

Customs proposes Ministry of Science and Technology to remove problems on the import of used machinery and equipment



VCN- Decision 18/2019/QD-TTg stipulating the import of used machinery, equipment and technological lines has taken effect, but Customs authorities and enterprises have faced problems during its implementation

Specifically, Clause 3, Article 4 of Decision 18/2019/QD-TTg stipulates “only used machinery, equipment and technological lines for production of enterprises in Vietnam are allowed to be imported.”

Thus, are Vietnamese enterprises allowed to import used machinery, equipment and technological lines for sale for organizations and individuals in the country for production or not?

In case of not being accepted, which documents can Customs use to identify that import enterprises will use the used machinery, equipment and technological lines for their production after customs clearance?

According to the General Department of Vietnam Customs, Article 14, Decision 18/2019/QD-TTg stipulates the responsibilities of enterprises importing used machinery, equipment and technological lines:

- “1. Importing used machinery, equipment and technological lines as prescribed in this Decision and relevant legal normative documents.
2. Being inspected by competent state management agency and be responsible before the law for violations of this Decision and related legal normative documents”.

In order to facilitate business activities of enterprises while waiting for the response of the Ministry of Science and Technology, the General Department of Vietnam Customs will instruct the Customs Departments to request enterprises to declare the purpose of import as for production in the customs declaration and enterprises are responsible for the declared contents.

For the criteria of importing used technological lines, Clause 5 and Article 5 Decision 18/2019/QD-TTg stipulates:

“5. Technology of technological lines must be used at least in three production facilities in countries of the Organization for Economic Cooperation and Development (OECD)”.

However, enterprises do not know where to **apply** for certification and which procedures and documents to prove.

Regarding dossiers and procedures for importing used machines and equipment, the General Department of Vietnam Customs said that as per the provisions of items b and c, Clause 1, Article 18 of

Decision 18/2019/ QD-TTg, besides the import dossier, enterprises must submit documents, including original certificate of the manufacturer of machinery, equipment and inspection certificates. However, according to the above provisions, some problems at some enterprises have arisen.

Specifically, if the enterprise has submitted “the original certificate of the manufacturer” as stipulated in Item b, Clause 1, Article 8, whether the enterprises has to ask for re-evaluation of used machinery and equipment from a designated inspection organisation and provide an “inspection certificate” to the customs office when carrying out import procedures according to the provisions of Item c, Clause 1, Article 8 or not?

In addition, implementation of Decision 18 also incurred problems related to the list of designated and recognised inspection organisations. Clause 1, Article 11 of Decision 18/2019/QD-TTg stipulates: “The Ministry of Science and Technology shall coordinate with ministries and ministerial-level agencies in designating and recognising according to bilateral or multilateral recognition agreements for inspection organizations of used machinery, equipment, technological lines, and publicize the list of designated inspection organizations on the portal of the Ministry of Science and Technology.”

However, currently, the list of designated inspection organizations for used machinery, equipment and technology lines has not been updated on the Ministry of Science and Technology’s portal, so that enterprises cannot select these organisations for verification, and the Customs has no basis to carry out import procedures.

The General Department has proposed the Ministry of Science and Technology to solve problems related to Decision 18.

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