



**Annual Report of the year 2021 of the Socialist Republic of Viet Nam on the implementation of KPCS in accordance with Section VI, paragraph 11 of the KPCS document**

**A. INSTITUTIONAL FRAMEWORK**

<i>Part A: Constant</i>	<i>Part B: Variable</i>
<p>The Authority with responsibility for the implementation of the KPCS: Agency of Foreign Trade Ministry of Industry and Trade 54 Hai Ba Trung Str., Hoan Kiem Dist., Ha Noi, Viet Nam Fax: +84 24 2220 5520</p> <p><b>Contact person:</b> <b>Mr. Tran Thanh Hai</b> Deputy Director General Agency of Foreign Trade Ministry of Industry and Trade Tel: +84 24 2220 5434 E-mail: <a href="mailto:haitt@moit.gov.vn">haitt@moit.gov.vn</a></p> <p><b>Ms. Nguyen Thi Mai Linh</b> Director of Trade Facilitation Department Agency of Foreign Trade Ministry of Industry and Trade Tel: +84 24 2220 5350 E-mail: <a href="mailto:linhntm@moit.gov.vn">linhntm@moit.gov.vn</a></p> <p><b>Ms. Nguyen Thi Thu Trang</b> Trade Facilitation Department Agency of Foreign Trade Ministry of Industry and Trade Tel: +84 24 2220 5350 E-mail: <a href="mailto:trangntht@moit.gov.vn">trangntht@moit.gov.vn</a></p> <p>Ministry of Industry and Trade has assigned the Import Export Management Division in Ha Noi and the Import Export Management</p>	<p>Contact person: <b>Ms. Nguyen Thi Mai Linh</b> Director of Trade Facilitation Department Agency of Foreign Trade Ministry of Industry and Trade Tel: +84 24 2220 5350 E-mail: <a href="mailto:linhntm@moit.gov.vn">linhntm@moit.gov.vn</a></p> <p><b>Ms. Nguyen Thi Thu Trang</b> Trade Facilitation Department Agency of Foreign Trade Ministry of Industry and Trade Tel: +84 24 2220 5350 E-mail: <a href="mailto:trangntht@moit.gov.vn">trangntht@moit.gov.vn</a></p>

Division in Ho Chi Minh City to issue the Kimberley Process Certificate (KPC) to rough diamond export to businesses.

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## **B. LEGAL FRAMEWORK**

*Part A: Constant*

- Joint Circular No. 14/2009/TTLT-BCT-BTC dated 23<sup>rd</sup> June, 2009 of the Ministry of Industry and Trade and the Ministry of Finance guiding the certification of and procedures for import and export of rough diamonds in implementation of the Kimberley Process Certification Scheme

- Joint Circular No. 01/2012/TTLT-BCT-BTC dated 3<sup>rd</sup> January 2012 amending, supplementing some provisions No. 14/2009/TTLT-BCT-BTC of the Ministry of Industry and Trade and the Ministry of Finance dated 23<sup>rd</sup> June 2009 guiding the certification of and procedures for import and export of rough diamonds in implementation of the Kimberley Process

*Part B: Variable*

<p>Certification Scheme</p> <p>- Circular No. 25/2012/TT-BCT dated 17<sup>th</sup> September 2012 amending, supplementing Joint Circular No. 14/2009/TTLT-BCT-BTC dated 23<sup>rd</sup> June 2009 of the Ministry of Industry and Trade and the Ministry of Finance guiding the certification of and procedures for import and export of rough diamonds in implementation of the Kimberley Process Certification Scheme</p>	
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**C. IMPORT AND EXPORT REGIME**

<i>Part A: Constant</i>		<i>Part B: Variable</i>
<p>C/1      Outgoing shipments</p>	<p>- Procedures for the issuance of KP Certificate</p> <p>1. For traders</p> <p>When carrying out procedures for applying for KP Certificate for export of rough diamonds, a trader should submit to the issuing authority the following:</p> <p>a/ Application for KP Certificate, committing that the rough diamonds being exported are not conflict diamonds;</p> <p>b/ KP Certificate completely filled in;</p> <p>c/ KP Certificate issued by the relevant exporting authority with the import confirmation of the Vietnamese issuing authority;</p> <p>d/ Commercial invoice;</p> <p>e/ Packing list;</p> <p>f/ Processing contract and processing norms already registered with the customs authority;</p> <p>2. For the issuing authority: The issuing authority should issue a KP Certificate to a trader within three (3) working days after accepting a complete and valid dossier of application for KP Certificate.</p> <p>3. For customs authority:</p> <p>- The customs authority checks the dossier and goods to ensure that the export of rough diamonds is in consistent with details declared on the KP Certificate.</p>	

	<ul style="list-style-type: none"> <li>- Shipments of rough diamonds are allowed to export to a Participant only with valid KP Certificate issued by competent Vietnamese issuing authorities. The exported shipments of rough diamonds should be transported in tamper resistant containers and the seal is unbroken.</li> <li>- Viet Nam does not produce rough diamond. Viet Nam only re-exports the remaining of the rough diamond imported into Viet Nam to process or other purposes.</li> <li>- The exportation of conflict diamond is prohibited and traders are allowed to import and export rough diamond only with the Participants of the KPCS.</li> <li>- The KP certificate of Viet Nam fulfills the security features and requirements set in Annex I of the KPCS document and as per the attached checklist. The special designs are printed on the KP Certificate to avoid the tampering and forgery.</li> <li>- The issuing authorities record all details of rough diamond shipments on a computerized database.</li> <li>- The issuing authority is not sending advance notice of the shipment by email to the relevant importing authority containing the information on the carat weight, value, country of origin or provenance, importer and the serial number of the Certificate.</li> <li>- In 2021, Viet Nam issued 25 Kimberley Process Certificates Counts to EU (Belgium)</li> </ul>	
<p>C/2 Incoming shipments</p>	<ul style="list-style-type: none"> <li>- No prior notifications of rough diamond shipments received by email.</li> <li>- Procedures for the import of rough diamonds.</li> </ul> <p>1. For traders: when carrying out procedures for the import of rough diamonds, a trader should submit to the customs authority the original of the KP Certificate issued by the competent exporting authority and other documents as requested by the customs law.</p>	

	<p>2. For the customs authority:</p> <ul style="list-style-type: none"> <li>- Inspect shipments of rough diamonds to confirm that containers and seals are not tampered with.</li> <li>- Carefully inspect dossiers and goods to ensure that import of rough diamonds is in consistent with details declared on the KP Certificate and information supplied by the relevant exporting authority (if any).</li> <li>- Within three (3) working days after completing customs procedures for import of rough diamonds, the customs authority issues an import confirmation letter of rough diamonds, comprising three (3) copies; and one (1) of them should be sent to the Import Export Management Office, one (1) copy is to be kept in the customs authority's import dossier, and one (1) copy is to be sent to the trader.</li> </ul> <p>3. Procedures for import confirmation at Vietnamese issuing authority</p> <p>a. For traders: The trader should make import confirmation at the Vietnamese issuing authority and submit the following:</p> <ul style="list-style-type: none"> <li>- Application for confirmation of the import of rough diamonds, committing that rough diamonds being imported are not conflict diamonds;</li> <li>- KP Certificate;</li> <li>- Import confirmation letter of rough diamonds issued by the customs authority;</li> <li>- Import customs declaration, with certification of the completion of customs procedures.</li> </ul> <p>b. For the issuing authority:</p> <ul style="list-style-type: none"> <li>- Within three (3) working days after receiving above complete and valid documents confirm import on the right part of the KP Certificate.</li> <li>- After confirming import in the KP Certificate, the Vietnamese issuing authority cuts the KP Certificate's original into two parts and send the import</li> </ul>	
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	<p>confirmation part to the KP Certificate issuing authority of the exporting country, and keep the other part of KP certificate for reference upon issuance of KP Certificate for export of rough diamonds of trader.</p> <ul style="list-style-type: none"> <li>- The customs authority checks that the content of an incoming shipment matches the information declared on the certificate.</li> <li>- The issuing authorities and the customs authority record all the details of rough diamond shipments on a computerized database.</li> <li>- Importers and exporters have the responsibility to keep buying, selling, exporting and importing documents, list the names of buying and selling clients, their license number and the amount and value of diamonds sold, exported or purchased, imported and other related documents for a period of five (05) years from the date of registration of customs declaration.</li> <li>- In 2021, 60 KP Certificates were received, in which 25 Certificates received from EU (Belgium), 15 from Japan, 08 from Canada, 08 from Cambodia, 04 from Botswana.</li> </ul>	
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#### **D. SYSTEM OF INTERNAL CONTROLS AND INDUSTRY SELF-REGULATION**

<p><i>Part A: Constant</i></p> <ul style="list-style-type: none"> <li>- We record the details of import and export of rough diamond shipments in the excel spreadsheets in the KP issuing offices.</li> <li>- We have the keeping of records of buying, selling and/or exporting transactions, listing the names of buying and selling clients, license numbers, volume and value of transactions.</li> <li>- We maintain the information and data required by Section V on a computerized database and routinely transmit and receive electronic messages (Recommendation 3 and 4). It is already standard practice that we communicate electronically and we receive information on statistics by solely non-electric means from any Participants</li> </ul>	<p><i>Part B: Variable</i></p>
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#### **E. STATISTICS**

*Part A: Constant*

*Part B: Variable*

Viet Nam reports period data with reference dates and uses the Kimberley Process rough diamonds statistics to input Vietnamese data.

**F. IMPLEMENTATION OF RECOMMENDATIONS OF KIMBERLEY PROCESS REVIEW VISITS AND/OR REVIEW MISSIONS - only for reporting period**

1. Viet Nam is trying to develop a database for import and export of rough diamond shipments to ensure better cross-government coordination including KP issuing officers and customs border points.
2. Viet Nam stored blank KP certificates in a more secure location, namely a combination safe.
3. Viet Nam is ready to send a representative of Viet Nam to participate in the future review visit to have an exchange of views on best practice for KP implementation.
4. In the case that the country of origin cannot be known in accordance with the Technical Guideline 7, this space on the Certificate should be left blank.
5. Viet Nam included the specific wording “the rough diamonds being exported are not conflict diamonds” in the declaration signed by the exporters.
6. Viet Nam puts country of origin and the number of parcels on the KP certificate. The field for parcels should not reference airway bill numbers.

**G. INFRINGEMENTS AND COOPERATION WITH RESPECT TO ENFORCEMENT - only for reporting period**

Until now, there is no any infringement found in Viet Nam. Viet Nam is ready to cooperate with KP members in strengthening the KP implementation.

**H. MISCELLANEOUS - only for reporting period: None**