

THE GOVERNMENT

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SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, January 22, 2019

DECREE

**ON MANAGEMENT OF ENDANGERED, PRECIOUS AND RARE SPECIES OF
FOREST FAUNA AND FLORA AND OBSERVATION OF CONVENTION ON
INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND
FLORA**

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

Pursuant to the Law on Forestry dated November 15, 2017;

Pursuant to the Law on Fisheries dated November 21, 2017;

*Pursuant to the Convention on International Trade in Endangered Species of Wild Fauna
and Flora;*

At the request of the Minister of Agriculture and Rural Development;

*The Government promulgates a Decree on management of endangered, rare and
precious species of forest fauna and flora and observation of the Convention on
International Trade in Endangered Species of Wild Fauna and Flora.*

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Decree provides for a list of endangered, precious and rare species of forest fauna and flora; management and protection of and procedures for exploitation endangered, precious and rare species of forest fauna and flora; nurture of usual forest fauna; observation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as "CITES") in Vietnam.

Article 2. Regulated entities

This Decree applies to regulatory agencies, domestic organizations, family households and individuals; Vietnamese people who permanently resides in foreign countries and foreign organizations and individuals performing activities related to endangered,

precious and rare species of forest fauna and flora and endangered species of wild fauna and flora on the CITES Appendices; nurture of usual forest fauna within the territory of Vietnam.

Article 3. Definition

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

1. “species” means any species, subspecies or geographically separate population thereof.
2. “hybrid” means the result of cross or transplant between two species or two subspecies of animals or plants. If the hybrid is generated by cross or transplant between two species in different Groups or Appendices, such hybrid shall be managed like the species in the Group or Appendix which is entitled to a level of protection greater than the others.
3. CITES permits and CITES certificates issued by the CITES management authority of Vietnam shall apply to legal export, import, re-export, re-import and introduction from the sea of CITES-listed endangered species of wild fauna and flora; export of specimens of endangered, precious and rare species of forest fauna and flora prescribed herein and not on the list of species specified in CITES Appendices.
4. CITES Appendices include:
 - a) Appendix I listing species threatened with extinction, prohibited from export, import, re-export, introduction from the sea and transit of natural specimens for commercial purposes.
 - b) Appendix II listing species that, although currently not threatened with extinction, may become so without control of export, import, re-export, introduction from the sea and transit of natural specimens thereof for commercial purposes.
 - c) Appendix III listing species for which a CITES party has asked other Parties to assist in controlling export, import, re-export for commercial purpose.
5. “organ of endangered wild fauna and flora” means any raw or processed (maintained or polished) component such as skin, husk or root of a species which shows a sign of identification of such species.
6. “derivative of fauna and flora” means any form of substances generated by animals and plants such as blood and bile of animals; resin and essential oil of plants or parts of animals and plants that has been processed such as medicines, perfume, watches, bags and so on.
7. “specimen of endangered species of wild fauna and flora” means any alive or dead wild animal and plant, egg, larva, organ and derivative thereof.

8. "normal forest fauna" include species in the mamma, aves, reptilia and amphinia class and not on the list of endangered, precious and rare species of forest fauna and flora issued by the Government or CITES-listed species; the list of domesticated animals under provisions of the law on animal husbandry.

9. "exploitation of specimens of fauna and flora " means sampling wild fauna and flora in a natural environment.

10. "for commercial purpose" means any transaction of wild animal and plant specimens for profit.

11. "for non-profit purpose" means any activities serving foreign affairs, scientific research, exchanges among zoos, arboreta and museums; exhibition for product introduction; circus performance; exchange and return of specimens among CITES management authorities.

12. "zoo" means a place used for collection and nurture of wild fauna for the purpose of exhibition, multiplication, environmental education and scientific research.

13. "arboretum" means a place used for collection and nurture of wild flora for the purpose of exhibition, multiplication, environmental education and scientific research.

14. "introduction from the sea" means transportation into the territory of Vietnam of specimens of any species of wild fauna and flora which were taken in the marine environment not under the jurisdiction of any State.

15. "re-export" means export of specimens previously imported.

16. " controlled environment" means an environment under human management for the purpose of generating purebreds or hybrids. The controlled environment must meet conditions for prevention spread or break-in of fauna, flora, eggs, gametes, zygotes, seeds, germs and epidemics out of or at such environment.

17. "raising facility" means any facility rearing, breeding endangered, precious and rare species of forest fauna and/or CITES-listed endangered species of wild fauna and flora and/or normal forest fauna; facility of artificial production of endangered, precious and rare species of flora and/or CITES-listed wild flora for profit or non-profit purposes.

18. "rearing" means nurturing naturally-generated young wild fauna and eggs of wild fauna for growing and caring purpose until they can give births to their babies in the controlled environment.

19. "breeding" means nurturing wild fauna for reproduction of next generations in the controlled environment.

20. "artificial production" means growing or transplanting flora from seeds, germs, zygotes or other methods for multiplication of wild flora in the controlled environment.
21. "cultivar source" means the legal first animal individual nurtured in a breeding facility for production of individuals of next generations.
22. "F1 hybrid" include individuals generated in the controlled environment whose one of their parents is exploited from nature.
23. "F2 hybrid or the subsequent generations include individuals generated in the controlled environment by couples of F1 hybrids and subsequent generations.
24. "personal belongings and home appliances originated from wild fauna and flora" mean specimens with legal origin of individuals or family households. Alive specimens shall not be considered personal belongings or home appliances.
25. "souvenir specimen" means any personal belonging or home appliance taken from the outside of the State in which the owner thereof is permanently resides. Alive animals shall not be considered souvenir specimens.
26. "hunted specimen" means any specimen collected from legal hunting.
27. "pre-Convention specimen" means any specimen collected prior to the day on which such specimen is included into CITES Appendices or before participation in the CITES of range states if:
- a) such specimen is taken out from its natural habitat;
 - b) such specimen is generated in the controlled environment;
 - c) the owner thereof holds the legal ownership of such specimen.
28. "CITES party" means any state for which the CITES has entered to force.

Chapter II

LIST AND MANAGEMENT OF ENDANGERED, PRECIOUS AND RARE SPECIES OF FOREST FAUNA AND FLORA; NURTURE OF NORMAL FOREST FAUNA

Article 4. List of endangered, precious and rare species of forest fauna and flora

1. The list of endangered, precious and rare species of forest fauna and flora issued thereto includes:

a) Group I including species of forest fauna and flora threatened with extinction and banned from exploitation or use for commercial purpose and species in CITES Appendix I naturally inhabiting Vietnam.

Group IA including forest flora.

Group IB including forest fauna.

b) Group II including species of forest fauna and flora that, although currently not threatened with extinction but may become so without strict control of exploitation and use for commercial purpose and species specified in CITES Appendix II naturally inhabiting Vietnam.

Group IIA including forest flora.

Group IIB including forest fauna.

2. Amendments to the list of endangered, precious and rare species of forest fauna and flora.

The Ministry of Agriculture and Rural Development shall send a proposal of amendments to the list of endangered, precious and rare species of forest fauna and flora once every five years or in case there is any change in species specified in Clause 1 this Article or the list of species provided in CITES Appendix I and II related to species of forest fauna and flora naturally inhabiting Vietnam.

Article 5. Protection of endangered, precious and rare species of forest fauna and flora

1. Hunting, capture exploitation, nurture, slaughter, storage, processing, transportation and sale of endangered, precious and rare species of forest fauna and flora must not produce harmful effects on the existence, growth and development of such species in nature.

2. Hunting, capture, exploitation, nurture, slaughter, storage, processing, transportation, sale, promotion, exhibition, export, import, temporary import for export, temporary export for import of specimens of endangered, precious and rare species of forest fauna and flora must be managed to ensure legal origin thereof.

3. Permanent habitat of endangered, precious and rare species of forest fauna and flora shall be studied as a basis for establishment of special-use forest areas.

4. Organizations, family households and individuals conducting production, construction, investigation, survey, research, sightseeing, travelling or performing other activities within the areas with endangered, species and rare species of forest fauna and flora must comply with regulations hereof and other relevant law provisions.

Article 6. Investigation into and assessment of current state of endangered, precious and rare species of forest fauna and flora

1. Endangered, precious and rare species of forest fauna and flora shall be investigated and assessed in conjunction with forest investigation under regulations on forest management.
2. The Ministry of Agriculture and Rural Development shall carry out investigation into and assessment of endangered, precious and rare species of forest fauna and flora nationwide while provincial-level People's Committees shall carry out investigation and assessment in provincial forest areas.
3. The State shall encourage forest owners to carry out investigation into and assessment of current state and development of endangered, precious and rare species of forest fauna and flora in the area allocated or leased out by the State.

Article 7. Scientific research on endangered, precious and rare species of forest fauna and flora

1. Scientific research on preservation and sustainable development of endangered, precious and rare species of forest fauna and flora shall be conducted according to the approved topic and project and shall comply with regulations on forest management.
2. A written report shall be sent to the forest owner and provincial-level forestry state management agency for supervision purpose before such scientific research.

Article 8. Actions taken in case of harm or threat to human life by endangered, precious and rare species of forest fauna and flora

1. In case endangered, precious and rare forest fauna cause harm to or pose a threat to human life or assets; organizations and individual shall take measures to drive away such fauna but restrict harm to them and notify the nearest forestry administration or commune-level or provincial People's Committee.
2. In case endangered, precious and rare forest fauna pose a direct threat to human life outside special-use and protection forests, Chairpersons of provincial People's Committees shall decide and give guidelines on trapping, hunting or capturing such fauna if obtaining no result after taking measures to drive them away.
3. Handling of hunted, trapped or captured specimens of wild fauna specified in Clause 2 this Article shall comply with regulations in Article 10 and 32 hereof.

Article 9. Exploitation, raising, processing, promotion, transportation and export of and trade in specimens of endangered, precious and rare species of forest fauna and flora

1. Exploitation, raising, processing, promotion, exhibition, export, transportation, storage of and trade in specimens of Group I endangered, precious and rare species of forest fauna and flora shall comply with regulations hereof for species specified in CITES Appendix I.

2. Exploitation, raising, processing, promotion, exhibition, export, transportation, storage of and trade in specimens of Group II endangered, precious and rare species of forest fauna and flora shall comply with regulations hereof for species specified in CITES Appendix II.

3. The CITES permit for import may be excluded from the application for a license for export of specimens of Group I endangered, precious and rare species of forest fauna and flora not included in CITES Appendix I.

Article 10. Handling of seized endangered, precious and rare species of forest fauna and flora

1. Handling of alive specimens:

a) Post-seizure handling of alive specimens must provide care for such specimens to avoid risks of death thereof.

b) Specimens shall be transferred to the local forestry administration after handling for the purpose of care and maintenance. Alive specimens shall be handled in the following order of priority: reintroduction of specimens into the natural environment suitable for their living conditions and natural distribution if such specimens are found healthy; or transfer to animal rescue agencies, zoos or arboretum in case such specimens are needed to be rescued or eliminated.

2. Specimens of endangered, precious and rare species of forest fauna and flora not specified in Clause 1 this Article shall be handled as follows:

a) Specimens of Group IA and IB species shall be handled in compliance with provisions of the law on management and use of public assets;

b) Specimens of Group IIA and IIB species shall be transferred to research organizations, environmental education institutions or specialized museums for exhibition purpose for preservation education; or sold, through auction, to organizations or individuals raising, processing or trading such species as per law provisions; or destructed in case it is impossible to implement other measures.

Article 11. Nurture of normal forest fauna

Every facility nurturing normal forest fauna must:

1. ensure their forest fauna has legal origin under law provisions;

2. ensure safety of human and comply with law provisions on environment and veterinary;
3. record development of their animals in to a logbook according to Form No.16 provided in the Appendix issued thereto and notify the local forestry administration of nurture of normal forest fauna within 3 working days from the day on which such fauna is taken to the nurturing facility for monitoring and management purpose.

Chapter III

CITES OBSERVATION

Section 1: EXPLOITATION

Article 12. Exploitation of specimens of endangered species of wild fauna and flora specified in CITES Appendix I and II

1. Natural specimens of species specified in CITES Appendix I shall be exploited to:
 - a) serve scientific research themes and projects;
 - b) generate the source of original breed for breeding and artificial production purpose;
 - c) serve foreign affairs under decisions issued by the Prime Minister
2. Natural specimens of species specified in CITES Appendix II shall be exploited to:
 - a) serve scientific research themes and projects;
 - b) generate the source of original breed for breeding and artificial planting purpose;
 - c) serve foreign affairs under decisions issued by the Prime Minister
 - d) serve the purpose of sustainable trade as per law provisions
3. Entities exploiting the aforesaid specimens are required to:
 - a) have an exploitation plan according Form No.01 and 02 provided in Appendix issued thereto.
 - b) notify the exploitation to the provincial-level state management agency in forestry or fisheries before such exploitation;
 - c) exploit such specimens in such a way that no harmful effect is produced on preservation and sustainable development of the species.

d) comply with Vietnamese law provisions and CITES provisions on exploitation of specimens of endangered, precious and rare species of wild fauna and flora.

Article 13. Inspection and supervision of exploitation of specimens of endangered species of wild fauna and flora specified in CITES Appendix I and II

1. Provincial-level forestry state management agencies shall conduct inspection and supervision of exploitation and origin of specimens of species provided in CITES Appendix I and II in the areas under management.
2. Provincial-level fisheries state management agencies shall conduct inspection and supervision of fisheries and origin of specimens of species provided in CITES Appendix I and II in the areas under management.

Section 2: RAISING

Article 14. Conditions for raising of CITES-listed endangered wild fauna and flora for non-profit purpose

1. There must exist the approved scientific research topic and project and raising plan according to Form No.04, 05, 06 and 07 provided in Appendix issued thereto.
2. The raising facility shall be suitable for growing characteristics of the raised species and must ensure safety of human and animals, environmental hygiene and take measures to prevent diseases.
3. The breed and plant varieties shall be sourced in a legal manner; specimens shall be seized as per law provisions after handling and endangered species of wild fauna and flora shall be imported in a legal manner or specimens thereof shall be imported from other legal raising facilities.
4. The raising facility shall keep a logbook of animal raising according to Form No.16 or one of plant raising according to Form No.17 provided in Appendix issued thereto and send periodic reports to the provincial-level state management agency in fisheries and in forestry and stay under their management.

Article 15. Conditions for raising of CITES-listed endangered wild fauna and flora for commercial purpose

1. With regard to fauna:
 - a) The breed must be legally sourced; specimens shall be seized as per provisions after handling and import of fauna shall be carried out in a legal manner or specimens must be imported from other legal raising facilities;

b) Animal housings shall be constructed suitable for characteristics of the species and meet conditions for safety of human and animals, environmental hygiene and disease prevention.

c) The raised species is the ones declared by the CITES scientific authority of Vietnam to have potential for giving birth to young individuals through generations in the controlled environment; breeding and rearing of such species have been certified not to produce any impact on existence of such species and relevant ones in nature by the CITES scientific authority of Vietnam;

d) There must be a raising plan according to Form No.04 and 06 provided in Appendix issued thereto.

2. With regard to flora:

a) The plant varieties shall be legally sourced; specimens shall be seized as per law provisions after handling and the flora shall be imported in a legal manner or plant specimens shall be imported from other legal raising facilities.

b) The raising facility must be suitable for characteristics of the species;

c) There must be a raising plan according to Form No.05 and 07 provided in Appendix issued thereto.

3. The raising facility shall keep a raising logbook according to Form No.16 and 17 provided in Appendix issued thereto and send periodic reports to the provincial-level state management agency in fisheries and in forestry, and stay under their management.

Article 16. Codes of raising facilities

1. The code shall include name, address and contacting information of the raising facility, information about the raised species according to Form No.08 provided in Appendix issued thereto.

2. Code's meanings:

a) The two first letters of the code represent the Appendix and type of the specimen, to be specific: IA means the plant listed in Appendix I or Group I; IB shows the animal listed in Appendix I or Group I; IIA means the plant included in Appendix II or Group II and IIB shows the animal specified in Appendix II or Group II provided in the list issued thereto;

b) The next letters of the code express the purpose of the raising facility, to be specific: they will be the national code in case of raising for non-profit purpose or abbreviated name of the province in which the facility of animal and plant raising for commercial

purpose is located. The convention on abbreviation of city or provincial names shall be specified in Form No.08 provided in Appendix issued thereto.

c) The next numbers of the code shows the order number of the raising facility in the province.

3. In case one facility simultaneously raises specimens of more than one species subject to different protection regulations, the code of such facility shall be given according to the species with the highest level of management and protection.

Article 17. Registration of codes of facilities raising endangered wild fauna and flora specified in CITES Appendix I

1. Code issuer

The CITES management authority of Vietnam shall take charge of issuing codes of facilities raising species included in CITES Appendix I (“hereinafter referred to as “the code”).

2. The application for registration of the code includes:

a) An application form for issuance of the code according to Form No.3 provided in Appendix issued thereto;

b) The original copy of raising plan according to Form No.04 or No.05 provided in Appendix issued thereto.

3. Procedures for receiving applications and issuance of the code

a) The legal representative of the raising facility shall send, directly or by post or via the national single-window system, an application specified in Article 2 this Article to the CITES management authority of Vietnam;

b) The CITES management authority of Vietnam shall grant the code to the facility within 5 working days from the day on which the satisfactory application is received. In case field inspection of raising conditions specified Article 14 and 15 hereof is required, the CITES management authority of Vietnam shall take charge and cooperate with the CITES scientific authority of Vietnam and other organizations in carrying out such inspection and grant the code within 30 days.

In case the application is found unsatisfactory, the CITES management authority of Vietnam shall notify the facility within 3 working days from the day on which such application is received;

c) The facility raising fauna and flora specified in CITES Appendix I for commercial purpose shall make a code registration with the CITES secretariat and the CITES

management authority of Vietnam shall prepare a satisfactory application within 15 working days and send it to the CITES secretariat, and grant the code within 3 working days from the day on which the secretariat's notice is received.

d) The CITES management authority of Vietnam shall post the issued code its website within 1 working day from the day the code is issued.

4. In case the facility raises more than one species, including the one specified in CITES Appendix I, its code shall be issued as prescribed in this Article.

5. The code shall be discarded if requested by the raising facility or if the raising facility fails to meet raising conditions or if it commits violations against regulations specified herein and relevant law provisions.

6. Handling of fauna and flora voluntarily returned to the State by the raising facility owner:

a) The legal representative of the raising facility which voluntarily returns the fauna and flora to the State shall notify such return to:

the provincial-level fisheries state management agency (for aquatic species);

the Forest Protection Department (for other species of fauna and flora);

b) Handling of fauna and flora voluntarily returned by the raising facility owner:

The agencies specified in Point a this Clause shall handle the fauna and flora voluntarily returned by the owner of the raising facility within 15 working days from the day on which the notification from such owner is received in the following order of priority:

Release into the natural environment suitable for the habitat and natural distribution of the returned species if such species is healthy and has the potential for re-production;

Transfer to the animal rescue agency; zoo or arboreta or the scientific research institution, environmental education institution or the specialized museum for preservation research and education purpose;

Destroy in case the returned fauna and flora suffer from a disease or when the actions mentioned above fail to be taken;

c) The agencies specified in Point a this Clause shall send a report on the handling results to the CITES management authority of Vietnam and the owner of the raising facility that voluntarily return the fauna and flora within 3 working days from the day on which the returned fauna and flora is completely handled.

Article 18. Registration of codes of facilities raising endangered wild fauna and flora specified in CITES Appendix II and III

1. Code issuer

a) Provincial forestry administrations shall take charge of granting codes to facilities raising species specified in CITES Appendix II and II not provided in Point b this Clause;

a) Provincial-level fisheries state management agencies shall take charge of granting codes to facilities raising aquatic species specified in CITES Appendix II;

2. The application for registration of codes of raising facilities includes:

a) An application form for issuance of the code according to Form No.3 provided in Appendix issued thereto;

b) The original copy of the raising plan according to Form No.06 or No.07 provided in Appendix issued thereto.

3. Procedures for receiving applications and issuance of the code

a) The legal representative of the raising facility shall send, directly or by post or via the national single-window system, an application specified in Article 2 this Article to the agency specified in Clause 1 this Article;

b) The agency specified in Clause 1 this Article shall grant the code to the facility within 5 working days from the day on which the satisfactory application is received. In case field inspection of raising conditions specified Article 14 and 15 hereof is required, the code issuer shall take charge and cooperate with relevant agencies in carrying out such inspection and shall grant the code within 30 days.

In case the application is found unsatisfactory, code issuer shall notify the facility in writing within 3 working days from the day on which such application is received;

c) The code issuer shall send the code information to the CITES management authority of Vietnam for posting such code on the website of CITES management authority of Vietnam within 1 working day from the day on which the code is issued.

4. The code shall be discarded if requested by the raising facility or if the raising facility fails to meet raising conditions or if it commits violations against regulations specified herein and relevant law provisions.

5. Handling of fauna and flora voluntarily returned to the State by the raising facility owner:

Fauna and flora voluntarily returned to the State by the owner of the raising facility shall be handled as prescribed in Point a and b Clause 6 Article 17 hereof.

The facility handling fauna and flora voluntarily returned by the owner of the raising facility shall notify the handling results to such owner within 3 working days from the day on which such fauna and flora are completely handled.

Section 3: EXPORT, IMPORT, RE-EXPORT, INTRODUCTION FROM THE SEA AND TRANSIT

Article 19. Conditions for export, import, re-export and introduction from the sea of natural specimens of CITES-listed endangered species of wild fauna and flora

1. A CITES permit or certificate prescribed in Article 22 hereof is required.
2. Specimens of CITES-listed species that are personal belongings or family appliances may be exempt from the CITES permit or certificate if:
 - a) they are not used for commercial purpose;
 - b) they are associated to their owner or are family appliances;
 - c) their number does not exceed the number specified by the CITES management authority of Vietnam.

Article 20. Conditions for export, import, re-export of specimens used for breeding, rearing and artificial production of CITES-listed endangered species of wild fauna and flora

1. With regard to specimens of species included in CITES Appendix I:
 - a) A CITES permit or certificate prescribed in this Decree is required;
 - b) Animal specimens from the F2 hybrid and subsequent generations shall be generated at the breeding facility issued with a code prescribed in Article 17 and 18 hereof;
 - c) Specimens of flora must be collected from the artificial production facility issued with a code prescribed in Article 17 and 18 hereof.
2. With regard to specimens of species included in CITES Appendix II and III:
 - a) A CITES permit or certificate prescribed in this Decree is required;
 - b) Animal specimens from the F1 hybrid and subsequent generations shall be generated at the breeding facility or rearing facility issued with a code prescribed in Article 17 and 18 hereof;

c) Specimens of plant species included in CITES Appendix II and III must be collected from the artificial production facility issued with a code prescribed in Article 17 and 18 hereof.

Article 21. Conditions for transit of alive specimens of CITES-listed endangered wild fauna and flora

1. A CITES permit for export or re-export issued by the CITES management authority of the exporting country is required.
2. A copy of the CITES permit for export or re-export shall be sent to the CITES management authority of Vietnam within 15 working days before the day of transit procedure.
3. Safety of human and animals in transit shall be ensured and conditions for care for and humane treatment of animals shall be satisfied during the transportation.

Article 22. CITES permits and certificates

1. The CITES permit according to Form No.09 provided in the Appendix issued thereto shall apply to export, import, re-export and introduction from the sea of CITES-listed endangered species of wild fauna and flora and endangered, precious and rare species of forest fauna and flora. The CITES permit must include sufficient information and bear a CITES stamp or bar code, signature and seal of the CITES management authority of Vietnam.
2. The CITES certificate of export of souvenir specimens according to Form 10 provided in the Appendix issue thereto shall apply to souvenir specimens specified in CITES Appendices. The CITES certificate of export of souvenir specimens must include sufficient information and bear signature and full name of the raising facility owner.
3. The pre-Convention specimen certificate according to Form No.11 provided in the Appendix issued thereto shall apply to pre-Convention specimens.
4. The maximum effective period of the export or re-export permit or certificate shall not exceed 6 months and it will be 12 months for the import permit from the day on which such certificate is issued.
5. The CITES permit or certificate shall be granted only once with the CITES specimens.
6. The issuer of CITES permits and pre-Convention specimen certificates is the CITES management authority of Vietnam.
7. The processing or trading facility shall directly issue the CITES certificate applied to souvenir specimens.

Article 23. Procedures for issuing CITES permits for export or re-export of specimens of CITES-listed endangered species of wild fauna and flora

1. The CITES management authority of Vietnam shall take charge of issuing export or re-export CITES permits.

2. The application for a CITES permit shall include:

a) An application form for a permit according to Form No.12 provided in the Appendix issued thereto;

b) A copy of document proving that the specimen is legally sourced in compliance with regulations hereof;

c) In case of export or re-export of specimens for non-profit but for scientific research and foreign affair, in addition to the application's components specified in Point a and b this Clause, the applicant is required to submit a copy of the import permit issued by the CITES management authority of the importing country for specimens of species included in CITES Appendix I; or a copy of agreement on the research collaboration program approved by the competent authority for cases in which export/re-export serves the scientific research; or a written document confirming that the specimens are presented to diplomatic missions of other countries issued by the competent authority for cases in which specimens are exported/re-exported for foreign affair purpose.

d) In case of export or re-export of specimens for non-profit purpose but for exhibition or circus performance, in addition to the application's components specified in Point a and b this Clause, the applicant is required to submit a copy of decision on assignment of participation in foreign exhibition or circus performance issued by the competent authority or the invitation letter of the foreign agency; or a copy of import permit issued by the CITES management authority of the importing country for specimens specified in CITES Appendix I;

dd) In case of export or re-export of hunted specimens, in addition to the application's components specified in Point a and b this Clause, the applicant is required to submit a copy of dossier on legal origin of the specimen or a copy of permit or certificate applied to hunted specimens issued by the competent authority of the relevant country;

e) In case of export or re-export of pre-Convention specimens, in addition to the application's component specified in Point a this Clause, the applicant is required to submit a copy of pre-Convention specimen dossier; or a copy of CITES permit for import in case of specimen re-export.

3. Procedures for receiving applications for permit:

a) The entity requires an export or re-export permit shall send an application specified in Clause 2 this Article to the CITES management authority of Vietnam directly or by post or via the national single-window system;

b) If the application is found unsatisfactory, the CITES management authority of Vietnam shall notify the applicant within 3 working days from the day on which such application is received;

c) The CITES management authority of Vietnam shall grant the permit within 8 working days from the day on which the satisfactory application is received. In case of request for advice of the CITES scientific authority of Vietnam or relevant authorities of the importing country, the CITES management authority of Vietnam shall ask for such advice and grant the permit within 30 working days;

d) The CITES management authority of Vietnam shall give the permit to the applicant and post the issuance results on its website within 1 working day from the day on which such permit is issued.

Article 24. Procedures for issuing CITES certificates of export of souvenir specimens

1. The CITES management authority shall grant the certificate to owners of processing and trading facilities.

2. Every facility may be granted a certificate if:

a) the souvenir specimen is sourced from the raising facility issued with a code;

b) it keeps a logbook according to Form No.14 provided in the Appendix issued thereto;

c) it pays the cost for printing the certificate to the CITES management authority of Vietnam.

3. The application for CITES certificate of souvenir specimen export shall include:

a) An application form for a certificate according to Form No.13 provided in the Appendix issued thereto;

b) A copy of the logbook according to Form No.14 provided in the Appendix issued thereto.

4. Procedures for receiving applications for CITES certificates:

The processing or trading facility requiring a CITES certificate of export of souvenir specimens shall send an application specified in Clause 3 this Article to the CITES management authority of Vietnam;

b) The CITES management authority of Vietnam shall grant the CITES certificate of export of souvenir specimens to the applicant within 5 working days from the day on which the satisfactory is received.

In case the application is found unsatisfactory, the CITES management authority of Vietnam shall notify the facility within 3 working days from the day on which such application is received;

5. The CITES certificate of souvenir specimen export shall apply only to final products in souvenir stores. Each CITES certificate of souvenir specimen export may allow selling of 4 specimens, at the maximum, to one customer.

6. The processing or trading facility shall directly issue the CITES certificate of souvenir specimen export to its customers.

7. The certificate issuer shall take actions under the guidance and inspection of the CITES management authority of Vietnam and provincial-level state management agency and send a report on certificate use before December 01 of every year and the unused certificates before January 15 of the following year to the CITES management authority of Vietnam.

Article 25. Procedures for issuing CITES permits for import of specimens of CITES-listed endangered species of wild fauna and flora

1. The CITES management authority of Vietnam shall take charge of issuing import CITES permits.

2. The application for a CITES permit shall include:

a) An application form for a permit according to Form No.12 provided in the Appendix issued thereto;

b) A copy of the export CITES permit issued by the CITES management authority of the exporting country or the re-exporting country;

c) In case of import of alive specimens of fauna or flora that are imported for the first time and are not naturally distributed in Vietnam, in addition to the application's components specified in Point a and b this Clause, the applicant shall send a written confirmation on eligibility and capacity for nurturing and caring the specimen issued by the CITES management authority of Vietnam;

d) In case of import for non-profit purpose serving the scientific research, foreign affair and participation in exhibition and circus performance, in addition to the application's components specified in Point a this Clause, the applicant is required to submit one of the following documents: a copy of the written agreement on the research collaboration program approved by the competent authority in case of import for scientific research

purpose; written confirmation on present given to the diplomatic mission of other countries approved by the competent authority for the case in which the import serves foreign affair purpose; a copy of letter of invitation to the exhibition or circus performance issued by the competent authority for import serving non-profit exhibition or circus performance;

dd) In case of import of pre-Convention specimens or hunted specimens, in addition to the application's components specified in Point a this Clause, the applicant is required to submit a copy of pre-Convention specimen dossier and a certificate issued by the CITES management authority of the exporting country for pre-Convention specimens; or a copy of the export CITES permit and a certificate of hunted specimens issued by the competent authority of the exporting country for the hunted specimens.

3. Procedures for receiving applications for permit:

a) The entity requires an import permit shall send an application specified in Clause 2 this Article to the CITES management authority of Vietnam directly or by post or via the national single-window system;

b) The CITES management authority of Vietnam shall grant the permit within 8 working days from the day on which the satisfactory application is received. In case of request for advice of the CITES scientific authority of Vietnam or relevant authorities of the exporting country, the CITES management authority of Vietnam shall ask for such advice and grant the permit within 30 working days;

In case the application is found unsatisfactory, the CITES management authority of Vietnam shall notify the applicant within 3 working days from the day on which such application is received;

c) The CITES management authority of Vietnam shall give the permit to the applicant and post the issuance results on its website within 1 working day from the day on which such permit is issued.

Article 26. Procedures for issuing CITES permits for introduction from the sea of specimens of endangered species of wild fauna and flora included in CITES Appendix I and II

1. The CITES management authority of Vietnam shall take charge of issuing CITES permits for introduction from the sea.

2. The application for a CITES permit shall include:

a) An application form for a permit for introduction from the sea according to Form No.15 provided in the Appendix issued thereto;

b) A copy of the confirmation issued by the CITES scientific authority of Vietnam at the request of the CITES management authority of Vietnam which declares that the introduction of species from the sea will not produce any effect on existence of such species in nature;

c) The code of the raising facility or document proving the eligibility for nurture and humane treatment of the alive specimens for the facility not registered a code;

d) A document proving that the introduced specimen is not used for commercial purpose for species specified in CITES Appendix I.

3. Procedures for receiving applications for permit:

a) The entity requiring an import permit shall send an application specified in Clause 2 this Article to the CITES management authority of Vietnam directly or by post or via the national single-window system;

b) The CITES management authority of Vietnam shall grant the permit within 8 working days from the day on which the satisfactory application is received. In case of request for advice of the CITES scientific authority of Vietnam, central fishery management authority and relevant authorities, the CITES management authority of Vietnam shall ask for such advice and grant the permit within 30 working days;

In case the application is found unsatisfactory, the CITES management authority of Vietnam shall notify the applicant within 3 working days from the day on which such application is received;

c) The CITES management authority of Vietnam shall give the permit to the applicant and post the issuance results on its website within 1 working day from the day on which such permit is issued.

Article 27. Procedures for issuing CITES certificates of pre-Convention specimens of CITES-listed endangered species of wild fauna and flora

1. The CITES management authority of Vietnam shall take charge of issuing CITES certificates of pre-Convention specimens.

2. The application for a CITES certificate shall include:

a) An application form for a certificate of pre-Convention specimen according to Form No.15 provided in the Appendix issued thereto;

b) A copy of the dossier on legal origin of the specimen.

3. Procedures for receiving applications for certificate:

a) The entity requiring a CITES certificate of pre-Convention specimens shall send an application specified in Clause 2 this Article to the CITES management authority of Vietnam directly or by post or via the national single-window system;

b) The CITES management authority of Vietnam shall grant the CITES certificate of pre-Convention specimens within 8 working days from the day on which the satisfactory application is received. In case of request for advice of relevant authorities of the exporting country, the CITES management authority of Vietnam shall ask for such advice and grant the certificate within 30 working days;

In case the application is found unsatisfactory, the CITES management authority of Vietnam shall notify the applicant within 3 working days from the day on which such application is received;

Article 28. Regulations on issuance of CITES permits via the national single-window system for administrative procedure

1. The applicant who has sent an electronic application through the national single-window system for administrative procedure is not required to submit a hard copy of the application. The components of the application submitted via the system shall comply with regulations in Article 23, 24, 25, 26 and 27 hereof. Documents posted on the system must be copied from the original ones.

2. The results of application processing shall be sent to the applicant directly or by post or via the national single-window system for administrative procedure.

3. The applicant shall retain the original copies of relevant documents under regulations on applicant's components specified in Article 23, 24, 25, 26 and 27 hereof within 5 days from the day on which the application is sent and must represent such documents to the competent authority if required.

Section 4: PROCESSING, TRADE, TRANSPORTATION AND STORAGE

Article 29. Processing, promotion, exhibition of and trade in specimens of CITES-listed endangered species of wild fauna and flora

1. Conditions for processing and trade:

a) The processing or trading facility and processing of and trade in specimens of endangered species of wild fauna and flora shall comply with provisions provided herein, provisions of the law on environmental protection, animal protection, veterinary, food safety and hygiene and current State's regulations;

b) Specimens of such species shall be legally sourced as prescribed herein;

c) The processing or trading facility shall keep a logbook of its operation according to Form No.14 issued thereto and shall be subject to inspection of the CITES management authority of Vietnam and competent state management agency as per law provisions.

2. Specimens that are processed, traded, promoted or exhibited for commercial purpose shall be:

a) specimens of species included in CITES Appendix II legally exploited from nature;

b) specimens of F2 hybrid and subsequent generations of fauna included in CITES Appendix I generated by breeding; F1 hybrid and subsequent generation of fauna specified in CITES Appendix II generated by breeding and specimens of species of flora specified in CITES Appendix I artificially planted under provisions hereof;

c) Specimens of species included in CITES Appendix II shall be seized after processing.

3. Products derived from CITES-listed endangered wild fauna and flora shall be managed as follows:

a) The entity processing endangered wild fauna and flora shall keep a logbook of its operation according to Form No.14 provided in the Appendix issued thereto including monitoring of input materials and outputs of the processing consistent with the processed species;

b) The provincial-level fisheries state management agency shall check the origin and processing of aquatic products derived from wild aquatic animals and plants base upon the aforesaid logbook;

c) The local forestry administration shall check the origin and processing of products derived from CITES-listed wild fauna and flora not specified in Point b this Clause according to the logbook.

Article 30. Transportation and storage of specimens of CITES-listed endangered species of wild fauna and flora

1. Transportation of specimens must meet the following requirements:

s) A legal document as regulated by the law on management of forest products and aquatic products must be provided;

b) A certificate of quarantine of animals or animal products is required in conformity with provisions of the law on veterinary and the law on animal protection if the specimen is taken out of the province;

c) Safety of alive specimens and concerned people is ensured during the transportation and at the receiving facility.

2. Specimens of CITES-listed endangered wild fauna and flora with legal origin must be stored.

Section 5. APPRAISAL AND POST-SEIZURE HANDLING

Article 31. Appraisal of CITES-listed endangered species of wild fauna and flora

1. Specimens of CITES-listed endangered species of fauna and flora shall be appraised:

a) if necessary for accurately identifying the species, subspecies or a population of wild fauna and flora with the aim of observing regulations consistent with provisions of the Vietnamese law and CITES regulations;

b) to serve investigation and handling of violations in endangered wild fauna and flora;

c) in other cases in which the CITES management authority of Vietnam and competent authorities find that such appraisal is necessary in order to ensure conformity with the law;

d) if there is any request for specimen appraisal from the importing country.

2. Sampling for appraisal of CITES-listed endangered species of wild fauna and flora shall comply with provisions of the Vietnamese law and CITES regulations.

3. The appraisal cost shall be paid by the specimen owner or the entity requesting such appraisal.

4. The CITES scientific authority of Vietnam shall take charge of appraising CITES specimens.

Article 32. Handling of seized specimens of CITES-listed endangered species of wild fauna and flora

1. Handling of alive specimens and seized alive specimens shall comply with regulations specified in Clause 1 Article 10 hereof.

2. In case the seized specimens undergoing handling process are declared to be the carrier of an infectious disease, destruction is required as per law provisions.

3. Seized specimens sourced from foreign states shall be handled as follows:

a) Director of the CITES management authority of Vietnam shall consider and decide to return the specimens back to their origin countries for specimens of CITES-listed species of which origin is clearly defined. The cost for caring, maintaining and returning the specimens shall be paid by the origin country.

The specimens shall be seized and handled under provisions of the Vietnamese law if the CITES management authority of the origin country fails to give its response or refuse to receive the specimens within 30 working days from the day on which the written notification from the CITES management authority of Vietnam is received.

b) Seized specimens but not stored in a secured place shall be transferred to the local forestry administration for specimens of forest fauna and flora; the provincial-level fisheries state management agency for specimens of aquatic species; the rescue agency for alive specimens or the nearest animal and plant quarantine agency by the seizure entity to be handled as per current regulations of the Vietnamese law and CITES regulations.

Section 6: METHODS FOR ENSURING CITES OBSERVATION

Article 33. CITES management authority of Vietnam

1. The Ministry of Agriculture and Rural Development shall provide regulations on the organizational structure of the CITES management authority of Vietnam in conformity with CITES regulations and Vietnamese law provisions which is responsible to assist the Ministry of Agriculture and Rural Development in complying with regulations specified herein.

2. The CITES management authority of Vietnam has its own legal status, stamp and account; headquarters in Hanoi and two other representative offices in the Middle and the South of Vietnam.

3. Functions and duties of the CITES management authority of Vietnam:

a) Participate in meetings between CITES parties and exercise rights and obligations of a CITES party on behalf of Vietnam;

b) Take charge and cooperate with the CITES scientific authority of Vietnam and relevant entities in observing the CITES in Vietnam;

c) Perform activities related to international cooperation and disseminate CITES observation and prevention of illegal trade in endangered wild fauna and flora by the media;

d) Translate and publish the list of CITES-listed endangered species of wild fauna and flora after amendments to such list are approved in the conference of CITES parties and publish the CITES guidance on sampling for appraisal of endangered wild fauna and flora;

dd) Propose amendments to the list of endangered species of wild fauna and flora specified in CITES Appendices;

- e) Grant and revoke permits and certificates specified herein and grant confirmation as requested by the importing country;
 - g) Print and issue CITES permits and certificates;
 - h) Provide guidelines on, issue and discard the code of facilities raising endangered, precious and rare forest animals and plants and CITES-listed endangered wild fauna and flora; make registration of facilities raising endangered wild fauna and flora specified in CITES Appendix I for commercial purpose that are eligible to export species mentioned above with the CITES secretariat;
 - i) Carry out inspection of export, import, re-export, introduction from the sea and transit of specimens of endangered, precious and rare species of forest fauna and flora and CITES-listed endangered species of wild fauna and flora at the border checkpoint;
 - k) Handle and provide guidelines on handling CITES specimens seized under the Vietnamese law provisions and CITES provisions;
 - l) Take charge and cooperate with relevant parties in providing professional training for management authorities, organizations, family households and individuals related to CITES observation;
 - m) Sign bilateral and multilateral agreements on control of trade in specimens of CITES-listed endangered wild fauna and flora on behalf of Vietnam;
4. The State shall provide funding for activities performed by the CITES management authority of Vietnam and encourage domestic and foreign organizations, family households and individuals to support the aforesaid activities.

Article 34. CITES scientific authority of Vietnam

1. The Minister of Agriculture and Rural Development shall appoint scientific authority with appropriate professional skills and capacity as the CITES scientific authority of Vietnam and notify such appointment to the CITES secretariat.
2. Functions and duties of the CITES scientific authority of Vietnam:

Give advice to the CITES management authority of Vietnam and relevant management authorities about the following matters if required:
 - a) Current state of the population, distribution area and endangered, precious or rare level of endangered wild fauna and flora in nature and establishment of an exploitation quota;
 - b) Grant of CITES permits and certificates for export, import, re-export and transit of specimens of CITES-listed endangered species of wild fauna and flora;

- c) Scientific names of fauna and flora;
 - d) Appraisal of specimens of wild fauna and flora;
 - dd) Rescue of and care for alive specimens;
 - e) Appropriate habitat and distribution area for the purpose of releasing the seized wild animals;
 - g) Breeding, rearing and artificial production of wild fauna and flora; appraisal of projects on breeding, rearing or artificial production of wild fauna and flora;
 - h) Disclosure of the list of species with potential for breeding for commercial purpose.
3. Be authorized in writing by the CITES management authority of Vietnam to check breeding, rearing or artificial production facilities, export, import, re-export, introduction from the sea and transit of specimens if necessary.
 4. Participate in international conferences, meetings and seminars related to CITES observation.
 5. Compile scientific documents and proposals concerning CITES observation; prepare technical reports as required by the CITES secretariat; cooperate with the CITES management authority of Vietnam and other law enforcement bodies in sampling for appraisal of specimens if required.
 6. The State shall provide funding for activities carried out by the CITES scientific authority of Vietnam related to provisions of advice on management of endangered, precious and rare forest fauna and flora and CITES observation for the CITES management authority.

Article 35. Disclosing international export quota and setting up an exploitation quota

1. Disclosing international export quota:
 - a) The CITES management authority of Vietnam shall post the export quota applied to species under international export quota announced by the CITES secretariat on the website of the Government and the Ministry of Agriculture and Rural Development;
 - b) The international export quota shall be used for determining the quantity and weight of the specimen of an exploited species.
2. Setting up an exploitation quota

The CITES management authority of Vietnam shall give advice to the CITES scientific authority of Vietnam about the exploitation potential to decide whether to set up an exploitation quota in case of request for exploitation of the specimen of a species subject to the export quota as regulated by CITES.

The exploitation quota shall not be established if such exploitation is declared to produce negative effects on the existence of such species in nature by the CITES scientific authority of Vietnam.

The CITES management authority of Vietnam shall cooperate with the CITES scientific authority of Vietnam in setting up an exploitation quota under the CITES guidance if such exploitation is declared not to produce any negative effect on the existence of such species in nature by the CITES scientific authority of Vietnam.

Article 36. Revocation and return of CITES permits and certificates

1. The CITES management authority of Vietnam shall revoke CITES permits and certificates if:

- a) they are granted inconsistent with the regulations;
- b) they are used for wrong purposes;
- c) the entity issued with the permit or certificate commits violations against provisions of the law on management and protection of endangered, precious and rare forest animals and plant and CITES regulations.

2. Return of expired permits and certificates:

- a) The organization, family household and individual issued the with a permit or certificate shall return the expired permit or certificate to the CITES management authority of Vietnam within 10 days from the day on which such permit or certificate is expired and no longer in use.
- b) The CITES management authority of Vietnam may refuse to issuance the new permit or certificate if the aforesaid entity fails to return the expired permit or certificate before requests for new issuance.

Article 37. Statistical data and storage of specimens of CITES-listed endangered species of wild fauna and flora after seizure

1. The Ministry of Finance shall provide information and statistical data on specimens of CITES-listed endangered species of wild fauna and flora stored by its affiliated entities under regulations of the law on management and use of public assets to the Ministry of Agriculture and Rural Development which are then reported in the Conference of CITES parties under CITES regulations before December 31 of every year.

2. The provided information shall include the quantity and weight of specimens of each specific species currently stored and their origin.

3. The CITES management authority of Vietnam shall send a consolidated report on the quantity of specimens of CITES-listed endangered species of wild fauna and flora currently stored if required by the CITES secretariat.

Chapter IV

IMPLEMENTATION

Article 38. Responsibilities for management of breeding, rearing and artificial production facilities of endangered, precious and rare species of forest fauna and flora and CITES-listed endangered species of wild fauna and flora

1. Provincial forestry administrations shall manage and check breeding, rearing and artificial production facilities for endangered, precious and rare species of forest fauna and flora and CITES-listed endangered species of wild fauna and flora not specified in Clause 2 this Article.

2. Provincial-level fisheries state management agencies shall manage and check breeding, rearing and artificial production facilities for CITES-listed aquatic species.

3. Provincial forestry administrations and provincial-level fisheries state management agencies shall manage, monitor and record the latest updated information into a logbook of animal raising according to Form No.16 or a logbook of plant raising according to Form No.17 provided in the Appendix issued thereto after each inspection.

The logbook system shall be kept in the form of hardcopy and electronic file.

The code issuer and the agency controlling raising facilities shall encourage such facilities to report their operations in the form of electronic file.

4. Management authorities specified in Clause 1 and 2 this Article shall send the latest updated information after each inspection with a report according to Form No.18 provided in the Appendix issued thereto to the Department of Agriculture and Rural Development and the CITES management authority of Vietnam for data update purpose to serve the management work in each specific period before November 30 of every year and cooperate with the CITES management authority of Vietnam and other relevant agencies in carrying out inspection of raising facilities of species specified in CITES Appendix I and II. Such inspection shall be carried out corresponding to each stage of the life cycle of each species.

5. Inspection shall be reported in writing according to Form No.19, 20, 21 and 22 provided in the Appendix issued thereto.

Article 39. Responsibilities for control of export, import, re-export and introduction from the sea of specimens of endangered, precious and rare forest fauna and flora and CITES-listed endangered species of wild fauna and flora assigned to relevant agencies

1. Customs authorities shall confirm the quantity of specimens exported or re-exported in reality and record such quantity into the permit and certificate specified in Article 22 hereof issued by the CITES management authority of Vietnam; return the export or re-export permit to the exporter which is then sent together with the goods; record the serial number and issuance date of the permit or certificate into the customs declaration; send the copy of permits and certificates verified in each quarter to the CITES management authority of Vietnam within the first week of the next quarter.

As for exported specimens, the customs authority shall verify the exported quantity in reality provided in the export permit, collect and retain the export permit; record the serial number and issuance date of the permit and certificate into the customs declaration; return the export or re-export permit granted by the exporting country to the exporter; send the copy of permits and certificates verified in each quarter to the CITES management authority of Vietnam within the first week of the next quarter.

2. Forestry administrations, fisheries management authorities, customs authorities, public security forces, Border Defense Force, tax agencies, market management authorities, veterinary authorities, animal quarantine and plant quarantine agencies, environment protection agencies and agencies in charge of biological diversity preservation, as authorized and assigned, shall:

a) carry out inspection and handling of violations in management of export, import, re-export, transit and introduction from the sea, breeding, rearing, artificial production of specimens of endangered, precious and rare species of forest fauna and flora and CITES-listed endangered species of wild fauna and flora; nurture of usual forest animals as per law provisions;

b) provide information and cooperate with the CITES management authority of Vietnam in handling violations related to export, import, re-export, transit and introduction from the sea of specimens of endangered, precious and rare species of forest fauna and flora and CITES-listed endangered species of wild fauna and flora if required by the CITES.

Chapter V

IMPLEMENTATION PROVISIONS

Article 40. Effect

1. This Decree comes into force from March 19, 2019.

2. The following documents shall expire from the effective date of this Decree:

- a) Decree No.32/2006/ND-CP dated March 30, 2006 of the Government on management of endangered, precious and rare forest animals and plants;
- b) Decree No.82/2006/ND-CP dated August 10, 2006 of the Government on management of export, import, re-export, introduction from the sea, transit, breeding, rearing and artificial production of endangered, precious and rare forest animals and plants;
- c) Article 5 of Decree No.98/2011/ND-CP dated October 26, 2011 of the Government on amendments to a number of Articles of Decrees on agriculture;
- d) Chapter IV of Decree No.66/2016/ND-CP dated July 01, 2016 of the Government on conditions for investment in protection and quarantine of plants, plant varieties; nurture of usual forest animals; animal husbandry; fisheries and food products;
- dd) Circular No.47/2012/TT-BNNPTNT dated September 25, 2012 of the Minister of Agriculture and Rural Development on management of exploitation from nature and nurture of usual forest animals;
- e) Circular No.16/2007/TT-BNN dated February 14, 2007 of the Minister of Agriculture and Rural Development providing guidelines for management and use of sample certificates of export of souvenir specimens specified in CITES Appendices;
- g) Decision No.95/2008/QD-BNN dated September 29, 2008 of the Minister of Agriculture and Rural Development on promulgation of regulations on domesticated bear management.

3. Species that are both on the list of endangered, precious and rare forest fauna and flora and the list of endangered species of wild fauna and flora shall be managed under regulations provided herein, except for exploitation for the purpose of generating the first breed/seed serving scientific research.

4. Export, re-export, import, temporary import for re-export, temporary export for re-import, introduction from the sea and transit of CITES specimens shall comply with regulations hereof.

Article 41. Transition clauses

1. Raising facilities for non-profit purpose founded before the effective date of this Decree shall prepare and keep a logbook of animal raising according to Form No.16 or a logbook of plant raising according to Form No.17 provided in the Appendix issued thereto within 3 months from the effective date of this Decree and send such logbook to the competent authority for issuance of the code of the raising facility.

2. Biological diversity preservation facilities issued with a certificate of biological diversity preservation by provincial People's Committees shall send the logbook for

monitoring of input animals or of specimens of plants produced artificially to the code issuer in compliance with regulations herein.

3. Organizations or individuals whose applications for a permit/certificate or permission for specimen transit submitted before the effective date of this Decree not yet processed by the competent authority shall take actions specified herein.

4. Organizations or individuals whose applications for registration of breeding, rearing or artificial production facilities not yet processed by the competent authority shall take actions specified herein.

Article 42. Implementation responsibilities

Ministers, Directors of ministerial agencies and Governmental agencies, Chairpersons of People's Committees of provinces and centrally-affiliated cities shall take responsibility to implement this Decree./.

**PP. THE GOVERNMENT
PRIME MINISTER**

Nguyen Xuan Phuc

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