

## How to manage banned goods, when new provisions have not been issued?

**VCN- The Law on Foreign Trade Management has taken effect since 1st January 2018, stipulating the nomenclature of banned imported and exported goods, and nomenclature of imported and exported goods under the licenses and conditions. But currently, the Government has not issued the nomenclatures.**



Clause 3, Article 112 in the Law on Foreign Trade Management abolishes provisions in Clause 3, Article 28 of Commercial Law 2005. Clause 3, Article 28 of Commercial Law 2005 stipulates that “on the basis of socio-economic conditions in each period and treaties which the Socialist Republic of Vietnam is a contracting party, the Government shall specify the nomenclature of banned imported and exported goods, and the nomenclature of imported and exported goods under the licenses of the competent State agencies, and procedures for issuing licenses”.

On the other hand, Clause 4 of Article 154 of the Law on Promulgation of legal normative documents stipulates that “the legal normative document is invalid, the legal normative documents detailing the implementation of that document shall be also invalid”.

Based on the two basics mentioned, Hai Phong Customs Department said that the nomenclature of banned imported and exported goods, and the nomenclature of imported and exported goods under license and specialized management enclosed with Decree 187/2013/ND-CP (detailing the implementation of the Commercial Law 2005-said by reporter) was also invalid since 1st January 2018.

In addition, Clause 1, Article 10 of the Law on Foreign Trade Management stipulates that “the nomenclature of banned imported and exported goods is prescribed by the Government”. Clause 1, Article 31 of the Foreign Trade Management Law stipulates that “the nomenclature of exported or imported goods under licenses and conditions; the modes and scope of management of ministries and ministerial-level agencies for goods in the nomenclature; procedures for issuing licenses are prescribed by the Government”.

However, the Government has not issued the goods nomenclature mentioned above.

Responding to the question of Hai Phong Customs Department, the General Department of Vietnam Customs has issued a written guidance (official letter 232/TCHQ-GSQL dated 15th January 2018). Accordingly, while the Government has not issued a Decree amending, supplementing or replacing Decree 187/2013/ ND-CP, the General Department of Vietnam Customs requests the Hai Phong Customs Department to perform in accordance with the nomenclature issued together with the Decree 187. In case of issues arising beyond its competence, reporting to the General Department of Customs

for guidance.

Source: [customsnews.vn](http://customsnews.vn)