

Draft Decree on strategic trade control

This alert outlines the draft Decree on new measures, aimed at controlling the trade transaction of dual-use goods.

Recently, through its website, the Government has sought public consultations on the draft Decree on new strategic trade control measures to manage certain transactions involving dual-use goods. We would like to highlight the following key points.

1. Dual-use goods

- **Definition:** Dual-use goods are regarded as items, software, and technology that can be used for both civilian and military purposes, including the development, production, handling, operation, maintenance, storage, detection, identification, or dissemination of weapons of mass destruction or their delivery systems.
- **Detailed list:** The Government will delegate its certain ministries to specify the detailed list of dual-use goods under their managing authorities, such as Ministry of Science and Technology (nuclear, electronics, computers, telecommunications, sensors, etc.), Ministry of Construction (aviation, maritime, aerospace), Ministry of Health (biochemical products), Ministry of Industry and Trade (metals and chemicals).

2. Trade control measures

- **Declaration processes:** Traders must implement the declaration processes for each shipment of dual-use goods on the National Single Window portal (www.vnsw.gov.vn) prior to customs procedures for export, temporary import for re-export, transit, and transshipment.
- **Approval processes:** Assigned ministries will review traders' declarations and grant approvals, which will constitute legally valid documents for customs procedures.
- **Exception:** No declaration is required for traders who have been approved to meet the requirements of the internal compliance program.

3. Internal compliance program

- **Definition:** Internal compliance program is a set of procedures established by traders involved in the export, temporary import for re-export, transit, transshipment, and handling of dual-use goods to ensure compliance with strategic trade control regulations.
- **Approval process:** The program must be approved by the Ministry of Industry and Trade, in coordination with other relevant ministries.
- **Inspections prior to the approval:** The Ministry of Industry and Trade may conduct inspections to verify compliance if necessary.
- **Validity:** The approval for the internal compliance program is valid for five years and can be renewed.

As this is a newly introduced measure by the Vietnamese Government, its implementation may create additional administrative responsibilities on businesses. We recommend businesses to stay informed about the development of this decree promulgation process and prepare their internal compliance measures to meet these new requirements.



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