

GENERAL DEPARTMENT OF VIETNAM CUSTOMS STUDY MISSION

Washington, DC, New York City and Seattle
December 3-13, 2004

Pursuant to a grant from the U.S. State Department's Bureau of Educational and Cultural Affairs

MISSION STATEMENT

Delegates:

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Mrs. Le Nhu Quynh	Deputy Director, Department of Vietnam Customs Administration, GDVC
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Mr. Mai The Huyen	Director, Department of Hai Phong Customs
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Mr. Le Xuan Hue	Expert/Translator, International Relation Department, DGVC

Objectives: To promote the streamlining and administration of an effective customs regime in order to facilitate trade. To assist with understanding of international customs and trade administration law, and to provide training and instruction on their implementation to customs officials at seaports on legal and policy practices relating to customs valuation, pre-shipment inspection, risk management strategies, port administration and management, and other strategies for trade facilitation. To provide insight into valuation methodologies, administrative structures and communication systems for enhancing customs procedures and improving overall trade facilitation, including exposure to use of software and hardware for the administration of customs and border services, and best practices procedures.

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Background:

In July 2001, the U.S.-and Vietnam signed a comprehensive Bilateral Trade Agreement (BTA), comprising significant obligations in all areas of trade including goods, services, intellectual property, investment, business facilitation and transparency. This Agreement came into force on 10 December 2001. Under the BTA, Vietnam has committed to transitioning to a system of valuating goods based on the WTO Agreement on Customs Valuation two years upon entry into force of the Agreement. While new laws such as the Customs Law (2001), and other implementing decrees and circulars have been promulgated to address the obligations as set forth in the BTA, implementation challenges continue to remain that serve to hold back the smooth facilitation of trade. To help meet its targets, and to help modernize customs and be able to settle issues that have arisen in implementation of the current law, Vietnam is now in the process of reviewing the Customs Law. Specific areas of the Law that are under review include organization and apparatus, procedures, customs surveillance, post-clearance inspection and customs duties. Vietnam is also in the process of negotiating its accession to the WTO and will soon have to address obligations such as those set forth by the WTO Agreement on Preshipment Inspection, and the WTO Agreement on Rules of Origin, in addition to other obligations governing quota administration, import licensing, border security and commercial enforcement.

Dates:

December 3th to 13th, 2004

Proposed Focus of Activities

- ♦ Study the United States regimes, with particular attention to the legal and regulatory framework, uniform application of customs laws, customs valuation methodologies, goods classification and inspection, risk management, rules of origin, and transparency.
- ♦ Study and discuss BTA implementation and WTO accession issues relating to the Customs Valuation Agreement including minimum pricing, goods classification, post-entry audit, inspection and transparency.
- ♦ Study and discuss the United States practice in (1) Port Administration including administrative structures and communication systems for enhancing customs procedures and (2) improving overall Trade Facilitation, including exposure to use of software and hardware for the administration of customs and border services, best practices procedures, and other related issues such as security, and border commercial enforcement.

Suggested Program:

- ♦ United States Senate
- ♦ United States House of Representatives
- ♦ U.S. Department of State
- ♦ Office of the U.S. Trade Representative
- ♦ U.S. Department of Homeland Security, Bureau of Customs & Border Protection/Office of Border Patrol
- ♦ U.S. Department of Homeland Security, Bureau of Customs & Border Protection/Office of Information and Technology

- ◆ U.S. Department of Homeland Security, Bureau of Customs & Border Protection/Office of Training and Development
- ◆ U.S. Department of Homeland Security, Bureau of Customs & Border Protection/Office of Finance
- ◆ Port Authority of New Jersey
- ◆ Port Authority of Seattle
- ◆ APL Terminal
- ◆ U.S. Department of Homeland Security, Bureau of Customs and Border Protection – Seaport of Newark, New Jersey
- ◆ U.S. Department of Homeland Security, Bureau of Customs and Border Protection - JFK International Airport Customs Facilities
- ◆ U.S. Companies (Fedex, Nike, APL)
- ◆ Sidley Austin Brown & Wood
- ◆ Embassy of Vietnam, Washington, DC

Suggested Topics

Customs Procedures:

- ◆ How are customs duties assessed in the U.S.? What agencies are involved in making this determination and how do they cooperate with one another?
- ◆ How are royalties, licenses and other fees assessed at Customs?
- ◆ What is the process by which customs officials categorize imports?
- ◆ How do customs officials prevent fraud (e.g., falsified documents, counterfeit goods, illegal goods, etc.)? What measures are taken to deal with this issue?

Valuation and Transparency:

- ◆ Where can importers and exporters find information about Customs regulations and policies? Is there an Enquiry point?
- ◆ Can companies calculate customs duties prior to shipment?
- ◆ What opportunities exist for companies to appeal in cases where the customs official does not accept declared values?
- ◆ What opportunities exist for companies to appeal in cases where the customs official does not accept the declared classification?

Risk Management and Post Entry Audit:

- ◆ How are risks assessed and managed in the U.S.?
- ◆ What standards/policies are applied in order to manage risk throughout the process of post clearance audit?
- ◆ What types of supervision control measures are in place throughout post clearance?
- ◆ Are there international models for risk management that Vietnam should follow?

Port Administration/Trade Facilitation:

- ◆ Port Management strategies to promote quicker customs clearance
- ◆ Management of information relating to importers and exporters, including communications and the collection of data and statistics.

- ♦ Strategies for ensuring transparency, efficiency, and procedural uniformity of cross-border transportation of goods