

THE GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 94/2017/ND-CP

Hanoi, August 10, 2017

DECREE

ON COMMERCIAL GOODS AND SERVICES ON WHICH MONOPOLY IS HELD BY THE STATE AND GEOGRAPHICAL AREAS THEREOF

Pursuant to the Law on organization of Government dated June 19, 2015;

Pursuant to the Law on competition of Government dated December 03, 2004;

Pursuant to the Law on commercial dated June 14, 2005;

*Pursuant to the Law on management and utilization of state capital invested in the enterprise's
manufacturing and business activities dated November 26, 2014;*

Pursuant to the Law on enterprises dated November 26, 2014;

At the request of Minister of Industry and Trade;

*The Government promulgates the Decree on commercial goods and services on which monopoly
is held by the State and geographical areas thereof,*

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Decree regulates the implementation of state monopoly on commercial activities including:

1. Principles of exercising state monopoly on commercial activities.
2. The list of commercial goods and services on which monopoly is held by the State and geographical areas thereof.
3. Responsibilities of entities holding state monopoly on commercial activities.
4. State management agencies' examination and supervision of entities holding state monopoly on commercial activities.

Article 2. Regulated entities

This Decree applies to State agencies, organizations and individuals holding state monopoly commercial activities and other related organizations and individuals.

Article 3. Definitions

In this Decree, these terms are construed as follows:

State monopoly on commercial activities (state monopoly commercial activities) referred to commercial activities conducted only by state agencies or by organizations and individuals assigned by the State.

Chapter II

STATE MONOPOLY ON COMMERCIAL ACTIVITIES

Article 4. Principles of state monopoly on commercial activities

1. The State only holds monopoly on essential goods and services that are related to national defense or security or national interests security or those that other economic sectors are not able or do not wish to provide.
2. A regulatory agency shall hold monopoly on commercial activities whether directly or by assigning another organization or individual. The assignment must be decided in writing by the head of a competent authority.
3. State monopoly on commercial activities shall be implemented under the supervision of regulatory agencies according to regulations.
4. Ministries, ministerial-level agencies and local authorities shall not regulate which activities, goods, services on which monopoly is held by the State and geographical areas thereof. The Minister of Defense and the Minister of Public Security shall provide guidance on goods/services serving national defense and security on which monopoly is held by the State and geographical areas thereof.

Article 5. List of commercial goods and services on which monopoly is held by the State and geographical areas thereof

1. The list of commercial goods and services on which monopoly is held by the State and geographical areas thereof (hereinafter referred to as “the List”) is promulgated together with this Decree.
2. The list comprises of goods and services on which monopoly is held by the State and the commercial activities corresponding to such goods and services.

Article 6. Revisions to the list

1. Revisions to the list shall be made in consideration of requests for State management proposed by ministries, ministerial-level agencies or provincial People's Committees or the written proposals expressing the desire and ability of enterprises of all economic sectors to participate in commercial activities related to goods and services on which monopoly is held by the State in the list.
2. Ministries and ministerial agencies shall review suggestions of enterprises of all economic sectors to evaluate capability of enterprises for satisfying the conditions for business investment, conditions for ensuring security, defense, national interests and other conditions as prescribed by relevant laws.
3. The Ministry of Industry and Trade shall collect the proposals and cooperate with relevant ministries, ministerial agencies to review, evaluate such proposals and request the Government to consider revising the List.
4. The procedures for requesting and making revisions to the list shall comply with the law provisions on the elaboration of legal documents applied to amendment and supplementation of the Government's Decree.

Article 7. Responsibilities of entities directly holding state monopoly on commercial activities

Entities directly holding state monopoly on commercial activities have the following responsibilities:

1. Organizations, individuals and regulatory agencies exercising state monopoly on commercial activities shall be put under control by competent state agencies according to the provisions of the law on competition, law on price and other related regulations.
2. Regulatory agencies implementing national reserve activities shall comply with the law on national reserve.
3. The use of state capital by state-owned enterprises in the business of goods and services on the list must comply with the law on management and use of state capital.

Article 8. Responsibilities of regulatory agencies managing the entities directly holding state monopoly on commercial activities

Regulatory agencies managing the entities directly holding state monopoly on commercial activities shall examine and supervise commercial activities under state monopoly of such entities as follows:

1. Take responsibilities of an assigned state capital owner as specified in the Law on management and utilization of state capital invested in the enterprise's manufacturing and business activities, Law on enterprises.
2. Provide supervision, examination and report of the implementation of strategies and plans; the objectives and tasks assigned to organizations and individuals according to the provisions of law.
3. Comply with the provisions in Clause 2, 3 and 4 Article 6 and Article 15 of the Law on competition.
4. Ministries, ministerial agencies and provincial People's Committees shall review the list and send recommendation on the amendments of the list to the Ministry of Industry and Trade for compilation and reporting to the Government.

Chapter III

IMPLEMENTATION

Article 9. Effect

This Decree shall take effect from October 01, 2017.

Article 10. Responsibilities for implementation

1. The Ministry of Industry and Trade shall assume the prime responsibility for, and coordinate with related ministries, ministerial agencies and provincial People's Committees in supervising the implementation of this Decree.
2. Ministers, heads of ministerial agencies, heads of Governmental agencies, chairpersons of provincial People's Committees, relevant organizations and individuals shall guide and implement this Decree./.

**ON BEHALF OF THE
GOVERNMENT
PRIME MINISTER**

Nguyen Xuan Phuc

LIST

**COMMERCIAL GOODS AND SERVICES ON WHICH MONOPOLY IS HELD BY THE
STATE AND GEOGRAPHICAL AREAS THEREOF**

(issued together with the Government's Decree No. 94/2017/ND-CP dated August 10, 2017)

No.	Goods/services	Commercial activities in which monopoly is held by the State	Geographical areas
1.	Goods, services and geographical areas serving national defense and security	Minister of National Defense, Minister of Public Security shall provide guidance on the implementation	Specified by Minister of National Defense, Minister of Public Security
2.	Industrial explosive materials	Production, purchase, sale, export, import, temporary import, re-export, transit	Nationwide
3.	Gold bar	Production	Nationwide
4.	Gold materials	Export and import for production of gold bar	Nationwide
5.	Lottery	Issuance	Nationwide
6.	Cigarettes and cigars	Import (except for importing for sale as duty-free goods)	Nationwide
7.	National reserve activities	Management, import, export, purchase, sale, preserve and protection of goods on the list of national reserves	Nationwide
8.	Cash	Printing and molding	Nationwide
9.	Postage stamps of Vietnam	Issuance	Nationwide
10.	Fireworks and other activities related to fireworks	Production, purchase, sale, export, import, transport, storage	Nationwide
11.	National power system;	Transmission, dispatching	Nationwide
	Multi-purpose hydropower and nuclear power projects particularly important to the economy and society	Construction and operation	Nationwide
12.	Maritime safety services	- Operation of the system of lighthouses; - Operation of public navigable channel systems	Nationwide
13.	Coastal communication	Management and operation of	Nationwide

	services	the coastal communication station systems	
14.	Air navigation	<ul style="list-style-type: none"> - Air traffic services; - Aeronautical information notification; - Search and rescue 	Nationwide
15.	State-invested national and municipal railroad infrastructure	Railroad infrastructure system management and operation; not including the maintenance and repair of railroad infrastructure	Nationwide
16.	Irrigation system, inter-provincial and inter-district agricultural hydraulic engineering; stone revetment	Management and operation if assigned	Nationwide
17.	Forestry services in special use forest	Service provision (Except for the landscape protected forests leased to the economic organization by the State for forest protection, development and combination of landscape business, resort, eco-environmental tourism	Nationwide
18.	Publishing products	Editing (not including printing and publishing)	Nationwide
19.	Public postal network	Management, maintenance, exploitation	Nationwide
20.	Public services in press publishing	Supplementation	Nationwide