

GOVERNMENT

No. **32/2012/NĐ-CP**

SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness

Hanoi, 12 April 2012

DECREE

Regarding management of non-business cultural product export and import

Pursuant to the Law on Governmental Organization dated 25 December 2001;

Pursuant to the Law on Cultural Heritages dated 29 June 2001; Revised Law with amendments and additions to some articles of the Law on Heritages on 18 June 2009;

Pursuant to the Law on movies dated 29 June 2006; Revised Law with amendments and additions to some articles of the Law on movies 18 June 2009;

Having considered the request made by the Minister of Culture, Sports and Tourism;

The Government issues the Decree on management of non-business cultural product export and import.

Chapter I
GENERAL REGULATIONS

Article 1. Governing scope

1. This Decree prescribes management of non-business cultural product export and import activities.

2. The management of non-business cultural products (newspaper, magazines) export and import activities shall not be governed by this Decree. These activities shall be implemented in accordance with regulations of the laws on press and publication.

Article 2. Applicable subjects

Local and foreign individuals and organizations (hereinafter called “individuals” and “organizations”) having non-business imported and exported cultural products.

Article 3. Interpretations

In this Decrees, terms and words will be construed as following:

1. Non-business cultural product export and import activities (hereinafter called “cultural product import and export): means those through which cultural products are brought from Vietnam to foreign countries and vice versa, across the border gate, internet or in other forms for purposes of private use, donation, inheritance, exhibition, competitions, cooperation and exchange, workshops, parties/festivals, sponsoring, dissemination or other purposes which do not present trading and profit characteristics.

Cultural products shall include:

- a) Pieces of record, recorded images; films in all kinds, magnetic tapes, soft discs, hard discs, recorded optical discs; other listening and visual technological products recorded in writing, sounds or images;
- b) Plastic products, fine arts application, pictures, photographic products;
- c) Tangible cultural products and products related to intangible cultural products.

Article 4. Application of relevant laws and international treaties

1. Local individuals and organizations with cultural products exported to foreign countries for dissemination shall strictly comply with regulations on publication and dissemination of products to foreign countries.

2. Individuals and organizations which import and export cultural products as tangible cultural products and products related to intangible cultural products shall strictly comply with regulations as mentioned in this Decree and those mentioned in the Law on heritages dated 29 June 2001; Revised Law regarding some amendments and additions to the Law on heritages dated 18 June 2009 and guiding documents on this Law.

3. Individuals and organizations with imported and exported cultural products shall strictly comply with regulations of law on protection of state’s secrets, the law on possession of intellectual property and relevant legal regulations.

Article 5. Taxes, fees and charges

Individuals and organizations which import and export cultural products shall pay taxes, fees and charges as stipulated by laws on taxes, fees and charges.

Article 6. Culture on prohibition of import and export

1. It is prohibited to export and import the following cultural products:

a) Those containing contents against the Socialist Republic of Vietnam, destroying the solidarity cluster of all residents.

b) Those containing contents related to violence stimulation, dissemination on invasive wars which cause animosity among peoples and people of countries; obscene, debauchery and crime stimulation;

c) Those containing contents which belong to the State's secrets;

d) Those of which contents are not true, distort the history, deny revolution achievements; outrage great men and national heroes; calumniate to outrage the prestige of organizations, honour and human dignity of citizens;

đ) Other kinds of cultural products which are prohibited to be kept, published or circulated in Vietnam.

2. In necessary cases, ministries and departments at the central level which are allowed to import cultural publications in all kinds as stipulated at item 1 of this Decree to serve professional work or studies. Procedures for import shall be implemented in accordance with regulations as mentioned at item 1, Article 8 of this Decree. The heads of agencies where cultural products shall be imported shall manage and use those products as stipulated by laws.

Chapter II

PROCEDURES ON IMPORT AND EXPORT OF CULTURAL PRODUCTS

Article 7. Export of cultural products

1. Individuals and organizations of which cultural products were produced, published, disseminated and legally circulated in Vietnamese territory, when export cultural products do not need licenses of the state authorities in charge of culture, sports and tourism. They shall only implement customs procedures following regulations of laws on customs, otherwise stipulated in regulations of laws. In cases which require appraisals on contents of cultural products, customs authorities shall obtain appraisal of Ministry of Culture, Sports and Tourism or Department of Culture, Sports and Tourism where cultural products are published.

2. Cultural products as shown below shall be appraised by state agencies in charge of culture, sports and tourism prior to export: All kinds of films of agencies and organizations or cooperative films which are provided as services for foreign countries but have not been publicized and disseminated; relics, antiques and national precious things.

3. State agencies in charge of culture, sports and tourism shall be obliged to give appraisal for exported cultural products as requested by custom authorities, individuals and organizations. Minutes of appraisals shall be a basis for the customs authorities to solve all export procedures.

Article 8. Competence in granting license for import of cultural products

1. Ministry of Culture, Sports and Tourism shall have the right to grant license for import of cultural products in the following cases:

a) Cultural products for cooperation, sponsoring, exhibit participation, competition, festivals at national level;

b) Movies, TV films to be disseminated and released as stipulated by law in the entire country or in the area of two localities upwards;

c) Relics and antiques to be exhibited or displayed in museums;

d) Cultural products stipulated at Clause 1, Article 6 of this Decree to serve the professional work or studies of Ministries and departments of the central, after offering writing requests to ministries and departments for their opinions.

đ) Cultural products for using or other purposes in the entire countries or in different regions.

2. Department of Culture, Sports and Tourism shall grant licenses for import cultural products for individuals and organizations in local areas in the following cases:

a) Cultural products used to serve performance of individuals and organizations in local areas;

b) Cultural products as gifts, presents or valuable things which exceed the standards which are entitled to tax exemption as stipulated by law;

c) Cultural products used for exhibit participation, competitions, festivals, circulation and dissemination in the local area;

d) Relics and antiques of individuals and organizations in the local area;

đ) Cultural products for which the license is granted under the authorization of Ministry of Culture, Sports and Tourism.

Article 9. Procedures on granting license for import and export of cultural products

1. Individuals and organizations which import cultural products defined within cases as stipulated at Article 8 of this Decree shall submit documents requesting for licenses granted by post or directly at the head office of state agencies on culture, sports and tourism as regulated.

2. Documents requesting for license shall include (01 set):
 - a) Requests made by individuals and organizations, clearly mentioning kinds of cultural products, contents, quantity, origin, using target and applicable scope (the request forms are issued by Ministry of Culture, Sports and Tourism in the entire country.
 - b) Certificates for the copyright; contract; brief translation of film contents, power of attorney; certificates or commitment on legal possession of relics and antiques;
 - c) Copy of Bill of Lading (B/L) or Notification (if any) for receiving commodities

3. State agencies in charge of culture, sports and tourism which receive documents shall be responsible to check the effectiveness of documents, preparation of receipt and the note mentioning the delivery date of license.

4. Individuals and organizations shall receive licenses at the head office of state agencies in charge of culture, sports and tourism or through post.

5. Individuals and organizations which shall be obliged to provide imported cultural products and customs statements (it is no need to certify copies) so that the competent agency may issue appraisal licenses.

Article 10. License for importing cultural products

1. The form of license shall be issued by Ministry of Culture, Sports and Tourism in consistency in the entire country.

2. Within 02 working days, since the receipt of eligible documents, a competent authority shall grant license.

3. In case Ministry of Culture, Sports and Tourism requests for opinions of relevant ministries and departments to make decision on granting license, the deadline for granting license may be extended, but not exceeding 10 working days.

4. In case licenses are not granted, a document clearly stating reasons shall be required.

5. The appraisal duration for imported cultural products shall not exceed 12 working days.

Article 11. Customs procedures for importing cultural products

1. License for importing cultural products granted by a competent state agency in charge of culture, sports and tourism shall be a basis for customs agencies to carry out import procedures.

2. In the following cases, customs authorities which deal with procedures on importing cultural products shall not asks for license of state agencies in charge of culture, sports and tourism:

a) Cultural products are documents for international workshops and conference which were allowed by Vietnam's competent agencies to be held in Vietnam. The document approving the organization of international workshops and conferences shall be the basis for custom authorities to deal with import procedures.

b) Cultural products with license for publicizing, disseminating and issuing given by competent authorities as stipulated by Vietnamese law;

c) Cultural products are inherited assets of individuals and organizations;

d) Cultural products are luggages of immigrants;

đ) Cultural products are valuable gifts or presents which are entitled to tax exemption as stipulated by law.

3. In case, appraisal for contents of cultural products is required as mentioned in item 2 of this Article, customs authority where import procedures are implemented will request for appraisal of the state agencies in charge of culture, sports and tourism. Minutes of appraisal will be a basis for the customs authority to deal with import procedures.

Article 12. Imported cultural products of individuals and organizations entitled to diplomatic exemption right

Individuals and organizations which are be entitled to diplomatic exemption to import or deliver cultural products to individuals or organizations of Vietnam for circulation and dissemination in Vietnam shall submit a request for import permission/ license to state agencies in charge of culture, sports and tourism as stipulated at Article 8 of this Decrees.

Chapter III STATE MANAGEMENT RESPONSIBILITIES FOR IMPORT AND EXPORT OF CULTURAL PRODUCTS

Article 13. Duties and rights of Ministry of Culture, Sports and Tourism

Ministry of Culture, Sports and Tourism is the agency which support the Government in reaching agreements on state management of import and export of non-business cultural products. It has the following duties and rights:

1. Study and draft legal documents regarding state management on cultural products and submit those document to the Government for issuance, give guidance on appraisal order and procedures for imported and exported cultural products and some relevant articles in this Decree.

2. Check and grant license for import of cultural products under competence; conduct appraisal for cultural products as required by individuals and organizations..

3. Implement or chair or coordinate with ministries, departments and localities in implementation of inspection and settlement for complaints and proceedings; deal with violations on export and import cultural products under competence.

4. Provide instructions, guidance and inspection for the implementation of legal documents for cultural product import and export activities.

Article 14. Duties and rights of Ministry of Finance

Ministry of Finance shall be responsible to instruct customs authorities to implement procedures on import and export of cultural products; provide coordination in inspecting, checking and dealing with violations, settlement of complaints and proceedings related to import and export of cultural products.

Article 15. Duties and rights of Ministries and Departments

Under the scope of functions and assign duties, Ministries and departments shall be responsible to coordinate with Ministry of Culture, Sports and Tourism to reach agreements on state management on import and export of cultural products.

Article 16. Checking and inspecting

1. Ministry of Culture, Sports and Tourism shall inspect and check the management and issuance of export and import license of cultural products of individuals and organizations with cultural product export and import activities.

2. Ministry of Finance shall coordinate with Ministry of Culture, Sports and Tourism in checking and inspecting customs procedures on export and import of cultural products in accordance with this Decree and other regulations of relevant laws.

3. Ministries and ministerial-level bodies shall coordinate with Ministry of Culture, Sports and Tourism shall inspect the import, export and use of cultural products of units subordinated to the industry and undertaken fields.

Chapter 4.

TERMS ON IMPLEMENTATION

Article 17. Effectiveness

1. This Decree shall take effect from 01 June 2012.
2. This Decree shall replace the Decree No. 88/2002/NĐ-CP dated 07 November 2002 of the Government on import and export of non-business cultural products.

Article 18. Responsibility for implementation

1. Minister of Culture, Sports and Tourism shall be obliged to give guidance on implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, head of governmental bodies, Chairman of People's Committee of provinces and cities subordinated to the Central and other relevant agencies and organizations shall be obliged to implement this Decree.

Recipients:

- Secretariat of Central Party Committee;
- Prime Minister, Deputy Prime Ministers;
- Ministers, ministerial-level bodies subordinated to the Government;
- Office of the Executive Board of the Central Party Committee on corruption prevention and fighting;
- People's Council, People's Committee of provinces and cities under the Central;
- Central Office and committees of the party;
- President Office;
- Ethnic Council and committees of the National Assembly;
- Office of the National Assembly;
- Supreme People's Court;
- People's Supreme Procuracy;
- State Audit Office;
- National Financial Supervisory Committee;
- Social Policy Bank;
- Vietnam Development Bank;
- Central Committee of Vietnam Fatherland Front;
- Central bodies of associations;
- Governmental Office: Minister, Chairman and Vice Chairmen, websites, Departments, bureaus and subordinated units, Official Gazette;
- Filed.

FOR AND ON BEHALF OF PRIME MINISTER

(signed)

Nguyen Tan Dung