**【免责声明】**

**该文本是我商会为方便企业应诉组织翻译的，仅供参考，不具任何效力。应以当地国家（地区）公布的最新及有效法律法规及当地贸易救济调查机关发布的官方通知为准。如有疑义，请咨询相关法律专家，我商会不负责解释工作。**

**特此声明。**

**中国五矿化工进出口商会**

|  |  |
| --- | --- |
| **THE NATIONAL ASSEMBLY** | **SOCIALIST REPUBLIC OF VIET NAM**  **Independence – Freedom – Happiness** |
| No. 10/2018/ND-CP | Hanoi, 15 January 2018 |

# DECREE

**Detailing a number of articles of the Law on Foreign Trade Management regarding trade remedies**

有关《对外贸易管理法》贸易救济措施若干条款的法令

*Pursuant to the Law on Organisation of the Government dated 19 June 2015;*

*Pursuant to the Law on Foreign Trade Management dated 12 June 2017;*

*At the proposal of the Minister of Industry and Trade;*

*The Government promulgates the Decree detailing a number of articles of the Law on Foreign Trade Management regarding trade remedies.*

根据2015年6月19日颁布的《政府组织法》和2017年6月12日颁布的《对外贸易管理法》，根据工贸部部长的建议，政府颁布了该法令，详细规定了《对外贸易管理法》中贸易救济措施所涉及的若干条款。

# Chapter I GENERAL PROVISIONS

# 第一章 总则

**Article 1. Scope of regulation**

**第1条 监管范围**

This Decree details a number of articles of the Law on Foreign Trade Management regarding the bases for initiation, order, procedures, time limit, contents, and bases for termination of trade remedy cases; methods of determining injury to a domestic industry; anti-circumvention of trade remedies; responsibility of related agencies to coordinate in the investigation process; exemption from trade remedies; and handling of trade remedies applied to Vietnamese exports.

本法令对《对外贸易管理法》的若干条款作出了详细规定，这些条款涉及以下方面：贸易救济案件的启动、命令、程序、时限、内容和终止案件的依据;确定对国内产业造成损害的方法;贸易救济反规避措施;相关机构在调查过程中提供协助的责任;贸易救济豁免;以及处理适用于越南出口的贸易救济。

# Article 2. Subjects of application

# 第2条 适用主体

1. State management agencies competent to investigate, apply and handle trade remedies.

有权调查、适用和处理贸易救济措施的国家管理机构。

1. Vietnamese traders, foreign traders, and other domestic and foreign agencies, organisations and individuals involved in the investigation, application and handling of trade remedies.

参与调查、适用和处理贸易救济措施的越南贸易商、外国贸易商和其他国内外机构、组织和个人。

# Article 3. Interpretation of terms

# 第3条 术语的解释

In addition to the terms referred to in the Law on Foreign Trade Management, in this Decree, the terms below are construed as follows:

除了《对外贸易管理法》中提到的术语外，本法令对以下术语的解释如下:

1. Evidence means the facts used by the trade remedy investigating authority as a ground for settlement of a trade remedy case.

证据是指贸易救济调查机关以贸易救济案件事实作为解决贸易救济案件的依据。

1. Applicant(s) means a lawful representative organisation, individual of the domestic industry that submits a dossier of application for trade remedy investigation or investigation of anti-circumvention of trade remedies.

申请人是指申请启动贸易救济调查或反规避贸易救济调查的国内产业的合法机构或个人代表。

1. Respondent(s) means a foreign producer or exporter against whom a dossier of application for trade remedies is filed by the Applicant or investigation for anti-circumvention of trade remedies or against whom the investigating authority conducts investigation on their own initiative under a decision of the Minister of Industry and Trade.

被告是指申请人提起贸易救济申请或贸易救济反规避措施调查的外国生产商或出口商，或调查机关根据工贸部部长的决定主动对其进行调查的外国生产商或出口商。F

1. Period of investigation means the period of time set by the investigating authority to collect information, evidence and data to serve the investigation.

调查期间是指调查机关为收集情报、证据和资料而规定的期间。

1. Investigation phase means the period of time from the date of initiation under the decision of the Minister of Ministry of Industry and Trade to the date of conclusion of the investigation by the investigating authority.

调查阶段是指根据工贸部部长的决定开始调查之日至调查机关结束调查之日之间的这段时间。

1. Consultation means the exchange and expression by interested parties of their opinions on a case with the investigating authority in accordance with the law.

磋商是指利害关系方依法向调查机关交换和表达意见。

# Article 4. Determination of domestic industry

# 第4条 国内产业的认定

1. The determination of a domestic industry shall comply with Clause 1, Article 69 of the Law on Foreign Trade Management.

国内产业的认定标准应当符合《对外贸易管理法》第69条第1款的规定。

1. The volume or quantity of produced products accounting for at least 50% of the total volume or quantity of domestically produced like products or directly competitive products shall be regarded as making up a major proportion of the total domestic production of those products as prescribed in Clause 1, Article 69 of the Law on Foreign Trade Management. The investigating authority may consider a lower proportion if having evidence that such percentage is high enough to be considered a major proportion.

根据《对外贸易管理法》第69条第1款的规定，产量占国内同类产品或者直接竞争产品总量或者数量的百分之50以上的，视为占国内生产同类产品或者直接竞争产品总量的一大部分。如果有证据表明某个比例高得足以被认为是一个很大的比例，则调查机关可以考虑降低该百分比标准。

1. In anti-dumping and countervailing investigation cases, the producers in a certain geographical market in the territory of Viet Nam may be considered a domestic industry if the following conditions are fully met:

在反倾销和反补贴调查案件中，如果完全符合下列条件，越南境内某一地域市场的生产者可被视为国内产业:

* 1. The producers in such market sell all or almost all of their production of the product in that market;

生产者在该市场销售其全部或几乎全部产品;

* 1. The demand in that market is not to any substantial degree supplied by producers of the like products located elsewhere in the territory

该市场的产品需求在很大程度上不是由该地域同类产品的其他生产商满足的

In such circumstance, injury may be found to exist by the investigating authority even when the domestic producers of like products in other markets is not injured, provided it can ascertain that dumping or subsidisation acts occur only in such geographical market and cause injury to all or almost all producers within such market.

在这种情况下，即使在其他市场上的同类产品的国内生产者没有受到损害，调查机关也可以认定存在损害，前提是调查机关能够确定，倾销或补贴行为只发生在这种地域市场上，并对这种市场上的所有或几乎所有生产者造成损害。

# Article 5. Determination of the relationship between producers of like products and exporters or importers of products under investigation for application of trade remedies

# 第5条 确定同类产品的生产者与被调查的产品出口商或进口商之间的关系，以适用贸易救济措施

1. Producers of like products shall be deemed to be related to exporters or importers of products under investigation for application of trade remedies under Clause 1, Article 69 of the Law on Foreign Trade Management in the following cases:

在下列情况下，同类产品的生产者应被视为与被调查产品的出口商或进口商相关联，以适用《对外贸易管理法》第69条第1款规定的贸易救济措施:

* 1. One of them directly or indirectly controls the other;

其中一方直接或间接控制另一方;

* 1. Both of them are directly or indirectly controlled by a third person;

二者均由第三人直接或间接控制;

* 1. Together they directly or indirectly control a third person.

二者一起直接或间接地控制第三方。

1. Either party may be deemed to control another when the former has the right to direct the financial policies and operations of the latter.

当任何一方有权指导另一方的财务政策和业务运营时，可以认为该方控制另一方。

# Article 6. Refund of trade remedy duties

# 第6条 贸易救济税的返还

1. The refund of trade remedy duties must comply with Clauses 5 and 6, Article 68 of the Law on Foreign Trade Management.

返还贸易救济税必须符合《对外贸易管理法》第68条第5款、第6款的规定。

1. Trade remedy duty amounts refunded under Clause 1 of this Article do not earn interest.

根据本条第1款返还的贸易救济税，税款不计利息。

1. Procedures for refund of trade remedy duties are the same as those for refund of overpaid import duty amounts prescribed in the law on tax administration.

返还贸易救济税的程序，与税收征管法规定的返还多缴进口关税的程序相同。

# Article 7. Exemption from trade remedies

# 第7条 贸易救济的豁免

1. The Ministry of Industry and Trade may consider not applying a trade remedy through granting exemption for certain types of products on the principle that such exemption does not reduce the overall effectiveness of the trade remedy.

工贸部部长可以考虑对某些类型的产品给予豁免，不再适用贸易救济措施，原则是这种豁免不会降低贸易救济措施的整体效力。

1. An organisation or individual shall submit a dossier of request for exemption from trade remedies (hereinafter referred to as request for exemption), made according to the form issued by the investigating authority, to the Ministry of Industry and Trade for consideration of the exemption.

任何组织或者个人应当按照调查机关出具的表格，向工贸部提交豁免申请(以下简称豁免申请)档案材料，供工贸部考虑豁免。

1. Within 7 working days after receiving a dossier of request for exemption, the investigating authority shall notify the submitter of the request for exemption of the completeness and validity of the request. If the request for exemption is incomplete and invalid, the investigating authority shall notify as such to the submitter for supplementation.

在收到豁免申请的档案材料后的7个工作日内，调查机关应通知申请者其豁免申请的完整性和有效性。豁免申请不完整、无效的，调查机关应当通知申请人进行补充。

1. Within 45 days after receiving a complete and valid dossier of request for exemption, the Ministry of Industry and Trade shall consider and decide on the exemption from trade remedies. If refusing to grant the exemption, the investigating authority shall notify the reason to the dossier submitter.

在收到完整有效的豁免申请材料后45天内，工贸部应考虑并就贸易救济的豁免作出决定。 拒绝给予豁免的，调查机关应当将理由通知材料的提交人。

1. If the organisation or individual that has been granted exemption from a trade remedy fails to comply with regulations on and conditions for exemption, the Ministry of Industry and Trade may revoke the decision on the exemption and notify as such to the customs agency for handling under regulations.

被准予贸易救济豁免的组织或个人不遵守关于豁免的规定和条件的，工贸部可以撤销豁免决定，并通知海关按照规定处理。

1. The Minister of Industry and Trade shall guide in detail cases of exemption from trade remedies.

工贸部部长应就贸易救济的豁免提供详细的指导。

# Article 8. Management of the import of products under investigation for application of trade remedies

# 第8条 为适用贸易救济措施对被调查产品进行的进口管理

1. From the date of issuance of a decision on investigation for application of a trade remedy to the date the investigation finishes, the Ministry of Industry and Trade may apply the regime of import declaration to products under investigation in order to serve the investigation. Such declaration will not restrict the quantity, volume or value of imported products.

从做出关于适用贸易救济措施的调查决定之日起至调查结束之日止，工贸部可对被调查的产品适用进口申报制度，以协助调查工作。此类申报不会限制进口产品的数量、总量或价值。

1. A dossier of import declaration must comprise:

进口申报材料必须包括:

* 1. An import declaration made according to the form issued by the investigating authority;

按照调查机关出具的表格制作的进口声明；

* 1. The commercial invoice: 01 copy (appended with the trader's certified true-copy stamp);

商业发票:01副本(附有经销商认证盖章的复印件);

* 1. The quality certificate or another paper of equivalent validity, issued by the producer: 01 copy (appended with the trader's certified true-copy stamp).

生产商出具的质量证明书或其他具有同等效力的文件: 1份副本(附有经销商认证盖章的复印件)。

1. Within 02 working days after receiving an import declaration dossier, the investigating authority shall notify the dossier submitter of the completeness and validity of the dossier. If the dossier is incomplete and invalid, the investigating authority shall notify as such to the dossier submitter for supplementation.

收到进口申报材料后，调查机关应当在2个工作日内通知材料提交人材料的完整性和有效性。申请材料不全、无效的，调查机关应当通知申请人补充。

1. Within 3 working days after receiving a complete and valid dossier, the investigating authority shall send by post the written confirmation of the import declaration to the dossier submitter's address stated in the import declaration.

在收到完整、有效的档案材料后3个工作日内，调查机关应当将进口申报的书面确认函邮寄至进口申报材料提交人的地址。

1. The customs agency shall coordinate with the Ministry of Industry and Trade in supervising the import declaration for products under investigation.

海关应当配合工贸部监督被调查产品的进口申报工作。

# Article 9. Rights and obligations of interested parties in trade remedy cases

# 第9条 贸易救济案件中利害关系方的权利和义务

1. The Applicant and Respondent have the following rights:

申请人和被告享有下列权利:

* 1. To have access to information provided by other interested parties to the investigating authority, except confidential information specified in Article 11 of this Decree;

获取其他有关方面向调查机关提供的信息，但本法令第11条规定的保密信息除外;

* 1. To send their opinions on the draft of preliminary determinations, final determinations, review or anti-circumvention investigation conclusions within 07 days from the date of issuance of those drafts by the investigating authority.

在调查机关发布决定草案的7天之内，对初步裁定、最终裁定、复审或者反规避调查的结论发表自己的意见；

1. To request the investigating authority to extend the time limit for information provision or for responding to questionnaires;

要求调查机关延长提供信息或回答问卷的期限；

1. To request the treatment of information confidentiality under Article 11 of this Decree;

根据本法令第11条要求对信息保密;

dd) To participate in public hearing, express their views and provide evidence and materials relating to trade remedy cases;

参与公开听证会、表达意见及提供与贸易救济案件有关的证据和资料;

1. To authorise others to participate on their behalf in the process of settling trade remedy cases;

授权他人代表其参与解决贸易救济案件的过程;

1. To request the investigating authority to hold separate consultation meetings under Clause 1, Article 13 of this Decree;

要求调查机关根据本法令第13条第1款单独举行协商会议;

1. To lodge complaints about or initiate lawsuits against decisions of the Minister of Industry and Trade in accordance with the Vietnamese law on complaints and initiation of lawsuits.

根据越南关于申诉和提起诉讼的法律，对工贸部的决定提出申诉或提起诉讼。

1. The Applicant and Respondent have the following obligations:

申请人和被告负有下列义务:

* 1. To timely provide sufficient, truthful and accurate evidence, information and materials relating to their requests;

及时提供与其要求有关的充分、真实和准确的证据、资料和材料;

* 1. To promptly provide sufficient, truthful and accurate evidence, information and materials at the request of the investigating authority;

应调查机关的要求，及时提供充分、真实、准确的证据、资料和材料;

* 1. To comply with decisions of the Minister of Industry and Trade.

遵循工贸部部长的决定。

1. Interested party defined in Article 74 of the Law on Foreign Trade Management, which is neither the Applicant nor the Respondent, has the following rights and obligations:

《对外贸易管理法》第74条规定的利害关系方，既非申请人，也非被告，有以下权利和义务：

a) To provide truthful information and necessary materials relating to trade remedy investigation cases on their own initiative or at the request of the investigating authority;

主动或者在调查机关的要求下提供与贸易救济有关的真实信息和必要材料；

b) To request the investigating authority to ensure information confidentiality under Article 11 of this Decree;

要求调查机关根据本法令第11条确保信息保密;

c) To have access to information on trade remedy investigation cases, except for confidential information referred to in Article 11 of this Decree;

获取贸易救济调查案件相关信息，除非该信息是本法令第11条规定的保密信息;

d) To participate in public hearing, express their views and provide evidence and materials relating to trade remedy cases.

参与公开、表达意见及提供与贸易救济案件有关的证据和资料。

4. Interested parties are not required to pay a charge for participation in settling trade remedy cases involving products imported into Viet Nam.

对于参与解决涉及进口到越南的产品的贸易救济案件，不要求利害关系方支付费用。

# Article 10. Non-cooperation of interested parties in trade remedy cases

# 第10条 贸易救济案件中不合作的利害关系方

1. If any interested party fails to participate in a trade remedy case or fails to provide necessary evidence or causes significant obstacles to the completion of the investigation, the preliminary or final determination under which that party is involved shall be made based on facts available.

如果任何利害关系方未能参与贸易救济案件，或者未能提供必要的证据，或者对完成调查造成实质阻碍，应当根据现有的事实作出涉及该利害关系方的初步或最终裁定。

1. If any interested party provides inaccurate or misleading information, such information shall not be considered, and preliminary or final determination in relation to that party shall be made based on facts available.

如果任何利害关系方提供了不准确或误导性的信息，则不应考虑此类信息，并应根据现有的事实作出与该利害关系方有关的初步或最终裁定。

1. Non-cooperating interested parties referred to in Clauses 1 and 2 of this Article shall not be granted exemption from trade remedies prescribed in Article 7 of this Decree.

本条第1款和第2款所指的不合作利害关系方不得豁免本法令第7条所规定的贸易救济措施。

# Article 11. Treatment of confidential information

# 第11条 保密信息的处理

1. The investigating authority shall make public non-confidential information relating to trade remedy cases. Such disclosure shall be made via electronic means or other means as suitable to the technical infrastructure of the investigating authority.

调查机关应当公布与贸易救济案件有关的非保密信息。这种披露应通过电子手段或适合于调查机关的技术设施的其他手段进行。

1. The investigating authority shall treat the following information provided by interested parties as confidential, including:

调查机关应对利害关系方提供的下列信息进行保密，包括:

* 1. National secrets and other secrets as prescribed by law;

法律规定的国家秘密和其他秘密;

* 1. Information which is provided, on a confidential basis, at the request of the provider and is accepted by the investigating authority.

在保密的基础上应提供者的要求提供并被调查机关接受的信息。

1. Information provided by an interested party shall be classified into confidential and non- confidential. For confidential information, the interested party shall enclose it with a written explanation stating the reasons for confidentiality and a written summary of the confidential information that may be disclosed to other interested parties.

利害关系方提供的信息应当分为保密和非保密。对于保密信息，利害关系方应附上书面说明解释保密理由，以及可能向其他利害关系方披露的保密信息的书面摘要。

1. If rejecting the information provider's request for information confidentiality or the information provider fails to provide a written summary of the confidential information prescribed in Clause 3 of this Article, the investigating authority may not use such information.

拒绝信息提供者的信息保密请求，或者信息提供者未提供本条第3款规定的保密信息书面摘要的，调查机关不得使用该信息。

1. Before the Minister of Industry and Trade decides to launch an investigation, the investigating authority shall restrict the disclosure of information about the case.

在工贸部长决定展开调查之前，调查机关应当限制披露有关案件的信息。

# Article 12. On-site investigations

# 第12条 实地核查

1. The investigating authority may conduct on-site investigations to verify the completeness, accuracy and truthfulness of evidence and information provided by interested parties.

调查机关可以进行实地核查，以核实利害关系方提供的证据和资料的完整性、准确性和真实性。

1. The investigating authority may conduct an on-site investigation only when such is consented by the interested party subject to investigation.

调查机关只有在经被调查的利害关系方同意的情况下，才可进行实地核查。

1. Before conducting an on-site investigation, the investigating authority shall send a notice of the investigation and investigation contents to the interested party that is subject to investigation.

调查机关进行实地核查前，应当将调查行动和调查内容通知被调查的利害关系方。

1. If wishing to conduct an on-site investigation abroad, the investigating authority shall notify such to the representative of the government of the country where the enterprise subject to investigation is located.

如果希望在国外进行实地核查，调查机关应将此情况通知被调查企业所在国政府的代表。

# Article 13. Consultation

# 第13条 磋商

1. In the course of investigation for application of trade remedies, review of trade remedies, or anti-circumvention of trade remedies, the investigating authority may hold separate consultations with interested parties at the latter's written request provided that such consultations do not affect the time limit for investigation or review.

在调查贸易救济措施的适用、贸易救济措施的审查或贸易救济反规避措施的过程中，调查机关可根据利害关系方的书面请求，与利害关系方单独进行磋商，但这种磋商不影响调查或审查的时限。

1. Before finishing the investigation, the investigating authority shall hold a public consultation meeting with interested parties. The investigating authority shall notify interested parties of such consultation meeting at least 30 days before it is held.

调查机关在调查结束前，应当与利害关系方举行公开磋商会议。调查机关应当在磋商会议举行前至少三十日通知利害关系方。

1. At least 7 days before the opening date of a public consultation meeting, interested parties shall send a registration for participation in the meeting to the investigating authority, which may specify issues to be consulted and their arguments. Interested parties are not required to pay a charge for participation in a consultation meeting.

公开磋商会议开始至少7天前，利害关系方应当在调查机关处登记以参加会议，登记时可以具体写明需要磋商的议题及其论点。利害关系方参与磋商会议无须缴付费用。

1. Within 7 days after a public consultation meeting closes, interested parties shall send to the investigating authority their written opinions presented at the meeting.

公开磋商会议结束后7日内，利害关系方应当向调查机关提交磋商会议期间其意见的书面版本。

1. Within 15 days after a public consultation meeting is held under Clause 2 of this Article, the investigating authority shall disclose the written consultation record to interested parties.

依照本条第2款规定召开公开磋商会议后15日内，调查机关应当向利害关系方披露书面磋商记录。

# Article 14. Information provision by Vietnamese state management agencies and trade associations

# 第14条 越南国家管理机关和行业协会的信息提供义务

1. Within the ambit of their powers and functions, Vietnamese customs offices shall:

越南海关在其职权范围内应当:

* 1. Timely provide sufficient data and information on imported products under investigation at the proposal of the investigating authority;

根据调查机关的建议，及时提供关于被调查进口产品的充分数据和信息;

* 1. Coordinate with the investigating authority in providing anonymous data and information about the quantity or volume and value of imported and exported products related to the investigation, application and handling of trade remedies at the request of enterprises and trade associations. The order, procedures and expenses of provision and cases where information provision is refused, and other contents must comply with the Law on Access to Information.

应企业和行业协会的要求，与调查机关协调，提供与调查、应用和处理贸易救济措施有关的进出口产品总量或数量和价值的匿名数据和信息。提供信息的次序、程序和费用，拒绝提供信息的情况，以及其他内容必须符合《公开信息法》的规定。

1. From the effective date of a decision on application of trade remedies, the customs office shall provide information about trade remedy duty amounts, volume or quantity and value of imported products subject to trade remedies at the request of the investigating authority.

自关于适用贸易救济措施的决定生效之日起，海关应应调查机关的请求，提供适用贸易救济措施的进口产品的贸易救济税额，产品的总量或数量，以及产品的价值的相关信息。

1. Trade associations and the Viet Nam Chamber of Commerce and Industry shall, within the ambit of their functions and powers, coordinate with the investigating authority in providing information and data on import, export, production and trading of products under their management at the request of the investigating authority.

行业协会和越南工商会应在其职能和权力范围内，应调查机关的请求，与调查机关协调，提供关于其管理的产品的进口、出口、生产和贸易的信息和数据。

# Article 15. Application of trade remedies to underdeveloped or developing countries and territories

# 第15条 对不发达国家或发展中国家和地区适用贸易救济措施

1. The application of trade remedies to products originating from an underdeveloped or developing country or territory (hereinafter referred to as country) must comply with Clauses 2 and 3, Article 86, and Clause 2, Article 92, of the Law on Foreign Trade Management.

对来自不发达国家或发展中国家或地区(以下简称“国家”)的产品适用贸易救济措施，必须符合《对外贸易管理法》第86条第2款和第92条第2款的规定。

1. The list of underdeveloped and developing countries shall be determined by the investigating authority based on reliable data.

不发达国家和发展中国家名单应由调查机关根据可靠数据确定。

# Chapter II

**第二章**

**INVESTIGATION AND APPLICATION OF ANTI-DUMPING AND COUNTERVAILING MEASURES**

反倾销与反补贴措施的调查与应用

**Section 1 DUMPING AND SUBSIDISATION**

第1部分 倾销及补贴

**Sub-section DUMPING**

第1节 倾销

**Article 16. Methods of determining normal value**

第16条 正常价值的确定方法

1. In the case like products are sold in the market of an exporting country in a significant volume or quantity, their normal values are the comparable prices of like products currently sold in that market in the ordinary course of trade specified in Article 17 of this Decree.

如果同类产品在出口国市场上大量出售，其正常价值是本法令第17条规定的正常贸易过程中目前在该市场上出售的同类产品的可比价格。

1. In the case like products are not sold in the market of an exporting country or such sale does not permit reasonable comparison due to a particular market situation or because like products are sold in the market of an exporting country in a negligible volume or quantity, their normal values may be:

如果同类产品没有在出口国的市场上销售，或者由于特定的市场情况，或者由于同类产品在出口国的市场上以微不足道的数量销售，这种销售无法进行合理的比较，其正常价值可以是：

* 1. The comparable prices of like products when exported to an appropriate third country provided that such prices are representative;

同类产品出口到适当的第三国时的可比价格，条件是这种价格具有代表性;

* 1. Set by the investigating authority based on reasonable costs of products plus other reasonable expenses and reasonable profits in each stage from manufacturing to sale in the market of the exporting country or a third country.

调查机关根据产品的合理成本加上其他合理费用和该产品在出口国或第三国市场从制造到销售的各个阶段的合理利润来确定。

1. The volume or quantity of like products sold in the market of an exporting country referred to in Clause 1 of this Article shall be considered significant if it accounts for at least 5% of the total volume or quantity of products under investigation which are exported to Viet Nam. The investigating authority may consider a lower percentage if having evidence that such percentage is high enough for conducting a reasonable comparison.

本条第1款所述出口国市场上销售的同类产品的总量或数量，如果至少占被调查出口到越南的产品总量或数量的5%，则应视为实质性的。如果有证据表明某一百分比足以进行合理比较，则调查机关可考虑降低这一百分比标准。

# Article 17. Ordinary course of trade

# 第17条 正常贸易

Like products shall be considered being sold in the market of an exporting country under normal trade conditions, except:

除以下情况，同类产品应被视为在正常贸易条件下在出口国市场销售：

1. Like products sold in the domestic market of an exporting country or exported to the market of a third country at a price lower than their costs of production for a period of at least 6 months, and in a volume or quantity accounting for less than 20% of the total volume or quantity of products sold in that country or exported to the market of a third country;

同类产品在出口国国内市场或出口至到第三国市场上，以低于生产成本的价格销售至少6个月，且销售总量或数量占该出口国国内市场或第三国市场该产品销售总量或数量的20%以上。

1. Like products sold in the domestic market of an exporting country or exported to the market of a third country between the parties that have a relationship as prescribed in Article 5 of this Decree and at a price not reflecting the market price;

本法令第5条规定的存在关联关系的利害关系方，在出口国国内市场或出口至到第三国市场上销售同类产品，其销售价格不能反映市场价格;

1. Like products sold in the domestic market of an exporting country or exported to the market of a third country on the basis of compensatory arrangements.

同类产品基于补偿措施的安排，在出口国国内市场或出口至到第三国市场上销售。

# Article 18. Methods of determining export prices

# 第18条 确定出口价格的方法

1. Export price means the selling price of products exported to Viet Nam under investigation based on lawful transaction documents.

出口价格是指被调查出口到越南的产品根据合法交易文件得到的销售价格。

1. If no export price is available or there is evidence that the export price is unreliable, the investigating authority may determine the export price based on:

如果没有出口价格，或有证据表明出口价格不可靠，调查机关可根据以下情况确定出口价格:

* 1. The price of reselling products to the first independent buyer. The first independent buyer is understood as a buyer that has no relationship with the related producer or exporter defined in Article 5 of this Decree;

将产品转售给第一个独立买家的价格。第一个独立买方的定义解释是，与本法令第5条界定的关联生产商或出口商没有任何关联的买方;

* 1. Other reasonable grounds.

其他合理理由。

2. An export price shall be considered unreliable as prescribed in Clause 2 of this Article if the producer, exporter, importer or third party has a relationship prescribed in Article 5 of this Decree or has compensatory arrangements.

如果生产商、出口商、进口商或第三方有本法令第5条规定的关系或有补偿措施安排，则按照本条第2款的规定，该出口价格应被视为不可靠。

# Article 19. Adjustment of normal values and export prices

# 第19条 正常价值和出口价格的调整

When determining the dumping margin, the investigating authority shall consider:

调查机关在确定倾销幅度时，应当考虑:

1. Adjusting the normal value and export price to the same level of trade.

根据同一贸易水平调整正常价值和出口价格。

1. Adjusting the normal value and export price in respect of sales made at as nearly as possible the same time.

尽可能同时调整销售的正常价值和出口价格。

1. Adjusting the normal value and export price in the case where there are differences in taxation, conditions and terms of sale, commercial level, quantities, physical characteristics or other factors which are deemed appropriate by the investigating authority.

在税收、销售合同条款、商业水平、数量、物理特性或调查机关认为适当的其他因素有差异的情况下，调整正常价值和出口价格。

1. When converting currencies, using the rate of exchange rate applicable on the date of sale, except the case of sale of exported products under a definite-term contract which states the applicable rate of exchange. In the case of exchange rate fluctuations, the investigating authority shall make appropriate adjustments based on such fluctuations in the period of investigation.

在进行货币转换时，应使用销售当日的汇率，但有销售出口产品的定期合同明确载明适用汇率的情况除外。在汇率波动的情况下，调查机关应根据调查期间汇率波动的情况作出适当调整。

1. Making other adjustments deemed appropriate by the investigating authority.

调查机关认为其他适当的调整。

# Article 20 Methods of determining dumping margins

# 第20条 确定倾销幅度的方法

1. The dumping margin shall be determined based on the difference between the normal value and export price under Articles 16, 17, 18 and 19 of this Decree.

倾销幅度应根据本法第16条、第17条、第18条和第19条规定的正常价值与出口价格之间相差幅度确定。

1. The dumping margin shall be determined by comparing:

2.确定倾销幅度时，应比较下列事项的价值:

* 1. The weighted average of the normal value with a weighted average of prices of all comparable export transactions;

正常价值的加权平均数与所有可比出口交易价格的加权平均数进行比较;

* 1. The normal value with export prices on a transaction-to-transaction basis;

逐笔交易将出口价格与正常价值进行比较;

* 1. The weighted average of the normal value with the prices of individual export transactions if there exist significant differences in the export prices among different purchasers, regions or time periods.

如果出口价格在不同的购买者、地域或时间段之间存在显著差异，则将正常价值的加权平均数与个别出口交易价格进行比较。

1. The investigating authority shall determine separate dumping margins for products under investigation of each foreign producer or exporter in an investigation case for application of anti-dumping measures, except the case prescribed in Clause 4 of this Article.

除本条第4款规定的情形外，调查机关在反倾销措施的调查案件中，应当为被调查的每一外国生产商或出口商的产品确定单独的倾销幅度。

1. In the case the number the requested parties or the types of products under investigation is too high, the investigating authority may narrow the scope of investigation by using the method of sample selection prescribed in Article 36 of this Decree for determining the dumping margin.

如果被请求方的数量或被调查的产品类型过多，调查机关可采用本法令第36条规定的抽样方法确定倾销幅度，以缩小调查范围。

1. In the case the investigating authority narrows the scope of investigation under Clause 4 of this Article, the dumping margin shall be applied as follows:

如调查机关依照本条第4款规定缩小调查范围，应当按下列方式适用倾销幅度:

* 1. A separate dumping margin shall be applied to products under investigation of each producer or exporter that has been selected as a sample and cooperated with the investigating authority in the investigation stage;

对被抽样并在调查阶段与调查机关合作的每一生产商或出口商的被调查产品适用单独的倾销幅度;

* 1. A separate dumping margin shall be applied to products under investigation of the producer or exporter that has been selected as a sample but refused to cooperate or inadequately cooperated with the investigating authority in the investigation stage;

对被抽样但在调查阶段拒绝合作或与调查机关合作不足的生产商或出口商的被调查产品适用单独的倾销幅度;

* 1. A separate dumping margin shall be applied to products under investigation of the producer or exporter that is not selected as a sample but voluntarily participates and cooperates with the investigating authority in the investigation stage;

对未被抽样，但在调查阶段主动与调查机关合作的生产商或出口商的被调查产品适用单独的倾销幅度;

* 1. The dumping margin shall be applied to products under investigation of remaining producers or exporters.

对其余生产商或出口商的被调查的产品适用该抽样调查确定的倾销幅度。

Sub-section 2 **SUBSIDIES**

第2节 **补贴**

**Article 21. Specificity of subsidies**

第21条 补贴的专向性

1. Subsidies prescribed in Article 84 of the Law on Foreign Trade Management shall be considered specific when they are applied exclusively to certain organisations, individuals or industries or applied only to organisations, individuals or industries in certain geographical areas of the countries under investigation for application of countervailing measures.

《对外贸易管理法》第84条规定的补贴，如果仅适用于某些组织、个人或行业，或仅适用于因适用反补贴措施而被调查的国家境内某地域的组织、个人或行业，则应视为专向性补贴。

1. The specificity of a subsidy shall be determined as follows:

在确定补贴的专向性时，应审查下列事项:

* 1. There is an explicit limit to access to the subsidy to one organisation or individual or a group of organisations or individuals or a group of certain industries;

补贴资格明确限于一个组织或个人，或一个组织团体或个人，或某一行业团体;

* 1. There are objective criteria and conditions for eligibility for the subsidy established in legal documents but not automatically applied in practice;

法律文件中规定获得补贴的客观标准和条件，但这些标准和条件在实践中并不自动适用;

* 1. The subsidy is explicitly limited to organisations and individuals located in a certain geographical area;

补贴资格明确限于某个地域的组织和个人;

* 1. In the case the subsidy is not specific as prescribed in Point a, b or c of this Clause, the investigating authority may still determine its specificity on the basis of considering such factors as limited number of subsidised enterprises, disproportionate distribution of the subsidy, and manner of grant of the subsidy by competent authorities.

如果该补贴不具有本条a、b或c点所规定的专向性，则调查机关仍可因为受补贴企业的数量有限、补贴分配不均以及主管当局的补贴发放方式等因素确定补贴的专向性。

1. The subsidies referred to in Clauses 1 and 2, Article 85 of the Law on Foreign Trade Management are considered specific.

《对外贸易管理法》第85条第1款和第2款所指的补贴均视为专向性补贴。

# Article 22. Methods of determining subsidy values

# 第22条 确定补贴价值的方法

1. Methods of determining subsidy values are prescribed below:

确定补贴价值的方法规定如下:

* 1. If a subsidy is a non-refundable grant provided to an organisation or individual, its value is the actual value of such grant;

如该补贴是供给团体或个人的不可退还的拨款，则该拨款的价值为该项补贴的实际价值;

* 1. If a subsidy is provided by a government or public organisation as a loan to an organisation or individual, its value is the difference between the payable interest on such loan under market conditions and the payable interest on such loan by such organisation or individual;

如政府或公共机构以贷款形式供予机构或个人补贴，则该补贴的价值为该等贷款在市场情况下的应付利息与该政府或公共机构贷款的应付利息之间的差额;

* 1. If a subsidy is provided by a government or public organisation in the form of loan guarantee, its value is the difference between the payable interest in the absence of guarantee and the payable interest in the presence of guarantee;

如政府或公共机构以贷款担保形式提供补贴，则该补贴的价值是无担保情况下的应付利息与有担保情况下的应付利息之间的差额;

* 1. If a subsidy is provided by a government or public organisation in the form of a direct transfer of capital or shares to an enterprise, its value is the actual capital amount the enterprise receives;

如政府或公共机构以直接向企业转让资本或股份的形式提供补贴的，其补贴价值为企业收到的实际资本金额;

dd) If a subsidy is provided in the form of purchase of products or services by a government or public organisation from an organisation or individual at a price higher than the market price, its value is the difference between the market price and the price to be paid by the government or public organisation for such products or services;

如政府或公共机构以高于市场价向机构或个人购买产品或服务的形式提供补贴，该补贴的价值为市场价格与政府或公共机构就该等产品或服务所支付的价格之间的差额;

* 1. If a subsidy is provided in the form of sale of products or services by a government or public organisation to an organisation or individual at a price lower than the market price, its value is the difference between the market price and the actual selling price of such products or services;

如政府或公共机构以低于市场的价格向机构或个人销售产品或服务，该补贴的价值为该等产品或服务的市场价格与实际销售价格之间的差额;

g) If a subsidy is provided in the form of non-collection by a government or public organisation of an amount which the concerned organisation or individual has to pay, its value is the difference between the law-prescribed payable amount and the actually paid amount.

如政府或公共机构以不收取有关机构或个人须支付的款项的形式提供补贴，该补贴的价值为法律规定的应付款项与实际支付款项之间的差额。

1. The values of subsidies in other forms shall be calculated in an equal and reasonable manner in conformity with international practices.

其他形式的补贴应按照国际惯例，以平等合理的方式计算。

# Section 2

# 第二部分

**DETERMINATION OF INJURY TO A DOMESTIC INDUSTRY**

**国内产业损害的认定**

**Article 23. Determination of material injury to a domestic industry**

第23条 国内产业实质性损害的认定

1. Material injury to a domestic industry shall be determined on the basis of considering the following factors:

在确定国内产业遭受的实质性损害时，应当审查下列事项：

* 1. The increase in the volume or quantity of dumped or subsidised products which are imported into Viet Nam in absolute terms or in relation to the volume or quantity of like products domestically produced or consumed;

进口到越南的倾销产品或补贴产品的总量或数量的绝对增长量，或者相对于国内生产或消费的同类产品的总量或数量的相对增长量。

* 1. The effects of price depression or suppression of imported products under investigation on selling prices of like products domestically produced;

被调查进口产品的价格对国内生产的同类产品价格的降低或抑制作用；

* 1. The impacts of dumped or subsidised products on the status of production and business activities of a domestic industry, including actual and potential decline in revenue, sales, profit, output, market share, capacity, productivity, and investment; factors affecting domestic selling prices; magnitude of dumping margin, and subsidy level; and actual and potential adverse effects on cash flow, inventories, employment, wages, and ability to raise capital;

倾销产品或补贴产品对国内产业生产和经营活动的影响，包括收入、销售、利润、产出、市场份额、产能、生产率和投资方面实际和潜在的下降;影响国内销售价格的因素;倾销幅度和补贴水平;以及对现金流、库存、就业、工资和筹资能力的实际和潜在不利影响;

* 1. Other factors.

其他因素。

1. The determination of material injury to a domestic industry shall be based on specific evidence.

对国内产业实质性损害的认定，应当以具体证据为依据。

# Article 24. Determination of threat of material injury to a domestic industry

# 第24条 对国内产业造成实质性损害的威胁的认定

1. The threat of material injury to a domestic industry shall be determined on the basis of considering the following factors:

在确定对国内产业造成实质性损害的威胁时，应当审查下列事项：

* 1. The increase in the volume or quantity of dumped or subsidised products which are imported into Viet Nam in absolute terms or in relation to the volume or quantity of like products domestically produced or consumed;

进口到越南的倾销产品或补贴产品的总量或数量的绝对增长量，或者相对于国内生产或消费的同类产品的总量或数量的相对增长量。

* 1. Whether the capacity of foreign producers or exporters is high enough or likely to significantly increase in the near future, leading to a significant increase in the volume or quantity of imported products under investigation;

外国生产商或出口商的产能是否足够高，或者在不久的将来是否可能显著增加，从而导致被调查的进口产品的总量或数量显著增加;

* 1. Whether the dumped or subsidised products imported into Viet Nam significantly reduce or depress at a significant level or prevent a significant increase in the selling prices of domestically produced like products, leading to the possibility of an increase in the demand for the imported products;

进口到越南的倾销产品或补贴产品是否大幅度降低或抑制了国内生产的同类产品的销售价格，从而可能导致对进口产品的需求增加;

* 1. Inventory data of products under investigation;

被调查产品的库存数据；

* 1. Other factors.

其他因素。

1. The overall consideration of the elements referred to in Clause 1 of this Article shows the actual possibility of the increase of the import of dumped or subsidised products and that material injury will occur if no anti-dumping measures or countervailing measures are applied.

对本条第1款所指要素进行全面考虑显示了倾销产品或者补贴产品增加进口的实际可能性，以及不采取反倾销措施或者反补贴措施将造成实质性损害的可能性。

1. The determination of the threat of material injury to a domestic industry shall be based on specific evidence.

对国内产业形成实质性损害威胁的认定，应当以具体证据为依据。

# Article 25. Determination of significant impediment to the formation of a domestic industry

# 第25条 对国内产业的造成实质阻碍的认定

1. The formation of a domestic industry shall be determined on the basis of considering the following factors:

在确定国内产业的形成时，应当审查下列事项：

* 1. Characteristics of that industry;

该产业的特点;

* 1. The operation period of that industry;

该产业的经营年限;

* 1. The size of that industry compared to the entire market;

与整个市场相比，该产业的规模;

* 1. The reasonable financial break-even point of that industry;

该产业合理的财务收支平衡点;

dd) Whether that industry is new or an expansion of an existing industry's production line;

无论该行业是新兴产业还是现有产业生产线的扩张;

* 1. Other factors deemed appropriate by the investigating authority.

其他调查机关认为适当的因素。

1. Significant impediment to the formation of a domestic industry prescribed in Clause 1 of this Article shall be determined on the basis of considering the following factors:

在确定对本条第1款规定的国内产业的造成实质阻碍时，应当审查下列因素：

* 1. Plan of that industry;

该产业的规划;

* 1. Manufacturing capacity and output;

生产能力和产量;

* 1. Volume or quantity of products sold in the country;

在国内销售的产品总量或者数量;

* 1. Market share, revenue and profit;

市场份额、收入和利润;

dd) Selling prices of domestic like products;

国内同类产品的销售价格;

* 1. Exportation of like products and importation of products under investigation;

同类产品出口情况及被调查产品进口情况;

1. Inventory;

库存;

1. Workforce and wage;

劳动力和工资;

1. Other factors deemed appropriate by the investigating authority.

其他调查机关认为适当的因素

1. The determination of significant impediment to the formation of a domestic industry shall be based on specific evidence.

确定对国内产业的造成实质阻碍时应以具体证据为依据。

# Article 26. Principles of cumulative assessment

# 第26条 累积评估原则

1. In the case products under investigation are imported from two or more producing or exporting countries, the investigating authority may conduct a cumulative assessment of the injury caused by such products.

被调查产品从两个或两个以上生产国或者出口国进口的，调查机关可以对该产品造成的损害进行累积评估。

1. The cumulative assessment of the effects of products under investigation should take into account competition conditions between products under investigation and competition conditions between products under investigation and domestically produced like products.

对被调查产品影响的累积评估应考虑被调查产品之间的竞争情况以及被调查产品与国产同类产品之间的竞争情况。

1. The cumulative assessment prescribed in Clause 1 of this Article does not include countries with dumping margins and subsidy levels prescribed in Clauses 2 and 3, Article 78, and Clauses 2 and 3, Article 86, of the Law on Foreign Trade Management.

本条第1款规定的累积评估不包括倾销幅度和补贴水平符合《对外贸易管理法》第78条第2款、第3款以及第86条第2款、第3款规定的国家。

# Article 27. Determination of the causal relationship between the dumping or subsidisation of products imported into Viet Nam and injury to a domestic industry

# 第27条 确定进口到越南的产品的倾销或补贴与对国内产业的损害之间的因果关系

When determining the causal relationship between the dumping or subsidisation of products imported into Viet Nam and material injury or threat of material injury to domestic industry or significant impediment to the formation of a domestic industry, the investigating authority shall:

在确定进口到越南的产品的倾销或补贴与对国内产业的实质性损害，或实质性损害的威胁，或对国内产业的新建造成实质阻碍之间的因果关系时，调查机关应当审查下列事项:

1. Consider whether the dumping or subsidisation causes a material injury or threatens to cause a material injury to that industry or causes a significant impediment to the formation of that industry.

考虑倾销或补贴是否造成实质性损害，或对该产业造成实质性损害的威胁，或对该产业的新建造成实质阻碍。

1. Not regard other factors other than the dumping or subsidisation for products imported into Viet Nam that causes or threatens to cause a material injury to that industry or causes a significant impediment to the formation of that industry as impacts caused by such dumping or subsidisation. These factors include:

**除了对进口到越南的产品进行倾销或补贴以外，对该产业造成或可能造成实质性损害或对该产业的新建造成实质阻碍的其他因素，不应视为此种倾销或补贴造成的影响。这些因素包括:**

* 1. The volume or quantity of like products imported into Viet Nam which are not dumped or subsidised;

进口到越南但没有倾销或补贴的同类产品的总量或数量;

* 1. The level of decline in consumption demand or change in the form of consumption for domestically produced like products;

消费需求下降的程度或者国产同类产品消费形式的变化;

* 1. Trade restriction policy;

贸易限制政策;

* 1. Technology development;

技术发展;

dd) Exportability and productivity of the domestic industry;

国内产业的出口能力和生产率;

* 1. Other factors deemed appropriate by the investigating authority.

调查机关认为其他适当因素。

# Section 3

# 第三部分

**ANTI-DUMPING OR COUNTERVAILING INVESTIGATION**

反倾销或反补贴调查

**Article 28. Dossiers of request for application of anti-dumping measures**

第28条 申请采取反倾销措施的材料

1. A dossier of request for application of anti-dumping measures must comprise a written request for application of anti-dumping measures and relevant papers and documents.

申请采取反倾销措施的材料必须包括申请实施反倾销措施的书面请求和相关文件。

1. A written request for application of anti-dumping measures must have the following contents:

申请实施反倾销措施的书面请求，必须包括下列内容:

* 1. Name, address and other necessary information of the representative of the concerned domestic industry;

相关国内产业代表的姓名、地址和其他必要信息;

* 1. Information, data and evidence for determining the representation of the concerned domestic industry, including a list of domestic producers of like products, and volume or quantity of the produced like products;

确定相关国内产业代表性的资料、数据和证据，包括同类产品的国内生产者名单，以及同类产品的总量或数量;

* 1. Names and addresses of producers of like products that support or oppose the case;

支持或者反对该案的同类产品的生产者的名称和地址;

* 1. Information describing imported products requested for investigation for application of anti- dumping measures, including scientific names, trade names and common names; composition; basic physical and chemical characteristics; manufacturing process; main use purpose; applicable international and Vietnamese standards and regulations; product headings according to Viet Nam's List of Exports and Imports and applicable import duty rates specified in the export and import tariffs in each period;

为采取反倾销措施而要求调查机关进行调查的进口产品的信息，包括产品学名、商品名和通用名;产品成分;产品的基本物理和化学特性；产品的制造工艺; 产品的主要用途; 产品适用的国际和越南标准和法律法规;根据《越南的进出口清单》确定的产品名称以及每个时期进出口关税中规定的适用于该产品的进口税率;

dd) Information describing like products of the concerned domestic industry, including scientific names, trade names and common names; basic physical and chemical characteristics; main use purpose; manufacturing process; and international and Vietnamese standards and regulations;

描述相关国内产业中同类产品的信息，包括产品学名、商品名和通用名; 产品学名、商品名和通用名;产品的主要用途;产品的制造工艺; 产品适用的国际和越南标准和法律法规;

* 1. Information on the volume or quantity and value of imported products as prescribed in Point d of this Clause during the period of 12 months before the date of dossier submission;

关于本条款d项规定的进口产品在提交调查申请书之日前12个月内的总量或数量以及产品价值的信息;

1. Information on the volume or quantity and value of like products of the domestic industry concerned as prescribed in Point dd of this Clause during the period of 12 months before the date of dossier submission, unless that industry has operated for under 12 months only;

关于本条款dd项规定的国内产业的同类产品在提交调查申请书之日前12个月内的总量或数量以及产品价值的信息，除非该产业经营不足12个月。

1. Information on normal values and export prices of products described under Point d of this Clause; and dumping margins of imported products requested for investigation for application of anti-dumping measures;

本条d项所述产品的正常价值和出口价格，以及为采取反倾销措施而请求调查的进口产品的倾销幅度;

1. Information, data and evidence on the material injury or threat of material injury to or significant impediment to the formation of a domestic industry;

对国内产业造成实质性损害、实质性损害的威胁，或对国内产业的形成造成实质阻碍的相关信息、数据和证据;

1. Information, data and evidence on the causal relationship between the import of the products specified in Point d of this Clause and material injury or threat of material injury to or significant impediment to the formation of a domestic industry;

关于本条款d点所列产品的进口与国内产业遭受的实质性损害或实质性损害威胁或实质阻碍之间因果关系的资料、数据和证据;

1. Information on the exporting country or origin of the products requested for investigation for application of anti-dumping measures, including a list of foreign producers or exporters and importers;

关于为实施反倾销措施而要求调查的产品的出口国或原产地的资料，包括外国生产商、出口商和进口商的名单;

1. Specific requirements on the application of anti-dumping measures, time limit and extent of application.

反倾销措施的适用、期限和适用范围方面的具体要求。

# Article 29. Dossier of request for application of countervailing measures

# 第29条 申请采取反补贴措施的材料

1. A dossier of request for application of countervailing measures must comprise a written request for application of countervailing measures and relevant papers and documents.

申请实施反补贴措施的档案必须包括申请实施反补贴措施的书面请求和有关材料和文件。

1. A written request for application of countervailing measures must have the following contents:

适用反补贴措施的书面请求必须含有下列内容:

* 1. Name, address and other necessary information of the representative of the concerned domestic industry;

相关国内产业代表的姓名、地址和其他必要信息;

* 1. Information, data and evidence for determining the representation of the concerned domestic industry, including a list of domestic producers of like products, and volume or quantity of the produced like products;

确定相关国内产业代表性的资料、数据和证据，包括同类产品的国内生产者名单，以及同类产品的总量或数量;

* 1. Names and addresses of producers of like products that support or oppose the case;

支持或者反对该案的同类产品的生产者的名称和地址;

* 1. Information describing imported products requested for investigation for application of countervailing measures, including scientific names, trade names and common names; composition; basic physical and chemical characteristics; main use purpose; manufacturing process; international and Vietnamese standards and regulations; products headings according to Viet Nam's List of Exports and Imports and applicable import duty rates specified in the export and import tariffs in each period;

为适用反补贴措施而要求调查机关调查的进口产品的信息，包括产品学名、商品名和通用名;产品成分;产品的基本物理和化学特性；产品的制造工艺; 产品的主要用途; 产品适用的国际和越南标准和法律法规;根据《越南的进出口清单》确定的产品标题以及每个时期进出口关税中规定的适用于该产品的进口税率;

dd) Information describing like products of a domestic industry, including scientific names, trade names and common names; composition; basic physical and chemical characteristics; main use purpose; manufacturing process; and international and Vietnamese standards and regulations;

描述相关国内产业中同类产品的信息，包括产品学名、商品名和通用名; 产品学名、商品名和通用名;产品的主要用途;产品的制造工艺; 产品适用的国际和越南标准和法律法规;

* 1. Information on the volume or quantity and value of imported products as prescribed in Point d of this Clause during the period of 12 months before the date of dossier submission;

关于本条款d项规定的进口产品在提交调查申请书之日前12个月内的总量或数量以及产品价值的信息;

1. Information on the volume or quantity and value of like products of the concerned domestic industry as prescribed in Point dd of this Clause during the period of 12 months before the date of dossier submission, unless that industry has only operated for under 12 months;

关于本条款dd项规定的国内产业的同类产品在提交调查申请书之日前12个月内的总量或数量以及产品价值的信息，除非该产业经营不足12个月。

1. Information and evidence of the foreign subsidy, including the existence of the subsidy; country claimed to provide the subsidy; names and addresses of foreign organisations and individuals claimed to receive the subsidy; form of the subsidy and subsidy policy; and quantity or volume and value of the subsidy;

外国补贴相关的资料证据，包括该补贴的存在;被指控提供补贴的国家;被指控获得补贴的外国组织和个人的名称和地址;补贴形式和补贴政策;补贴的总量或数量以及补贴的价值;

1. Information, data and evidence on the material injury or threat of material injury to or significant impediment to the formation of a domestic industry;

对国内产业造成实质性损害或实质性损害的威胁，或对国内产业的形成造成实质阻碍的相关信息、数据和证据;

1. Information, data and evidence on the causal relationship between the import of the products specified in Point d of this Clause and material injury or threat of material injury to or significant impediment to the formation of a domestic industry;

关于本条款d点所列产品的进口与国内产业遭受的实质性损害或实质性损害威胁或实质阻碍之间因果关系的资料、数据和证据;

1. Specific requirements on the application of countervailing measures, time limit and extent of application.

反补贴措施的适用、期限和适用范围方面的具体要求。

# Article 30. Receipt of dossiers of request for application of anti-dumping measures and countervailing measures

# 第30条申请实施反倾销措施和反补贴措施的材料的接收

1. Within 15 days after receiving a dossier of request for application of anti-dumping or countervailing measures (hereinafter referred to as dossier of request), the investigating authority shall notify the dossier submitter of the completeness and validity of the dossier. If the dossier is incomplete and invalid, the investigating authority shall notify as such to the dossier submitter for supplementation.

调查机关应当在收到反倾销或者反补贴措施申请材料(以下简称申请材料)后15日内，通知材料提交人所提交材料的完整性和有效性。申请材料不全、无效的，调查机关应当通知申请人补充提交。

1. The time limit for supplementation of a dossier of request shall be set by the investigating authority but must not be fewer than 30 days from the date the investigating authority issues a written request for supplementation.

补充请求材料的期限由调查机关规定，但自调查机关发出书面补充材料请求之日起计，补充材料期限不得小于30日。

# Article 31. Appraisal of dossiers of request

# 第31条 申请材料的评估

1. The appraisal of a dossier of request and issuance of an investigation decision must comply with Clause 2, Article 70 of the Law on Foreign Trade Management.

应遵循《对外贸易管理法》第70条第2款的规定评估申请材料，并发布调查决定。

1. The appraisal of a dossier of request must cover:

评估申请材料应审查下列事项:

* 1. Determination of the dossier submitter's eligibility to act as a lawful representative of the concerned domestic industry based on Clause 2, Article 79, and Clause 2, Article 87, of the Law on Foreign Trade Management;

根据《对外贸易管理法》第79条第2款和第87条第2款的规定，确定提交人是否有资格作为有关国内产业的合法代表行事;

* 1. Identification of evidence that the dumping or subsidisation for products imported into Viet Nam causes or threatens to cause a material injury to a domestic industry or causes a significant impediment to the formation of a domestic industry.

查明进口到越南的产品的倾销或补贴对国内产业造成了或会造成实质性损害的威胁，或对国内产业的形成造成了实质阻碍的证据。

# Article 32. Decisions on investigation for application of anti-dumping measures and countervailing measures

# 第32条 关于适用反倾销措施和反补贴措施的调查决定

A decision issued by the Minister of Industry and Trade on investigation for application of anti-dumping or countervailing measures must have the following principal contents:

工贸部部长发布的关于对适用反倾销或反补贴措施而启动调查的决定必须含有下列主要内容:

1. Detailed description of imported products under investigation, product headings according to Viet Nam's List of Exports and Imports and their applicable import duty rates specified in the export and import tariffs in each period;

根据越南的进出口清单详细说明所调查的进口产品、产品类别以及每个时期进出口关税中规定的适用该类产品的进口税率;

1. Information on domestic producers of like products that request application of anti-dumping or countervailing measures;

要求实施反倾销或反补贴措施的同类产品的国内生产者的相关信息;

1. Brief information about the dumping or subsidisation for products imported into Viet Nam that causes or threatens to cause a material injury to the concerned domestic industry or causes a significant impediment to the formation of a domestic industry;

简要介绍进口到越南的、对有关国内产业造成或可能造成实质性损害的威胁，或对国内产业的形成造成实质阻碍的产品的倾销或补贴相关信息;

1. The order and procedures for the investigation.

调查的顺序及程序。

# Article 33. Compilation of dossiers of request for application of anti-dumping measures and countervailing measures in the absence of Applicants

# 第33条 在没有申请人的情况下对实施反倾销措施和反补贴措施的申请材料进行汇编

1. In the absence of an Applicant, if there are clear signs that the dumped or subsidised products imported into Viet Nam cause or threaten to cause a material injury to a domestic industry, the investigating authority shall make a dossier of request for application of anti-dumping or countervailing measures and submit it to the Minister of Industry and Trade for decision on investigation.

在缺少申请人的情况下，如果有清晰的迹象表明进口到越南的倾销或补贴产品造成实质性损害或对国内产业造成实质性损害的威胁，调查机关应申请适用反倾销或反补贴措施，将申请材料提交至工贸部部长处以供决定。

1. The dossier made by the investigating authority must have the contents specified in Articles 28 and 29 of this Decree (except those in Points a, b and c, Clause 2).

调查机关提交的材料必须具有本法令第28条和第29条规定的内容(第2款a、b和c项规定的内容除外)。

1. Related organisations and individuals shall coordinate with and provide necessary information at the request of the Ministry of Industry and Trade.

有关组织和个人应与工贸部协调并应其要求提供必要的信息。

# Article 34. Period of investigation

# 第34条 调查期间

1. The period of investigation for determining dumping or subsidisation is 12 months. In special cases, the investigating authority may set another period of investigation which must not be shorter than 6 months.

倾销或者补贴案件的调查期间为12个月。在特殊情况下，调查机关可以另行规定不少于6个月的调查期。

1. The period of investigation for determining injury is at least 3 years and must cover the whole period of investigation for determining dumping or subsidisation acts. If a interested party has only operated for under 3 years, the to-be-collected data will be those of the entire operation time of such party up to the time of issuance of the investigation decision.

确定损害的调查期间至少为3年，必须涵盖认定倾销或补贴行为的整个调查期间。利害关系方经营不满3年的，收集的数据为该利害关系方在立案之前所有运营期间的数据。

# Article 35. Questionnaires for investigation

# 第35条 调查问卷

1. Within 15 days after the Minister of Industry and Trade issues an investigation decision, the investigating authority shall send questionnaires to interested parties, including:

在工贸部部长作出调查决定后的15天内，调查机关应向利害关系方发出调查问卷，其中包括:

* 1. Domestic producers of like products;

国内同类产品生产商;

* 1. Foreign producers or exporters that export products under anti-dumping or countervailing investigation to Viet Nam, which the investigating authority knows;

调查机关知道的、向越南出口受到反倾销或反补贴调查的产品的外国生产商或出口商;

* 1. Viet Nam-based representatives of the governments of the countries that manufacture or export products under anti-dumping or countervailing investigation;

反倾销或反补贴调查产品的生产国或出口国国家政府驻越南的代表;

* 1. Importers of products under anti-dumping or countervailing investigation;

反倾销或反补贴调查产品的进口商;

* 1. Other related parties.

其他相关方。

1. Within 30 days after receiving questionnaires, interested parties shall fully fill out the questionnaires in writing. When necessary or when interested parties make a written request for extension of this time limit for a plausible reason, the investigating authority may extend such time limit for another 30 days at most.

在收到调查问卷后30天内，利害关系方应以书面形式将调查问卷填写完整。如有必要或利害关系方出于合理理由书面请求延长这一期限，调查机关可将这一期限至多再延长30天。

1. A questionnaire shall be considered having reached the recipient after 7 days from the date it is sent by the investigating authority. The sending date shall be determined according to the postmark.

自调查机关发出调查问卷之日起7天后，调查问卷应视为已送达收件人。发信日期以邮戳为准。

# Article 36. Selection of samples for investigation

# 第36条 调查样本的选择

1. If the number of foreign producers or exporters, importers and domestic producers is too large or there are too many types of products requested for application of anti-dumping or countervailing measures, the investigating authority may narrow the scope of investigation.

如果外国生产商或出口商、进口商和国内生产商的数量过多，或者要求适用反倾销或反补贴措施的产品种类过多，调查机关可以缩小调查范围。

1. The narrowing of the scope of investigation is prescribed below:

缩小调查范围相关规定如下:

* 1. The narrowing shall be made by selecting appropriate statistical samples based on the volume or quantity of products under investigation for application of anti-dumping or countervailing measures which are produced and exported to Viet Nam by the respondent or based on information available to the investigating authority at the time of sample selection;

缩小范围的办法是在反倾销或反补贴调查中，根据被告生产出口到越南的被调查产品的总量或数量，或调查机关在选择样本时所能掌握的信息，选择适当的统计样本;

* 1. When selecting samples for investigation, the investigating authority may consult the respondent and importers related to the sample selection and seek the consent of the respondent to this sample selection.

调查机关在抽样时，可以与被告和进口商协商，以征求被告对抽样的同意。

# Section 4

# 第四部分

**APPLICATION OF ANTI-DUMPING MEASURES OR COUNTERVAILING MEASURES**

反倾销措施或反补贴措施的适用

**Article 37. Imposition of provisional anti-dumping duties and countervailing duties**

第37条 临时反倾销税和反贴补税的征收

1. The imposition of provisional anti-dumping duties or countervailing duties, duty rates, time limit for duty imposition, and extension of the time limit for duty imposition must comply with Clause 1, Article 81, and Clause 1, Article 89, of the Law on Foreign Trade Management.

临时反倾销税或者临时反贴补税的征收、税率、征收关税的期限和延长征收关税的期限，必须符合《对外贸易管理法》第81条第1款和第89条第1款的规定。

1. A decision on imposition of provisional anti-dumping duties or countervailing duties must have the following principal contents:

征收临时反倾销税或者征收临时反贴补税的决定，必须具备以下主要内容:

* 1. Description of imported products subject to duty imposition, including names, basic characteristics and main use purpose, and product headings according to Viet Nam's List of Exports and Imports and applicable import duty rates specified in the current export tariff or import tariff;

根据越南《进出口清单》和现行出口关税或进口关税中规定的适用进口税率，对应征收关税的进口产品进行说明，包括该产品的名称、基本特征和主要用途，以及产品类别;

* 1. Names, addresses and other necessary information of the producers or exporters of products subject to duty imposition;

应征关税产品的生产者或出口者的名称、地址和其他必要信息;

* 1. Name of the country that manufactures or exports products subject to duty imposition;

应征收关税产品的生产或出口商的国别;

* 1. Provisional duty rates;

临时税率;

dd) Effect of and time limit for duty imposition;

征税的效力和期限;

* 1. Procedures and dossiers for inspection and duty imposition.

审查和征收关税的程序和资料。

1. Provisional anti-dumping or countervailing duties may be applied no fewer than 60 days after the date the Minister of Industry and Trade decides to launch an investigation.

临时反倾销或反贴补税可在工贸部决定发起调查之日起不少于60天后适用。

1. If provisional anti-dumping duties or countervailing duties are applied at a rate lower than the dumping margin or subsidy level stated in the initial conclusion, or if the exporter of products under investigation into Viet Nam requests extension of the time limit for imposition of provisional anti-dumping duties or countervailing duties and the volume or quantity of such products accounts for a significant proportion in the total volume or quantity of imported products under investigation, the Minister of Industry and Trade may extend such time limit for another 60 days at most.

如果临时反倾销税或反贴补税的税率低于初步结论中所述的倾销幅度或补贴水平，或者被调查的越南产品的出口商要求延长征收临时反倾销税或反贴补税的期限，且此类产品的总量或数量在被调查的进口产品的总量或数量中占很大比例，工贸部部长可将此期限最多再延长60天。

# Article 38. Application of the measure of commitment in anti-dumping and countervailing investigation cases

# 第38条 承诺在反倾销和反补贴调查案件中的运用

1. After the Minister of Industry and Trade issues a decision on application of provisional anti-dumping or countervailing measures and at least 30 days before the expiration of the investigation stage, the producer or exporter of products under investigation or the government of the respondent in the case of countervailing investigation (hereinafter referred to as the requester) may send its written commitment to eliminating the dumping or subsidisation (hereinafter referred to as commitment) to the investigating authority.

在工贸部部长作出关于适用临时反倾销或反补贴措施的决定之后，在调查阶段结束至少30天前，被调查产品的生产商或出口商，或反补贴调查中被告国政府(以下简称“被告”)可向调查机关送交其关于消除倾销或补贴的书面承诺(以下简称“承诺”)。

1. A commitment must have the following principal contents:

该承诺必须具备以下主要内容:

* 1. Range of products;

产品范围;

* 1. Reference prices, including self-determined prices, price increases, and price adjustment plans;

参考价格，包括自定价格、价格涨幅和价格调整计划;

* 1. Periodical notification obligation;

定期通知的义务;

* 1. Obligation to cooperate with the investigating authority in realising the commitment;

与调查机关协作以履行承诺事项的义务;

* 1. dd) Other contents deemed appropriate by the investigating authority.

e)调查机关认为适当的其他内容。

1. Within 30 days after receiving a commitment, the investigating authority shall consider and report it to the Minister of Industry and Trade for decision.

在收到承诺起30天内，调查机关应审核该承诺，并将其报告至工贸部部长处供决定。

1. A commitment shall be considered on the following bases:

审核承诺时，应审查下列事项:

* 1. Whether its application may remediate the material injury or threat of material injury to the concerned domestic industry or significant impediment to the formation of a domestic industry;

承诺的适用是否可以弥补国内产业遭受的实质性损害或实质性损害的威胁，或对国内产业的形成造成的实质阻碍;

* 1. Whether the current management mechanism may effectively supervise the realisation of the commitment;

现行管理机制能否有效监督承诺的实现;

* 1. Possibility of circumvention of anti-dumping or countervailing measures through the commitment;

通过承诺规避反倾销或反补贴措施的可能性;

* 1. Other factors deemed appropriate by the investigating authority.

其他调查机关认为适当的因素。

1. The investigating authority may only consider the commitment of the requester that has fully cooperated in the investigation stage. When considering a commitment, the investigating authority may request adjustment of its contents. Once the requester accepts the request for adjustment, it shall send the adjusted commitment to the investigating authority.

调查机关只予审核在调查阶段给予充分配合的请求方的承诺。调查机关审核请求方的承诺时，可以要求其调整内容。请求方接受调整请求后，应当将调整后的承诺送交调查机关。

1. The investigating authority shall publicly notify the commitment contents to interested parties. Interested parties may send their written comments within the time limit stated in the notice If the commitment contains information requested to be kept confidential, the requester shall keep such information confidential under Article 11 of this Decree.

调查机关应当将承诺的内容公告利害关系方。利害关系方可在通知规定的时限内提出书面意见。如果承诺中载有要求保密的信息，请求方应根据本法令第11条要求对这些信息予以保密。

# Article 39. Decision on commitment to eliminate dumping or subsidisation

# 第39条 关于消除倾销或补贴的承诺的决定

1. Based on the investigating authority's report, the Minister of Industry and Trade shall consider issuing a decision to accept or not to accept the requester's commitment. If refusing to accept the commitment, the Minister of Industry and Trade shall state the reason.

根据调查机关的报告，工贸部部长应考虑作出接受或不接受请求者的承诺的决定。如果拒绝接受承诺，工贸部部长应说明理由。

1. The decision referred to in Clause 1 of this Article shall be publicly announced to interested parties by appropriate methods.

本条第1款所指的决定，应当以适当的方式公告利害关系方。

1. After obtaining the decision referred to in Clause 1 of this Article, the investigating authority shall proceed with the investigation and issue a final determination:

在达成本条第1款所述决定后，调查机关应继续调查并作出最终裁决:

* 1. If the final determination states that no act of dumping or subsidisation is committed or there is no material injury or threat of material injury to a domestic industry or significant impediment to the formation of a domestic industry, the Minister of Industry and Trade shall decide to terminate the case and the realisation of the commitment;

如果最终裁决判定没有倾销或补贴行为，或对国内产业没有实质性损害或实质性损害的威胁，或对国内产业的形成不构成实质阻碍，工贸部部长应决定终止案件和承诺的履行;

* 1. If the final determination states that an act of dumping or subsidisation is committed or there is a material injury or threat of material injury to a domestic industry or significant impediment to the formation of a domestic industry, the commitment shall continue to be implemented according to its contents.

如果最终裁决判定存在倾销或补贴行为，或对国内产业造成了实质性损害或实质性损害的威胁，或对国内产业的形成构成了实质阻碍，则应继续根据其内容履行该承诺。

# Article 40. Supervision of the implementation of commitments

# 第40条承诺的执行监督

1. When its commitment is accepted, the requester shall submit to the investigating authority's supervision of the implementation of the commitment.

如果调查机关接受承诺，申请人应当接受调查机关对承诺履行情况的监督。

1. The investigating authority shall supervise the implementation of a commitment as follows:

调查机关在监督承诺的履行时应当:

* 1. To request the requester to periodically provide information and materials relating to the commitment implementation and prove the accuracy of such information and materials;

要求申请方定期提供与履行承诺有关的信息和材料，并证明此类信息和材料的准确性;

* 1. To periodically compare information provided by the requester on the volume or quantity and price of products imported under the commitment with information provided by the customs office;

定期比对申请方提供的关于承诺的进口产品总量、数量和价格的信息，以及海关提供的信息；

* 1. To conduct on-site investigation of the requester when necessary;

必要时对承诺的申请方进行实地核查;

* 1. To check information with importers of the requester

与申请方的进口商核对信息;

dd) To conduct supervision in other forms as appropriate.

以其他适当形式进行监督。

# Article 41. Violations of the implementation of commitments

# 第41条.违反承诺的履行

The implementation of a commitment shall be considered being violated in the following cases:

下列情况应视为违反承诺的执行:

1. The requester exports products under investigation to Viet Nam at a price lower than the committed one;

申请方以低于承诺价格向越南出口被调查的产品;

1. The requester fails to periodically provide information on commitment implementation as committed;

申请者未能如约定期提供承诺履行情况的相关信息;

1. The requester refuses to cooperate with the investigating authority in the verification and on-site investigation of information periodically provided by such party;

申请方拒绝协助调查机关对该方定期提供的资料进行核实和实地核查;

1. Information and data on the commitment implementation provided by the requester is inaccurate;

申请方提供的关于承诺履行情况的信息和数据不准确;

1. The requester commits an act of circumventing the applied anti-dumping measure or countervailing measure;

申请人采取行动规避反倾销措施或者反补贴措施;

1. The requester cancels the commitment on its own without notifying such to the investigating authority under Clause 3, Article 42 of this Decree;

申请方未按照本法令第42条第3款的规定通知调查机关便自行取消承诺；

1. Other cases as identified by the investigating authority.

调查机关认定的其他情形。

# Article 42. Cancellation of commitment implementation

# 第42条 承诺的取消

The implementation of a commitment shall be cancelled in the following cases:

在下列情况下，承诺应予取消:

1. The requester commits a violation prescribed in Article 41 of this Decree;

申请方违反本法令第41条规定的;

1. The investigating authority requests cancellation of the commitment;

调查机关要求取消承诺的;

1. The requester requests cancellation of the commitment. It may do so at any time within the validity term of the commitment but must notify such cancellation to the investigating authority at least 30 days before the intended date of cancellation.

申请方要求取消承诺。申请方可以在承诺有效期内随时取消承诺，但必须在计划取消日期之前至少30天将取消计划告知调查机关。

# Article 43. Application of anti-dumping measures and countervailing measures after cancellation of commitment implementation

# 第43条 取消承诺后反倾销措施和反补贴措施的适用

1. In the case of cancellation of commitment implementation prescribed in Clause 1, Article 42 of this Decree, the Minister of Industry and Trade may decide to apply official anti-dumping or countervailing measures based on available information retrospectively to products of the requester that violates its commitment.

根据本法令第42条第1款的规定取消承诺后，工贸部部长可以根据所获信息，对违反其承诺的申请者的产品追溯采取正式的反倾销或反补贴措施。

1. In the case of cancellation of commitment implementation prescribed in Clauses 2 and 3, Article 42 of this Decree, the application of anti-dumping or countervailing measures is prescribed below:

根据本法令第42条第2款和第3款的规定取消承诺后，适用反倾销或反补贴措施的规定如下:

* 1. If the cancellation takes place during the application of provisional anti-dumping or countervailing measures, the Minister of Industry and Trade may decide to cancel the commitment implementation and notify such to the customs office that is applying these provisional measures based on the preliminary determination;

如果在实施临时反倾销或反补贴措施期间取消承诺，工贸部部长可决定取消承诺的履行，并通知海关部门根据初裁采取这类临时措施;

* 1. If the cancellation takes place during the application of official anti-dumping measures or countervailing measures, the Minister of Industry and Trade may decide to cancel the commitment implementation and notify such to the customs office that is applying these official measures based on the final determination.

如果在实施正式反倾销措施或反补贴措施期间取消承诺，工贸部部长可决定取消承诺的履行，并通知海关部门根据终裁实施该类正式措施。

# Article 44. Application of official anti-dumping measures and countervailing measures

# 第44条 正式反倾销措施和反补贴措施的适用

1. Within 15 days after the investigating authority sends its final determination to the Minister of Industry and Trade, the latter shall issue a decision on the case.

调查机关将最终决定送交工贸部部长后，工贸部部长应在15天内就此案作出决定。

1. A decision on application of official anti-dumping or countervailing measures must have the following principal contents:

适用正式反倾销或反补贴措施的决定，必须具有下列主要内容:

* 1. Description of imported products subject to anti-dumping or countervailing measures, including scientific names, trade names and common names; composition; basic physical and chemical characteristics; main use purpose; manufacturing process; international and Vietnamese standards and regulations; and product headings according to Viet Nam's List of Exports and Imports and their applicable import duty rates specified in the export and import tariffs in each period;

受到反倾销或反补贴措施管制的进口产品的说明，包括产品学名、商品名和通用名;产品成分;产品的基本物理和化学特性；产品的制造工艺; 产品的主要用途; 产品适用的国际和越南标准和法律法规;根据《越南的进出口清单》确定的产品标题以及每个时期进出口关税中规定的适用于该产品的进口税率;

* 1. Names, addresses and other necessary information of the producers or exporters of the products subject to official anti-dumping or countervailing measures;

受到反倾销或反补贴措施管制的进口产品的生产者或出口者的名称、地址和其他必要信息;

* 1. Name of the country that manufactures or exports the products subject to official anti- dumping or countervailing measures;

制造或者出口受反倾销或反补贴措施管制的进口产品的的国别;

* 1. Investigation determination on the necessity to apply official anti-dumping or countervailing measures;

对采取正式反倾销或反补贴措施的必要性的调查决定;

dd) Specific official anti-dumping or countervailing measures;

具体的正式反倾销或反补贴措施;

* 1. Effect of and time limit for application of official anti-dumping or countervailing measures;

实施正式反倾销或反补贴措施的效力和期限;

1. Difference in refundable duty amount, if any;

可退还税款差额(如有的话);

1. Procedures and dossiers for inspection and application of official anti-dumping or countervailing measures.

审查和适用正式反倾销或反补贴措施的程序和档案材料。

# Article 45. Application of retrospective anti-dumping and countervailing measures

# 第45条 追溯性反倾销和反补贴措施的适用

1. The application of retrospective anti-dumping or countervailing measures must comply with Clause 4, Article 81, and Clause 4, Article 89, of the Law on Foreign Trade Management.

实施追溯性反倾销或者反补贴措施，必须符合《对外贸易管理法》第81条第4款、第89条第4款的规定。

1. Retrospective application of anti-dumping or countervailing measures shall be considered upon receiving the Applicant's request which states that the volume or quantity of the imported products under investigation sees a sudden increase in the period from the time of issuance of an investigation decision to the time of imposition of provisional anti-dumping or countervailing duties, causing hardly remediable injury to a domestic industry.

申请人提交请求说明，被调查的进口产品的总量或者数量在作出调查决定之日起至实施临时反倾销或者反补贴措施之日止的期间内突然增加，对国内产业造成难以补救的损害的，可予考虑追溯适用反倾销或者反补贴措施。

1. If official anti-dumping or countervailing duties are higher than the provisional ones, the retrospective duty rates will be the provisional duty rates.

如果正式反倾销税或反贴补税税率高于临时税率，则追溯适用的税率应为临时税率。

1. If official anti-dumping or countervailing duties are lower than the provisional ones, the retrospective duty rates will be the official duty rates.

如果正式反倾销税或反贴补税税率低于临时税率，则追溯适用的税率应为正式税率。

# Chapter III

# 第三章

# INVESTIGATION AND APPLICATION OF SAFEGUARD MEASURES

# 保障措施的调查和适用

# Section 1 INVESTIGATION FOR APPLICATION OF SAFEGUARD MEASURES

# 第一部分 关于适用保障措施的调查

**Article 46. Bases for conducting investigation**

**第46条 启动调查的依据**

1. The Minister of Industry and Trade shall decide to launch an investigation when receiving a dossier of request for application of safeguard measures from a representative of a domestic industry provided that the total volume or quantity of like products or directly competitive products of the domestic producers that submit the dossier and domestic producers that support the request accounts for at least 25% of the aggregate volume or quantity of domestically produced like products or directly competitive products.

工贸部部长在收到国内产业代表要求实施保障措施的请求文件时，如提交请求文件的国内生产者和支持这一要求的国内生产者的同类产品或直接竞争性产品的总量或数量至少占国内生产的同类产品或直接竞争性产品总量或数量的25%,工贸部部长应决定启动调查。

1. The Minister of Industry and Trade shall decide to launch an investigation in the case the investigating authority makes a dossier proving the necessity to apply safeguard measures.

如果调查机关递交档案材料证明有必要采取保障措施，工贸部部长应决定启动调查。

# Article 47. Dossiers of request for application of safeguard measures

# 第47条 保障措施的申请材料

1. A dossier of request for application of safeguard measures (hereinafter referred to as dossier of request) must comprise a written request for application of safeguard measures and relevant papers and documents.

申请保障措施的档案材料(以下简称申请材料)必须包括申请保障措施的书面请求以及相关文件。

1. A written request for application of safeguard measures must have the following contents:

适用保障措施的书面请求必须含有下列内容:

* 1. Name, address and other necessary information of the representative of the concerned domestic industry;

相关国内产业代表的姓名、地址和其他必要信息;

* 1. Information, date and evidence for determining the representation of the concerned domestic industry, including a list of domestic producers of like products or directly competitive products, and volume or quantity of the produced like products or directly competitive products;

确定相关国内产业代表性的资料、数据和证据，包括同类产品的国内生产者名单，以及同类产品的总量或数量;

* 1. Names and addresses of producers of like products that support or oppose the case;

支持或者反对该案的同类产品的生产者的名称和地址;

* 1. Information describing imported products requested for investigation for application of safeguard measures, including scientific names, trade names and common names; composition; basic physical and chemical characteristics; main use purpose; manufacturing process; international and Vietnamese standards and regulations; and product headings according to Viet Nam's List of Exports and Imports and their applicable import duty rates specified in the export and import tariffs in each period;

为适用保障措施而要求调查机关调查的进口产品的信息，包括产品学名、商品名和通用名;产品成分;产品的基本物理和化学特性；产品的制造工艺; 产品的主要用途; 产品适用的国际和越南标准和法律法规;根据《越南的进出口清单》确定的产品类别以及每个时期进出口关税中规定的适用于该产品的进口税率;

dd) Information describing like products or directly competitive products of the concerned domestic industry, including scientific names, trade names and common names; basic physical and chemical characteristics; main use purpose; manufacturing process; and international and Vietnamese standards and regulations;

描述相关国内产业中同类产品或直接竞争产品的信息，包括产品学名、商品名和通用名; 产品学名、商品名和通用名;产品的主要用途;产品的制造工艺; 产品适用的国际和越南标准和法律法规;

* 1. Information on the volume or quantity and value of imported products as prescribed in Point d of this Clause during the period of 3 years before the date of dossier submission;

关于本条款d项规定的进口产品在提交调查申请材料之日前3年产品总量或数量以及产品金额的信息;

g) Information on the volume or quantity and value of like products or directly competitive products of the concerned domestic industry as prescribed in Point dd of this Clause during the period of 3 years before the date of dossier submission, or for the entire operation duration of the concerned domestic industry up to the time of dossier submission if that industry has only operated for under 3 years;

关于本条款dd项规定的国内产业的同类产品或直接竞争产品在提交调查申请书之日前3年内的产品总量或数量以及产品金额的信息。若该产业经营不足3年，则提交的信息为至提交调查申请书之日止该产业在整个运营期间的产品总量或数量以及产品价值的信息；

h) Information, data and evidence on the serious injury or threat of serious injury to the concerned domestic industry;

对国内产业造成严重损害或者造成严重损害的威胁资料、数据和证据;

i) Information, data and evidence on the causal relationship between the import of the products specified at Point d of this Clause and serious injury or threat of serious injury to the concerned domestic industry;

关于本条款d点所列产品的进口与国内产业遭受的实质性损害或实质性损害威胁之间因果关系的资料、数据和证据;

k) Specific requirements on the application of safeguard measures, time limit and extent of application.

保障措施的适用、期限和适用范围方面的具体要求。

# Article 48. Dossiers of request for application of safeguard measures in the absence of Applicants

# 第48条 缺少申请人的情况下适用保障措施的申请材料

1. In the absence of an Applicant, if there are clear signs that the excessively imported products cause or threaten to cause serious injury to a domestic industry, the investigating authority shall make a dossier of request for application of safeguard measures and send it to the Minister of Industry and Trade for consideration and decision on investigation.

在缺少申请人的情况下，如果有明显迹象表明过度进口的产品对国内产业造成严重损害或造成严重损害的威胁，调查机关应当将申请保障措施的档案材料提交工贸部部长审议并作出调查决定。

1. The dossier made by the investigating authority must have the contents prescribed in Article 47 of this Decree (except those prescribed in Points a, b and c, Clause 2).

调查机关提交的材料必须含有本法令第47条规定的内容(第2条a、b和c项规定的内容除外)。

1. Related organisations and individuals shall cooperate with and provide necessary information at the request of the Ministry of Industry and Trade.

有关组织和个人应协助工贸部，并应其要求提供必要的信息。

# Article 49. Appraisal of dossiers

# 第49条申请资料的评估

1. Within 15 days after receiving a dossier of request, the investigating authority shall consider the completeness and validity of the dossier.

在收到申请材料后15天内，调查机关应当审核申请材料的完整性和有效性。

1. If seeing that the dossier is incomplete and invalid, the investigating authority shall notify such to the dossier submitter and allow at least 30 days for the latter to supplement the dossier.

如果发现申请材料不完整且无效，调查机关应将此情况通知档案提交人，并给予后者至少30天时间补交材料。

1. Within 45 days after the investigating authority issues a notice of receipt of a complete and valid dossier, it shall appraise the dossier and send it to the Minister of Industry and Trade for consideration and decision on investigation. When necessary, the issuance of an investigation decision may be extended for no more than 30 days.

在发出收到完整有效申请材料的通知后的45天内，调查机关应对申请材料进行评估，并将其送交工贸部长审议和作出调查决定。必要时，调查决定的发布期限可延长不超过30天。

1. The appraisal of a dossier of request must cover:

评估申请材料必须包括:

* 1. Determination of the dossier submitter's eligibility to act as a lawful representative of the concerned domestic industry based on Clause 1, Article 46 of this Decree;

根据本法令第46条第1款确定材料提交人是否有资格作为国内行业的合法代表行事;

* 1. Determination of evidence that the excessively imported products cause or threaten to cause serious injury to the concerned domestic industry.

确定过度进口的产品对国内有关产业造成严重损害或造成严重损害的威胁的证据。

# Article 50. Decisions on investigation for application of safeguard measures

# 第50条 关于启动适用保障措施调查的决定

A decision issued by the Minister of Industry and Trade on investigation for application of safeguard measures must have the following principal contents:

工贸部部长关于启动保障措施调查的决定必须含有下列主要内容:

1. Detailed description of imported products under investigation, and products headings according to Viet Nam's List of Exports and Imports and their applicable import duty rates specified in the export and import tariffs in each period;

根据越南的进出口清单详细说明所调查的进口产品、产品类别以及每个时期进出口关税中规定的适用该类产品的进口税率;

1. Names of enterprises and representative of domestic producers of like products or directly competitive products that request application of safeguard measures;

要求实施保障措施的同类产品或直接竞争产品的国内生产者的相关信息;

1. Brief information about the increase in the import of products under investigation;

关于被调查产品进口增加的简要情况;

1. Serious injury or threat of serious injury to the concerned domestic industry caused by the increased import.

进口增加对国内有关产业造成的严重损害或严重损害的威胁。

# Article 51. Determination of serious injury or threat of serious injury to a domestic industry

# 第51条 国内产业受到严重损害或者受到严重损害威胁的认定

1. When determining the serious injury or threat of serious injury to a domestic industry, the investigating authority shall consider:

在确定国内产业受到严重损害或严重损害的威胁时，调查机关应当审核下列事项:

* 1. The increase in the volume or quantity of imported products in absolute terms or in relation to the volume or quantity of domestically produced like products or directly competitive products;

进口到越南的产品的总量或数量的绝对增长量，或者相对于国内生产的同类产品或直接竞争产品的总量或数量的相对增长量。

* 1. The increase in the volume or quantity of imported products prescribed in Point a of this Clause under the impact of unanticipated changes;

在意外因素的影响下，本条款a项规定的进口产品的总量或者数量的增加;

* 1. The impacts of the prices of imported products under investigation on the prices of domestically produced like products or directly competitive products;

被调查的进口产品价格对国产同类产品或者直接竞争产品的价格的影响;

* 1. The impacts of the increased import of products under investigation on the domestic industry in terms of market share, revenue, output, design capacity, use capacity, profit, employment, inventories and other factors deemed appropriate by the investigating authority.

被调查的进口产品的增长对国内产业的影响，包括市场份额、收入、产量、产能、产利用率、利润、就业、库存以及其他调查机关认为合适的的方面。

1. The determination of serious injury or threat of serious injury to a domestic industry shall be based on specific evidence.

确定国内产业受到严重损害或者受到严重损害的威胁应辅以具体证据。

1. The period of investigation for determination of serious injury or threat of serious injury to a domestic industry is 3 years. In the case a domestic industry has only operated for under 3 years, the to-be-collected data will be those of the entire operation duration of that industry up to the time the Ministry of Industry and Trade decides to launch an investigation.

认定国内产业受到严重损害或者严重损害的威胁的调查期限为3年。如果该国内产业经营不到3年，则要收集的数据应为该产业在调查决定发布之前的全部所有业务经营相关数据。

**Section 2**

**第二部分**

**APPLICATION OF SAFEGUARD MEASURES**

**保障措施的适用**

**Article 52. Application of provisional safeguard measures**

第52条 临时保障措施的适用

1. Based on the initial conclusion, the Minister of Industry and Trade may decide to apply provisional safeguard measures when:

根据初步结论，工贸部部长可在下列情况下决定适用临时保障措施:

* 1. Imported products under investigation record an excessive increase;

被调查的进口产品数量增长过快;

* 1. A domestic industry suffers serious injury or threat of serious injury;

国内产业受到严重损害或者受到严重损害的威胁;

* 1. The excessive increase in the import prescribed in Point a of this Clause is the cause of serious injury or threat of serious injury to a domestic industry;

本条第a项所述的进口过度增加导致国内产业受到严重损害或受到严重损害的威胁；

* 1. The late application of safeguard measures will cause serious injury or threatens to cause serious injury to a domestic industry and such injury will be hardly remediable.

不及时采用保障措施将对国内产业造成严重损害或有可能对国内产业造成严重损害或威胁且这种损害几乎无法弥补。

1. Provisional safeguard measures may be applied only in the form of additional import duty.

临时保障措施只能以附加进口关税的形式实施。

1. A decision on application of provisional safeguard measures shall be publicly announced with the following contents:

适用临时保障措施的决定应予公告，内容如下:

* 1. Detailed description of imported products subject to provisional safeguard measures, and product headings according to Viet Nam's List of Exports and Imports and their applicable import duty rates specified in the export tariff or import tariff in each period;

根据越南的《进出口清单》详细说明临时保障措施涉及的进口产品描述、产品名称以及每个时期进出口关税中规定的适用该类产品的进口税率;

* 1. A list of countries exempted from application of provisional safeguard measures;

豁免实施临时保障措施的国家名单;

* 1. Provisional safeguard duty rates;

临时保障税率;

* 1. Time limit for application of provisional safeguard measures;

实施临时保障措施的期限;

dd) Information and evidence showing that the increased import of products under investigation causes or threatens to cause serious injury to a domestic industry;

显示被调查产品进口的增加导致国内产业受到严重损害或严重损害威胁的资料和证据;

* 1. Information and evidence showing that the late application of provisional safeguard measures will cause or threatens to cause serious injury to a domestic industry and such injury will be hardly remediable;

表明推迟适用临时保障措施将对国内产业造成或威胁造成严重损害的资料和证据，而这种损害几乎无法补救;

g) Procedures and dossiers for inspection and application of provisional safeguard measures.

监督和申请临时保障措施的程序和申请材料。

1. When necessary, the Minister of Industry and Trade may decide to terminate the application of provisional safeguard measures ahead of schedule.

必要时，工贸部可以决定提前终止临时保障措施的适用。

# Article 53. Application of official safeguard measures

# 第53条 适用正式的保障措施

1. Within 15 days after the investigating authority sends its final determination, the Minister of Industry and Trade shall issue an official decision on the case.

在调查机关送交最终决定后的15天内，工贸部长应就此案作出正式裁决。

1. A decision of application of official safeguard measures must have the following principal contents:

适用正式保障措施的决定必须含有下列主要内容:

* 1. Description of imported products subject to official safeguard measures, including names, basic characteristics and main use purpose, and product headings according to Viet Nam's List of Exports and Imports and their applicable import duty rates specified in the export and import tariffs in each period;

根据越南的《进出口清单》及其在每个时期进出口关税中具体规定的适用进口税率，对受官方保障措施管制的进口产品的说明，包括名称、基本特征和主要用途，以及产品类别;

* 1. Official safeguard measures;

正式保障措施;

* 1. Effect and time limit for application of safeguard measures;

实施保障措施的效力和期限;

* 1. Refund of the difference (if any) in safeguard duty;

保障税差额(如有的话)的退还;

dd) Procedures and dossiers for inspection and application of provisional safeguard measures;

监督和申请正式保障措施的程序和申请材料。

* 1. Investigation conclusion on the necessity to apply official safeguard measures.

关于适用正式保障措施必要性的调查结论。

# Article 54. Provisions on application of import quota and tariff quota measures

# 第54条 关于实施进口配额和关税配额措施的规定

In the case where the Minister of Industry and Trade decides to apply official safeguard measures through import quota or tariff quota:

如果工贸部部长决定以进口配额或关税配额的形式实施正式保障措施，则相关规定如下:

1. The volume or quantity of import quota or tariff quota must not be lower than the average volume or quantity of imported products in the last 3 years with available import data, unless the investigating authority can maintain with explicit evidence that a lower volume or quantity quota is necessary for preventing or remediating serious injury or threat of serious injury.

进口配额或关税配额的总量或数量不得低于过去3年有进口数据的进口产品的平均总量或数量，除非调查机关有明确证据证明，有必要保持较低的总量或数量配额以防止或补救严重损害或严重损害的威胁。

1. The Ministry of Industry and Trade shall allocate quotas among the countries exporting products to Viet Nam based on their market shares calculated on the total volume or quantity of products in the last 3 years with available import data, taking into account special factors that affect trade in products activities.

工贸部应当在向越南出口产品的国家中分配配额，根据过去三年可获的越南从这些国家的进口总量和数量来确定他们的市场份额，同时考虑影响产品贸易活动的特殊因素。

1. The Ministry of Industry and Trade shall consult the countries that have a major volume or quantity of products imported into Viet Nam and are allocated quotas.

工贸部应与越南进口产品中占有较大数量的国家磋商和分配配额。

1. In the case the import quota measure is to be applied for over 1 year, the Ministry of Industry and Trade shall loosen the import quota or tariff quota measure applied for subsequent years.

适用进口配额措施1年以上的，工贸部应当放宽以后各年适用的进口配额或关税配额措施。

1. Customs offices shall coordinate with the Ministry of Industry and Trade in controlling and managing the application of import quota and tariff quota measures.

海关应当配合工贸部对进口配额和关税配额措施的适用进行管理。

# Chapter IV

**REVIEW OF THE APPLICATION OF TRADE REMEDIES**

第四章 贸易救济措施适用的复审

# Section 1 GENERAL PROVISIONS

# 第1部分 总则

**Article 55. Dossiers of request for review of the application of trade remedies**

第55条.申请对贸易救济措施进行复审的材料

A dossier of request for review of the application of a trade remedy (hereinafter referred to as dossier for review) must comprise:

请求复审贸易救济措施的申请档案材料(以下简称复审请求材料)必须包括:

1. A written request for review of the application of a trade remedy, made according to the form issued by the investigating authority;

根据调查机关发布的表格提出的贸易救济措施复审申请的书面请求;

1. Other documents and information deemed necessary by the Applicant.

其他申请人认为必要的文件和资料。

# Article 56. Appraisal of dossiers for review

# 第56条 复审材料的评估

1. Within 15 days after receiving a dossier for review, the investigating authority shall notify the dossier submitter of the completeness and validity of the dossier. If the dossier is incomplete or invalid, the investigating authority shall request the dossier submitter to supplement the dossier.

调查机关应当在收到复审材料后15日内，通知档案材料提交人档案材料的完整性和有效性。申请材料不完整或者无效的，调查机关应要求申请人补充。

1. Within 30 days after receiving a complete and valid dossier for review, the investigating authority shall appraise the dossier and propose to the Minister of Industry and Trade to consider and decide on the review of the application of a trade remedy.

在收到完整有效的复审请求材料后的30天内，调查机关应评估该材料，并建议工贸部长考虑和决定是否复审贸易救济措施的适用。

# Article 57. Questionnaires for review

# 第57条 复审问卷

1. Within 15 days after the issuance of a decision on review, the investigating authority shall send a questionnaire for review to:

在复审决定发布后15天内，调查机关应向下列各方发送复审问卷:

* 1. The review-requesting party;

复审请求方;

* 1. The party of which the review is requested;

被要求进行复审的一方当事人;

* 1. Other interested parties deemed necessary by the investigating authority.

调查机关认为必要的其他利害关系方。

1. Within 30 days after receiving the questionnaires for review, the interested parties shall return the fully filled out questionnaires to the investigating authority. This time limit may be extended once by the investigating authority for another 30 days at most based on the written request for extension of the interested party.

在收到复审问卷后30天内，利害关系方应将填写完整的调查问卷交回调查机关。调查机关可根据利害关系方的书面延期申请，将这一时限延长最多30天。

1. The questionnaires shall be considered having reached the recipients after 7 working days from the date they are sent by the investigating authority. The sending date shall be determined according to the postmark.

调查机关发出调查问卷7个工作日，应视为该问卷已送达收件人。发信日期以邮戳为准。

# Section 2

# 第2部分

**REVIEW OF ANTI-DUMPING OR COUNTERVAILING MEASURES**

**反倾销或反补贴措施的复审**

**Sub-section 1 REVIEW OF ANTI-DUMPING OR COUNTERVAILING MEASURES AT THE REQUEST OF INTERESTED PARTIES**

**第1节 应利害关系方请求对反倾销或反补贴措施进行的复审**

**Article 58. Submission of dossiers of request for review at the request of interested parties**

**第58条 应利害关系方请求进行复审需要提交的材料**

1. Within 60 days before the end of 01 year from the date of issuance of the decision on the application of official anti-dumping or countervailing measures or of the latest decision on the results of the review of anti-dumping or countervailing measures, the interested parties prescribed in Article 59 of this Decree may submit a dossier of request for review, except cases in which the time limit for dossier submission is less than 09 months before the deadline for the Minister of Industry and Trade to decide whether to carry out the sunset review of anti-dumping or countervailing measures.

在关于采取正式反倾销或反补贴措施的决定或关于反倾销或反补贴措施复审结果的最新决定发布之日起的01年期限结束之前的60天内，本法令第59条规定的利害关系方可提交复审申请材料，但提交申请的时限在工贸部部长决定是否对反倾销或反补贴措施进行日落复审的最后期限之前不到09个月的情况下除外。

1. The contents of a dossier for review must comply with the form issued by the investigating authority.

申请复审的材料内容必须采用调查机关发布的表格。

# Article 59. Review-requesting party

# 第59条 复审的请求方

The following organisations and individuals may submit dossiers of request for review of the application of anti-dumping or countervailing measures under Article 58 of this Decree:

下列组织和个人可根据本法令第58条提交反倾销或反补贴措施的复审申请材料:

1. Domestic producers prescribed in Clause 2, Article 79, and Clause 2, Article 87, of the Law on Foreign Trade Management.

《对外贸易管理法》第79条第2款、第87条第2款规定的国内生产者。

1. Foreign producers or exporters that may submit dossiers of request for review of the application of anti-dumping or countervailing measures to such foreign producers and exporters;

适用反倾销或反补贴措施的外国生产商和出口商可以请求对前述措施进行复审;

1. Importers of products subject to anti-dumping or countervailing measures;

受反倾销、反补贴措施制裁的产品的进口商;

1. Governments of foreign producers or exporters which may submit dossiers for review of the application of anti-dumping or countervailing measures to such foreign producers or exporters.

适用反倾销或反补贴措施的外国生产商或出口商的政府，可以请求对前述措施进行复审。

# Article 60. Contents of the review at the request of interested parties

# 第60条 应利害关系方的请求进行复审的内容

The investigating authority shall review one or more of the following contents, based on the contents requested by the interested party:

调查机关应当根据利害关系方要求的内容，审查下列一项或者多项内容:

1. Dumping margin, level of subsidy of one, some or all of the foreign producers and/or exporters;

一个、部分或全部外国生产商和/或出口商的倾销幅度和补贴水平;

1. Commitments to eliminate dumping or subsidy made by one, some or all of the foreign producers and/or exporters;

取消一个、部分或全部外国生产商和/或出口商的倾销或补贴的承诺；

1. Injury to a domestic industry and the causal relationship between the dumping or subsidy of relevant foreign producers and/or exporters and such injury;

国内产业遭受的损害，以及有关外国生产商和/或出口商的倾销或补贴与这种损害之间的因果关系;

1. Scope of application of anti-dumping or countervailing measures.

反倾销或反补贴措施的适用范围。

# Article 61. Decision on the review result at the request of interested parties

# 第61条 应利害关系方的请求就复审结果作出决定

1. Within 15 days from the date the investigating authority submits the review conclusion, the Minister of Industry and Trade shall issue a decision on the result of the review of the application of the trade remedy.

自调查机关提交复审结果之日起15天内，工贸部部长应就贸易救济措施申请的复审结果作出决定。

1. Based on the review conclusion of the investigating authority, the Minister of Industry and Trade shall issue one of the following decisions on:

根据调查机关的复审结论，工贸部长应就作出以下决定之一:

* 1. Adjustment or non-adjustment of the application of anti-dumping or countervailing measures based on the review result under Article 60 of this Decree;

是否根据本法令第60条作出的复审结果调整反倾销或反补贴措施的适用;

* 1. Termination of the application of anti-dumping or countervailing measures in the case the review conclusion determines that the anti-dumping or countervailing measures are no longer necessary to remediate the injury to a domestic industry or the domestic industry will no longer suffer injury if anti-dumping or countervailing measures are terminated.

如果复审结果确定反倾销或反补贴措施不再是补救国内产业损害所必须实施的措施，或者如果终止反倾销或反补贴措施，国内产业不会再受到损害，则应终止适用反倾销或反补贴措施

1. The adjustment of the application of anti-dumping or countervailing measures specified at Point a, Clause 2 of this Article will not affect the time limit for the application of anti-dumping or countervailing measures currently in force.

本条第2款第a项规定的对反倾销或反补贴措施的调整，不影响现行反倾销或反补贴措施的适用。

# Sub-section 2 SUNSET REVIEW OF THE APPLICATION OF ANTI-DUMPING OR COUNTERVAILING MEASURES

# 第2节 反倾销或反补贴措施适用的日落复审

**Article 62. Submission of dossiers of request for sunset review**

第62条.请求日落复审要提交的材料

1. At least 12 months before the date the decision on application of anti-dumping or countervailing measures ceases to be effective, the investigating authority shall announce its receipt of the dossier of request for sunset review of the application of anti-dumping or countervailing measures.

实施反倾销或反补贴措施的决定失效之日前至少12个月，调查机关应宣布接收反倾销或反补贴措施日落复审的申请材料。

1. Within 30 days after the investigating authority makes the above announcement, the domestic producer representing a domestic industry as prescribed in Clause 2, Article 79, or Clause 2, Article 87, of the Law on Foreign Trade Management may submit a dossier of request for sunset review of the application of anti-dumping or countervailing measures.

《对外贸易管理法》第79条第2款、第89条第2款规定的代表国内产业的国内生产者，在调查机关作出上述公告之日起30内，可以提交申请反倾销或者反补贴措施日落复审的材料。

# Article 63. Contents of the sunset review of the application of anti-dumping or countervailing measures

# 第63条 反倾销或反补贴措施日落复审的内容

1. The investigating authority shall carry out sunset review to assess the possibility of continuation or recurrence of dumping or subsidising acts causing injury to a domestic industry in the case of termination of anti-dumping or countervailing measures.

调查机关应进行日落复审，以评估在终止反倾销或反补贴措施的情况下，倾销或补贴行为继续或再次对国内产业造成损害的可能性。

1. The sunset review of the application of anti-dumping or countervailing measures must include the following contents:

反倾销或反补贴措施的日落复审必须包括以下内容:

* 1. The possibility of imported products being dumped or subsidised if anti-dumping or countervailing measures are terminated;

如果终止反倾销或反补贴措施，进口产品倾销或获得补贴的可能性;

* 1. The possibility that a domestic industry suffers material injury or threat of material injury if anti-dumping or countervailing measures are terminated;

如果终止反倾销或反补贴措施，国内产业遭受实质性损害或实质性损害的威胁的可能性;

* 1. The causal relationship between the possibility of dumping or subsidisation and the injury that a domestic industry may suffer.

倾销或补贴的可能性与国内产业可能遭受的损害之间的因果关系。

# Article 64. Decision on the result of the sunset review of the application of anti-dumping or countervailing measures

# 第64条 关于适用反倾销或反补贴措施的日落复审结果的决定

Based on the review conclusion of the investigating authority, the Minister of Industry and Trade shall issue one of the following decisions on:

根据调查机关的复审结论，工贸部部长应作出以下决定中的一项:

1. Extension of the application of anti-dumping or countervailing measures if the final determination determines that the elimination of anti-dumping or countervailing measures may result in the continuation or recurrence of products dumping or subsidising acts which cause injury to a domestic industry.

如果终裁决定认为取消反倾销或反补贴措施可能导致对国内产业造成损害的产品倾销或补贴行为继续或再次发生，则应扩大反倾销或反补贴措施的适用范围。

1. Termination of the application of anti-dumping or countervailing measures in the case the requesting domestic producers withdraw their requests for review or the final determination of the investigating authority determines that there is no possibility of continuation or recurrence of products dumping or subsidising acts that cause injury to a domestic industry.

2. 如果提出申请的国内生产者撤回其复审请求，或调查当局的最终裁定认定不可能继续或再次出现产品倾销或补贴对国内产业造成损害的行为，则应终止反倾销或反补贴措施的适用。

# Sub-section 3 REVIEW OF NEW EXPORTERS

# 第3节 新出口商复审

**Article 65. Identification of new exporters**

**第65条.新出口商的认定**

1. New exporter means a producer or an exporter of the exporting country which is subject to anti-dumping or countervailing measures and did not export products under investigation into Viet Nam during the initial period of investigation.

”新出口商”是指受反倾销或反补贴措施规制但是在调查初期没有向越南出口被调查的产品的出口国的生产商或出口商。

1. A new exporter may submit a dossier of request for review of the application of anti-dumping or countervailing measures when fully meeting the following conditions:

新出口商如完全符合下列条件，可以申请复审反倾销或反补贴措施:

* 1. He/she/it has no relationship with the producers and/or exporters subject to anti-dumping or countervailing measures under Article 5 of this Decree;

他/她/它与根据本法令第5条受反倾销或反补贴措施制裁的生产商和/或出口商没有关联关系;

* 1. He/she/it has actually exported the products to Viet Nam after the period of investigation determined by the investigating authority in the initial investigation case;

在调查机关初步确定了案件的调查期间之后，他/她/它才向越南出口了调查产品;

* 1. The volume or quantity of exports to Viet Nam by the time of dossier submission is large enough for the investigating authority to determine the reasonable export price.

在提交档案材料时，对越南的出口总量或数量足以使调查机关确定合理的出口价格。

1. New exporters may submit a dossier of request for review after the decision on application of anti-dumping or countervailing measures takes effect.

在实施反倾销或反补贴措施的决定生效之后，新出口商可以提交复审申请材料。

# Article 66. Contents of the review of new exporters

# 第66条 新出口商复审的内容

The review of a new exporter must include the following contents:

对新出口商的复审必须包括以下内容:

1. Separate dumping margin or level of subsidy of the new exporter;

新出口商的单独倾销幅度或补贴水平;

1. Conditions for application of anti-dumping or countervailing measures to the new exporter.

对新出口商适用反倾销或反补贴措施的条件。

# Article 67. Decision on the result of the review of new exporters

# 第67条 关于新出口商的复审结果的决定

Based on the investigating authority's conclusion of the review of new exporters, the Minister of Industry and Trade shall issue one of the following decisions on:

根据调查机关对新出口商的复审结论，工贸部部长应作出以下决定中的一项:

1. Application of separate anti-dumping or countervailing measures to new exporters;

对新出口商单独采取的反倾销或反补贴措施;

1. Continuation of the application of the anti-dumping or countervailing measures currently in force in the case the new exporter withdraws the dossier of request for review or does not cooperate in the review process.

在新出口商撤回复审请求材料或在审查过程中不予合作的情况下，继续适用目前生效的反倾销或反补贴措施。

Section 3 **REVIEW OF SAFEGUARD MEASURES**

**第3部分** 保障措施的复审

**Article 68. Interim review of the application of safeguard measures**

第68条 保障措施的中期审查

1. If the duration of application of safeguard measures, including the duration of application of provisional safeguard measures, lasts more than 3 years, the Minister of Industry and Trade shall carry out an interim review of the application of safeguard measures.

如果包括临时保障措施在内的保障措施的适用期限超过3年，工贸部部长应对保障措施的适用情况进行中期审查。

1. Based on the investigating authority's interim review conclusion, the Minister of Industry and Trade shall issue one of the following decisions on:

根据调查机关的中期审查结论，工贸部部长应发布下列决定中的一项:

* 1. Continuation of the application of safeguard measures;

继续适用保障措施;

* 1. Reduction of the application of safeguard measures;

减少保障措施的适用;

* 1. Termination of the application of safeguard measures.

终止适用保障措施。

# Article 69. Sunset review of the application of safeguard measures

# 第69条. 保障措施的日落复审

1. At least 9 months before the date the decision on the application of safeguard measures ceases to be effective, the investigating authority shall announce its receipt of dossiers of request for sunset review of application of safeguard measures. Within 30 days from the date the investigating authority makes the above announcement, organisations and individuals may submit a dossier of request for sunset review of the application of safeguard measures.

在实施保障措施的决定失效之日前至少9个月，调查机关应当宣布接收保障措施的日落复审申请。自调查机关发布上述公告之日起30天内，组织和个人可提交申请保障措施日落复审的材料。

1. The sunset review of the application of safeguard measures must include the following contents:

保障措施的日落复审申请必须包括以下内容:

* 1. Determination of the level of increase of imports into Viet Nam since the safeguard measure was applied;

自实施保障措施以来越南进口增长水平的认定;

* 1. Assessment of production and business activities of a domestic industry since the safeguard measure was applied;

对实施保障措施以来的国内产业的生产经营活动进行评估;

* 1. Adjustments of the domestic industry since the safeguard measure was applied;

实施保障措施以来国内产业的调整;

* 1. The possibility of serious injury or threat of serious injury to a domestic industry if the safeguard measure is terminated.

保障措施终止可能对国内产业造成严重损害或严重损害的威胁。

1. The decision on the result of the sunset review of the application of safeguard measures must include the following contents:

关于保障措施的日落复审结果的决定必须包括以下内容:

* 1. Extension or non-extension of the application of safeguard measures;

是否延长适用保障措施；

* 1. Adjustment of the level of application of safeguard measures;

调整保障措施的适用水平;

* 1. Adjustment of the scope of application of safeguard measures.

调整保障措施的适用范围。

Section 4 **REVIEW OF THE RANGE OF PRODUCTS**

第4部分 **审查产品种类**

**Article 70. Submission of dossiers by interested parties**

第70条.利害关系方提交的档案材料

1. The following organisations and individuals may submit a dossier of request for review:

下列组织和个人可提交请求审查的档案材料:

* 1. Domestic producers;

国内生产者;

* 1. Foreign producers and exporters;

外国生产商和出口商;

* 1. Importers;

进口商;

* 1. Organisations and individuals using the imports.

使用进口货物的机构及个人。

1. The Minister of Industry and Trade shall consider and decide on the review of the range of products subject to trade remedies based on the dossiers of request for review.

工贸部部长应根据申请审查档案材料，考虑并决定对受贸易救济措施制裁的产品范围进行审查。

# Article 71. Contents of review of the range of products subject to trade remedies

# 第71条 对受贸易救济措施制裁的产品范围进行审查的内容

The review of the range of products subject to trade remedies must include the following contents:

对受贸易救济措施制裁的产品范围的审查必须包括以下内容:

1. Comparison of imports and like products or directly competitive products produced domestically;

进口产品与同类产品或者国产直接竞争产品的比较;

1. Substitutability of imported products;

进口产品的可替代性;

1. A domestic industry's capacity to manufacture like products or directly competitive products.

国内产业生产同类产品或直接竞争产品的能力。

# Article 72. Decisions on the result of the review of the range of products subject to trade remedies

# 第72条 关于受贸易救济措施制裁的产品范围的审查结果的决定

Based on the investigation body's review conclusion, the Minister of Industry and Trade shall issue one of the following decisions on:

根据调查机关的审查结论，工贸部部长应作出以下决定中的一项:

1.Non-adjustment of the range of products subject to trade remedies.

不调整受贸易救济措施制裁的产品范围。

2.Narrowing of the range of products subject to trade remedies.

缩小受贸易救济措施制裁的产品范围。

3.Exclusion from trade remedies for specific importers.

排除特定进口商对贸易救济措施的适用。

**Chapter V. ANTI-CIRCUMVENTION OF TRADE REMEDIES**

**第五章 贸易救济措施的反规避**

**Section 1. ACTS AIMING TO CIRCUMVENT TRADE REMEDIES**

**第一部分 旨在规避贸易救济措施的行为**

**Article 73. Expansion of the scope of application of trade remedies**

**第73条. 扩大贸易救济的适用范围**

The scope of application of trade remedies may be expanded for products circumventing trade remedies as follows:

贸易救济措施的适用范围可扩大至规避贸易救济的下列产品:

1. Raw materials, materials, components or supplies originating from the country subject to trade remedies and imported into Viet Nam for the manufacture of products subject to trade remedies.

原产于受贸易救济措施制裁的国家，且是为了制造受贸易救济措施制裁的产品而进口到越南的原材料、材料、零部件或供应物。

1. Products like to those being subject to trade remedies which originate from a third country and use raw materials, materials, components or supplies originating from the country subject to trade remedies.

原产于第三国但是使用产于受贸易救济措施制裁的国家的原材料、材料、零部件或用品制造的受制裁产品的同类产品。

1. Imports originating from the country subject to trade remedies which are negligibly different from those currently subject to trade remedies.

原产于受贸易救济措施制裁的国家，且与正在受贸易救济措施制裁的产品只有细微区别的进口产品。

1. Products subject to trade remedies transferred through a third country.

通过第三国转运的，应受贸易救济措施制裁的产品。

1. Products subject to trade remedies which change their business form and distribution channels to benefit from levels of trade remedies lower than those being applied.

应受贸易救济措施制裁但是通过改变商业模式以及分销渠道试图适用比现行贸易救济措施更轻的制裁措施的产品。

# Article 74. Acts aiming to circumvent trade remedies through manufacturing or assembly in Viet Nam

# 第74条 旨在通过在越南制造或组装而规避贸易救济的行为

The products described in Clause 1, Article 73 of this Decree shall be considered as circumventing trade remedies through manufacturing or assembly in Viet Nam if the following conditions are fully met:

如果完全符合下列条件，应判定通过在越南制造或组装的产品为本法令第73条第1款下规避贸易救济措施的产品:

1. Products like to those subject to trade remedies are produced or assembled in Viet Nam from raw materials, materials, components or supplies imported from the country subject to trade remedies and are sold at price lower than the normal value of the products subject to trade remedies;

使用产于受贸易救济措施制裁的国家的原材料、材料、零部件或用品在越南生产或组装被制裁产品的同类产品，且该类产品以低于受贸易救济措施制裁产品的正常价值更低的价格销售的产品。

1. Raw materials, materials, components or supplies originating from the country subject to trade remedies are imported into Viet Nam mainly for the purpose of manufacturing products subject to trade remedies;

原产于受贸易救济措施制裁的国家，且主要是是为了制造受贸易救济措施制裁的产品而进口到越南的原材料、材料、零部件或用品。

1. Manufacturing and assembly activities have significantly increased in Viet Nam before or since the date of issuance of the investigation decision by the Minister of Industry and Trade.

在越南的制造和装配活动在工贸部部长发布调查决定之前或之后大幅度增加。

1. Raw materials, materials, components or supplies originating from the country subject to trade remedies account for at least 60% of the total value of raw materials, materials, components or supplies used for the manufacturing or assembly of products subject to trade remedies in Viet Nam.

在越南生产或组装被贸易救济措施制裁的产品，且使用的的原材料、材料、零部件或用品中至少有60%产自受贸易救济措施制裁的国家。

# Article 75. Added value

# 第75条 附加值

In the case the added value of products produced or assembled under Article 74 of this Decree exceeds 25% of the total production cost of products subject to trade remedies, the import of raw materials, materials, components or supplies will not be considered as circumventing trade remedies. In the case of necessity, the investigating authority may consider another ratio of added value in the total production cost suitable to the characteristics of such industry.

如果根据本法令第74条生产或组装的产品的附加值超过受贸易救济措施制裁的产品的总生产成本的25%，则原材料、材料、零部件或用品的进口不应视为规避贸易救济措施。在必要的情况下，调查机关可以另行考虑适合该行业特点的增加值占总生产成本的比例。

# Article 76. Acts aiming to circumvent trade remedies through manufacturing or assembly in a third country

# 第76条 旨在通过在第三国制造或组装规避贸易救济措施的行为

The products described in Clause 2, Article 73 of this Decree shall be considered as circumventing trade remedies if the following conditions are fully met:

如果完全符合下列条件，应判定构成本法令第73条第2款下规避贸易救济措施的产品：

1. The price of the products exported from a third country to Viet Nam is lower than the normal value of the products initially investigated for application of trade remedies;

从第三国出口到越南的产品价格低于为适用贸易救济措施而最初调查确定的产品的正常价值;

1. The volume or quantity of products imported into Viet Nam accounts for a large proportion to total sales of the producer or exporter;

进口到越南的产品的总量或数量占该生产商或出口商产品总销售额的很大比例;

1. The volume or quantity of products imported into Viet Nam has begun and significantly increased before or since the date of issuance of the investigation decision by the Minister of Industry and Trade;

在工贸部部长发布调查决定之前或之后，进口到越南的产品的总量或数量已开始显著增加;

1. Raw materials, materials, components or supplies originating from the country subject to trade remedies account for at least 60% of the total value of raw materials, materials, components or supplies of the products subject to trade remedies exported to Viet Nam.

出口到越南的受贸易救济措施制裁的产品所使用的原材料、材料、零部件或用品中至少60%产自受贸易救济措施制裁的国家。

# Article 77. Acts aiming to circumvent trade remedies through negligible changes in products subject to trade remedies

# 第77条 旨在通过对受贸易救济措施制裁的产品进行微不足道的修改以规避贸易救济措施的行为

The products described in Clause 3, Article 73 of this Decree shall be considered as circumventing trade remedies if the following conditions are fully met:

如果完全符合下列条件，应判定构成本法令第73条第3款下规避贸易救济措施的产品：

1. Their import volume or quantity has significantly increased compared to the volume or quantity of products subject to trade remedies imported into Viet Nam by the producer or exporter.

与生产商或出口商进口到越南的受贸易救济措施制裁的产品的总量或数量相比，该类产品的进口总量或数量大幅度增加。

1. Their import volume or quantity has significantly increased before or since the date of issuance of the investigation decision by the Minister of Industry and Trade.

该类产品的进口总量或数量在工贸部部长发布调查决定之前或之后大幅度增加。

# Article 78. Determination of negligible differences

# 第78条 对微不足道的区别的判定

The negligible difference referred to in Clause 3, Article 73 of this Decree is determined when there is virtually no difference between imported products and products subject to trade remedies in terms of characteristics, use purpose, distribution channel and cost.

如果进口产品在产品特性、使用目的、分销渠道和成本方面与受贸易救济措施制裁的产品之间几乎没有差别，则可判定为本法令第73条第3款中规定的微不足道的差别。

Section 2 **INVESTIGATION AND APPLICATION OF MEASURES FOR ANTI-CIRCUMVENTION OF TRADE REMEDIES**

**第2部分贸易救济的反规避调查和措施**

**Article 79. Dossiers of request for application of measures for anti-circumvention of trade remedies**

**第79条贸易救济反规避措施的申请材料**

1. A dossier of request for application of measures for anti-circumvention of trade remedies must comprise a written request for application of measures for anti-circumvention of trade remedies and relevant information and documents.

贸易救济反规避措施的申请材料必须包括要求适用贸易救济反规避措施的书面申请以及有关资料和文件。

1. A written request for application of measures for anti-circumvention of trade remedies must have the following contents:

贸易救济反规避措施的书面申请必须包括以下内容:

* 1. Name, address of and other necessary information about the Applicant;

申请人的姓名、地址及其他必要信息;

* 1. Description of the imports requested to be subject to measures for anti-circumvention of trade remedies, including their scientific names, trade names and/or common names; ingredients; basic physical and chemical characteristics; main purpose; manufacturing process; international and Vietnamese standards and/or regulations; products headings on Viet Nam's List of Exports and Imports and currently effective import duty rates according to the export and import tariffs in each period;

要求适用贸易救济反规避措施的进口产品的信息，包括产品学名、商品名和／或通用名;产品成分;产品的基本物理和化学特性；产品的制造工艺; 产品的主要用途; 产品适用的国际和越南标准和／或法律法规;根据《越南的进出口清单》确定的产品类别以及每个时期进出口关税中规定的适用于该产品的进口税率;

* 1. Description of the volume or quantity of the imports as prescribed in Article 73 of this Decree;

根据本法令第73条对进口产品的总量或数量的说明;

* 1. Description of the volume or quantity of like products produced domestically;

国产同类产品的数量或者数量说明;

dd) Information on the export prices of the products described at Point b of this Clause at the time of import into Viet Nam for at least 12 months before the Applicant submits the dossier or before the investigating authority compiles a dossier under the decision of the Minister of Industry and Trade;

关于本条款b项描述的产品在申请人提交调查申请材料或调查机关根据工贸部部长的决定汇编申请材料材料之前至少12个月的出口价格的相关信息。

* 1. Information, data and evidence of acts aiming to circumvent trade remedies claimed by the Applicant;

申请人声称的规避贸易救济措施的行为的相关资料、数据和证据;

1. Name, address and other necessary information of all Respondents;

所有被告的姓名、地址和其他必要信息;

1. Specific requirements on the application of measures for anti-circumvention of trade remedies, and time limit and extent of application.

关于适用贸易救济反规避措施的具体要求，以及适用的时限和范围。

# Article 80. Compilation of dossiers of request for application of measures for anti-circumvention of trade remedies in the absence of Applicants

# 第80条 在缺少申请人的情况下提出贸易救济反规避措施的请求材料

In the absence of an Applicant, if there are signs of circumventing trade remedies, the investigating authority shall compile a dossier of request for application of measures for anti-circumvention of trade remedies and submit it to the Minister of Industry and Trade for considering and deciding on investigation.

在缺少申请人的情况下，如果有规避贸易救济措施的迹象，调查机关应提出贸易救济反规避措施的请求材料，提交工贸部部长审议和决定是否进行调查。

# Article 81. Order and procedures for and contents of investigation

# 第81条 调查的命令、程序和内容

1. Within 15 days after receiving a dossier of request, the investigating authority shall check its completeness and validity.

调查机关应当在收到申请材料之日起十五日内，审查申请材料的完整性和有效性。

1. If the dossier is incomplete or invalid, the investigating authority shall notify such to the dossier submitter and allow at least 30 days for the latter to supplement the dossier.

如果发现申请材料不完整且无效，调查机关应将此情况通知材料提交人，并给予后者至少30天时间补交材料。

1. Within 45 days after receiving a complete and valid dossier, the Minister of Industry and Trade shall consider and decide on the investigation based on the result of the investigating authority's appraisal of the dossier.

在发出收到完整有效申请材料的通知后的45天内，调查机关应对申请材料进行评估，并将其送交工贸部长审议和作出调查决定。

1. The investigation for anti-circumvention of trade remedies must include the following contents:

对贸易救济措施的反规避调查必须包括以下内容:

* 1. Identification of acts aiming to circumvent trade remedies;

列明旨在规避贸易救济措施的行为;

* 1. Change in trade flow from the originating or exporting country after the effective date of the decision on application of trade remedies, which is the cause of such circumvention;

采取贸易救济措施的决定生效后，原产国或出口国的贸易流量发生变化，导致规避行为的出现;

* 1. Injury to a domestic industry or the reduced effectiveness of the trade remedies currently in force.

对国内产业造成损害，或现行的贸易救济措施效果变差。

# Article 82. Investigation time limit

# 第82条 调查期限

1. The time limit for investigation for application of measures for anti-circumvention of trade remedies is 06 months from the date of issuance of the investigation decision.

对贸易救济反规避措施进行调查的期限为作出调查决定之日起06个月。

1. In special cases, the Minister of Industry and Trade may extend the investigation for another 06 months at most.

在特殊情况下，工贸部部长可以延长调查，最多再延长06个月。

# Article 83. Application of measures for anti-circumvention of trade remedies

# 第83条. 贸易救济反规避措施的适用

1. Within 15 days after the investigating authority submits the final determination, the Minister of Industry and Trade shall issue a decision whether to apply or not apply measures for anti-circumvention of trade remedies.

调查机关将最终决定送交工贸部部长后，工贸部部长应在15天内作出是否适用贸易救济反规避措施的决定。

1. If the Minister of Industry and Trade decides to apply measures for anti-circumvention of trade remedies, the trade remedies currently in force will be extended to each producer or exporter of the products described in Article 73 of this Decree that has been confirmed to have taken acts to circumvent trade remedies.

如果工贸部部长决定采取贸易救济反规避措施，现行有效的贸易救济措施将扩大适用到本法令第73条所述产品的每一个已确定采取行动规避贸易救济措施的生产者或出口者身上。

1. The time limit for the application of measures for anti-circumvention of trade remedies ends when the time limit for the application of the initial trade remedy expires.

贸易救济反规避措施的适用期限将持续至最初的贸易救济措施的期限届满。

**Chapter VI HANDLING OF TRADE REMEDIES APPLIED TO VIETNAMESE EXPORTS**

# 第6章 针对越南贸易救济措施的处理

# [说明：第6章是针对越南企业应对他国贸易调查的规定，与中国企业无关。因此，此章节暂不提供翻译。]

**Chapter VII IMPLEMENTATION PROVISIONS**

**第7章 执行规定**

**Article 94. Effect**

第94条 效力

1. This Decree takes effect on 15 January 2018.

该法令自2018年1月15日起生效。

1. The following Decrees of the Government cease to be effective on the date this Decree takes effect:

下列政府法令自本法令生效之日起失效：

* 1. Decree No. 150/2003/ND-CP dated 8 December 2003 detailing the Ordinance on Safeguards in the Import of Foreign Products into Viet Nam;

2003年12月8日第150/2003/ND-CP号法令，其针对外国产品进口越南的保障措施的条例做了详细规定;

* 1. Decree No. 89/2005/ND-CP dated 11 July 2005 detailing a number of articles of the Ordinance on Countervailing Measures for Products Imported into Viet Nam;

2005年7月11日第89/2005/ND-CP号法令，其针对越南进口产品采取反补贴措施的法令的若干条款做了详细规定;

* 1. Decree No. 90/2005/ND-CP dated 11 July 2005 detailing a number of articles of the Ordinance on Anti-dumping for Products Imported into Viet Nam;

2005年7月11日第90/2005/ND-CP号法令，其针对越南进口产品进行反倾销的法令的若干条款做了详细规定;

* 1. Decree No. 04/2006/ND-CP dated 9 January 2006 on the establishment, functions, duties, powers and organisational structure of the Council for handling of anti-dumping, countervailing and safeguard cases.

2006年1月9日关于理事会处理反倾销、反补贴和保障案件的设立、职能、职责、权力和组织结构的第04/2006/ND-CP号法令。

# Article 95. Implementation responsibility

# 第95条 执行责任

1. The Minister of Industry and Trade shall organise the implementation of this Decree.

工贸部部长将组织执行本法令。

1. The Ministry of Finance shall guide the procedures for collection and remittance into the state budget of the revenues from trade remedies applied to products imported into Viet Nam, and the procedures for refund of trade remedy duties.

财政部应指导对越南进口产品采取贸易救济措施所得收入的收取和汇入国家预算的程序，以及退还贸易救济措施关税的程序。

1. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and chairpersons of provincial-level People's Committees shall implement this Decree.

部长、部级机构负责人、政府所属机构负责人和省级人民委员会主席负责执行本法令。

# Article 96. Transitional provision

# 第96条 过渡性条款

From the effective date of this Decree, trade remedy cases of which competent state agencies receive complaint or investigation dossiers before that date will continue to be considered and settled according to Decree No. 150/2003/ND-CP dated 8 December 2003 detailing the Ordinance on Safeguards in the Import of Foreign Products into Viet Nam, Decree No. 89/2005/ND-CP dated 11 July 2005 detailing a number of articles of the Ordinance on Countervailing Measures for Products Imported into Viet Nam, or Decree No. 90/2005/ND-CP dated 11 July 2005 detailing a number of articles of the Ordinance on Anti-dumping for Products Imported into Viet Nam./.

自本法令生效之日起，主管的国家部门将根据2003年12月8日对外国产品进口越南的保障措施的条例做了详细规定的第150/2003/ND-CP号法令，2005年7月11日针对越南进口产品采取反补贴措施的法令的若干条款做了详细规定的第89/2005/ND-CP号法令，或2005年7月11日针对越南进口产品进行反倾销的法令的若干条款做了详细规定的第90/2005/ND-CP号法令，继续解决在前述日期之前收到申请或调查材料。

# ON BEHALF OF THE GOVERNMENT PRIME MINISTER

# 总理，代表政府

**Nguyen Xuan Phuc**