

IMPORTANT NOTE: This translation of Circular 47/2012/TT-BNNPTNT dated September 25, 2012 is unofficial and was completed by Education for Nature – Vietnam (ENV)

**MINISTRY OF AGRICULTURE AND
RURAL DEVELOPMENT**

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 47/2012/TT-BNNPTNT

Hanoi September 25, 2012

Circular

Regulating Management of the Exploitation and Breeding of Common Wildlife Species

Based on Law on Forest Protection and Development No. 29/2004/QH11 dated Dec. 3, 2004,

Based on Decree 23/2006/ND-CP dated March 3, 2006 on implementation of the Law on Forest Protection and Development,

Based on Decree 1/2008/ND-CP dated Jan. 3, 2008 of the Government on stipulating functions, duties, powers and structure of MARD; Decree 75/2009/NĐ-CP dated September 10, 2009 amending Article 3 of Decree 01/2008/ND-CP dated Jan., 3, 2008,

Based on request by Chief of Administration of Forestry,

Minister of MARD regulates the Circular on regulations on management of the exploitation from the nature and breeding of common wildlife species as follows:

Chapter I

GENERAL PROVISIONS

Article 1. Governing scope and subjects of application

1. Governing scope: This Circular stipulates the conditions, order and procedures for exploitation from the nature and breeding of the common wildlife species listed in the Common Wildlife Species List attached with this circular in the territory of the Socialist Republic of Vietnam.
2. The exploitation of common wildlife species in special-use forests must be in compliance with the regulations on management of special-use forest.

This circular does not apply to sport facilities, hunting or recreational resorts that have been established and operating in compliance with the law, or the facilities to rescue and conserve the common wildlife species.

In cases where regulations of any international treaty in which the Socialist Republic of Vietnam is a member are different from stipulations of the circular, the international regulations will be applied.

3. Subjects of application: This Circular shall apply to domestic organizations, households and individuals, overseas Vietnamese, foreign organizations and individuals that are involved in the exploitation from nature and breeding of common wildlife species listed in the list attached with this circular.

Article 2. Terminology explanation

1. The breeding facilities for common wildlife (hereinafter referred to as “breeding facilities”) is a place which is equipped with cages, tanks, or other equipment serving for the activities of breeding and keeping wildlife species in a controlled environment.

2. The breeding farm for common wildlife species for commercial purpose (hereinafter referred to as “breeding farm”) is the area in which wildlife species are kept and owned by an organization(s) with legal personality in accordance with the law
3. Specimens of common wildlife species (hereinafter referred to as “specimens”) include alive or dead common wildlife species, eggs, larvae or their parts or derivatives that facilitate to easily recognize their origin from the common wildlife.
4. Exploitation of common wildlife species from nature (hereinafter referred to as “exploitation”) includes such activities as hunting, catching, trapping, shooting and other activities to take live wildlife individuals, eggs or their larvae from their habitat.
5. “For commercial purpose” includes activities of exploitation, keeping, exchange, service or other trade promotion of specimens of common wildlife species with the purpose of gaining profit.
6. “For non-commercial purpose” includes activities of exploitation, keeping, exchange and service of common wildlife specimens for such non-profit purposes as diplomatic purpose, scientific research, exchange amongst zoos, non-profit exhibition, non-profit circus performance; exchange specimens among CITES authorities of country members.
7. Locality FPD is one of the following FPDs: FPD of districts, towns or cities directly under provinces; FPD of special-use forest, FPD of protected forest, FPD of provinces or of cities directly under the Central Government where there is no district FPD.

Chapter II

MANAGEMENT OF EXPLOITATION OF COMMON WILDLIFE SPECIES FROM NATURE

Article 3. Conditions for exploitation

Any individual or organization who wishes to exploit common wildlife species specified in the list attached with this circular has to meet the following requirements:

1. Possess an exploitation permit issued by relevant authorities in accordance with Article of 4, 5 of this circular.
2. Use the means and instruments that ensure safety during the exploitation and do not have any negative impacts upon the habitat and environment.
3. Agreed by the forest owner if the person/organization who requests exploitation is not the forest owner.
4. Do not exploit for commercial purpose in national parks and nature reserves.

Article 4. Procedures of granting permit of exploitation for commercial purpose

1. The document requesting permit includes:
 - a. An original copy of request paper showing the following contents: name, address and number of business license or ID number of organization/individual who requests exploitation, quantity and species to be exploited; place, time, purpose and technical measures to exploit. The request paper should follow the sample 01 attached with this circular.
 - b. An original copy of project explanation showing the following contents: name, address and number of business license or ID number of organization/individual who requests exploitation; detailed description of the area in which the project will be carried out; quantity and species to be exploited; technical measures, means and instruments of exploitation, list of people who will carry out the project based on Form 02 attached with this circular.
 - c. An original copy of report of species population assessment showing the following contents: introduction to the consultative company, general assessment of the area to be exploited, technical measures, time and results of the exploitation, plan for exploitation, conclusion and suggestion based on Form 03 attached with this circular.
 - d. The report of species population assessment must be made by an organization that has the function of investigation, assessment and scientific research on forestry and biology in compliance with the law.

- e. A notarized copy of business license for organization or Identification Card for the individual who requests for exploitation.
 - f. For organization/individual requesting exploitation who is not the forest owner, an original copy of the forest owner's paper approving the project or cooperation agreement between forest owner and individual/organization requesting exploitation should be available.
2. Agencies granting the exploitation permit
- a. DARD of province or cities directly under the Central Government shall be responsible for granting the exploitation permit for common wildlife species in the forest area of locality management.
 - b. Vietnam Administration of Forestry shall be responsible for granting the exploitation permit for common wildlife species in the forest area of central government management
3. Exploitation permit and its shelf-life
- a. The exploitation permit must include the following contents: name, address and number of business license or ID number of organization/individual who requests exploitation, quantity and species to be exploited; place, time, and technical measures, means and instruments of exploitation, list of people who will get involved in the exploitation; purpose of exploitation and shelf-life of the permit. The permit should be done based on Form 04 attached with this circular.
 - b. Shelf-life of the exploitation permit must be in accordance with the plan of exploitation, but not more than 30 days.
4. Procedure of submitting the documents, assessment of file and authorization to issue the permit
- a. Submit the documents: organizations/individuals requesting exploitation shall submit directly or send by post to the locality FPDs a set of documents that are regulated in section 1 of this article.
 - b. The locality FPD, within five working days after all documentation has been received, shall be responsible for checking the documents and verifying the information of the documents in writing.
 The locality FPD then shall send the documents and written confirmation to FPD of the province if the area of exploitation is under locality management or to Nature Reserve Department of Vietnam Administration of Forestry if the area of exploitation is under central management.
 In cases where the documentation does not meet requirements, the locality FPD shall inform in writing to the individual/organization who submitted the documents within three working days from the date of documentation receipt.
 - c. Assessment of the documentation and issuance of the exploitation permit
 Within ten working days after the assessment documents have been received, the provincial FPD or Nature Conservation Department of Vietnam Administration of Forestry are responsible for the establishment of a Board of Assessors to assess the documents. Members of the Board of Assessment shall be decided by provincial FPD or Nature Conservation Department of Vietnam Administration of Forestry, including representatives from forest owners, agencies of forestry, environment and animal health management. Chief of provincial FPD or chief of Nature Conservation Department of Vietnam Administration of Forestry shall be acted as the Chairman of the Board.
 The Board of Assessors shall be responsible for reviewing and assessing the plans for exploitation, report of species population assessment, and writing an assessment paper as evidence for related agencies who will issue the permit.
 Within three working days after receiving the assessment document sent by provincial FPD or Nature Conservation Department of Vietnam Administration of Forestry, provincial DARD or Vietnam Administration of Forestry is responsible for granting of exploitation permit for the individual/organization who satisfies the requirements or releasing documentation in response to those who do not satisfy the requirements of documentation or procedures.
 - d. Giving the permit to the individual/organization: within two working days from the date of granting the permit or releasing paper informing of the reasons why permit was not granted, the agencies

granting the permit will send the results to locality FPD. The locality FPD shall be responsible for returning the documents to the individuals/organizations.

5. Revoke the exploitation permit: the agencies granting the exploitation permit shall revoke it if the individual/organization violates any regulations of this circular or existing law.

Article 5: Granting permit of exploitation of common wildlife species for non-commercial purpose

1. The documents for requesting permit include:
 - a. A request paper showing the following contents: name, address and number of business license or decision of establishment of organization who requests exploitation, quantity and species to be exploited; place, time, purpose and technical measures to exploit based on Form 01 attached with this circular.
 - b. An original copy of project explanation showing the following contents: name, address and number of business license or decision of establishment of organization who requests exploitation; detailed description of the area in which the project will be carried out; quantity and species to be exploited; technical measures, means and instruments of exploitation, list of people who will carry out the project based on Form 02 attached with this circular.
 - c. A notarized copy of agreement on cooperation in scientific research or decision to carry out the projects of scientific research into specimens; or paper by MARD allowing exploiting for diplomatic purpose, exchange amongst zoos, non-profit circus performance, specimen exchange among CITES member authorities.
 - d. A notarized copy of business license or decision of establishment of organization who requests exploitation.
2. Agencies granting the exploitation permit
 - a. DARD of provinces or cities directly under the Central Government shall be responsible for granting the exploitation permit for common wildlife species in the forest area of locality management.
 - b. Vietnam Administration of Forestry shall be responsible for granting the exploitation permit for common wildlife species in the forest area of central management
3. Exploitation permit and its shelf-life
 - a. The exploitation permit must include the following contents: name, address and number of business license or decision of establishment of organization who requests exploitation, quantity and species to be exploited; place, time, purpose and technical measures to exploit based on Form 04 attached with this circular.
 - b. Shelf-life of the exploitation permit must be in accordance with the plan of exploitation, but not more than 30 days.
4. Procedure of submitting documentation, assessment of file and authorization to grant permit
 - a. Submit documents: organizations requesting exploitation should submit directly or send by post to the locality FPDs a set of documents that are regulated in section 1 of this article.
 - b. The locality FPD, within five working days after receiving the full dossier, shall be responsible for checking the documents and completing a report to confirm the information. The report shall then be sent to FPD of province if the area of exploitation is under locality management or to Vietnam Administration of Forestry if the area of exploitation is under central management.

In cases where the documentation does not satisfy requirements, the locality FPD must respond in writing to the individual/organization who submitted the dossier within three working days from the date of documentation receipt.

c. Issuance of the exploitation permit

Within three working days after the documents sent by locality FPD have been received, the provincial FPD or Nature Conversation Department of Vietnam Administration of Forestry shall send the documents and report to provincial DARD or Vietnam Administration of Forestry.

Three working days after receiving the documents, the provincial DARD or Vietnam Administration of Forestry shall grant the permit or respond the organization in writing with the reasons why the permit has not been granted.

d. Giving the permit: within two working days from the date of granting the permit or signing the paper informing of reasons not to grant the permit, the bodies granting the permit will send the results to locality FPD. The locality FPD shall be responsible for returning the documents to the individuals/organizations.

5. Revoke the exploitation permit: the agencies granting the exploitation permit shall revoke it in cases where the individual/organization violates any regulations of this circular or existing law.

Article 6. Confirmation of the specimens for exploitation

1. When each period of exploitation finishes, or the quantity of registered specimens has been exhausted, or the exploitation permit expires, within one working day, the individual/organization that has been granted the permit shall make a list of the common wildlife specimens that have been exploited based on Form 05 attached with this circular to submit to the locality FPD.
2. Within three working days, the locality FPD who has received the list shall be responsible for confirming the result of the exploitation. In cases where the confirmation is not done, the locality FPD shall inform the individual/organization in writing.

**Chapter III
MANAGEMENT OF BREEDING COMMON WILDLIFE SPECIES**

Article 7. Conditions for breeding common wildlife

Any individual/organization who would like to breed common wildlife species listed in the list attached with this circular has to meet the following requirements:

1. Possess breeding facilities or a farm that conforms to the growth and development of the species; the facility owner must ensure the safety for humans and captive animals, satisfy environmental and hygiene requirements and disease prevention.
2. The origin of common wildlife species
 - a. For common wildlife species exploited from nature in Vietnam, a list of common wildlife specimens confirmed by the locality FPD should be available.
 - b. For common wildlife species that are imported from overseas: a declaration of imported goods signed by customs should be presented. The exotic species listed under the provisions of the law must not be bred for commercial purpose under any form.
 - c. For common wildlife species that have been bought from other individuals or organizations: the papers of exchange or sales agreement should be available.
 - d. For common wildlife species that have been confiscated from trade: the decision to dispose of the exhibits by concerned authorities are needed.
 - e. For common wildlife species that were being kept before the circular became effective: within 90 days from the effective date, organizations/individuals shall make a list of common wildlife being kept based on Form 05 enclosed with this circular. The lists should be sent to the People's Committee at commune level for confirmation.

The individuals/organizations that are keeping common wildlife species have to bear full responsibility for the legal origin of the animals.

Article 8. Procedures for breeding farm registration for commercial purpose

1. The document to register a breeding farm for commercial purpose includes the following:
 - a. A request paper for breeding farm registration of common wildlife species for commercial purpose should include the following contents: name, address and number of business license or decision of establishment of the organization who requests the registration; name, quantity, origin of species; place where the farm will be located, detailed description on the farm (following Form 06 enclosed with this circular). The request paper must be also verified by communal People's Committee.
 - b. A notarized copy of environmental impact assessment report approved by authorities, or commitment to satisfy the environmental and hygiene requirements in accordance with the law.
2. The agency which will grant the registration certification to the breeding farm is the locality FPD
3. The registration certificate and its shelf-life
 - a. The registration certificate must show the following contents: name, address and number of business license or decision of establishment of the organization who requests the registration; name, quantity, origin of species to be bred based on Form 07 attached with this circular.
 - b. The registration certificate shall take effect from not more than three years from the date of issuance.
4. The procedure of submitting the documents, authority and time to grant the breeding farm registration certificate
 - a. Submitting the documents: organizations requesting registration shall submit directly or send by post to the locality FPDs a set of documents that are regulated in section 1 of this article.
 - b. The locality FPD is responsible for receiving the documents. Within five working days after all documentation has been received, the FPD is responsible for assessing and granting the registration certificate to the breeding farm, and setting up records for tracking of the animals based on Form 09 attached with this circular. If the documentation fails to meet the requirements, the locality FPD shall respond in writing to the individuals/organizations.
 - c. Giving the certificate: the locality FPD shall give registration certificate to the individuals/organizations within three working days from the date of granting it.
5. Revoke and re-issue the registration certificate
 - a. The agency who has issued the registration certificate shall revoke it if the farm owners commit any violations of the regulations of this circular or existing law.
 - b. Re-issue the registration certificate: within 30 days before the expiry date of the registration certificate, the farm owner should submit directly or send by post the request paper as regulated in point a) of Section 1 of this article to the locality FPD. Within three working days from the date of receipt of the request, the locality FPD shall re-issue the registration or respond in writing why it has not been granted to the individuals/organizations.
 - c. Register additional species: ten days after new species are added into the farm, the farm owner shall send directly or by post a letter as defined in a) of Section 1 of this article to the locality FPD.

Within five working days after being notified of the additional species, the locality FPD shall issue the additional registration certificate or respond in writing why it has not been granted to the individuals/organizations
6. The registration certificates which were granted to farms before the circular was issued are still effective. When the certification expires, the farm owners shall work with the authorities to be granted a new certificate as regulated in this circular.

7. As soon as the request for breeding farm registration according to Section 1 of this Article has been sent, the farm owner must set up documents to keep track of each breeding species (using Form 10 attached with this circular).

Article 9. Notifying of the captive common wildlife species

1. Individuals/households that are keeping common wildlife species shall notify the communal People's Committee directly or send letter by post. The notification should show the name, address of the farm owner, name, quantity and origin of captive species and location based on Form 08.
2. The communal level People's Committee must set up documents based on Form 09 enclosed with the circular to keep track of the animal as soon as being notified.
3. After notifying the authorities, the individuals/households who are keeping animals must keep records to keep track of the animals based on Form 10 attached with this circular.

Chapter IV

IMPLEMENTATION TERMS

Article 10. Responsibilities to guide and implement the circular

1. Administration of Forestry
 - a. Examine and guide the implementation of the circular nationwide, collate and report to MARD on the policies and situation of common wildlife species management across the country.
 - b. Work in cooperation with related agencies to consider the amendment and supplement of the list of common wildlife species issued together with this circular.
2. Provincial PC: guide, inspect and monitor to make sure the regulations of the circular are fully implemented in localities.
3. Provincial DARD (Provincial FPD)
 - a. Advise the People's Committees of provinces of the implementation of regulations of this circular in the locality including communicating with and guiding people to correctly implement the Regulation and related regulations of the State.
 - b. Complete a regular collective report on the exploitation and breeding of common wildlife species to submit to Administration of Forestry before March 31 of next year, or irregular report based on Form 11 enclosed with this circular.
 - c. Suggest to related state agencies to timely settle obstacles and difficulties with farm owners in the localities.

Article 11. Effectiveness of implementation

1. The circular shall take effect from November 9, 2012.
2. This Circular replaces the regulations stipulated in Article 1 of Circular 25/2011/TT-BNNPTNT dated April 6, 2011 of MARD supplementing and removing certain regulations on administrative procedures of forest protection and management in accordance with Ordinance No. 57/NQ-CP dated December 15, 2010.
3. During the implementation of the circular, if any problems arise, organizations or individuals should timely inform MARD for consideration of amendment and supplement.

Recipients:

On behalf of Minister of MARD

- Prime Minister, deputy Prime Ministers (to report);
- National Assembly Office;
- Government Office, website of Government, Gazette;
- Ministries, agencies equal to ministries, agencies directly under the Government;
- Supreme Court;
- Central office of organizations;
- Document Checking Department of Ministry of Justice;
- People Council, People Committee of provinces and cities directly under the Government;
- DARDs of provinces or cities that directly under the Government;
- FPDs of provinces or cities that directly under the Government;
- Ministers, Deputy Ministers;
- Agencies directly under MARD.
- Archive.

Vice Minister

Ha Cong Tuan

