

Part I. LEGAL DOCUMENTS**THE MINISTRIES****MINISTRY OF AGRICULTURE AND RURAL
DEVELOPMENT - THE MINISTRY OF
NATURAL RESOURCES AND
ENVIRONMENT****Joint Circular No. 07/2011/TTLT-
BNNPTNT-BTNMT of January 29,
2011, guiding forest allocation and
lease in association with forestland
allocation and lease**

Pursuant to the November 26, 2003 Land Law;

Pursuant to the December 3, 2004 Law on Forest Protection and Development;

Pursuant to the Government's Decree No. 181/2004/ND-CP of October 29, 2004, on implementation of the Land Law;

Pursuant to the Government's Decree No. 23/2006/ND-CP of March 3, 2006, on implementation of the Law on Forest Protection and Development;

Pursuant to the Government's Decree No. 88/2009/ND-CP of October 19, 2009, on grant of land use right or house and land-attached ownership certificates;

Pursuant to the Government's Decree No. 01/2008/ND-CP of January 3, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development, and the Government's

Decree No. 75/2009/ND-CP of September 10, 2009, amending Article 3 of the Government's Decree No. 01/2008/ND-CP of January 3, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development;

Pursuant to the Government's Decree No. 25/2008/ND-CP of March 4, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment, and the Government's Decree No. 19/2010/ND-CP of March 5, 2010, amending and supplementing Points c, d, g, h and i. Clause 5, Article 2 of the Government's Decree No. 25/2008/ND-CP of March 4, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment;

The Ministry of Agriculture and Rural Development and the Ministry of Natural Resources and Environment jointly guide a number of provisions on the forest allocation and lease in association with forestland allocation and lease as follows:

Chapter I**GENERAL PROVISIONS****Article 1. Scope of regulation**

1. This Circular guides coordination between natural resources and environment agencies and ranger agencies under agriculture and rural development agencies (below referred to as ranger agencies) in:

- a/ Allocating or leasing forests in association with allocating or leasing forestland for the first time;
- b/ Completing forest allocation or lease

dossiers in case forestland has been allocated or leased or forestland use rights have been recognized and land use right or house and land-attached ownership certificates have been granted (below referred to as certificates) but forest allocation or lease dossiers have not yet been made,

c/ Completing cadastral dossiers in case forests have been allocated or leased but forestland has not yet been allocated or leased or certificates have not yet been granted.

2. In case land without forest is allocated or leased for forestry purposes or land use rights are recognized for current users of land with forests planted by themselves with non-state budget funds, the land allocation and lease and grant of certificates comply with the land law.

Article 2. Subjects of application

State agencies, organizations, domestic households and individuals, communities of villages and hamlets (below referred to as village communities), overseas Vietnamese, foreign organizations and individuals, and other entities involved in forestland management and use or forest management, ownership and use under the land law and the law on forest protection and development.

Article 3. Interpretation of terms

1. Land planned for forestry purposes means land areas with or without forests which have been planned by a competent state agency for forestry development purposes and which are identified based on forest sub-zones, forest plots and forest lots for management. Particularly, scattered production forests and protection forests, land planned for forestry purposes may

be identified based on forestland sections.

2. Forestland means land with natural forests or planted forests meeting forest standards under the law on forest protection and development; land currently zoned off for forest recovery; land on which trees are newly planted but have not yet become forests; land on which forests are planted or which has been allocated or leased for forestation; and bare land areas within special-use forests or protected bare land areas with other forests under the law on forest protection and development.

Article 4. General provisions

1. Maps used for forest allocation or lease and forestland allocation or lease belong to the VN-2000 system of reference of a 1:10,000 or 1:5,000 scale.

When cadastral maps are available in localities, these maps must be used for forest allocation or lease and forestland allocation or lease.

When cadastral maps are unavailable in localities, existing topographical maps of the largest scale will be used (including topographical maps of a scale larger than 1:5,000 or those of a 1:25,000 scale) for forest allocation or lease and forestland allocation or lease. In case existing maps do not belong to the VN-2000 system of reference, they must be converted into those belonging to such system before use.

2. Land management agencies' and forestland users' certificates, cadastral dossiers and other documents related to forestland must indicate forest-related information specified in Article 10, Chapter III of this Circular. Such information must be information summarized from forest allocation

or lease dossiers supplied or appraised and certified by competent ranger agencies.

3. For forestland areas which were allocated or leased or for which land use rights were recognized and forests were allocated or leased under state regulations before the effective date of this Circular, their forest allocation or lease dossiers, land allocation or lease dossiers, cadastral dossiers and certificates remain valid while procedures are not required to be carried out under this Circular. When persons with allocated or leased forests or forestland or having forestland use rights recognized wish to renew their certificates, they will be granted certificates under this Circular.

Chapter II

FOREST ALLOCATION OR LEASE IN ASSOCIATION WITH FORESTLAND ALLOCATION OR LEASE, AND GRANT OF CERTIFICATES

Article 5. Procedures for forest allocation or lease in association with forestland allocation or lease, and grant of certificates

1. The order and procedures for forest allocation or lease and making of forest allocation or lease dossiers comply with the Government's Decree No. 23/2006/ND-CP of March 3, 2006, on implementation of the Law on Forest Protection and Development, Circular No. 38/2007/TT-BNN of April 25, 2007, of the Ministry of Agriculture and Rural Development, guiding the order and procedures for forest allocation, lease or recovery for organizations, households, individuals and village communities (below referred to as Circular No. 38/2007/TT-BNN), and Articles 6, 7 and 11 of this Circular.

The order and procedures for the allocation

or lease, grant of certificates and making of cadastral dossiers for forestland comply with the land law and Articles 6 and 8 of this Circular. Particularly, the forms of documents used for carrying out procedures for forestland allocation or lease are replaced with those used for carrying out procedures for forest allocation or lease in association with forestland allocation or lease specified in Article 11 of this Circular.

2. Places for receiving dossiers and time limit for carrying out procedures for forest allocation or lease in association with forestland allocation or lease, and grant of certificates comply with the land law.

3. Provincial-level People's Committee chairpersons shall specify the time for transferring dossiers for forest allocation or lease in association with forestland allocation or lease between natural resources and environment agencies and ranger agencies in the process of carrying out procedures for forest allocation or lease in association with forestland allocation or lease and grant of certificates.

Article 6. Coordination between natural resources and environment agencies and ranger agencies in forest allocation or lease in association with forestland allocation or lease or first-time grant of certificates for forestland

1. After receiving dossiers of request for forest allocation or lease in association with forestland allocation or lease or dossiers of application for certificates, natural resources and environment agencies shall examine the dossiers in terms of land allocation or lease conditions, and grant certificates under the land law; and concurrently send 1 set of such dossiers to ranger agencies of the same level for appraisal of forest allocation or lease conditions.

2. After receiving dossiers from natural resources and environment agencies, ranger agencies shall examine the dossiers and give written opinions on the forest allocation or lease to natural resources and environment agencies.

3. Natural resources and environment agencies shall collect dossiers of forest allocation or lease in association with forestland allocation or lease or certificate application dossiers and submit them to competent People's Committees for forest allocation or lease and forestland allocation or lease and grant of certificates; and update and modify cadastral dossiers or databases.

4. Competent People's Committees shall issue decisions on the forest allocation or lease in association with forestland allocation or lease and grant certificates at the proposal of natural resources and environment agencies.

Article 7. Coordination between natural resources and environment agencies and ranger agencies in completing forest allocation or lease dossiers in case forestland has been allocated or leased or forestland use rights have been recognized but forest allocation or lease dossiers have not yet been made

1. Natural resources and environment agencies shall provide information in cadastral dossiers for forestland areas which have been allocated or leased or for which use rights have been recognized for ranger agencies to complete forest allocation or lease dossiers.

2. Ranger agencies shall check forest-related information on forest use purpose, forest area, origin, location and boundary in cadastral dossiers and in the field.

When forest information in the field is

consistent with that in cadastral dossiers, ranger agencies shall make forest allocation and lease dossiers under Clause 2, Article 11, Chapter III of this Circular, and send them to natural resources and environment agencies for supplementing certificates and cadastral dossiers or databases.

When forest information in the field is inconsistent with that in cadastral dossiers, ranger agencies shall, depending on the extent of inconsistency, notify such to natural resources and environment agencies for carrying out necessary procedures under the land law to modify cadastral dossiers or databases and modify, revoke or re-grant certificates. At the same time, ranger agencies shall make forest allocation or lease dossiers under Clause 2, Article 11 of this Circular and send them to natural resources and environment agencies.

Article 8. Coordination between natural resources and environment agencies and ranger agencies in completing dossiers in case forests have been allocated or leased but forestland has not yet been allocated or leased or forestland use rights have not yet been recognized

1. Ranger agencies shall provide information in forest allocation or lease dossiers for natural resources and environment agencies of the same level to complete land allocation or lease dossiers and grant certificates.

2. For protection forest management units or special-use forest management units:

a/ Based on competent state agencies' decisions on establishment of protection forests or special-use forests and the approved planning on use of special-use forests and protection forests, provincial-level Natural Resources and

Environment Departments shall assume the prime responsibility for, and coordinate with Ranger Departments in, examining dossiers of request for forestland allocation and submitting them to provincial-level People's Committees for allocation of forestland and grant of certificates.

In the course of examining dossiers and carrying out procedures for forestland allocation, to consider and supplement land use developments and practices at the time of examination for submitting them to competent authorities for decision.

b/ Provincial-level People's Committees shall allocate forestland and grant certificates to protection forest management units or special-use forest management units.

3. For domestic organizations, foreign organizations and individuals and overseas Vietnamese currently using forestland: Provincial-level Natural Resources and Environment Departments shall examine dossiers of request for forestland allocation or lease, grant certificates indicating the current state of forestland management and use by organizations (based on their reports reviewing the current state of land use); compare such dossiers with forest allocation or lease dossiers and approved land use plans under the land law; direct land use right registries to transfer cadastral information and data to tax offices for identifying land-related financial obligations under law; and submit the dossiers to provincial-level People's Committees for forestland allocation or lease and grant of certificates, for land areas currently used in compliance with forest allocation or lease dossiers and approved land use plans.

4. For households, individuals and

communities currently using forestland: District-level Natural Resources and Environment Divisions shall direct land use right registries to examine certificate application dossiers in terms of the current state of land use and compare these dossiers with forest allocation or lease dossiers; and submit the dossiers to People's Committees of districts, towns or provincial cities (below referred to as district-level People's Committees) for grant of certificates for land areas currently used.

5. In case forestland information in the field is inconsistent with that in forest allocation or lease dossiers, natural resources and environment agencies shall, depending on the extent of inconsistency, notify such to ranger agencies for carrying out procedures to modify forest allocation or lease dossiers or procedures for forest re-allocation or sublease under current regulations.

Chapter III

CERTIFICATES AND FOREST ALLOCATION OR LEASE DOSSIERS

Article 9. Certificates

1. Certificates and their details comply with Circular No. 17/2009/TT-BTNMT of October 21, 2009, of the Ministry of Natural Resources and Environment, on land use right or house and land-attached ownership certificates (below referred to as Circular No. 17/2009/TT-BTNMT) and this Circular.

2. The natural resources and environment agency shall send one (1) copy of each certificate to the ranger agency of the same level.

Article 10. Presentation of information in certificates

Information on planted production forests

shall be presented under Circular No. 17/2009/TT-BTNMT. In addition, some information on land lots at Point "1. Land lot:" and information on forests other than planted production forests at Point "6. Notes:". Section II of a certificate shall be presented as follows:

1. At Point "1. Land lot:", write the address and area of the land section as follows:

a/ Address: Write the number of the land lot, plot or sub-zone before writing the name of the locality where exists the land section;

b/ Area: Write in square meter (m²), for owners of forests of under 10 ha, or hectare (ha), for owners of forests of 10 ha or larger, which shall be rounded to 2 decimal digits, e.g., 10.34 ha.

Particularly in cadastral dossiers or databases, the forestland area shall be written in m².

2. At Point "6. Notes:":

a/ For domestic organizations, foreign organizations and individuals and overseas Vietnamese managing and using forests other than planted production forests, write: "Forest ownership is not certified. Detailed information on forest indicated in forest allocation or lease dossier No. ... kept at provincial-level ranger agency."

b/ For households, individuals and village communities managing and using forests other than planted production forests, write: "Forest ownership is not certified. Detailed information on forest indicated in forest allocation or lease dossier No. ... kept at district-level ranger agency."

Article 11. Forest or forestland allocation or lease dossiers

1. In the case of forest allocation or lease in

association with forestland allocation or lease, a dossier shall be made according to the form attached to this Circular (*not printed herein*), comprising:

a/ An application for forestland or forest allocation or lease, for households, individuals and village communities (form No. 01/GDGR); or an application for forestland or forest allocation or lease, for domestic organizations (form No. 02/GDGR); or an application for forestland or forest lease, for overseas Vietnamese and foreign organizations and individuals (form No. 03/GDGR);

b/ A decision on forestland or forest allocation, for households, individuals and village communities (form No. 04/GDGR); or a decision on forestland or forest lease, for households and individuals (form No. 05/GDGR); or a decision on forestland or forest allocation, for domestic organizations (form No. 06/GDGR); or a decision on forestland or forest lease, for domestic organizations, foreign organizations and individuals and overseas Vietnamese (form No. 07/GDGR);

c/ A contract on forestland or forest lease, in case of forestland or forest lease (form No. 08/GDGR);

d/ A statement of information on the forest in association with the allocated or leased forestland section (form No. 09/GDGR);

e/ A table for monitoring forestland and forest developments after allocation (form No. 10/GDGR);

f/ A record of on-site forestland or forest handover.

2. In the case of completing forest allocation or lease dossiers after the forestland allocation

or lease or recognition of forestland use rights, a dossier shall be made according to the form provided by the Ministry of Agriculture and Rural Development under Circular No. 38/2007/TT-BNN.

3. Forest and forestland allocation or lease dossiers specified in Clauses 1 and 2 of this Article shall be kept by land use right registries (as documents enclosed with cadastral dossiers) and ranger agencies under People's Committees competent to allocate or lease forests.

Chapter IV

ORGANIZATION OF IMPLEMENTATION

Article 12. Implementation responsibilities

1. The Ministry of Agriculture and Rural Development shall:

a/ Direct, examine, urge and guide localities in the forest allocation or lease in association with forestland allocation or lease under law;

b/ Guide and summarize statistics and examine the management and use of forests nationwide, ensuring compatibility with forestland area statistics made by the natural resources and environment sector;

c/ Provide information on the forests and forest allocation or lease nationwide to the Ministry of Natural Resources and Environment;

d/ Direct public information about the forest allocation or lease in association with forestland allocation or lease;

e/ Direct the establishment and updating of databases and information systems and the storage of databases of forest allocation or lease, and dossiers of forest allocation or lease in association with forestland allocation or lease;

and provide information in databases to the Ministry of Natural Resources and Environment.

2. The Ministry of Natural Resources and Environment shall:

a/ Direct, examine, urge and guide localities in the forestland allocation or lease in association with forest allocation or lease under law;

b/ Guide and summarize statistics and examine the management and use of forestland nationwide, ensuring compatibility with forest area statistics made by the agriculture and rural development sector;

c/ Provide the Ministry of Agriculture and Rural Development with information on forestland, forestland allocation or lease and recognition of forestland use rights;

d/ Direct the establishment, updating and storage of cadastral dossiers and databases and certificates, ensuring their consistency with forest allocation or lease dossiers; and provide information in databases to the Ministry of Agriculture and Rural Development.

3. Provincial-level People's Committees shall:

a/ Direct the formulation, approval and organize the implementation of overall schemes on forest allocation or lease in association with forestland allocation or lease in localities; recover forests and forestland in localities under the land law and the law on forest protection and development;

b/ Direct provincial-level Natural Resources and Environment Departments and Agriculture and Rural Development Departments, district-level People's Committees, and People's Committees of

communes, wards or townships (below referred to as commune-level People's Committees) to coordinate with one another in the forest allocation or lease in association with forestland allocation or lease under this Circular;

c/ Direct functional agencies at all levels to coordinate with one another in examining, settling disputes and handling violations of the land law by organizations currently managing and using forestland;

d/ Decide on the forest allocation or lease in association with forestland allocation or lease and grant certificates according to their competence;

e/ Direct functional agencies and People's Committees of lower levels to complete dossiers and decide on forest allocation or lease for forestland areas which have been allocated or leased or for which use rights have been recognized; and decide on the forestland allocation or lease and grant certificates for the allocated or leased forestland areas;

f/ Direct natural resources and environment agencies to provide information in cadastral dossiers or maps and forestland-related documents for local ranger agencies to serve forest allocation or lease work.

4. District-level People's Committees shall:

a/ Direct the formulation of overall plans on forest allocation or lease in localities and submit them to provincial-level People's Committees for approval and implementation; and approve overall forest allocation plans of commune-level People's Committees;

b/ Direct the forest allocation, lease and

recovery in association with forestland allocation, lease or recovery under the land law and the law on forest protection and development;

c/ Decide on the forest allocation or lease in association with forestland allocation or lease and grant certificates according to their competence;

d/ Direct functional agencies in completing dossiers and decide on the forest allocation or lease for the forestland areas which have been allocated or leased or for which use rights have been recognized; decide on the forestland allocation or lease and grant certificates for the allocated or leased forestland areas.

5. Commune-level People's Committees shall:

a/ Publicize and provide sufficient information on the forest and forestland allocation or lease and the rights and obligations of forestland users and forest owners in localities;

b/ Review and study the situation of forest and forestland management and use by households, individuals and village communities in localities; coordinate with superior professional agencies in reviewing and studying the situation of forest or forestland management and use by domestic organizations, foreign organizations and individuals and overseas Vietnamese in localities;

c/ Receive and process certificate application dossiers and forest allocation dossiers under regulations; and organize handover or receipt of forests on the site;

d/ Update information on and databases of forest and forestland dossier management

in localities.

6. Ranger agencies at all levels shall:

a/ Advise competent authorities on **organizing** the forest allocation or lease in association with forestland allocation or lease;

b/ Carry out the forest allocation or lease in **association** with forestland allocation or lease; and **manage** forest allocation or lease dossiers **in localities**;

c/ Conduct public information about the **forest** allocation or lease in association with **forestland** allocation or lease;

d/ Coordinate with natural resources and **environmental** agencies of the same level in **providing** and exchanging necessary **information** to serve the forest and forestland **allocation** or lease; ensure that forest-related information in forest allocation or lease dossiers is **consistent** with that in cadastral dossiers and **certificates**;

e/ Inspect and supervise the forest **management**, protection and use by forest **owners** after the forest allocation or lease and **grant** of **certificates**;

f/ Establish and update databases and **information** systems and store databases of forest **allocation** or lease; and summarize and **report them** under current regulations;

g/ **Coordinate** with natural resources and **environmental** agencies in assisting People's **Committees** of the same level to examine, **inspect**, handle violations and settle disputes **over** forestland use under law.

7. Natural resources and environmental **agencies** at all levels shall:

a/ Advise competent authorities on

organizing the forestland allocation or lease in association with forest allocation or lease;

b/ Carry out the forestland allocation or lease in association with forest allocation or lease; and manage cadastral dossiers in localities;

c/ Conduct public information about the forest allocation or lease in association with forestland allocation or lease;

d/ Inspect and supervise the forestland management, protection and use by forestland users after the forestland allocation or lease and grant of certificates;

e/ Establish and update databases and information systems and store databases of forestland allocation or lease and grant of certificates; and summarize and report them under current regulations;

f/ Coordinate with ranger agencies of the same level in providing and exchanging information on the forestland allocation or lease in association with forest allocation or lease; ensure that forest-related information in cadastral dossiers and certificates is consistent with that in forest allocation or lease dossiers;

g/ Coordinate with ranger agencies in assisting People's Committees of the same level to examine, inspect, handle violations and settle disputes over the forest management, protection and use by forest owners under law.

Article 13. Effect

1. This Circular takes effect on March 25, 2011.

2. Any problems arising in the course of implementation should be promptly reported to

the Ministry of Agriculture and Rural Development and the Ministry of Natural Resources and Environment for consideration and settlement.

*For the Minister of
Natural Resources and Environment*
Deputy Minister
NGUYEN MANH HIEN

*For the Minister of
Agriculture and Rural Development*
Deputy Minister
HUA DUC NHI