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Implementation of import & export rights of foreign-invested enterprises

At a glance..

There are several cases where Binh Duong Customs Department stops foreign-invested enterprises to export goods imported under the import right since Binh Duong Customs Department considers this activity to be a commercial temporary import for export, which is prohibited for FIEs.

On 29 July, the Department of Management and Supervision under the General Department of Customs issued official letter no. 1238/GSQL-GQ2 to the Binh Duong Customs Department regarding customs procedures for implementation of import and export rights of FIEs.

In summary:

(a) In case FIEs import goods, customs mode A41 should be declared when carrying out import procedures;

(b) In case FIEs wish to subsequently export such goods to overseas parties or non-tariff zones, GDC refers to its previous guidance in official letters no. 695/TCHQ-GSQL (February 2021) and 4032/TCHQ-GSQL (August 2021) as follows:

- FIEs should make export customs declarations using the customs mode B13 if the goods meet the requirements for export duty non-collection and import duty refund. The information related to (i) the import customs declaration number of the previously imported goods, and (ii) the statement *"Goods are not subject to export duty and eligible for import duty refund according to regulations"* must be declared via the "Notes session" of the customs declarations.

- Otherwise, customs mode B11 should be used and the "Notes session" of the export customs declaration must be declared as *"This customs declaration is not for export duty non-collection and import duty refund purposes"*.

In light of the above, it appears that GDC still allows FIEs to export the goods previously imported from overseas or from non-tariff zones, and the aforementioned GDC's guidance is in line with those previously issued.

Contact us

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