

Guidelines on the importation of “Re-manufactured Goods” in the context of the EVFTA and UKVFTA

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This alert provides key details from Decree No. 66/2024/NĐ-CP, which pertains to the management of importing “Re-manufactured Goods” as stipulated by the EU-Vietnam Free Trade Agreement (EVFTA) and the UK-Vietnam Free Trade Agreement (UKVFTA).

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As you may be aware, the EVFTA and UKVFTA (the Agreements) came into force on 1 August 2020 and 1 January 2021, respectively. Under the Agreements, the Vietnamese Government undertakes to treat “Re-manufactured Goods” equally with new like goods. The transitional period shall be no longer than three years from the date of entry into force of the Agreements. Regarding implementation, the Government recently promulgated Decree No. 66/2024/NĐ-CP dated 17 June 2024 (Decree 66), which provides guidelines on the importation of “Re-manufactured Goods”.

Decree 66 took effect on 17 June 2024 and does not apply to the importation of “Re-manufactured Goods” intended specifically for defense and security purposes.

Characteristics of “Re-manufactured Goods” under the EVFTA and the UKVFTA

- ▶ “Re-manufactured Goods” are defined by the following characteristics:
 - ▶ The goods are listed in one of the six appendices of Decree 66. Each appendix pertains to goods under the authority of specific competent government bodies¹.
 - ▶ The goods are entirely or partially composed of components that have been previously used.
 - ▶ The goods come with a shelf life, warranty, and maintenance terms equivalent to those of brand-new goods.
 - ▶ The goods fully perform their operational functions with a quality and efficiency that are the same as or comparable to brand-new goods.

Application for “Re-manufacturer Identification Code”

- ▶ “Re-manufacturer Identification Code” is a unique code granted by the Ministry of Industry and Trade to foreign re-manufacturers or brand owners who wish to export “Re-manufactured Goods” to Vietnam.
- ▶ The code will be issued based on the competent government bodies' review of the application dossiers and, if necessary, on-site verifications. The scope of review and/or verification will cover areas such as the re-manufacturer's capacity, warranty, and maintenance policies for Re-manufactured Goods, the conferring EVFTA/UKVFTA origin of Re-manufactured Goods, and the rights to use the brand name for Re-manufactured Goods. Eligibility for Good Re-manufacturing Practice (GRP) is required if the goods are medical devices.
- ▶ The Re-manufacturer Identification Code is valid for up to five years and may be extended.

Conditions for importation of “re-manufactured goods” into Vietnam

- ▶ “Re-manufactured Goods” are eligible for import into Vietnam subject to the following conditions:
 - ▶ Importers are required to obtain a Certificate of Qualification for “Re-manufactured Goods” under the EVFTA and UKVFTA (the Certificate) prior to importation and within the validity period of the Re-manufacturer Identification Code. The Certificate may be issued for single shipments or for a blanket period, provided certain conditions are met.
 - ▶ The Re-manufactured Goods must comply with the rules of origin as set out in the EVFTA and the UKVFTA.

¹ The government bodies include: the Ministry of Information and Communications, the Ministry of Health, the Ministry of Transport, the Ministry of Industry and Trade, the Ministry of Agriculture and Rural Development, the Ministry of Labour, War invalids and Social Affairs, the Ministry of Science and Technology.

Other Considerations for “Re-manufactured Goods”

- ▶ Upon local distribution of “Re-manufactured Goods”, the original label or a supplementary label of such goods must indicate their re-manufactured status in Vietnamese (e.g., Hàng tân trang).
- ▶ Importers of “Re-manufactured Goods” are required to fulfill certain reporting obligations.
- ▶ Close collaboration between overseas re-manufacturers and Vietnamese importers is essential, as the “Re-manufacturer Identification Code” is a prerequisite for importers to apply for the Certificate of Qualification for “Re-manufactured Goods” when importing into Vietnam.

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