

How to handle for postal items that are refused to be received by sender?

The General Department of Vietnam Customs has issued a document to instruct Vietnam Post Corporation on handling postal items sent to foreign countries that are refused to be received by sender.



Earlier, Vietnam Post Corporation said that there were many backloged postal items that were sent to foreign countries but could not deliver to receivers, so they were sent back to Vietnam and the sender refused to receive back. In addition, some postal items contain dangerous goods which are banned to be transported by air, so that they are returned by airlines. According to provisions in Postal Law, this item is considered as derelict postal item. As per Circular 49/2015/TT-BTC, the handling of backloged goods will be implemented under Circular 203/2014/ TT-BTC of the Ministry of Finance.

However, Vietnam Post Corporation has proposed to handle backloged freights as per provisions in Joint Circular 18/2015/TTLT-BTTTT-BTC of the Ministry of Information and Communication, and Ministry of Finance guiding the handling for derelict postal item instead of Circular 203/2014/TT-BTC stipulating that the handling for this item will be implemented by the Council.

According to the Vietnam Post Corporation, if these items are handled in accordance with Circular 203/2014/TT-BTC, the handling council shall be chaired by provincial and municipal Customs Departments and other members such as Finance Department, Price management unit, but if implementing under the Joint Circular 18/2015/TTLT-BTTTT-BTC, the handling council shall be chaired by enterprise's leaders and members such as Information and Communication Department, competent authorities such as the Customs shall be invited (if any).

However, facing the proposal by the Vietnam Post Corporation, the GDVC said that Point e, Clause 2, Article 9 of Circular 49/2015/TT-BTC stipulating the Customs procedure for mail, packages or parcels of goods exported or imported through postal services provided by authorized enterprises only provides that "if freight are backloged, implementing in accordance with provisions in No. [203/2014/TT-BTC](#) of the Ministry of Finance dated December 22, 2014" on providing guidance on dealing with backloged freight within the scope of operation of the Customs authority;

Joint Circular 18/2015/TTLT-BTTTT-BTC of Ministry of the Ministry of Information and Communication and Ministry of Finance stipulates the handling for domestic and international postal items without recipients at postal service providers.

Clause 2 of Article 106 of the Law on Management and Use of Public Assets 2017 and Clause 2, Article 3 of Decree No. 29/2018/ ND-CP stipulates that backloged freights stored at ports, warehouses and yards under Customs operation area in accordance with provisions in Customs law, are the assets established under public ownership.

Hence, the handling of derelict postal item at postal service providers is stipulated by Circular 203/2014/TT-BTC, Circular 18/2015/TTLT-BTTTT-BTC and Law on management and use of public assets

2017 and Decree 29/2018 / ND-CP.

However, according to provisions in the law on Promulgation of Legal Documents 2015, in cases where legal documents have different provisions on the same issue, the higher legal documents shall be applied.

Therefore, the handling of postal items sent to foreign countries but they are backlogged at the Vietnam Post Corporation must comply with the provisions of the Law on Management and Use of Public Assets, and the Government's Decree No. 29/2018/ND-CP and guidance documents.

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