

**DECREE MAKING DETAILED PROVISIONS FOR IMPLEMENTATION  
OF THE COMMERCIAL LAW WITH RESPECT TO GOODS AND  
SERVICES IN WHICH BUSINESS IS PROHIBITED, RESTRICTED, AND  
SUBJECT TO CONDITIONS**

**The Government**

Pursuant to the *Law on Organization of the Government* dated 25 December 2001;

Pursuant to the *Commercial Law* dated 14 June 2005;

On the proposal of the Minister of Trade;

**Decrees:**

**CHAPTER I**

**General Provisions**

**Article 1** *Governing scope*

This Decree makes detailed provisions for implementation of the *Commercial Law* with respect to goods and services in which business is prohibited, goods and services in which business is restricted, and goods and services in which business is subject to conditions and the conditions in order to conduct business in such goods and services.

**Article 2** *Applicable entities*

This Decree applies to business entities as stipulated in the *Commercial Law* and to other organizations and individuals engaged in trade related activities in Vietnam.

**Article 3** *Applicability of relevant laws and international treaties*

1. Commercial activities with respect to goods and services in which business is prohibited, goods and services in which business is restricted, and goods and services in which business is subject to conditions must comply with the provisions of this Decree and relevant laws.

2. Where an international treaty of which the Socialist Republic of Vietnam is a member contains provisions on goods and services in which business is prohibited, goods and services in which business is restricted, and goods and services in which business is subject to conditions and which are inconsistent with the provisions of this Decree, the provisions of such international treaty shall apply.

**Article 4** *Lists of goods and services in which business is prohibited, restricted, and subject to conditions*

1. The following lists of goods and services are promulgated with this Decree:

standards stipulated by law;

(d) The business entity must have managerial and technical staff, and staff directly selling and purchasing goods or staff directly providing services who satisfy the requirements on professional skills, expertise, experience and health as stipulated by law;

(dd)The scale, scope, duration and location of trading and the number of business entities participating in trading of goods and services in which business is restricted must comply with the requirements for specialized management and with the master plan for development of the business network for such goods and services from time to time;

(e) The business entity engaged in trading must have a licence for conducting business in goods and services in which business is restricted, issued by the

standards stipulated by law; and the location at which the business establishment has been set up must comply with the master plan for development of the business network for goods and services in which business is subject to conditions;

(d) The business entity must have managerial and technical staff, and staff directly selling and purchasing goods or staff directly providing services who satisfy the requirements on professional skills, expertise, experience and health as stipulated by law;

(dd) When engaging in trading, the business entity must have a certificate of satisfaction of business conditions issued by the competent body in cases where the law stipulates such a certificate is required.

2. The Ministry of Trade shall preside over co-ordination with the relevant bodies to formulate and submit to the Prime Minister of the Government for promulgation regulations on conducting business in lines of goods being petrol, oil and natural gas in accordance with the provisions in clause 1 of this article.

3. Business entities must, in the course of their business activities, continually comply with the conditions stipulated by law as applicable to goods and services in which business is subject to conditions.

4. Based on the provisions in clause 1 of this article, the minister [and/or] head of a specialized industry management body shall be responsible to provide specific guidelines on each type of goods and services in which business is subject to conditions and to provide guidelines on the issuance of certificates of satisfaction of business conditions.

### **Article 8** *Inspections of business conditions*

#### 1. Contents of inspections of business conditions:

Business entities conducting business in goods and services in which business is restricted or in goods and services in which business is subject to conditions must accept inspection by the competent body regarding their business conditions and also regarding implementation of the business conditions in the course of their business activities.

#### 2. Forms of inspections of business conditions:

(a) Periodical inspections shall take the form of an inspection at a fixed date of compliance with the business conditions applicable to the goods and services for which the business entity has registered business. The minister [and/or] head of a specialized industry management body shall decide and announce the dates for conducting periodical inspections;

(b) Random inspections shall be conducted when there are indications that business entities have failed to comply with the stipulated conditions.

3. Ministers, heads of specialized industry management bodies and chairmen of people's committees of provinces and cities under central authority shall be responsible for instructing functional bodies to organize inspections of compliance by business entities with business conditions in accordance with the provisions in articles 7 and 8 of this Decree.

### **Article 9** *Dealing with breaches*

1. Business entities and other organizations and individuals engaged in trade related activities in Vietnam who commit any one of the following breaches shall, depending on the nature and seriousness of the breach, be subject to an administrative penalty or shall be prosecuted for criminal liability in accordance with law:

(a) Conducting business in goods and services in which business is prohibited, except in cases stipulated in article 5.2 of this Decree;

(b) Conducting business in goods and services in which business is restricted or in goods and services in which business is subject to conditions without satisfying the business conditions or without correctly fulfilling the business conditions in the course of business activities in accordance with law;

(c) Leasing out or lending a business licence or certificate of satisfaction of business conditions;

(d) Adding to, erasing or amending the contents of a business licence or certificate of satisfaction of business conditions;

(dd) Conducting business incorrectly in terms of the contents of the business licence or certificate of satisfaction of business conditions;

1. This Decree shall be of full force and effect fifteen (15) days after the date of its publication in the Official Gazette.

2. This Decree shall replace Decree 11-1999-ND-CP of the Government dated 3 March 1999 on goods prohibited from circulation, prohibited commercial services, and goods and commercial services the trading of which is restricted or conditional; and Decree 73-2002-ND-CP of the Government dated 20 August 2002 amending Decree 11-1999-ND-CP above.

**Article 11** *Responsibility for implementation*

1. Ministers, heads of ministerial equivalent bodies, heads of Government



7.	Veterinary medicine and plant protection agents which are prohibited or not yet permitted to be used in Vietnam pursuant to the Ordinance on Veterinary Medicine and the Ordinance on Protection and Quarantine of Plants.	Ordinance on Veterinary Medicine 2004; Ordinance on Protection and Quarantine of Plants 2001.	Ministry of Agriculture and Rural Development; Ministry of Aquatic Products.
8.	Rare wild animals and plants (including both living animals and processed matter taken from animals) on the lists in international treaties of which		





	form.	ND-CP.	Police.
3.	Investigation [private detective] services into the secrecy or infringement of State rights, or of the rights and legitimate interests of organizations and individuals.	Decree 14-2001-ND-CP.	Ministry of Police.
4.	Marriage broking involving a foreign element for profit-making purposes.	Decree 68-2002-ND-CP.	Ministry of Justice.

5.	Adoption broking services involving a foreign element for profit-making purposes.	Decree 68-2002-ND-CP.	Ministry of Justice.
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**Appendix II**

**LIST OF GOODS AND SERVICES IN WHICH BUSINESS IS RESTRICTED**

(Issued with Decree 59-2006-ND-CP of the Government dated 12 June 2006)

<b>No.</b>	<b>Name of Goods and Services</b>	<b>Current Instrument*</b>	<b>Legal</b>	<b>Industry</b>
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		08-2001-ND-CP.	Information; Ministry of Police.
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**Appendix III**  
**LIST OF GOODS AND SERVICES IN WHICH BUSINESS IS SUBJECT TO**  
**CONDITIONS**

(Issued with Decree 59-2006-ND-CP of the Government dated 12 June 2006)

No.	Name of Goods and Services	Current Legal Instrument*	Industry Management Body
	<b>I. Goods and services in respect of which a certificate of satisfaction of business conditions is required:</b>		
<b>A.</b>	<b>Goods:</b>		
1.	Petrol and oil of all types.	This Decree.	Ministry of Trade.
2.	Natural gas of all types (including filling and storing).	This Decree.	Ministry of Trade.
3.	Medicine for people.	Law on Pharmacy 2005.	Ministry of Health.
4.	Foodstuffs on the list of high-risk foodstuffs.	Ordinance on Safety and Hygiene of Foodstuffs 2003; Decree 163-2004-ND-CP.	Ministry of Health.
5.	Veterinary medicine and plant protection agents; raw materials for the production of veterinary medicine and plant protection agents.	Ordinance on Veterinary Medicine 2004; Ordinance on Protection and Quarantine of Plants 2001.	Ministry of Agriculture and Rural Development; Ministry of Aquatic Products.
6.	Antiques, precious objects and national treasures.	Ordinance on Cultural Relics 2004; Decree 92-2002-ND-CP.	Ministry of Culture and Information.

\* If the current legal instrument has been amended, supplemented or replaced, then the amended, supplementary or replacing legal instrument applies.

7.	Films, tapes and disks (including printing and copying).	Decree 11-2006-NDCP.	Ministry of Culture and Information.
8.	Tobacco raw materials.	Decree 76-2001-NDCP.	Ministry of Industry.
<b>B.</b>	<b>Services:</b>		
1.	Medical and health services, traditional medicine services.	Ordinance on Private Medical and Pharmaceutical Practice 2003; Decree 103-2003-ND-CP.	Ministry of Health.
2.	Medicine business services including services for preserving and testing medicine.	Law on Pharmacy 2005.	Ministry of Health.
3.	Veterinary practice.	Ordinance on Veterinary Practice	Ministry of Health.

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10.	Domestic and international mail courier services.	Ordinance on Posts and Telecoms 2002; Decree 157-2004-ND-CP. Ministry of Posts and Telematics.
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18. Labour export services.

		NDCP.	Aquatic Products.
6.	Animal breeding varieties permitted to be produced and traded.	Ordinance on Plant Varieties 2004; Decree 59-2005-NDCP.	Ministry of Agriculture and Rural Development; Ministry of

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			Aquatic Products.
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1. Slaughtering and preliminary processing of animals and animal

12.	Services for making, printing and distributing all types of maps not within State management authority at the central level.	Decree 12-2002-NDCP.	Ministry of Natural Resources and Environment
13.	Inspection services of all types of machinery, equipment, materials and substances having strict requirements regarding labour safety and hygiene.	Decree 06-CP dated 20 January 1995; Decree 110-2002-ND-CP.	Ministry of Labour, War Invalids and Social Affairs.
14.	Occupational training and consultancy services.	Decree 02-2001-NDCP.	Ministry of Labour, War Invalids and Social Affairs.
15.	Work and career introduction services.	Decree 19-2005-NDCP.	Ministry of Labour, War Invalids and Social Affairs.
16.	Automobile transport services.	Law on Road Transport 2001; Decree 92-2001-NDCP.	Ministry of Transport and Communications.
17.	Rail transport services.	Law on Railways 2005.	Ministry of Transport and Communications.
18.	Rail Infrastructure business	Law on Railways 2005.	Ministry of Transport and Communications.
19.	Rail transport support services		
20.	Urban Rail transport services		
21.	Services for construction, upgrade, repair and recovery of inland watercraft.	Law on Inland waterway transport Decree 21-2005-ND-CP.	Ministry of Transport and Communications.
22.	Services for handling cargo and servicing passengers at port and inland waterways		
23.	Inland waterway transport services		
24.	Shipping agency		
25.	Oceanic transport Agency		

26.	Marine Broking services
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40.	Tourist lodging services	Law on Tourism 2005	General Department of Tourism
41.	Domestic travel services		
42.	Travel Agency		
43.	Tourist transportation services		
44.	Tourism services within tourism zones, tourism sites and tourist centres.		
45.	Tour guide services		
46.	Commercial evaluation services	Commercial Law 2005; Degree 20-2005- ND-CP	Ministry of Trade