

## CEPF FINAL PROJECT COMPLETION REPORT

<b>Organization Legal Name:</b>	Wildlife Conservation Society (WCS)
<b>Project Title:</b>	Building Awareness and Capacity to Reduce the Illegal Cross-Border Trade of Wildlife from Vietnam to China
<b>Date of Report:</b>	15 <sup>th</sup> November 2012
<b>Report Author and Contact Information</b>	Scott Robertson PhD Country Representative WCS Vietnam Program sroberton@wcs.org +844-3514-9750

**CEPF Region:** Indochina (Indo-Burma)

**Strategic Direction:** 3. Engage key actors in reconciling biodiversity conservation and development objectives, with particular emphasis on the Northern Highlands Limestone and Mekong River and its major tributaries.

**Grant Amount:** US\$106,719

**Project Dates:** 1<sup>st</sup> September 2009 to 31<sup>st</sup> August 2012

**Implementation Partners for this Project (please explain the level of involvement for each partner):**

WCS served as overall lead on the grants implementation. We sub-contracted portions of the work to our colleagues in other NGOs, namely TRAFFIC who provided technical inputs to the training programs and government meetings and finalized a report on inter-agency cooperation in Vietnam as part of this grant; and the National NGO, PanNature with their experience working with Vietnamese journalists co-operated with WCS to the training of journalists and developing a journalist network. Throughout the grant period and ongoing we regularly provide information and stories of interest to the 130 journalists now in our network

Under this grant we collaborate extensively with a range of national agencies and organizations. For example, professional law enforcement trainers were brought in from Interpol-National Central Bureau (NCB) Vietnam, Supreme People's Procuracy, National Anti-corruption steering committee, National Inspectorate, CITES Management Authority (MA), National Environmental Police, National Customs Anti-smuggling Unit. We also worked with the Centre for Natural Resource and Ecological Studies (CRES) of the Hanoi National University (also a CITES Scientific Authority), the Carnivore & Pangolin Conservation program, the Asian Turtle Program, and the Institute of Tropical Biology in provision species-focused training to enforcement officers.

We have engaged both national and provincial stakeholders (primarily police, customs, prosecutors, border army, forest protection department, and the CITES MA) extensively throughout the grant both formally through project activities such as meetings, workshops and training programs, but also and importantly, informally through telephone exchanges and out-of-office meetings to build support towards the projects goals and activities.

This grant also allowed us to provide ongoing support to the Interpol NCB, CITES MA and National Environment Police on compliance with CITES and engaging with global Interpol operations. For example, we worked closely with the Interpol Environmental Crime Program to provide support to the Vietnamese NCB to join Operation PREDATOR and identifying potential areas to focus their investigations. Also, our close collaborations with the Vietnam CITES MA on all project activities allowed us to provide support to them in other trans-national anti-wildlife crime work they are involved in such as the recent South Africa Bi-lateral meeting on Rhino horn trade control, a workshop for the newly formed International Coalition for Combatting Wildlife Crimes (CITES Secretariat, Interpol, UN Office on Drugs and Crime (UNODC), World Customs Organisation (WCO) and World Bank), providing technical advise on the management of Vietnam's ivory stocks, preparation for the CITES Rhino-Elephant task force meeting and also

pertaining to proposals under preparation for the Standing Committee and Conference of Parties (CoP).

We have provided support to the Global Tiger Initiative process in Vietnam working with the GTI focal point Biodiversity Conservation Agency (BCA) of the Ministry of Natural Resources and the Environment (MONRE). Furthermore, WCS played a key role in providing technical assistance to BCA in their preparation of a full proposal for the Global Environment Facility (GEF) project 'Wildlife Consumption in Vietnam: Reforming Policies and Practices to Strengthen Biodiversity Conservation'; raising vital funds for project proposal development to ensure wide consultation on the proposed project and brought in a range of experts to assist in project design.

Through this grant WCS has significantly expanded our stakeholders in this project to a number of non-traditional partners. Through our government briefings as described above and also through the development of the Transnational Crime meeting which in addition to the co-hosts the US Embassy, the UK Embassy and the UNODC also involved a number of other international organisations such as United Nations Environment Program (UNEP), International Labour Organisation (ILO), International Office of Migration (IOM), Interpol, the Australian Federal Police, the Swiss Embassy and other NGOs such as the Environmental Investigation Agency (EIA), and the Basel Action Network. We have also been involved in these agencies work, for example, WCS attended the Vietnam consultation meeting on a project hosted by UNODC and Ministry of Public Security which is the Phase II of the Border Liaison Office project and now includes environmental crimes.

### **Conservation Impacts**

***Please explain/describe how your project has contributed to the implementation of the CEPF ecosystem profile.***

The outcomes and approach of our work under this grant match the core goals of the CEPF by engaging civil society, including local journalists, Vietnamese NGOs and universities, to achieve our objectives. Through this grant we have played a major part in strengthening partnerships and coordination between civil society groups on the issue of illegal trade in wildlife and more broadly on conservation issues in Vietnam.

Mong Cai City in Northeastern Vietnam is the busiest trade point on the Vietnam-China border with thousands of shipments of a range of products occurring each day. The border is poorly enforced and trade is weakly regulated allowing organised crime gangs to proliferate, including gangs that trade a number of CEPF Priority Species, and will highly include those sourced from the Northern Highlands Limestone and Mekong River and its major tributaries. The majority of illegal goods, including wildlife, passes through this one border City. We have focused our interventions here to strengthen enforcement and disrupt and dismantle this network as that can have the greatest impact to reducing poaching of wild populations as the wildlife criminals operating in Mong Cai form a critical node in the wildlife trade network that stretches across the region into the all major wild habitats.

Through this grant we carried out targeted outreach to provincial and national government departments, law enforcement agencies, inter-ministerial and departmental committees (e.g. on anti-corruption and anti-smuggling), National Assembly committees and members of the judiciary on our research findings and analysis to the situation of illegal wildlife trade in Vietnam. Furthermore, we have carried out regular communications to our media network of over 150 journalists and to other NGOs which supports both Outcome 3.3 *to conduct targeted outreach and awareness raising for decision-makers, journalists, and lawyers*; and also Outcome 1.2 *to implement public awareness campaigns that reinforce existing wildlife trade policies and contribute to the reduction of consumer demand for 67 globally threatened species and their products* in the CEPF Ecosystem Profile.

***Please summarize the overall results/impact of your project.***

With the support of CEPF, under this grant WCS has established the required knowledge, awareness and importantly grown political commitment to combating illegal trade in wildlife, with an emphasis on cross-border trade. We compiled the most comprehensive analysis of cross-border wildlife trade in Vietnam, focused on Quang Ninh province on the Chinese border, that presents the first quantitative data on the scale of illegal cross-border traffic, that highlights the routes used and the weaknesses in the regulatory system. We increased the capacity and awareness of frontline enforcement officers (including police, customs, border army, and prosecutors) to the dynamics of wildlife crimes, the importance in fighting these crimes and the professional techniques required to detect and prevent them. Finally, and importantly we have raised the profile of the issue of transnational wildlife crimes in this province to unprecedented levels within Vietnam, the region and globally.

**Planned Long-term Impacts - 3+ years (as stated in the approved proposal):**

To significantly reduce the illegal cross-border trade in CEPF priority species from Vietnam to China at a key border province.

**Actual Progress Toward Long-term Impacts at Completion:**

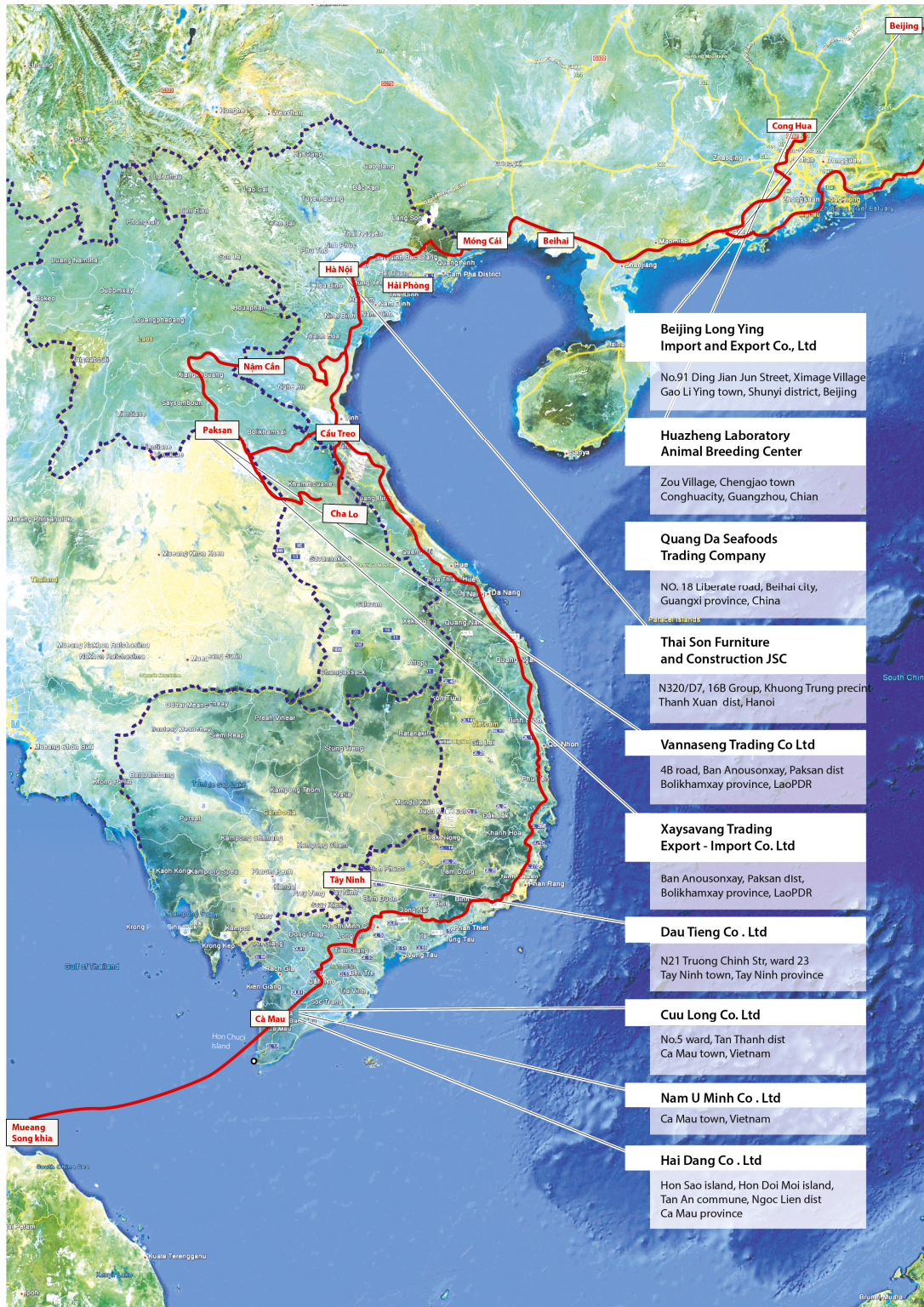
The core approach of our work aimed to build the political interest and longer-term government commitment and capacity to address the rampant smuggling occurring at this major trade nexus on the China-Vietnam border. As we outline in the next section we are starting to see indications of a growing interest and commitment to tackling the issues in this area. In addition, we have helped establish a number of components that are crucial to achieving this longer-term goal. We have developed a novel method to monitor progress on illegal cross-border trade and law enforcement. An informed and supportive media is a crucial tool in improving control of wildlife crimes and through this project we have generated an active and informed network of over 150 journalists with whom we can share information, successfully pitch stories and have negative ones retracted from online media sources.

**Planned Short-term Impacts - 1 to 3 years (as stated in the approved proposal):**

Increased law enforcement of illegal cross-border wildlife trade in Quang Ninh province (i.e. increased number of criminal and administrative cases, quantity of species confiscated, number of successful inter-agency campaigns/investigations, illegal wholesale wildlife traders prosecuted).

**Actual Progress Toward Short-term Impacts at Completion:**

WCS investigations revealed a massive trade in CITES-listed species of wild origin in trans-shipment through the city of Mong Cai, Quang Ninh province (Map 1), from other countries (including Lao PDR, Myanmar, Cambodia, Thailand and Malaysia) and highlighted the weak law enforcement. Our monitoring of cross-border trade found on average only 3% of vehicular cross-border traffic passes through the legal route, the Prime Minister's Class I international highway border port of Bac Luan (see point #3 on Map 2). Of the remaining 97%, 21% passes through semi-legal crossings, and 76% crosses at fully illegal smuggling points (see Map 2 for more details). We found that illegal smuggling of all products occurs on broad daylight, on a limited number of well-known routes with levels peaking through normal office hours and flows relatively unaffected by law enforcement. Our data and analysis highlighted to central government the significant loss of revenue (i.e. tax and customs fees) to the state budget, with money flowing



**Map 1:** A map highlighting (in red) a major trade flow from Thailand through Lao PDR and Vietnam to China for a range of reptile species and Pangolins uncovered through surveys by WCS in collaboration with Customs and the CITES MA. The boxes on the right highlight the companies involved in this trade network and their location.

from organised criminals to corrupt border officials rather than through official channels, a fact that we believe compelled central level agencies to pay greater attention to this issue.

We have strong reason to believe our work has increased the capacity and interest of the key law enforcement agencies often overlooked in wildlife crime enforcement training e.g. Border army, customs, procuracy, and judges; for example, at the inception of our work in Quang Ninh, authorities were adamant that there was no tiger trade through Quang Ninh, but through our ongoing support and assistance to the agencies in 2011 and 2012 WCS-trained officers in Mong Cai uncovered, arrested and successfully prosecuted the first cases of tiger crimes in the province of dead tigers being traded to China involving two cases and four dead tigers, one of which was being transported through the province in an ambulance (Figure 1 and 2). Similarly, following our analysis with the CITES MA on customs declarations that highlight the massive international trade in reptiles flowing through Vietnam to China, authorities on the border increased inspections on reptile shipments and in one case in 2011 seized two tones of hard-shell turtles, snakes and monitor lizards.

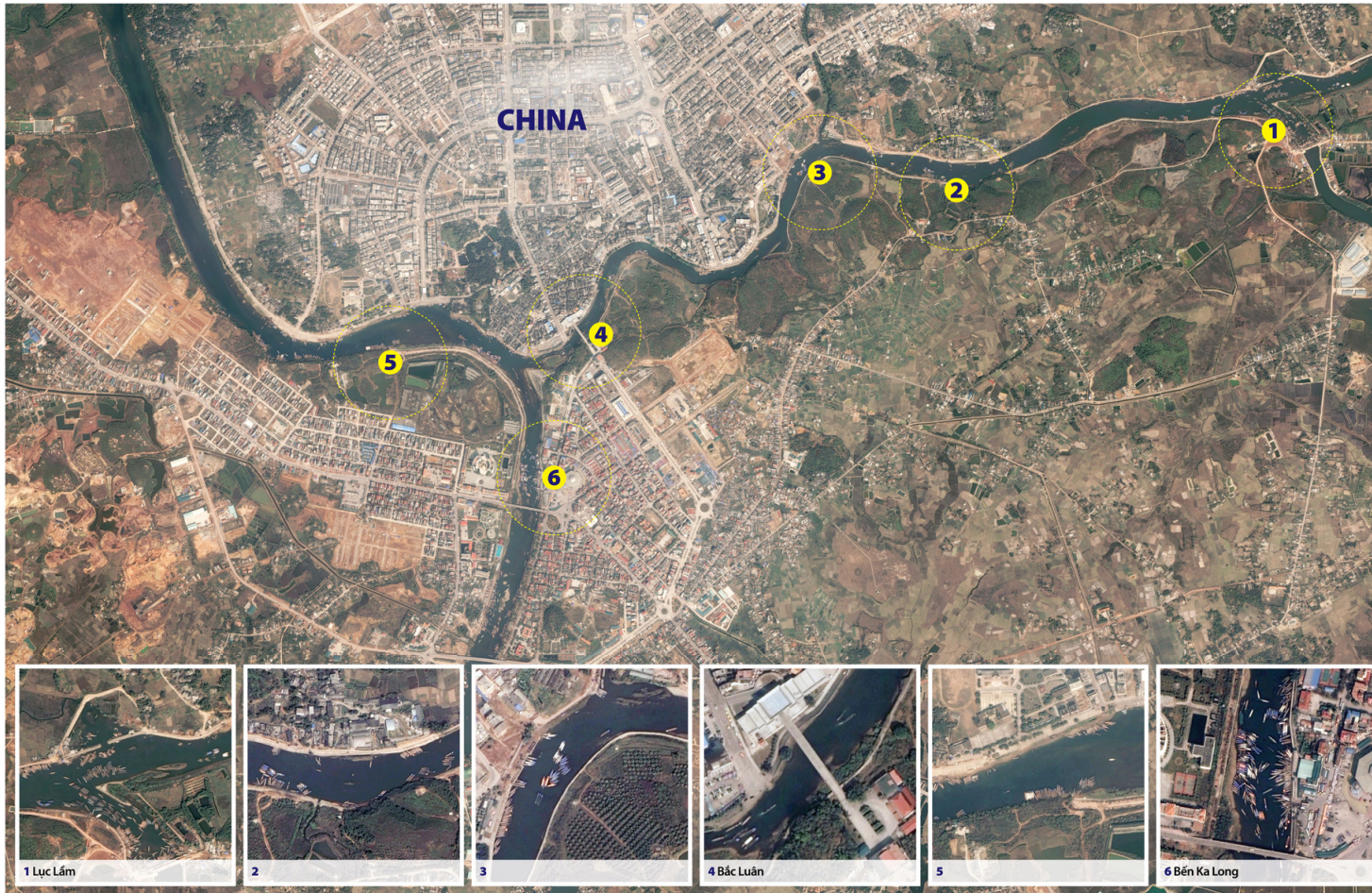


**Figure 1:** Quang Ninh police trained by WCS inspect a dead tiger that was seized in transport to the Chinese border in Mong Cai in an ambulance



**Figure 2:** Authorities trained by WCS in Mong Cai raided a suspect's house and discovered three tiger carcasses he was preparing to sell to China

We believe perhaps our most important achievement to date in Mong Cai is that we have successfully put the issues in Mong Cai on the agenda at a national level, through engagement, dialogue and facilitating information flow to and between the CITES MA, Vietnam Interpol NCB, Customs, Supreme People's Procuracy; through parliament with National Assembly committees on foreign affairs, trade and environment; through inter-ministerial committees such as the Vietnam Wildlife Enforcement Network (WEN), and Joint Committee 127 on anti-smuggling, trade fraud and counterfeiting; and with other international agencies working on transnational crimes such as the IOM, UNODC, Basel Action Network, EIA, the US Embassy, the UK Embassy and their Serious Organised Crime Agency (SOCA) liaison and the Australian Federal Police; at a regional level through our partners in the Chinese Government (including Guangxi and Guangdong provinces), Interpol Liaison Office Bangkok, ASEAN-WEN, UNEP, the Asian Regional Partnership Forum for Environmental Crimes (ARPEC); and through the media, particularly our involvement in a Financial Times article that received wide global coverage (Annex 1).



**MONG CAI CITY**  
Quang Ninh Province, Vietnam



CRITICAL ECOSYSTEM  
PARTNERSHIP FUND

SCALE 1:20000  
DATA EXTRACTED ON 1 DEC 2010  
from [www.bing.com](http://www.bing.com)

**Map 2:** A satellite map of Mong Cai City that highlights the major trade crossing points including the Bac Luan International Border gate (9 and inset); Luc Lam (13) and Ka Long (8) customs clearance points (the semi-legal crossings where goods pass through customs in Vietnam and then smuggled into China) and a number of smuggling points (1-4, 10-12), inset pictures 4, 10 and 12 show close ups of three major smuggling points and boats can be seen on the river, extremely likely to be in the act of smuggling.

Since we started to release our analysis and findings with the aim to raise the profile and political commitment to the issues in Mong Cai we have witnessed an unprecedented response, interest and action from a central level that is having a direct impact to the local situation in Mong Cai City and to the control of transnational crimes more broadly in Vietnam, including:

- In direct response to the WCS report and data analysis on Mong Cai, the Prime Minister's office directed central and provincial departments to report back on the situation of cross-border smuggling (we don't know of any other time the Prime Minister's office has done this). They concluded our data were accurate, though provided a range of excuses as explanation;
- This was followed by the Prime Minister's office sending staff with WCS for a site visit to Mong Cai to view the situation and meet with local agencies for themselves;
- Recently, the Prime Minister's office has drafted Directive 23/CT-TTg (Annex 1) tightening management and regulation on transshipments<sup>1</sup> through the Vietnamese border to China, restricting the use of the 'semi-legal customs clearance points for transshipments; calling for stronger enforcement and more thorough checks by the customs, police and border army; and prohibiting a range of products (e.g. frozen organs and by-products of livestock and poultry, leaded batteries, circuit boards, plastic wastes, and cooling devices using CFCs) from being shipped through Vietnam
- Our colleagues in the China CITES MA reported that the Financial Times article (Annex 1) was read by government in Beijing, and played a part in catalysing the agencies in Guangxi to launch the "Decisive Battle along Ka Long River Operation" (Ka Long is the river flowing through Mong Cai that serves as the international border) as part of their 'Shield' Anti-smuggling Campaign, which has resulted in the most sustained period of enforcement on common smuggling points into China that we have encountered since we have operated in the area;
- The CITES Management Authority of Vietnam was instrumental in the recent CITES trade ban placed on Lao PDR for two freshwater turtle species in CITES Appendix II, *Heosemys grandis* and the CEPF Priority species, *H. annaldalii* (CITES Notification to the Parties 2012/059) following our analysis of the trade in these species from Lao PDR, through Vietnam to China;
- The Vietnam WEN has publicly stated that Mong Cai is to become a focus for their inter-agency law enforcement efforts in coming years
- Mong Cai and illegal trade is now on the agendas of the UK and US embassies, (the latter responded to our reports by sending their own teams up to the border to confirm our findings and the ambassador is currently preparing a trip) which is feeding the issue through their own diplomatic channels and relationships at a high level within the Vietnamese Government and their own governments;

***Describe the success or challenges of the project toward achieving its short-term and long-term impact objectives.***

Perhaps the most significant challenge to achieving the objectives of our work is linked to the widespread corruption of provincial government officials and the collusion of such officers in cross-border smuggling. In response to this, for our surveys we expanded our sources, extended data collection and attempted novel data collection techniques (e.g. satellite maps, real-time GPS trackers and surveillance) to develop an accurate and undisputable analysis of wildlife trade dynamics that would bring attention to the issue. Formal partnerships at a local level (i.e. for permissions etc) became less important than those at a central level. The People's Aid Coordinating Committee on a number of occasions recommended we suspend activities in Quang Ninh province as the local agencies were not supportive or cooperative, but with the strong support of central agencies (e.g. CITES MA) we have managed to sustain our activities. As we have continued through each activity and meeting we have been able to identify supportive and interested individuals and we are then building upon those relationships.

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<sup>1</sup> Transshipment is the act of shipping goods to an intermediate destination prior to reaching their ultimate end-use destination. For example, ivory from African countries is being smuggled in goods such as dried fish and seaweed that are being transshipped through Vietnam onto their final destination, China.

**Were there any unexpected impacts (positive or negative)?**

No

## Project Components

**Project Components:** *Please report on results by project component. Reporting should reference specific products/deliverables from the approved project design and other relevant information.*

**Component 1 Planned:** Trained and effective wildlife and law enforcement capacity in key government agencies to address illegal cross-border trade in Quang Ninh province.

**Component 1 Actual at Completion:**

Six multi-agency training programs carried out for 174 law enforcement officers (police, customs, border army, forest protection department, quarantine/animal health, prosecutors) from Quang Ninh province, selected neighbouring cities (e.g. Hai Phong) and central level providing training on species and wildlife product identification, wildlife crime laws, investigation techniques (including interrogation, source management, surveillance, search and seizure), placement of seized wildlife, and the health risks associated with wildlife trade.

Training materials from all courses compiled and distributed on a DVD to all agencies in Quang Ninh and at a central level.

Translation and printing of 4500 wildlife crime law enforcement guides developed by Interpol, CITES Secretariat and WCO on controlled delivery, interrogation and concealment methods for wildlife distributed to customs, police, border army, and forest protection department (FPD) at key border crossings and markets nationwide.

**Component 2 Planned:** Increased media coverage of positive enforcement actions and the scale/seriousness of the illegal trade in CEPF priority species operating in Quang Ninh province.

**Component 2 Actual at Completion:**

A workshop was held for 26 journalists in Mong Cai city to equip them with basic knowledge of wildlife trade both domestic and transnational and also to give them field experience in Mong Cai to increase their understanding of the illegal cross-border trade in the area.

This workshop, marked the initiation of the WCS media network, which over the last four years we have grown to including around 150 domestic and international journalists, through which we are now able to not only get stories placed in the media, but provide constructive edits to online stories, and generate widespread coverage of our work and the messages we want to deliver to decision-makers and other influential stakeholders. For example, from November 2009 to date we have generated 355 articles based on our information, 68 of which focused on the cross-border trade in Mong Cai. This included a piece in the Financial Times that received widespread international coverage, particularly in China.

**Component 3 Planned:** Increased awareness and support of local government agencies to the scale of the illegal wildlife trade and the urgent need for increased enforcement efforts.

**Component 3 Actual at Completion:**

WCS hosted a series of briefings where we presented and discussed the findings of our situation analysis on transnational wildlife crimes in Quang Ninh for the following audiences:

- The Vietnam WEN members (30 participants including FPD, police, customs, border army, department of public security, prosecutors, market control, Interpol NCB).
- All 12 members of the Quang Ninh Steering Committee 127 for Anti-smuggling, counterfeit goods, and trade fraud.



- Representatives from National Assembly committees on National Security, Foreign Affairs and the National Assembly's institute of law making and research, and the Supreme People's Procuracy (US Attorney General equivalent).

The briefing meetings were kept short to maximize participation. Participants listened to a short presentation on the key findings of our surveys, were provided with a briefing pack containing key data tables, figures and maps and given the opportunity to discuss the findings. Following the briefings we prepared and distributed a 'Vietnamese-government' styled version of our larger report to all relevant government departments and participants to the meetings.

Following these meetings we also organized site visits to Mong Cai city to introduce the issue and key locations for the Prime Minister's Office, Department of public security, Environmental Police and the Supreme People's Procuracy.

As a transnational crime, wildlife trafficking receives a much lower priority from government agencies compared to human trafficking or narcotics for example, and alone is unlikely to catalyze the needed response from local and central government agencies. Therefore, WCS led a process to increase the attention and response from government on Mong Cai as a location where a number of serious crimes converge by coordinating and partnering with organisations and agencies working on the other forms of crime in Vietnam.

In August 2012, WCS were the main hosts, alongside the US embassy, UK embassy and UNODC, for a roundtable meeting on transnational crimes that was attended by senior levels of the Vietnamese government, including Ministry of Foreign Affairs, Ministry of Public Security, Ministry of Defense and Ministry of Industry and Trade, and by various international organizations and Vietnamese agencies totaling 75 participants. The meeting represented the first gathering of such a range of sectors (trafficking of humans, drugs, counterfeit goods, currency, hazardous waste, and wildlife) to consider the seriousness and how to fight together effectively against transnational crimes. The participants shared information on the issues of each crime, the challenges in combating the crimes and made recommendations to solve the problems.

The seminar was an overriding success with a number of new collaborations formed between organisations and government agencies, including a new Transnational Crime working group (the mandate and membership of this group are currently pending) of concerned partners that could take on some of the meetings recommendations e.g. an analysis of corruption in the cross-border context, development of a communications strategy to align messages. Furthermore, the meeting alone elevated Mong Cai and transnational crime issues, including wildlife, within the Vietnamese government structures, reaching even the Prime Ministers office that participated in the meeting and also got involved in reviewing the agenda and proceedings.

Our involvement with such partners also assists in mainstreaming wildlife crime as a form of serious transnational organised crime similar to narcotics and human trafficking, requiring similar levels of enforcement response.

**Component 4 Planned:** Increased knowledge on the scale, operations and dynamics of the illegal cross-border trade in CEPF priority species from Vietnam to China in Quang Ninh province

**Component 4 Actual at Completion:**

The project compiled the most comprehensive analysis of border trade control in Quang Ninh province drawing together a detailed site description; legal recorded wildlife trade (including the first review of CITES permits vs Customs records); information from undercover investigations; an overview of enforcement in the province (capacity, resources), a review of detection and prosecution of wildlife crimes and results from monitoring numbers of vehicles passing different routes along the border. The analysis provides a baseline for monitoring wildlife crimes at the border and also an important tool in working with government to address wildlife trade in border areas.

***Were any components unrealized? If so, how has this affected the overall impact of the project?***

No

***Please describe and submit (electronically if possible) any tools, products, or methodologies that resulted from this project or contributed to the results.***

We will submit all products on a CD-ROM to CEPF

## **Lessons Learned**

***Project Design Process: (aspects of the project design that contributed to its success/shortcomings)***

### **1) On-the-job training programs**

We originally planned to complete two on-the-job training programs, following the successful model we had earlier developed and delivered in the south of Vietnam in Lam Dong province and that had resulted in sustained, successful enforcement campaigns in urban towns and cities province-wide. We were not able to implement any such program in Quang Ninh province due to a lack of support from local partners for this kind of hands-on approach. Successful capacity building from training programs is strongly related to the post-training practice and use of the new skills or knowledge and it is therefore important that training is demand not supply-driven. The on-the-job training program model developed in Lam Dong province requires the cooperation and trust of local partners to have outside experts critiquing and providing technical assistance to the planning and implementation of wildlife crime investigations and operations. We have yet to develop this close working relationship in Quang Ninh and so proposing this approach was premature at this early stage in our engagement.

***Project Implementation: (aspects of the project execution that contributed to its success/shortcomings)***

### **1) Communicating to the Government**

In this period we challenged the more traditional approach that NGOs often use to communicate their research findings with Government (i.e. publish lengthy English language glossy reports, post to government and put out a press release) with a more strategic plan for communicating our results. We believe the combination of small, focused briefings allowing one-on-one discussions, with presentation of key results and data, a site visit and a report in Vietnamese styled in a more familiar format increased the reach and response we elicited within government.

### **2) The power of an image**

The satellite map of the Vietnam-China border in Quang Ninh produced as part of the project has proven to be a powerful image (Map 1 above). For example, during a mission of the UK ambassador to the border areas in Quang Ninh to discuss human and e-waste trafficking the map was used as a key resource with the border army leaders in Quang Ninh province and Mong Cai city. We have now distributed the map to all key Vietnamese government agencies and key staff in the US, UK, Australian, Dutch and German embassies. Similarly the table and graphs presenting the findings of our monitoring of cross-border vehicle traffic, are simple, compelling and probably generate the greatest response from the audience.

### **3) The concept of crime convergence**

The upcoming meeting on this under this grant has continued to gather pace and interest at the highest levels. The US and UK ambassadors are fully behind this and working within the Vietnamese Government to have the meeting held. In addition the meeting has attracted the attention of the Ministry of Foreign Affairs and is being discussed within the Prime Ministers office which represents a significant increase of the profile and visibility of this issue within Government.

#### 4) Use what you can to build inter-agency cooperation

Resolving the obstacles to effective border control and combating organised smuggling groups in Mong Cai requires the expertise and legal mandate of a range of ministries and provincial departments, that at present are not coordinating or communicating their activities on wildlife crime issues. We utilised existing, though at present largely inoperative, network of agencies as a platform to build trust, relationships and stronger institutional coordination on combating wildlife crimes in Mong Cai.

Vietnam established an inter-ministerial committee on wildlife trade control, known in English as the Vietnam WEN in 2009 as a central organ for coordination of efforts to tackle wildlife crimes and consists of the CITES MA (Chair), FPD, Police (economic crimes and environment), Department of Public Security, Customs Anti-smuggling unit, border army, prosecutors, Interpol NCB, BCA, and the Department of Animal Health.

Interpersonal and institutional conflicts, limited funding and a general lack of trust between partners has limited Vietnam-WEN's effectiveness to date. Nevertheless, WCS actively worked with the CITES MA to support regular meetings and joint-activities of the members as we believe that, whilst not meeting its full potential, Vietnam-WEN presents an excellent forum for building the crucial relationships between individuals in the different departments/ministries that will facilitate the much-needed inter-agency cooperation. For example, 2012 has seen heightened cooperation between certain members of the committee, with two recent seizures of ivory and pangolins made directly as a result of sharing information between Interpol NCB, Customs Anti-smuggling Unit and the CITES MA, that according to these agencies would not have occurred if they had not known who to call in the other agencies.

#### Additional Funding

Donor	Type of Funding*	Amount	Notes
WCS	A	\$69,807	
World Bank GEF	A	\$106,000	
PanNature	A	\$900	

#### Sustainability/Replicability

##### ***Summarize the success or challenge in achieving planned or unplanned sustainability or replicability of project components or results.***

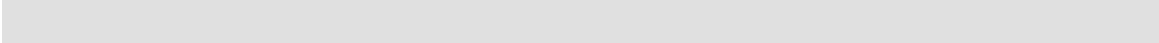
- Through this grant we supported the development of inter-agency relationships that we believe played a crucial part of the heightened cooperation between certain agencies that will likely be sustained.
- The journalist network is being sustained by continued support from WCS through other grants and our own funding to staff to manage these relationships and feed stories and information to the journalists.
- The core approach of our work aimed to build the political interest and longer-term government commitment and capacity to address the rampant smuggling of wildlife occurring at this major trade nexus on the China-Vietnam border. We have documented a growing interest and commitment from the Vietnamese Government to tackling the issues of wildlife trade. We believe these changes will have a lifespan well beyond the period of this grant. However, ensuring these changes are sustained requires persistence and continued investment, as new priorities and work can very quickly put issues on the back burner for our government counterparts. We believe that wildlife conservation NGOs have an important role in providing ongoing support and pressure to Government agencies in improving actions in the short and medium term, and in the medium and long-term keeping the issue 'on the table'.

## Information Sharing and CEPF Policy

CEPF is committed to transparent operations and to helping civil society groups share experiences, lessons learned, and results. Final project completion reports are made available on our Web site, [www.cepf.net](http://www.cepf.net), and publicized in our newsletter and other communications.

**Please include your full contact details below:**

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Email: [sroberton@wcs.org](mailto:sroberton@wcs.org)



**Performance Tracking Report Addendum**

**CEPF Global Targets**

**(Enter Grant Term)**

Provide a numerical amount and brief description of the results achieved by your grant.  
Please respond to only those questions that are relevant to your project.

<b>Project Results</b>	<b>Is this question relevant?</b>	<b>If yes, provide your numerical response for results achieved during the annual period.</b>	<b>Provide your numerical response for project from inception of CEPF support to date.</b>	<b>Describe the principal results achieved from July 1, 2007 to June 30, 2008. (Attach annexes if necessary)</b>
1. Did your project strengthen management of a protected area guided by a sustainable management plan? Please indicate number of hectares improved.	NO			Please also include name of the protected area(s). If more than one, please include the number of hectares strengthened for each one.
2. How many hectares of new and/or expanded protected areas did your project help establish through a legal declaration or community agreement?	NO			Please also include name of the protected area. If more than one, please include the number of hectares strengthened for each one.
3. Did your project strengthen biodiversity conservation and/or natural resources management inside a key biodiversity area identified in the CEPF ecosystem profile? If so, please indicate how many hectares.	NO			
4. Did your project effectively introduce or strengthen biodiversity conservation in management practices outside protected areas? If so, please indicate how many hectares.	NO			
5. If your project promotes the sustainable use of natural resources, how many local communities accrued tangible socioeconomic benefits? Please complete Table 1 below.	NO			

**If you answered yes to question 5, please complete the following table**

**Table 1. Socioeconomic Benefits to Target Communities**

Please complete this table if your project provided concrete socioeconomic benefits to local communities. List the name of each community in column one. In the subsequent columns under Community Characteristics and Nature of Socioeconomic Benefit, place an X in all relevant boxes. In the bottom row, provide the totals of the Xs for each column.

Name of Community	Community Characteristics							Nature of Socioeconomic Benefit													
	Small landowners	Subsistence economy	Indigenous/ ethnic peoples	Pastoralists/nomadic peoples	Recent migrants	Urban communities	Communities falling below the poverty rate	Other	Increased Income due to:			Increased food security due to the adoption of sustainable fishing, hunting, or agricultural practices	More secure access to water resources	Improved tenure in land or other natural resource due to titling, reduction of colonization, etc.	Reduced risk of natural disasters (fires, landslides, flooding, etc)	More secure sources of energy	Increased access to public services, such as education, health, or credit	Improved use of traditional knowledge for environmental management	More participatory decision-making due to strengthened civil society and governance.	Other	
									Adoption of sustainable natural resources management practices	Ecotourism revenues	Park management activities										Payment for environmental services
<b>Total</b>																					

If you marked "Other", please provide detail on the nature of the Community Characteristic and Socioeconomic Benefit:

**Annex 1:** Directive 23/CT-TTg on the enhancement of State Management of the business of temporary import for re-export, transit and bonded warehouses

**THE PRIME MINISTER  
THE SOCIALIST REPUBLIC OF VIETNAM  
Independence - Freedom - Happiness**

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No. 23/CT-TTg

*Hanoi, September 07, 2012*

**DIRECTIVE**

**ON THE ENHANCEMENT OF STATE MANAGEMENT OF THE BUSINESS OF  
TEMPORARY IMPORT FOR RE-EXPORT, TRANSIT, AND BONDED  
WAREHOUSES**

The business of temporary import for re-export, transit of goods, and bonded warehouses has obtained certain economic achievements, contributed to commercial development in some localities with border-gates and sea ports. However, it also reveals certain limitations in the management that negatively affect the production and life, especially the control and prevention of the misuse of temporary import for re-export to trade prohibited goods, commit trade frauds, evade tax, smuggle goods, including unhygienic and unsafe goods into the domestic market, threaten the environmental safety and cause apprehension in the society.

In order to ensure the conformity of business of the temporary import for re-export, transit of goods, and bonded warehouses, to promptly detect, prevent, and strictly handle all violations, the Prime Minister requests relevant Ministries, ministerial-level agencies, Governmental agencies, People's Committees of central-affiliated cities and provinces to take on the following tasks:

**I. THE MINISTRY OF INDUSTRY AND TRADE**

1. Leading and cooperating with relevant agencies in reviewing the current provisions on temporary import for re-export and transit of goods, for implementing or requesting competent levels to discard inappropriate provisions; for supplementing and amending the current provisions to ensure the conformity to the policy and the requirements for strict management of the temporary import for re-export and transit of goods, and to ensure the compatibility with the socio-economic development of Vietnam.
2. The provisions promulgated in September 2012:
  - a) The list of goods banned from temporary import for re-export and transit: hazardous wastes such as leaded batteries, circuit boards, wastes plastic, cooling devices using C.F.C, chemicals being precursor substances banned from export and import according to the International Conventions to which Vietnam is a signatory. The prohibition against the temporary import for re-export and transit of the goods stated above takes effect on the date of signing of this Directive.

b) The list of goods suspended from temporary import for re-export, transit, and bonded warehouses: the used consumables and frozen food being organs and by-products of livestock and poultry. The suspension of the temporary import for re-export, transit, and bonded warehouse storage of such goods begins on September 30, 2012.

The consignments of goods in the List of suspension above and the goods temporarily imported for re-export according to the Licenses issued by the Ministry of Industry and Trade that is not in the List of goods suspended from temporary import for re-export, that arrives at Vietnam's ports before September 30, 2012, is allowed to be temporarily imported for re-export as prescribed in the previous provisions before this Directive is promulgated.

c) The list of other frozen food temporarily imported for re-export (livestock, poultry meet, aquatic products) must comply with the licenses issued by the Ministry of Industry and Trade.

3. The conditions for doing business of the temporary import for re-export and transit of goods subject to special excise duty (wine, beer, cigarettes, cigars) and goods temporarily imported for re-export under the licenses issued by the Ministry of Finance are prescribed and announced as follows:

a) The trader must operate in goods export and import, or temporary import for re-export of goods, for at least 2 years as from the date of establishment to be eligible for doing business of temporary import for re-export and transit of such goods.

b) The trader must leave a deposit of at least 5 billion VND for environmental treatment and destruction of dead stock, of goods imported inconsistently with the declaration that must be destructed.

c) The nominative bills of lading for goods temporarily imported for re-export and transited (specifying the receiver's name, and must not be transferred) must contain the license number issued by the Ministry of Industry and Trade. When the ship arrives at the Vietnam's port, the captain must add the license number in the bill of lading to the manifest, and send it to the customs, the Border guard, and port authorities for classifying, managing, and monitoring.

d) Traders doing business of temporary import for re-export and transit of goods must notify the delivery plan and the details related to the consignments temporarily imported for re-export or transited to the licensing agencies, the customs, and the port authorities at least 7 days before the goods arrives at the Vietnam's port.

dd) Regarding border-gates of re-export:

- The goods temporarily imported for re-export belonging to the list of goods banned from export and import may only be re-exported through international border-gates.

- Goods subject to special excise duty (wine, beer, cigarettes, cigars) may be re-exported through international border-gates and the border-gate or customs clearance posts in border-gate economic zones, allowed to be established by the Prime Minister and have all the sector management agencies as prescribed. This provision is also applicable to the imported goods stored in bonded warehouses for exporting to a third country.



- Frozen food: may be re-exported through international border-gates, main border-gates, and the border-gate or customs clearance posts in border-gate economic zones, allowed to be established by the Prime Minister and have all the sector management agencies as prescribed. This provision is also applicable to the imported goods stored in bonded warehouses for exporting to a third country.

e) The container must not be divided during the transport of goods from the border-gate of temporary import to the area supervised by the customs and the re-export location at the border-gate or customs clearance post as prescribed.

g) The goods must not stay in Vietnam more than 45 days. This period is only extended once, and the extension must not exceed 15 days. After this period, the trader must export the goods from Vietnam within 15 days through the border-gate of temporary import. The goods must not be exported through other border-gates than the border-gate of temporary import. The goods not being able to be exported shall be confiscated and handled as prescribed. In case the goods must be destructed, the expense on the destruction shall be extracted from the deposit paid by the trader.

h) It is prohibited to convert the temporary import for re-export into import for domestic sale. This provision is also applicable to the goods in the List of goods of which the import is not encouraged.

4. For the temporary import for re-export and transit of petrol and oil:

The condition for doing business of temporary import for re-export and transit of petrol and oil shall be prescribed and supplemented under the direction of the Prime Minister in the Official Dispatch No. 1136/VPCP-KTTH dated August 01, 2012 of the Government Office.

## **II. THE MINISTRY OF FINANCE**

1. Leading and cooperating with relevant agencies in issuing documents guiding the enhancement of inspection and control of goods transited and temporarily imported for re-export.

2. Leading and cooperating with relevant agencies in amending and supplementing or promulgating new documents on the guidance and application of the following contents:

a) Goods subject to special excise duty (wine, beer, cigarettes, cigars) being transited or temporarily imported for re-export must be kept in areas supervised by the customs, such as inland clearance depots (ICD), bonded warehouses, or border-gate areas.

b) Traders may only re-export their goods through the border-gate where they register for the temporary import. The change of the border-gate of re-export must be accepted by the border-gate customs.

c) The General Department of Customs shall guide the customs officers to implement the Article 39 of the Law on Trade applicable to goods rejection. The buyer is entitled to reject the goods if the seller provides the goods inconsistently with the contract, but the buyer must be responsible for handling the rejected consignments as prescribed.

d) When implementing the customs procedures for the temporary import, the trader must provide the export contract and import contract, signed by the Vietnamese trader and the foreign trader, to the customs.

dd) Enhancing the guidance, inspection, and supervision of the storage of goods subject to special excise duty in bonded warehouses; of the import of frozen food for export processing (do not confuse with the import of materials for processing exports).

e) Enhancing the management of goods temporarily imported for re-export; taking measures for strictly supervising the goods from the temporary import to the re-export, especially when it is re-exported.

g) Guiding the anti-smuggling team of the customs to cooperate with the market management forces and economic police in inspecting and controlling the goods temporarily imported for re-export while they are being circulated domestically from the border-gate of temporary import to the border-gate of re-export to promptly detect and handle the violations.

h) Reviewing for amending and supplementing intra vires or request competent authorities to supplement and amend the current law provisions, in order to ensure the tight management of the bonded warehouse storage; increasing the penalties for the violations such as selling goods in domestic market without permission, late liquidation of customs declarations, incorrectly declaring the name and quantity of goods temporarily imported for re-export...

3. Leading and cooperating with the Ministry of Industry and Trade, and People's Committees of bordering provinces, in making plans for disposing inspectors and controllers to ensure the State management of the business of temporary import for re-export, transit, and bonded warehouses.

### **III. THE MINISTRY OF TRANSPORT**

Leading and cooperating with relevant agencies, based on the provisions in the Maritime Code to guide the particular rights and duties of the deliverers, receivers, and transporters of the goods being loaded and unloaded at the ports, as well as the auctions of such goods if they are not received.

### **IV. THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT**

1. Cooperating with the Ministry of Finance in considering and handling the increase of fees and charges for the quarantine of animal and animal products being temporarily imported for re-export.

2. Enhancing the management and quarantine of frozen food transited and temporarily imported for re-export.

3. Cooperating with local authorities in bordering provinces in guiding quarantine agencies at the border to enhance the measures and forces to efficiently prevent the traffic of livestock and poultry from unknown origins or without quarantine.

### **V. THE MINISTRY OF NATIONAL DEFENSE**

1. Closely cooperating with relevant Ministries, sectors and localities in the inspection and control of the transport of goods temporarily imported for re-export, from the border-gate of temporary import to the border-gate of re-export.
2. Cooperating with the customs in unifying the procedures for customs supervisor of goods temporarily imported for re-export, especially at the border-gates of re-export.

#### **VI. THE MINISTRY OF NATIONAL DEFENSE, THE MINISTRY OF PUBLIC SECURITY, THE MINISTRY OF FINANCE, AND THE MINISTRY OF INDUSTRY AND TRADE**

Being responsible for guiding the affiliated units (the Border guard; economic police, anti-smuggling police; market management forces...) Closely cooperating with local authorities in inspecting and controlling the goods temporarily imported for re-export while they are being circulated from the border-gates of temporary import to the border-gates of re-export to promptly detect and handle the violations.

#### **VII. RELEVANT PEOPLE'S COMMITTEES OF CENTRAL-AFFILIATED CITIES AND PROVINCES** (where the border-gates are located or the goods temporarily imported for re-export goes through)

1. Submitting suggestion on the appropriate fees for goods transited, temporarily imported for re-export, or in bonded warehouses, to increase the budget receipts for reinvesting, upgrading the roads, channels, and wharves, protecting environment and ensuring security at the border-gates to the Ministry of Finance.
2. Managing and using the deposit: the People's Committee of the province where the goods goes through shall request the provincial State Treasury to extract the deposit paid by the trader for destructing the goods procedures violate the provisions on the conditions for temporary import for re-export that must be destructed as prescribed.
3. Reviewing and submitting the suggestions on the border-gates and routes that the goods temporarily imported for re-export may go through to the Ministry of Industry and Trade and the Ministry of Finance, ensuring the strict State management, trade fraud and trafficking prevention.
4. Guiding the local functional agencies to take measures for strictly inspecting and controlling, in order the promptly detect the trading and transport of goods transited or temporarily imported for re-export without legal papers, from unknown origins, to be sold locally or in other localities.
5. Cooperating with functional agencies in enhancing the inspection and control of goods temporarily imported for re-export or in transit, or in bonded warehouses that is circulated locally; disposing forces to tightly control the re-export of goods at the border-gates of re-export; strictly handle the violations in accordance with law.

The Ministers, Heads of ministerial-level agencies, Heads of Governmental agencies, the Presidents of People's Committees of central-affiliated cities and provinces, relevant agencies, organizations, units, and individuals are responsible for implementing this Directive./.

**THE PRIME MINISTER**

**Nguyen Tan Dung**

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**<http://thuvienphapluat.vn/van-ban/Thuong-mai/Directive-No-23-CT-TTg-on-the-enhancement-of-state-management-of-the-business-147665.aspx>**

**CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM  
Độc lập - Tự do - Hạnh phúc**  
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**THỦ TƯỚNG CHÍNH PHỦ**  
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Số: 23/CT-TTg

Hà Nội, ngày 07 tháng 09 năm 2012

**CHỈ THỊ**

**VỀ VIỆC TĂNG CƯỜNG CÔNG TÁC QUẢN LÝ NHÀ NƯỚC ĐỐI VỚI HOẠT ĐỘNG KINH DOANH TẠM NHẬP TÁI XUẤT, CHUYỂN KHẨU VÀ GỬI KHO NGOẠI QUAN**

Hoạt động kinh doanh tạm nhập tái xuất, chuyển khẩu hàng hóa và gửi kho ngoại quan thời gian qua tuy có thu được một số kết quả nhất định về kinh tế, góp phần thúc đẩy phát triển thương mại cho một số địa phương có cửa khẩu, cảng biển nhưng cũng đã bộc lộ những hạn chế nhất định trong quản lý, kiểm soát làm ảnh hưởng bất lợi đối với sản xuất và đời sống, nhất là kiểm soát, ngăn chặn việc lợi dụng quy định về tạm nhập tái xuất để buôn bán hàng cấm, gian lận thương mại, trốn thuế, thâm lậu hàng hóa, kê cả hàng hóa

không bảo đảm vệ sinh, an toàn vào thị trường nội địa, đe dọa an toàn môi trường, gây nên lo ngại trong xã hội và nhân dân.

Để bảo đảm hoạt động kinh doanh tạm nhập tái xuất, chuyên khẩu và gửi kho ngoại quan tuân thủ đúng quy định, phát hiện, ngăn chặn, xử lý nghiêm, kịp thời mọi hành vi vi phạm, Thủ tướng Chính phủ yêu cầu các Bộ, cơ quan ngang Bộ, cơ quan thuộc Chính phủ, Ủy ban nhân dân tỉnh, thành phố trực thuộc Trung ương có liên quan tập trung thực hiện các nhiệm vụ sau:

## **I. BỘ CÔNG THƯƠNG**

1. Chủ trì, phối hợp với các cơ quan liên quan rà soát lại các quy định hiện hành về tạm nhập tái xuất, chuyên khẩu để thực hiện ngay theo đúng thẩm quyền hoặc trình cấp có thẩm quyền loại bỏ những quy định không còn phù hợp; bổ sung, điều chỉnh các quy định hiện hành để bảo đảm phù hợp với chủ trương, yêu cầu quản lý chặt chẽ đối với hoạt động tạm nhập tái xuất, chuyên khẩu và với thực tế phát triển kinh tế - xã hội của nước ta.

2. Quy định và ban hành trong tháng 9 năm 2012:

a) Danh mục hàng hóa cấm kinh doanh tạm nhập tái xuất, chuyên khẩu: Các loại chất thải nguy hại như ắc quy chì, vi mạch điện tử; nhựa phế liệu, phế thải; thiết bị làm lạnh sử dụng C.F.C; hóa chất là tiền chất thuộc diện cấm xuất khẩu, cấm nhập khẩu theo các Công ước quốc tế mà Việt Nam là thành viên. Việc cấm kinh doanh tạm nhập tái xuất, chuyên khẩu các mặt hàng nêu trên có hiệu lực kể từ ngày ký ban hành Chỉ thị này.

b) Danh mục hàng hóa tạm ngừng kinh doanh tạm nhập tái xuất, chuyên khẩu và gửi kho ngoại quan: Các mặt hàng tiêu dùng đã qua sử dụng và thực phẩm đông lạnh là phủ tạng, phụ phẩm gia súc và phủ tạng, phụ phẩm gia cầm. Việc tạm ngừng kinh doanh tạm nhập tái xuất, chuyên khẩu và gửi kho ngoại quan các mặt hàng này có hiệu lực kể từ ngày 30 tháng 9 năm 2012.

Đối với những lô hàng thuộc Danh mục tạm ngừng nêu trên và hàng hóa tạm nhập tái xuất theo Giấy phép của Bộ Công Thương không thuộc Danh mục tạm ngừng kinh doanh tạm nhập tái xuất về đến cảng Việt Nam trước ngày 30 tháng 9 năm 2012 được tiếp tục tạm nhập tái xuất theo các quy định như trước khi Chỉ thị này được ban hành.

c) Danh mục hàng thực phẩm đông lạnh khác (thịt gia súc, thịt gia cầm, thủy hải sản các loại) kinh doanh tạm nhập tái xuất phải thực hiện theo giấy phép của Bộ Công Thương.

3. Quy định và công bố điều kiện kinh doanh đối với hoạt động kinh doanh tạm nhập tái xuất, chuyên khẩu hàng hóa có thuế tiêu thụ đặc biệt (rượu, bia, thuốc lá điếu, xì gà) và hàng hóa kinh doanh tạm nhập tái xuất theo giấy phép của Bộ Công Thương như sau:

a) Thương nhân phải hoạt động trong lĩnh vực xuất nhập khẩu hàng hóa hoặc tạm nhập tái xuất hàng hóa tối thiểu là 2 năm kể từ ngày thành lập mới được kinh doanh tạm nhập tái xuất, chuyên khẩu những mặt hàng này.

b) Thương nhân phải ký quỹ đặt cọc tối thiểu là 5 tỷ đồng để xử lý môi trường và tiêu hủy hàng tồn đọng không tái xuất được, hàng tạm nhập không đúng với khai báo thuộc diện bị xử lý tiêu hủy.

c) Quy định việc phát hành vận đơn đích danh đối với hàng hóa tạm nhập tái xuất, chuyển khẩu (ghi rõ tên người nhận hàng và không được chuyển nhượng), trên vận đơn đích danh phải ghi thêm số giấy phép của Bộ Công Thương. Khi tàu vào cảng Việt Nam để giao hàng, thuyền trưởng phải bổ sung các chi tiết số giấy phép có trong vận đơn tại bản liệt kê hàng hóa (manifest) gửi cho cơ quan hải quan, biên phòng, cảng vụ để phân loại hàng hóa quản lý và theo dõi.

d) Thương nhân kinh doanh tạm nhập tái xuất, chuyển khẩu phải thông báo kế hoạch giao hàng, nhận hàng và các chi tiết liên quan đến lô hàng tạm nhập tái xuất, chuyển khẩu cho cơ quan cấp phép, hải quan và cảng vụ tối thiểu là 7 ngày trước khi hàng về đến cảng Việt Nam

đ) Về cửa khẩu tái xuất:

- Đối với hàng hóa kinh doanh tạm nhập tái xuất thuộc danh mục cấm xuất khẩu, cấm nhập khẩu: Chỉ được tái xuất qua cửa khẩu quốc tế.

- Đối với hàng hóa có thuế tiêu thụ đặc biệt (rượu, bia, thuốc lá điếu, xì gà): Được tái xuất qua cửa khẩu quốc tế và cửa khẩu, điểm thông quan thuộc khu kinh tế cửa khẩu được Thủ tướng Chính phủ cho phép thành lập đã có đủ các cơ quan kiểm soát chuyên ngành theo quy định. Áp dụng quy định tương tự với hàng nhập khẩu gửi kho ngoại quan để xuất khẩu sang nước thứ ba.

- Đối với hàng thực phẩm đông lạnh: Được tái xuất qua cửa khẩu quốc tế, cửa khẩu chính và các cửa khẩu, điểm thông quan thuộc khu kinh tế cửa khẩu được Thủ tướng Chính phủ cho phép thành lập đã có đủ các cơ quan kiểm soát chuyên ngành theo quy định. Áp dụng quy định tương tự với hàng nhập khẩu gửi kho ngoại quan để xuất khẩu sang nước thứ ba.

e) Không cho phép chia nhỏ Container trong suốt quá trình vận chuyển hàng hóa từ cửa khẩu tạm nhập đến khu vực chịu sự giám sát của cơ quan hải quan, địa điểm tái xuất thuộc cửa khẩu, điểm thông quan theo quy định.

g) Thời gian hàng hóa được lưu tại Việt Nam không quá 45 ngày; chỉ được gia hạn một lần không quá 15 ngày. Hết thời hạn này thương nhân buộc phải tái xuất ra khỏi Việt Nam trong vòng 15 ngày qua cửa khẩu tạm nhập, không cho phép qua cửa khẩu khác cửa khẩu tạm nhập. Trường hợp không tái xuất được thì tịch thu và xử lý theo quy định. Trường hợp phải tiêu hủy thì chi phí tiêu hủy được trích từ tiền đặt cọc của thương nhân.

h) Không cho phép chuyển loại hình kinh doanh tạm nhập tái xuất sang nhập khẩu để tiêu thụ nội địa. Áp dụng quy định tương tự đối với hàng hóa thuộc Danh mục hàng hóa không khuyến khích nhập khẩu.

#### 4. Về tạm nhập tái xuất, chuyển khẩu mặt hàng xăng dầu:

Quy định và bổ sung điều kiện kinh doanh tạm nhập tái xuất, chuyển khẩu đối với mặt hàng xăng dầu theo chỉ đạo của Thủ tướng Chính phủ tại công văn số 1136/VPCP-KTTH ngày 01 tháng 8 năm 2012 của Văn phòng Chính phủ.

## II. BỘ TÀI CHÍNH

1. Chủ trì, phối hợp với các cơ quan có liên quan có văn bản hướng dẫn tăng cường kiểm tra, kiểm soát thực tế đối với hàng kinh doanh tạm nhập tái xuất, chuyển khẩu.

2. Chủ trì, phối hợp với các cơ quan liên quan sửa đổi, bổ sung hoặc ban hành mới văn bản thuộc thẩm quyền của Bộ để hướng dẫn, áp dụng các nội dung sau:

a) Hàng hóa có thuế tiêu thụ đặc biệt (rượu, bia, thuốc lá điếu, xì gà) kinh doanh tạm nhập tái xuất, chuyển khẩu phải lưu giữ tại các khu vực chịu sự giám sát của cơ quan hải quan, như khu vực cảng nội địa ICD, kho ngoại quan, khu vực cửa khẩu.

b) Chỉ cho phép thương nhân tái xuất hàng hóa qua cửa khẩu đã đăng ký khi tạm nhập, trường hợp muốn thay đổi cửa khẩu tái xuất phải được cơ quan hải quan cửa khẩu tạm nhập chấp thuận.

c) Chỉ đạo Tổng cục Hải quan hướng dẫn lực lượng hải quan thực hiện đúng Điều 39 Luật thương mại về quyền từ chối nhận hàng. Người mua có quyền từ chối nhận hàng đối với bên bán nếu hàng hóa không phù hợp với hợp đồng nhưng phải chịu trách nhiệm về việc xử lý lô hàng bị từ chối đó theo quy định.

d) Quy định khi làm thủ tục hải quan tạm nhập, thương nhân phải cung cấp cho cơ quan hải quan đủ cả hai hợp đồng riêng biệt gồm hợp đồng xuất khẩu và hợp đồng nhập khẩu do thương nhân Việt Nam ký với thương nhân nước ngoài.

đ) Tăng cường chỉ đạo kiểm tra, giám sát hoạt động gửi kho ngoại quan hàng có thuế tiêu thụ đặc biệt cao; hoạt động nhập khẩu hàng thực phẩm đông lạnh để gia công xuất khẩu, tuy nhiên cần phân biệt với trường hợp nhập khẩu nguyên liệu để chế biến hàng xuất khẩu.

e) Tăng cường biện pháp quản lý đối với hàng hóa kinh doanh tạm nhập tái xuất; có biện pháp giám sát chặt chẽ hàng hóa trong suốt quá trình từ khi tạm nhập đến khi tái xuất, đặc biệt là khi tái xuất.

g) Chỉ đạo lực lượng chống buôn lậu của ngành hải quan phối hợp chặt chẽ với lực lượng quản lý thị trường, lực lượng công an kinh tế để kiểm tra, kiểm soát hàng hóa kinh doanh tạm nhập tái xuất trong quá trình lưu thông trong nội địa từ cửa khẩu tạm nhập tới cửa khẩu tái xuất và quá trình tạm nhập, tái xuất để kịp thời phát hiện, xử lý những vụ việc vi phạm.

h) Rà soát để sửa đổi, bổ sung theo thẩm quyền hoặc trình cấp có thẩm quyền sửa đổi, bổ sung các quy định của pháp luật hiện hành bảo đảm quản lý chặt chẽ hoạt động gửi kho ngoại quan; tăng nặng mức xử phạt đối với các hành vi vi phạm như tự ý tiêu thụ nội địa, chậm thanh khoản tờ khai hải quan, khai báo không đúng tên hàng, số lượng hàng tạm nhập tái xuất...

3. Chủ trì, phối hợp với Bộ Công Thương, Ủy ban nhân dân các tỉnh biên giới liên quan có phương án bố trí lực lượng kiểm tra, kiểm soát để đảm bảo yêu cầu quản lý nhà nước đối với lĩnh vực kinh doanh tạm nhập tái xuất, chuyển khẩu và gửi kho ngoại quan.

### **III. BỘ GIAO THÔNG VẬN TẢI**

Chủ trì, phối hợp với các cơ quan liên quan căn cứ vào các quy định của Bộ luật Hàng hải để hướng dẫn cụ thể quyền và trách nhiệm của bên giao hàng, bên nhận hàng, bên vận chuyển hàng hóa đối với hàng hóa đã xếp dỡ tại cảng cũng như quy trình đấu giá, đấu thầu hàng hóa này trong trường hợp không có người nhận.

### **IV. BỘ NÔNG NGHIỆP VÀ PHÁT TRIỂN NÔNG THÔN**

1. Phối hợp với Bộ Tài chính nghiên cứu, xử lý theo thẩm quyền đối với việc nâng lệ phí thu phí, lệ phí kiểm dịch động vật, sản phẩm động vật tạm nhập tái xuất.

2. Tăng cường kiểm soát chặt chẽ và kiểm dịch thú y đối với hàng hóa là thực phẩm đông lạnh kinh doanh tạm nhập tái xuất, chuyển khẩu.

3. Phối hợp với chính quyền các tỉnh biên giới chỉ đạo cơ quan kiểm dịch tại biên giới tăng cường biện pháp và lực lượng để ngăn chặn có hiệu quả việc vận chuyển gia súc, gia cầm không rõ nguồn gốc, chưa qua kiểm dịch.

### **V. BỘ QUỐC PHÒNG**

1. Phối hợp chặt chẽ với các Bộ, ngành, địa phương có liên quan trong công tác kiểm tra, kiểm soát việc vận chuyển hàng hóa kinh doanh tạm nhập tái xuất trong nội địa, từ cửa khẩu tạm nhập tới cửa khẩu tái xuất.

2. Phối hợp với cơ quan hải quan thống nhất quy trình giám sát hải quan đối với hàng hóa kinh doanh tạm nhập tái xuất, đặc biệt là tại các cửa khẩu tái xuất.

### **VI. CÁC BỘ: QUỐC PHÒNG, CÔNG AN, TÀI CHÍNH VÀ CÔNG THƯƠNG**

Chịu trách nhiệm chỉ đạo các đơn vị trực thuộc (bộ đội biên phòng; cảnh sát kinh tế, chống buôn lậu; quản lý thị trường...) phối hợp chặt chẽ với các địa phương để kiểm tra, kiểm soát hàng hóa kinh doanh tạm nhập tái xuất trong quá trình lưu thông từ cửa khẩu tạm nhập tới cửa khẩu tái xuất, kịp thời phát hiện, xử lý những vụ việc vi phạm.



## VII. ỦY BAN NHÂN CÁC TỈNH, THÀNH PHỐ TRỰC THUỘC TRUNG ƯƠNG CÓ LIÊN QUAN (địa phương có cửa khẩu, có hàng tạm nhập tái xuất đi qua)

1. Đề xuất với Bộ Tài chính cơ chế về mức thu phí phù hợp đối với hàng hóa kinh doanh tạm nhập tái xuất, chuyển khẩu, gửi kho ngoại quan để tăng cường nguồn thu ngân sách, đầu tư trở lại, nâng cấp hệ thống đường giao thông, luồng lạch, bến bãi, bảo vệ môi trường, bảo vệ an ninh trật tự tại các cửa khẩu.
2. Tổ chức quản lý và sử dụng số tiền ký quỹ: Ủy ban nhân dân tỉnh nơi có hàng hóa đi qua yêu cầu Kho bạc Nhà nước tỉnh xuất tiền đặt cọc của thương nhân để tiêu hủy hàng hóa đối với hàng hóa vi phạm các quy định điều kiện kinh doanh tạm nhập tái xuất mà theo quy định phải tiêu hủy.
3. Rà soát, đề xuất với Bộ Công Thương, Bộ Tài chính các cửa khẩu, tuyến đường có khả năng cho phép hàng hóa kinh doanh tạm nhập tái xuất đi qua nhưng phải đảm bảo công tác quản lý nhà nước chặt chẽ, chống gian lận thương mại và chuyển tải bất hợp pháp.
4. Chỉ đạo các đơn vị chức năng trên địa bàn có biện pháp cụ thể để kiểm tra, kiểm soát chặt chẽ nhằm phát hiện kịp thời việc buôn bán, vận chuyển hàng hóa tạm nhập tái xuất, chuyển khẩu không có giấy tờ hợp pháp, không rõ nguồn gốc xuất xứ vào tiêu thụ trên địa bàn tỉnh hoặc đi tiêu thụ ở địa bàn tỉnh khác.
5. Phối hợp với các cơ quan chức năng tăng cường kiểm tra, kiểm soát hàng hóa tạm nhập tái xuất, chuyển khẩu và gửi kho ngoại quan lưu thông trên địa bàn; bố trí lực lượng bảo đảm quản lý kiểm soát chặt chẽ hoạt động tái xuất hàng hóa tại các cửa khẩu tái xuất; kiên quyết xử lý nghiêm tất cả các trường hợp vi phạm theo đúng quy định.

Các Bộ trưởng, Thủ trưởng cơ quan ngang Bộ, Thủ trưởng cơ quan thuộc Chính phủ, Chủ tịch Ủy ban nhân dân tỉnh, thành phố trực thuộc Trung ương, các cơ quan, tổ chức, đơn vị, cá nhân có liên quan chịu trách nhiệm tổ chức, triển khai thực hiện Chỉ thị này./.

### ***Nơi nhận:***

- Ban Bí thư Trung ương Đảng;
- Thủ tướng, các Phó Thủ tướng Chính phủ;
- Các Bộ, cơ quan ngang Bộ, cơ quan thuộc CP;
- VP BCD TW về phòng, chống tham nhũng;
- HĐND, UBND các tỉnh, TP trực thuộc TW;
- Văn phòng Trung ương và các Ban của Đảng;
- Văn phòng Tổng Bí thư;
- Văn phòng Chủ tịch nước;
- Văn phòng Quốc hội;
- Tòa án nhân dân tối cao;
- Viện kiểm sát nhân dân tối cao;
- Kiểm toán Nhà nước;
- VPCP: BTCN, các PCN, Trụ lý TTCT, Công TTĐT, các Vụ, Cục;
- Lưu: Văn thư, KTTT (5b).

