of this Article 1 is made);
- d) Copies of contracts, agreements or relevant documents about the change in the location of the representative office (in case the change specified in Point b Clause 1 of this Article 1 is made);

dd) A copy of the establishment license or the equivalent the foreign trade promotion organization. The documents specified in this Point shall be translated into Vietnamese and consularly legalized in accordance with Vietnam's applicable laws (in case the change specified in Points d, dd and e Clause 1 of this Article).

4. The application may be submitted:

a) by post to the licensing authority; or

b) directly to the licensing authority. The applicant shall have a letter of introduction or a power of attorney of the representative office of the foreign trade promotion organization.

5. Within 10 working days from the date on which the application is received, the licensing authority shall amend the license and send a copy of the amended license to the authorities specified in Clause 7 Article 26 of this Decree. In case of rejection of the application, the licensing authority shall provide a written explanation.

Article 28. Reissuance of the representative office establishment license

1. A representative office establishment license shall be reissued if the foreign trade promotion organization:

a) wishes to keep operating in Vietnam as a representative office;

b) is still in operation in accordance with law of the country where it is established;

c) does not commit any violations specified in Point c Clause 6 Article 26 of this Decree.

2. In case the representative office establishment license is lost and torn, the foreign trade promotion organization shall send 01 application form for reissuance of the representative office establishment license using the Form No. 04 in the Appendix hereof to the licensing authority after the license is lost or torn.

3. The application form may be sent:

a) by post to the licensing authority; or

b) directly to the licensing authority. The applicant shall have a letter of introduction or power of attorney of the representative office of the foreign trade promotion organization.

4. Within 10 working days from the date on which the application is received, the licensing authority shall reissue the license and send a copy of the reissued license to the authorities specified in Clause 7 Article 26 of this Decree.

Article 29. Extension of the representative office establishment license

1. A representative office establishment license shall be extended if the foreign trade promotion organization:

- a) wishes to keep operating in Vietnam as a representative office;
- b) is still in operation in accordance with law of the country where it is established;
- c) does not commit any violations specified in Point c Clause 6 Article 26 of this Decree.

2. At least 60 days before the expiry date of the representative office establishment license, the foreign trade promotion organization shall submit 01 application for extension of the representative office establishment license to the licensing authority, including:

- a) An application form made using the Form No. 05 in the Appendix hereof and signed by the competent representative of the foreign trade promotion organization;
- b) An audited financial statement or other equivalent documentary evidences for the existence and operation of the foreign trade promotion organization in the past year. The documents specified in this Point translated into Vietnamese and consularly legalized in accordance with Vietnam's applicable laws;
- c) A report on the representative office's operation by the time of applying for extension of the representative office establishment license;
- d) An original of the issued representative office establishment license.

3. The application form may be sent:

- a) by post to the licensing authority; or
- b) directly to the licensing authority. The applicant shall have a letter of introduction or power of attorney of the representative office of the foreign trade promotion organization.

4. Within 10 working days from the date on which the application is received, the licensing authority shall extend the license and send a copy of the extended license to the authorities specified in Clause 7 Article 26 of this Decree. In case of rejection of the application, the licensing authority shall provide a written explanation.

5. The extension period is the same as that of the representative office's license under Clause 5 Article 26 of this Decree.

Article 30. Notice of operation of the representative offices

1. Within 45 days from the date on which the establishment license is issued, reissued, amended or extended, the representative office shall publish its operation on a printed newspaper or online newspaper that is licensed to be released in Vietnam in 03 consecutive issues.

2. The published contents include:

- a) Name and address of the representative office;
- b) Name and address of the headquarters of the foreign trade promotion organization;
- c) Name of the head of the representative office;
- d) Number, date of issue and effective period of the representative office establishment license, licensing authority;
- dd) Operations of the representative offices.

Article 31. Opening account

- 1. Representative offices are allowed to open foreign currency and Vietnamese dong accounts at banks which are licensed to operate in Vietnam and use such accounts solely for its operation.
- 2. Accounts of representative offices shall be opened, used and closed in accordance with regulations of the law on banking and law on foreign exchange management.

Article 32. Operation reporting

- 1. Before the last working day of January of the succeeding year, representative offices shall submit an annual report on their operation using the Form No. 06 in the Appendix hereof to the licensing authority.
- 2. Representative offices shall comply regulations on financial statements and statistical reports in accordance with Vietnam's applicable laws.
- 3. Representative offices shall report, provide documents or explanation for issues concerning their operation at the request of the licensing authority and authorities specified in Clause 7 Article 26 of this Decree.

Article 33. Shutdown and revocation of the license for establishment of a representative office

- 1. A representative office shall be shut down in the following cases:
 - a) It is requested by a foreign trade promotion organization and approved by the licensing authority;
 - b) The foreign trade promotion organization shuts down its operation according to laws of the country where such foreign trade promotion organization is established;

- c) The representative office establishment license is expired but the foreign trade promotion organization does not apply for extension of the license;
- d) The licensing authority refuses to grant an extension of the expired representative office establishment license;
- dd) The representative office establishment license is revoked as prescribed in Clause 2 of this Article;
- e) Foreign organizations and individuals are on the United Nations Security Council sanctions list.

2. Cases in which the representative office establishment license is revoked:

- a) The representative office fails to officially come into operation within 06 months from the date on which it is issued with the establishment license;
- b) The representative office has shut down its operation for 06 consecutive months without notifying the licensing authority;
- c) The representative office fails to function properly as a representative office according to Vietnam's laws and relevant international conventions to which Vietnam is a signatory;
- d) The representative office violates Vietnam's labor laws so seriously that it faces criminal charges.

3. At least 90 days before the expected date of shutdown of the representative office according to Points a, b and c Clause 1 of this Article, the foreign trade promotion organization shall send a notice of the shutdown to creditors, personnel of the representative office and persons who has other relevant rights, obligations and interests. This notice shall specify the expected date of shutdown of the representative office, be openly posted at the representative office and published on a printed newspaper or online newspaper that is licensed to be released in 03 consecutive issues.

4. In the case of shutdown of the representative office specified in Point a Clause 1 of this Article, at least 90 days before the expected date of shutdown of the representative office, the foreign trade promotion organization shall submit 01 application for shutdown of the representative office to the licensing authority, including:

- a) An application form (Form No. 07 in the Appendix 1 hereof);
- b) Documentary evidences for openly posting the shutdown of the representative office at the representative office and publishing it on a printed newspaper or online newspaper.

5. The application may be submitted:

a) by post to the licensing authority; or

b) directly to the licensing authority. The application shall have a letter of introduction or a power of attorney of the foreign trade promotion organization's representative office.

6. In the case of shutdown of the representative office specified in Point a Clause 1 of this Article, within 30 days from the date on which the application for shutdown of the representative office is received but no notice or complaint of relevant organizations and individuals is received, the licensing authority shall consider approving shutdown of the representative office and revoke the license within 07 working days.

7. Within 15 days from the date on which the decision on refusal to extend the representative office establishment license or the decision on revocation of the license (Form No. 08 in the Appendix hereof) prescribed in Point dd Clause 1 of this Article is issued, the licensing authority shall publish information on the website of the licensing authority and notify the People's Committees of provinces, Departments of Industry and Trade, tax authorities, statistical authorities and police authorities of provinces where the representative office is located.

8. Within 07 days from the date of granting approval for shutdown of the representative office and revoking the license, the licensing authority shall notify the shutdown of the representative office to the People's Committees of provinces, Departments of Industry and Trade, tax authorities, statistical authorities and police authorities of provinces where the representative office is located.

9. At least 15 days before the representative office is shut down as prescribed in Points a, b and c Clause 1 of this Article, the foreign trade promotion organization and representative office shall pay all debts and discharge other obligations to the state and relevant organizations and individuals in accordance with applicable laws.

10. Within 60 days from the date on which the representative office is shut down as prescribed in Points d and dd Clause 1 of this Article, the foreign trade promotion organization shall pay all debts and discharge other obligations to the state and relevant organizations and individuals in accordance with applicable laws.

Chapter V

ORGANIZING IMPLEMENTATION

Article 34. Responsibilities of relevant organizations for implementation

1. The Ministry of Industry and Trade shall be responsible to the Government for performing the following tasks:

a) Coordinate foreign trade promotion activities in Vietnam and foreign countries;

b) Take charge and cooperate with Ministries, ministerial authorities, relevant authorities and local authorities in organizing implementation and inspecting the national trade promotion program and national brand program, and performing state management of the representative office of the Vietnam-based foreign trade promotion organizations and foreign-based Vietnamese organizations;

c) Make a plan and budget estimate for the national trade promotion program and Vietnam national branding program, include it in the annual budget estimate of the Ministry of Industry and Trade and submit it to the competent authority for approval in accordance with applicable laws;

d) Approve the project within the framework of the national trade promotion program and Vietnam national branding program, and granted funding;

dd) Take charge of coordinating national brand development programs decided by the Prime Minister.

2. The Ministry of Finance shall take charge and cooperated with Ministries and ministerial authorities in providing guidelines for making estimates and settling the funding granted to the national trade promotion program and national brand development brand in accordance with applicable laws.

3. The Ministry of National Defense and Ministry of Public Security shall submit specific policies for foreign trade promotion activities specified in Section 1 Chapter II of this Decree that are applied to goods and services for national defense and security purposes to the Prime Minister.

4. Ministries and ministerial authorities shall, within their power, take charge and cooperate with local governments and relevant organizations and individuals in executing Vietnamese industry brand development programs and cooperate with the Ministry of Industry and Trade in managing operation of representative offices of Vietnam-based foreign trade promotion organizations.

5. Local authorities shall provide guidelines, take charge and carry out their foreign trade promotion activities in accordance with regulations of this Decree; cooperate with the Ministry of Industry and Trade in managing operation of representative offices of Vietnam-based foreign trade promotion organizations.

Article 35. Effect

1. This Decree comes into force from the date on which it is signed.

2. The Government's Decree No. 100/2011/ND-CP dated October 28, 2010 is null and void from the effective date of this Decree. The foreign trade promotion organization's representative office that is operating in Vietnam and was previously established as prescribed in the Decree No. 100/2011/ND-CP shall keep operating according to the contents and effective period specified in the license.

3. The documents that are submitted when carrying out administrative procedures as prescribed in the Government's Decree No. 100/2011/ND-CP dated October 28, 2011 and Prime Minister's Decision No. 72/2010/QĐ-TTg dated November 15, 2010 before the effective date of this Decree shall continue to be processed in accordance with regulations of legal documents that remain effective at the time of submission./.

**ON BEHALF OF THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Xuan Phuc