

THE GOVERNMENT

No. 105/2017/ND-CP

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, September 14, 2017

DECREE

ON TRADE IN ALCOHOL

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

Pursuant to the Commercial Law dated June 14, 2005;

Pursuant to the Law on Food safety dated June 17, 2010;

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

At the request of the Minister of Industry and Trade;

The Government promulgates a Decree on trade in alcohol.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

1. This Decree deals with activities related to trade in alcohol including production, import, distribution, wholesaling and retailing of alcohol; and sale of alcohol for on-site consumption.
2. This Decree shall not apply to:
 - a) Export, temporary import, temporary export and transit of alcohol;
 - b) Import of alcohol for sale at duty-free shops;
 - c) Import of alcohol from foreign countries to non-tariff areas, sale and purchase of alcohol at non-tariff areas; trade in alcohol at non-tariff areas and storing alcohol at bonded warehouses;
 - d) Imported alcohol that is luggage, movables, gifts, sample goods in duty-free quotas; discretionary or automatic exemptions from tax.

Article 2. Regulated entities

This Decree applies to alcohol traders and organizations and individuals involving in alcohol business.

Article 3. Definitions

For the purposes of this Decree, the terms below shall be construed as follows:

1. “alcohol” means any alcoholic drink produced by the fermentation (with or without distillation) of starches of cereals, sugar syrups from plants and fruits or prepared from drinking alcohol (ethanol).

Alcohol does not include beer and fermented juice that contains less than 5% alcohol by volume (ABV).

2. “mass production of alcohol” means an act of producing alcohol on an automatic production line and industrial equipment.

3. “home production of alcohol” means an act of producing alcohol in a traditional way without using industrial machines or equipment.

4. “semi-finished alcohol” means unfinished alcohol that is used to produce finished one.

5. “sale of alcohol for on-premises consumption” means an act of directly selling alcohol to a buyer for consumption right on the premises.

Article 4. Rules for management of alcohol

Trade in alcohol shall be subject to the list of conditional business lines. Any organization or individual producing mass of alcohol or home alcohol for the purposes of trade, distribution, wholesaling, retailing or sale of on-site consumption of alcohol shall obtain a license mentioned herein. Organizations and individuals producing home alcohol to sell to an enterprise having the license for mass production of alcohol for re-preparation shall register with the People's Committee of commune.

Article 5. Food quality and safety

1. Types of alcohol regulated by technical regulations shall have a declaration of conformity which is registered with a competent authority before being sold on the market.

2. Types of alcohol that are not regulated by technical regulations shall have a declaration of food safety which is registered with a competent state authority before being sold on the market until corresponding technical regulations are issued and come into force.

3. Procedures for submitting the declaration of conformity and declaration of food safety shall comply with regulations of the Law on Food safety, the Government’s Decree specifying certain articles of the Law on Food safety and other relevant legislative documents.

Article 6. Labeling of alcoholic drinks

1. Alcohol produced for domestic consumption and imported alcohol shall be labeled, except for home alcohol production for selling to the enterprise having the license for mass production of alcohol for re-preparation.

2. It is not required that semi-finished alcohol imported be labeled.

Article 7. Violations against regulations of law on trade in alcohol

1. Trade in alcohol without a license or not suitable for contents stated in the license specified herein.

2. Use of ethanol that fails to comply with regulations, industrial alcohol or other banned materials for production or preparation of alcohol.

3. Leasing out or lending the certificate of eligibility for trade in alcohol.

4. Display, purchase, sale or consumption of alcohol without label; alcohol that fails to meet standards, quality or regulations on food safety; or alcohol without origin.

5. Selling alcohol to people under the age of 18, sale of alcohol whose concentration is 15 degrees or over on the Internet, or sale of alcohol by an automatic selling machine.

6. Commercial or promotion against regulations of law.

Chapter II

TRADE IN ALCOHOL

Section 1. REQUIREMENTS FOR TRADE IN ALCOHOL

Article 8. Requirements for mass production of alcohol

1. The enterprise producing mass of alcohol shall be established according to regulations of law.

2. Production lines, machines, equipment and process of producing alcohol shall satisfy the estimated scale of production.

3. Requirements for food safety shall be satisfied.

4. Requirements for environmental safety shall be met.

5. Alcoholic drinks shall be labeled in accordance with regulations.

6. Technicians shall have qualifications and skills suited to alcohol production lines.

Article 9. Requirements for home production of alcohol for business purposes

1. The enterprise, cooperative, cooperative joint venture or household business producing alcohol at home shall be established according to regulations of law.

2. Food safety and labeling of alcohol shall be ensured.

Article 10. Requirements for home production of alcohol for selling to enterprises having licenses for mass production of alcohol for re-preparation

1. An alcohol purchase agreement shall be concluded with the enterprise having the license for mass production of alcohol.
2. In case of failure to sell alcohol to the enterprise having the license for mass production of alcohol, the organization or individual producing alcohol at home shall follow procedures for issuance of the license for home production of alcohol for business purposes specified herein.

Article 11. Requirements for distribution of alcohol

1. The enterprise distributing alcohol (alcohol distributor) shall be established according to regulations of law.
2. The alcohol distributor shall be entitled to use a warehouse or warehouse network with the total floor area of at least 150 m².
3. Expected alcohol for sale shall satisfy food safety requirements.
4. The alcohol distribution network shall be available in at least 2 provinces/central-affiliated cities; in each province/central-affiliated city, there shall be at least an alcohol wholesaler.
5. A written reference or an agreement in principle shall be made by another alcohol producer, distributor or a foreign alcohol supplier.
6. All requirements for fire and environmental safety shall be satisfied.

Article 12. Requirements for wholesaling of alcohol

1. The enterprise wholesaling alcohol (alcohol wholesaler) shall be established according to regulations of law.
2. The alcohol wholesaler shall be entitled to use a warehouse or warehouse network with the total floor area of at least 50 m².
3. Expected alcohol for sale shall satisfy food safety requirements.
4. The alcohol wholesale network shall be available in the province or central-affiliated city where the wholesaler sets up the headquarters with at least 3 alcohol retailers.
5. A written reference or an agreement in principle shall be made by another alcohol producer, distributor or wholesaler.
6. All requirements for fire and environmental safety shall be satisfied.

Article 13. Requirements for retailing of alcohol

1. The enterprise, cooperative, cooperative joint venture or household business retailing alcohol (alcohol retailer) shall be established according to regulations of law.

2. The alcohol retailer shall be entitled to run a fixed store with a clear address.
3. A written reference or an agreement in principle shall be made by the alcohol producer, distributor or wholesaler.
4. Expected alcohol for sale shall satisfy food safety requirements.
5. All requirements for fire and environmental safety shall be satisfied.

Article 14. Requirements for sale of alcohol for on-premises consumption

1. The enterprise, cooperative, cooperative joint venture or household business selling alcohol for on-premises consumption (on-premises alcohol seller) shall be established according to regulations of law.
2. The on-premises alcohol seller shall be entitled to run fixed premises with a clear address.
3. Alcohol consumed on premises shall be provided by the trader having the license for alcohol production/distribution/wholesaling/retailing.
4. All requirements for fire and environmental safety shall be satisfied.
5. The alcohol producer producing alcohol to sell for on-premises consumption shall have the license for mass production of alcohol or license for home production of alcohol for business purposes specified herein.

Section 2. RIGHTS AND OBLIGATIONS OF ALCOHOL TRADERS

Article 15. Rights and obligations of enterprises producing mass of alcohol

1. Have the rights to sell alcohol that they produce to traders having the license for alcohol distribution/wholesaling/retailing or the license for sale of alcohol for on-premises consumption and to alcohol exporters.
2. Have the rights to directly retail alcohol and sell alcohol for on-premises consumption that they produce at their stores.
3. Be entitled to purchase domestic semi-finished alcohol or import one to produce finished alcohol.
4. Be eligible to purchase alcohol from entities producing alcohol at home for re-preparation.
5. Comply with regulations on food safety, labeling, fire and environmental safety.
6. Make reports and fulfill other obligations specified herein.

Article 16. Rights and obligations of entities producing alcohol at home for business purposes

1. Have the rights to sell alcohol that they produce to traders having the license for alcohol distribution/wholesaling/retailing or the license for sale of alcohol for on-premises consumption and to alcohol exporters.
2. Have the rights to directly retail alcohol and sell alcohol for on-premises consumption that they produce at their stores/premises.
3. Conform to regulations on environmental safety in the process of their alcohol production.
4. Make reports and fulfill other obligations specified herein.

Article 17. Rights and obligations of entities producing alcohol at home to sell to enterprises having licenses for mass production of alcohol for re-preparation

1. Not be required to announce the quality and labels of alcoholic drinks.
2. Present the alcohol purchase agreement concluded with the enterprise having the license for mass production of alcohol to competent authorities if required when alcohol is being delivered.
3. Register to produce alcohol at home with the People's Committee of commune according to the specimen No. 4 attached hereto and comply with regulations on environmental safety in the process of their alcohol production.
4. Not sell alcohol to entities that are not enterprises producing mass of alcohol concluding the alcohol purchase agreement for re-preparation.

Article 18. Rights and obligations of alcohol distributors/wholesalers/retailers and sellers of alcohol for on-premises consumption

1. General rights and obligations:
 - a) Purchase and/or sell alcohol with legitimate origins;
 - b) Publish valid copies of licenses granted by the competent authority at their premises and only purchase and/or sell alcohol in accordance with the contents stated in such licenses;
 - c) Make reports and fulfill other obligations specified herein.
2. Rights and obligations of alcohol distributors:
 - a) Import or purchase alcohol from domestic alcohol producers and other alcohol distributors according to the contents stated in licenses;
 - b) Sell alcohol to alcohol distributors/wholesalers/retailers or sellers of alcohol for on-premises consumption within provinces/central-affiliated cities that have been licensed;
 - c) Sell alcohol to alcohol exporters;

d) Directly retail alcohol or sell alcohol for on-premises consumption at sellers' premises within provinces/central-affiliated cities that have been licensed.

3. Rights and obligations of alcohol wholesalers:

a) Purchase alcohol from domestic alcohol producers or other alcohol distributors/wholesalers according to the contents stated in licenses;

b) Sell alcohol to alcohol wholesalers/retailers or sellers of alcohol for on-premises consumption within provinces/central-affiliated cities that have been licensed;

c) Sell alcohol to alcohol exporters;

d) Directly retail alcohol or sell alcohol for on-premises consumption at sellers' premises within provinces/central-affiliated cities that have been licensed.

4. Rights and obligations of alcohol retailers:

a) Purchase alcohol from domestic alcohol producers or other alcohol distributors/wholesalers according to the contents stated in licenses;

b) Sell alcohol to sellers of alcohol for on-premises consumption or directly sell to buyers at sellers' premises according to the contents stated in licenses.

5. Rights and obligations of sellers of alcohol for on-premises consumption:

a) Purchase alcohol from domestic alcohol producers or other alcohol distributors/wholesalers/retailers according to the contents stated in licenses;

b) Sell alcohol directly to buyers for consumption right on the premises according to the contents stated in licenses.

Section 3. APPLICATIONS FOR LICENSES FOR TRADE IN ALCOHOL

Article 19. Applications for licenses for mass production of alcohol

A set of application for the license for mass production of alcohol shall include:

1. A completed application form provided in the specimen No. 1 attached hereto.
2. A copy of the enterprise registration certificate or equivalent legal documents.
3. A copy of the note of the declaration of conformity or the written confirmation of the declaration of food safety (if types of alcohol are not regulated by technical regulations); a copy of the certificate of food safety.
4. A copy of the written approval of the report on environmental impact assessment or the written confirmation of registration of the plan for environmental safety or written commitment thereof granted by the competent authority.

5. A manifest of alcoholic drinks and a copy of alcoholic drink labels that the enterprise has produced or intends to produce.
6. A copy of any degree or certificate and the decision on recruitment or labor contract of each technician.

Article 20. Applications for licenses for home production of alcohol for business purposes

A set of application for the license for home production of alcohol for business purposes shall consist of:

1. A completed application form provided in the specimen No. 1 attached hereto.
2. A copy of the certificate of enterprise/cooperative/cooperative joint venture/household business registration.
3. A copy of the note of the declaration of conformity or the written confirmation of the declaration of food safety (if types of alcohol are not regulated by technical regulations); a copy of the certificate of food safety.
4. A manifest of alcoholic drinks and a copy of alcoholic drink labels that the enterprise has produced or intends to produce.

Article 21. Applications for licenses for alcohol distribution

A set of application for the license for alcohol distribution shall include:

1. A completed application form provided in the specimen No. 1 attached hereto.
2. A copy of the enterprise registration certificate or equivalent legal documents.
3. A copy of the lease/borrowing agreement or documents proving legitimate use rights to expected warehouse, alcohol retail store and premises to sell alcohol for on-premises consumption (if any).
4. A copy of the note of the declaration of conformity or the written confirmation of the declaration of food safety (if types of alcohol are not regulated by technical regulations) for expected alcoholic drinks for sale.
5. A copy of the agreement in principle, written confirmation or written commitment of participating in the alcohol distribution network made by the alcohol wholesaler; a copy of the license for alcohol wholesaling of the wholesaler intends to participate in the distribution network of the applicant.
6. Documents related to the alcohol supplier:
 - a) A copy of the written reference or the agreement in principle made by another alcohol producer, distributor or a foreign alcohol supplier specified expected alcohol for sale in line with the operation of the alcohol supplier;

b) A copy of the license for alcohol production/distribution if the alcohol supplier is a domestic one.

7. A written commitment made by the alcohol distributor specified the compliance with all requirements for fire and environmental safety according to regulations of law at the headquarters, store/premises and warehouse.

Article 22. Applications for licenses for alcohol wholesaling

A set of application for the license for alcohol wholesaling shall include:

1. A completed application form provided in the specimen No. 1 attached hereto.
2. A copy of the enterprise registration certificate or equivalent legal documents.
3. A copy of the lease/borrowing agreement or documents proving legitimate use rights to expected warehouse, alcohol retail store and premises to sell alcohol for on-premises consumption (if any).
4. A copy of the note of the declaration of conformity or the written confirmation of the declaration of food safety (if types of alcohol are not regulated by technical regulations) for expected alcoholic drinks for sale.
5. A copy of the agreement in principle, written confirmation or written commitment of participating in the alcohol wholesale network made by the alcohol retailer; a copy of the license for alcohol retailing of the wholesaler intends to participate in the wholesale network of the applicant.
6. Documents related to the alcohol supplier:
 - a) A copy of the written reference or the agreement in principle made by another domestic alcohol producer, distributor or wholesaler specified expected alcohol for sale in line with their operation;
 - b) A copy of the license for alcohol production/distribution/wholesaling of the alcohol supplier.
7. A written commitment made by the alcohol wholesaler specified the compliance with all requirements for fire and environmental safety according to regulations of law at the headquarters, store/premises and warehouse.

Article 23. Applications for licenses for alcohol retailing

A set of application for the license for alcohol retailing shall include:

1. A completed application form provided in the specimen No. 1 attached hereto.
2. A copy of the certificate of enterprise/cooperative/cooperative joint venture/household business registration.

3. A copy of the lease/borrowing agreement or documents proving legitimate use rights to expected alcohol retail store.
4. A written reference or an agreement in principle shall be made by the alcohol producer, distributor or wholesaler.
5. A copy of the note of the declaration of conformity or the written confirmation of the declaration of food safety (if types of alcohol are not regulated by technical regulations) for expected alcoholic drinks for sale.
6. A written commitment made by the alcohol retailer specified the compliance with all requirements for fire and environmental safety according to regulations of law at the retail store.

Article 24. Applications for licenses for sale of alcohol for on-premises consumption

A set of application for the license for sale of alcohol for on-premises consumption

1. A completed application form provided in the specimen No. 1 attached hereto.
2. A copy of the certificate of enterprise/cooperative/cooperative joint venture/household business registration.
3. A copy of the lease/borrowing agreement or documents proving legitimate use rights to expected premises to sell alcohol for on-premises consumption.
4. A copy of the alcohol purchase agreement concluded with the trader having the license for alcohol production/distribution/wholesaling/retailing.
5. A written commitment made by the alcohol seller specified the compliance with all requirements for fire and environmental safety according to regulations of law at the premises to sell alcohol for on-premises consumption.

Section 4. POWER AND PROCEDURES FOR ISSUANCE OF LICENSES FOR TRADE IN ALCOHOL

Article 25. Power and procedures for issuance of licenses

1. Power to issue licenses:
 - a) The Ministry of Industry and Trade shall issue licenses for mass production of alcohol with a scale of at least 3 million liters/year and licenses for alcohol distribution.
 - b) Departments of Industry and Trade of provinces/central-affiliated cities shall issue licenses for mass production of alcohol with a scale of under 3 million liters/year and licenses for alcohol wholesaling in their provinces/central-affiliated cities;
 - c) Economic Sub-departments or Economic and Infrastructure Sub-departments affiliated to People's Committees of districts/towns/provincial cities shall issue licenses for home

production of alcohol for business purposes, licenses for alcohol retailing and licenses for sale of alcohol for on-premises consumption in their districts/towns/provincial cities;

d) Any authority having the power to issue licenses (licensing authority) shall be entitled to revise and reissue such licenses.

2. Procedures for issuance of licenses:

a) The trader (applicant) shall submit an application in person, by post or through the Internet (if applicable) to a licensing authority;

b) Issuance of the license for mass production of alcohol, license for alcohol distribution and license for alcohol wholesaling:

Within 15 days from the day on which the valid application is received, the licensing authority shall consider processing and granting the license to the applicant. If the application is rejected, the licensing authority shall provide the applicant with a written explanation.

If the application is invalid, the licensing authority shall send a written request for additional documents to the applicant within 3 days from the day on which the application is received.

c) Issuance of the license for home production of alcohol for business purposes, license for alcohol retailing and license for sale of alcohol for on-premises consumption:

Within 10 days from the day on which the valid application is received, the licensing authority shall consider processing and granting the license to the applicant. If the application is rejected, the licensing authority shall provide the applicant with a written explanation.

If the application is invalid, the licensing authority shall send a written request for additional documents to the applicant within 3 days from the day on which the application is received.

Article 26. Issue of revised licenses

1. The applicant shall make a request for revision to the license to the licensing authority in case of any change to the contents of the license.

2. A set of application for the revision to the license shall include:

a) A completed application form provided in the specimen No. 2 attached hereto;

b) A copy of the license;

c) Documents proving the needs of revision.

3. Procedures for revision to the license:

a) The applicant shall submit an application in person, by post or through the Internet (if applicable) to the licensing authority;

b) Within 7 days from the day on which the valid application is received, the licensing authority shall consider revising or including the license according to the specimen No. 6 attached hereto. If the application is rejected, the licensing authority shall provide the applicant with a written explanation.

If the application is invalid, the licensing authority shall send a written request for additional documents to the applicant within 3 days from the day on which the application is received.

Article 27. Reissue of licenses

1. Reissue of the license due to expiration of its effective period:

The applicant shall submit an application for reissue of the license within 30 days before its effective period expires. The application, power and procedures for reissue of the license specified in this Clause shall apply similarly to those of its issuance.

2. Reissue of the license if it is lost or damaged:

a) A set of application for reissue of the license shall include:

A completed application form provided in the specimen No. 3 attached hereto and the license or its copy (if any);

b) The licensing authority shall reissue the license on the basis of the stored application and the application for reissue of the applicant.

c) The effective period of the license shall remain unchanged.

3. Procedures for reissue of the license if it is lost or damaged:

a) The applicant shall submit the application in person, by post or through the Internet (if applicable) to the licensing authority;

b) Within 7 days from the day on which the valid application is received, the licensing authority shall consider reissuing the license according to the specimen No. 7 attached hereto. If the application is rejected, the licensing authority shall provide the applicant with a written explanation.

If the application is invalid, the licensing authority shall send a written request for additional documents to the applicant within 3 days from the day on which the application is received.

Article 28. Contents and effective periods of licenses

1. Contents of the license is provided in the specimen No. 5 attached hereto.

2. The effective period of the license:

a) The effective period of the licenses for mass production of alcohol shall be 15 years;

b) The effective period of the license for home production of alcohol for business purposes, license for alcohol distribution/wholesaling/retailing and license for sale of alcohol for on-premises consumption shall be 5 years.

Article 29. Sending and retention of licenses

1. The license for mass production of alcohol shall be made into 4 copies: 2 copies stored at the licensing authority, 1 copy sent to the producer and 1 copy sent to the Ministry of Industry and Trade (if the license is issued by the Department of Industry and Trade of province) or the Department of Industry and Trade of province (if the license is issued by the Ministry of Industry and Trade).

2. The license for home production of alcohol for business purposes shall be made into 4 copies: 2 copies stored at the licensing authority, 1 copy sent to the producer and 1 copy sent to the Department of Industry and Trade of province.

3. The license for alcohol distribution shall be made into multiple copies: 2 copies stored at the licensing authority, 1 copy sent to the distributor, 1 copy sent to the Market Surveillance Agency of province, 1 copy sent to the Department of Industry and Trade of the province where the distributor's headquarters is located and 1 copy sent to each Department of Industry and Trade of each province where the distributor registers alcohol distribution, and 1 copy sent to each alcohol producer or another alcohol trader mentioned in the license.

4. The license for alcohol wholesaling shall be made into multiple copies: 2 copies stored at the licensing authority, 1 copy sent to the wholesaler, 1 copy sent to the Ministry of Industry and Trade, 1 copy sent to the Market Surveillance Department of district, and 1 copy sent to each alcohol producer or another alcohol trader mentioned in the license.

5. The license for alcohol retailing or the license for sale of alcohol for on-premises consumption shall be made into multiple copies: 2 copies stored at the licensing authority, 1 copy sent to the retailer/seller, 1 copy sent to the Department of Industry and Trade of province, 1 copy sent to the Market Surveillance Department of district, and 1 copy sent to each alcohol producer or another alcohol trader mentioned in the license.

Section 5. IMPORT OF ALCOHOL

Article 30. General provisions on import of alcohol

1. The distributor having the license for alcohol distribution shall be entitled to import alcohol and take responsibility for the quality and food safety of imported alcohol. The distributor shall only sell imported semi-finished alcohol to the producer having the license for mass production of alcohol.

2. The producer having the license for mass production of alcohol shall be entitled to import or authorize the import of semi-finished alcohol to produce finished alcohol.

3. Apart from the provision of Article 31 stated herein, imported alcohol shall:

a) have labels specified in accordance with the provision of Article 6 stated herein;

b) obtain the note of the declaration of conformity or the written confirmation of the declaration of food safety (if types of alcohol are not regulated by technical regulations) granted by a competent state authority before imported and comply with regulations of state inspection on food safety applying to imported food.

4. Alcohol shall only be imported into Vietnam through international checkpoints.

Article 31. Import of alcohol to follow procedures for issuance of notes of declarations of conformity or written confirmations of declarations of food safety

Every enterprise including the enterprise that has not obtained the license for mass production of alcohol or the license for alcohol distribution shall be entitled to import alcohol to follow procedures for issuance of the note of the declaration of conformity or the written confirmation of the declaration of food safety with the total volume not exceeding 3 liters/alcohol label. The imported alcohol mentioned above shall not be sold on the market.

Chapter III

REPORTING AND REVOCATION OF LICENSES

Article 32. Reporting

1. Before January 20 every year, the producer making mass of alcohol, the producer making alcohol at home for business purposes, alcohol distributor/wholesaler/retailer or seller of alcohol for on-premises consumption shall make a report on their alcohol production and trade in the previous year to the licensing authority according to the specimen No. 8 and specimen No. 9 attached hereto.

2. Before January 30 every year, the People's Committee of commune shall send the report on home production of alcohol for selling to the enterprise having the license for mass production of alcohol for re-preparation in the commune to the Economic Sub-department or the Economic and Infrastructure Sub-department according to the specimen No. 10 attached hereto.

3. Before February 15 every year, the Economic Sub-department or the Economic and Infrastructure Sub-department shall send the report on home production of alcohol for business purposes or for selling to the enterprise having the license for mass production of alcohol for re-preparation, alcohol retailing or sale of alcohol for on-premises consumption in the previous year in the local area to the Department of Industry and Trade of province according to the specimen No. 11 attached hereto.

4. Before February 28 every year, the Department of Industry and Trade of province shall send a report on alcohol production/distribution/wholesaling/retailing or sale of alcohol for on-premises consumption in the previous year in province to the Ministry of Industry and Trade according to the specimen No. 12 attached hereto.

Article 33. Revocation of licenses

1. The license shall be revoked in any of the following cases:

- a) Fake application;
 - b) Failure to fulfill or comply with prescribed regulations;
 - c) Termination of production or trade;
 - d) The license granted within improper competence;
 - dd) The trader having the license but ceasing operation for 12 consecutive months.
 - e) Violations against provisions of Article 7 stated herein.
2. The licensing authority shall revoke the license.
 3. Within 5 days from the day on which the decision on revocation of the license is received, the trader shall submit the license to the licensing authority. The licensing authority shall publish information about the revocation of such license on its website.

Chapter IV

STATE MANAGEMENT REPOSIBILITIES

Article 34. Responsibility of the Ministry of Industry and Trade

1. Request the Government and the Prime Minister to promulgate legislative documents on trade in alcohol or promulgate them within their power.
2. Carry out state management of alcohol industry development according to regulations of law and provisions stated herein.
3. Control food safety towards alcoholic drinks.
4. Conduct inspection visits of the compliance with regulations on product quality, food and environmental safety at alcohol stores; settle complaints and take actions against violations of trade in alcohol.
5. Take charge and cooperate with relevant competent authorities in carrying out inspections, detecting and take actions against violations of trade in alcohol.
6. Take charge or cooperate with competent state authorities in confiscating and taking actions against smuggled or fake alcohol, alcohol whose quality or food safety is not ensured or alcohol without labels.
7. Take charge and cooperate in carrying out inspections and disseminating the implementation of this Decree.

Article 35. Responsibility of the Ministry of Finance

Take charge and cooperate with the Ministry of Industry and Trade in printing, issuance and management of labels for alcohol produced for domestic use and imported alcohol.

Article 36. Responsibility of the Ministry of Health

1. Check and supervise the compliance with regulations on actions against harms of alcohol.
2. Cooperate with relevant authorities in detecting, checking and taking actions against the stores producing fake, smuggled or unsafe alcohol.

Article 37. Responsibilities of ministries, ministerial and governmental authorities

Cooperate with the Ministry of Industry and Trade in state management of trade in alcohol and disseminate the implementation of this Decree within their power and in accordance with the Government's assignment.

Article 38. Responsibilities of People's Committee of provinces/central-affiliated cities

1. Carry out state management of alcohol industry in their provinces.
2. Conduct inspections of alcohol production, import, sale and consumption in their provinces.
3. Supervise and check the compliance with regulations on product quality, tax obligations to the state, food, occupational and environmental safety at alcohol factories and take actions against concerned violations.
4. Organize and disseminate the implementation of trade in alcohol specified herein.
5. Direct authorities and People's Committees of provinces to:

Disseminate to raise people's awareness of threat and effects of abusing alcohol and using alcohol having harmful substances exceeding the allowed limit, provide guidelines for consumers to use only alcoholic drinks with clear origins to ensure food quality and safety standards; find out the causes of alcohol poisoning in their provinces and take remedial measures with their competence; carry out inspections, supervision and strict penalties for violations against regulations on alcohol production and trade.

6. Direct People's Committees of districts to carry out inspections and supervision of alcohol production and trade in their districts and strict penalties for violations within their competence.
7. Direct People's Committees of communes to carry out regular inspections and supervision of alcohol production and trade in their communes and strict penalties for violations within their competence.

Chapter V

IMPLEMENTATION PROVISIONS

Article 39. Transitional clauses

1. Alcohol producers/distributors/wholesalers/retailers that have been using valid licenses shall be entitled to operate according to the contents stated in their licenses. Any revision to their licenses shall be made under provisions of this Decree.

2. Within 3 months from the effective date of this Decree, sellers of alcohol for on-premises consumption shall follow procedures for issuance of licenses under provisions stated herein.

Article 40. Effect

1. This Decree comes into force from November 01, 2017.

2. The Government's Decree No. 94/2012/ND-CP dated November 12, 2012 on alcohol production and trade shall be superseded by this Decree from the date of its entry into force.

Article 41. Implementation and responsibility of implementation

1. The Ministry of Industry and Trade shall take charge and cooperate with relevant ministries and authorities in the implementation of this Decree.

2. Ministers, heads of ministerial authorities, heads of governmental authorities, Chairpersons of People's Committee of provinces/central-affiliated cities shall implement this Decree.

**ON BEHALF OF THE
GOVERNMENT
PRIME MINISTER**

Nguyen Xuan Phuc

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