

**THE MINISTRY OF
AGRICULTURE AND
RURAL DEVELOPMENT**

No. 29/2019/TT-BNNPTNT

**SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

Hanoi, December 31, 2019

CIRCULAR

**ON HANDLING OF FOREST ANIMALS BEING EXHIBITS; AND FOREST
ANIMALS VOLUNTARILY SUBMITTED TO THE STATE BY ORGANIZATIONS
AND INDIVIDUALS**

Pursuant to the Government's Decree No. 15/2017/ND-CP dated February 17, 2017 on functions, duties, powers and organizational structure of the Ministry of Agriculture and Rural Development;

Pursuant to the Criminal Procedure Code dated November 27, 2015;

Pursuant to the Law on Handling of Administrative Violations dated June 20, 2012;

Pursuant to the Law on Management and Use of Public Property dated June 21, 2017;

Pursuant to the Government's Decree No. 29/2018/ND-CP dated March 05, 2018 prescribing procedures for establishing all-people ownership of property and handling of property under established all-people ownership;

Pursuant to the Government's Decree No. 06/2019/ND-CP dated January 22, 2019 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;

At the request of the Director General of the Vietnam Administration of Forestry;

The Minister of Agriculture and Rural Development hereby promulgates a Circular on handling of forest animals being exhibits; and forest animals voluntarily submitted to the State by organizations and individuals.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Circular provides for:

1. Care and preservation of forest animals being exhibits and taken into temporary custody.
2. Care, preservation, receipt and handling of forest animals being exhibits under plans for handling of property qualified for the established all-people ownership (hereinafter referred to as “handling plans”); or according to rulings on handling of exhibits (hereinafter referred to as “handling rulings”).
3. Receipt, care, preservation and handling of forest animals voluntarily submitted to the State by organizations and individuals.
4. This Circular is not applicable to transfer of body parts (specimens) of forest animals to state reserve authorities according to decisions from the Prime Minister.

Article 2. Regulated entities

This Circular is applied to domestic regulatory bodies, organizations, individuals and residential communities; and foreign organizations and individuals involved in the activities prescribed in Clauses 1, 2 and 3 Article 1 of this Circular.

Article 3. Definitions

1. Forest animals regulated by this Circular include alive or dead forest animals, body parts or products of forest animals included in the list of endangered, precious and rare species issued by the Government and in appendixes of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (“CITES”) and usual species of forest fauna.
2. “body part of a forest animal” means a body part of a forest animal the severance of which will result in injury or death to the animal.
3. “product of a forest animal” refers to a product originating from a forest animal (e.g., meat, eggs, milk, sperms, embryos, blood, bile, internal organs, skin, hide, bones, horns, tusks, legs, claws, etc. of the animal); or an article containing a part of a forest animal that has been processed (e.g., glues from the animal’s bones, pouches, purses or belts from the animal’s skin, etc.).
4. “forest animal rescue facility” means an organization or unit whose function is to rescue forest animals and is established and operated under the law.
5. “voluntary submission of a forest animal to the State” refers to the act of voluntarily submitting a forest animal to the State by an organization or individual, which is not the result of a penalty imposed as per the law.
6. Local forest ranger authorities include district-level forest ranger authorities and provincial forest rangers for localities without district-level forest rangers.

Chapter II

CARE, PRESERVATION AND RECEIPT OF FOREST ANIMALS

Section 1. CARE, PRESERVATION AND RECEIPT OF FOREST ANIMALS BEING EXHIBITS

Article 4. Care and preservation of forest animals being exhibits in temporary custody

1. The authority temporarily seizing a forest animal to be presented as an exhibit of an administrative violation or a criminal case shall take care of the animal if it is alive, or preserve the animal if it is dead; and preserve the body parts and products of the animal. Each species shall be taken care of or preserved as appropriate to its characteristics, ensuring hygiene and safety for humans and the animal.

2. In case the authority temporarily seizing a forest animal is unable to take care of or preserve the animal, it shall be cared for or preserved by a facility capable of such task while awaiting a handling decision from a competent person. Transfer of the animal to this facility must be recorded using Form No. 01 enclosed with this Circular.

3. Funding for care and preservation of forest animals being exhibits in temporary custody is provided for by regulations of laws on handling of administrative violations and criminal procedures laws.

Article 5. Receipt of forest animals being exhibits of administrative violations transferred under handling plans

1. Receiving authorities and units include:

- a) Local forest ranger authorities shall receive endangered, precious and rare forest animals transferred under approved handling plans and seized by district-level or commune-level competent authorities and persons of their localities;
- b) Provincial forest ranger authorities shall receive endangered, precious and rare forest animals transferred under approved handling plans and seized by provincial or central competent authorities and persons of their provinces;
- c) Forest animal rescue facilities, zoos, scientific research facilities, institutions for environmental education, specialized museums and management boards of reserve forests having an animal rescue facility shall receive forest animals transferred under approved handling plans.

2. The dossier sent together with the forest animal consists of:

a) An authentic copy of the handling plan approved according to regulations of laws on management and use of public property;

b) An authentic copy of the record made using Form No. 03-BBCG enclosed with the Government's Decree No. 29/2018/ND-CP dated March 05, 2018 prescribing procedures for establishing all-people ownership of property and handling of property under established all-people ownership (hereinafter referred to as "Decree No. 29/2018/ND-CP"). The animal's scientific name and whether the animal is classified as endangered, rare, precious or usual shall be added to the "name of property" column; and the animal's weight and sex shall be added to the "quality status" column.

3. After receiving the forest animal according to the handling plan, the receiving authority or unit shall handle the animal as prescribed in Chapter III of this Circular.

Article 6. Receipt of forest animals being exhibits of criminal cases transferred according to handling rulings

1. Receiving authorities and units include forest animal rescue facilities, zoos, scientific research facilities, institutions for environmental education, specialized museums and management boards of reserve forests having an animal rescue facility.

2. The dossier sent together with the forest animal consists of:

a) If seizing of the forest animal is specified in the handling ruling, the dossier comprises an authentic copy of the handling ruling approved according to regulations of laws on management and use of public property; and an authentic copy of the record made using Form No. 03-BBCG enclosed with the Decree No. 29/2018/ND-CP. The animal's scientific name and whether the animal is classified as endangered, rare, precious or usual shall be added to the "name of property" column; and the animal's weight and sex shall be added to the "quality status" column;

b) If seizing of the forest animal is not specified in the handling ruling, the dossier comprises an authentic copy of the handling ruling; and an authentic copy of the animal delivery record made using Form No. 01 enclosed with this Circular.

3. Receiving authorities and units shall:

a) Handle the forest animals after receiving them according to handling plans as prescribed in Chapter III of this Circular for the case stated in Point a Clause 2 of this Article;

b) Handle the forest animals after receiving them following the method prescribed in handling rulings and the procedures in Articles 11, 12, 13, 14 and 15 of this Circular for the cases where the exhibit handling method is specified in the handling ruling;

c) Care for and preserve the forest animals as prescribed in Article 4 of this Circular for the case stated in Point b Clause 2 of this Article, unless otherwise provided for by Point b of this Clause.

Section 2. RECEIPT, CARE AND PRESERVATION OF FOREST ANIMALS VOLUNTARILY SUBMITTED TO THE STATE BY ORGANIZATIONS AND INDIVIDUALS.

Article 7. Receiving authorities and units

1. National parks affiliated to Vietnam Administration of Forestry.
2. Forest animal rescue facilities managed by the State, zoos managed by the State, and management boards of reserve forests not affiliated to Vietnam Administration of Forestry and having an animal rescue facility.
3. District-level forest ranger authorities and provincial forest ranger authorities.

Article 8. Care and preservation of forest animals voluntarily submitted

1. Receiving authorities and units shall care for and preserve forest animals voluntarily submitted while procedures for establishment of all-people ownership are being carried out and plans for handling of forest animals voluntarily submitted to the State (hereinafter referred to as “voluntarily submitted animal handling plan”) are being formulated and approved.
2. In case a forest ranger authority receiving a forest animal is unable to care for or preserve it, it shall be transferred to a facility capable of such task. The transfer must be recorded using Form No. 01 enclosed with this Circular.

Article 9. Responsibilities of receiving authorities and units

1. Receiving authorities and units shall draw up forest animal delivery records using Form No. 01 enclosed with this Circular.
2. If a national park prescribed in Clause 1 Article 7 of this Circular receives a forest animal voluntarily submitted to the State, it shall carry out the procedures for establishment of the all-people ownership, and formulate and submit the voluntarily submitted animal handling plan to the Director General of the Vietnam Administration of Forestry according to regulations of laws on management and use of public property.
3. If a district-level forest ranger authority or a regulatory body or unit prescribed in Clause 2 Article 7 of this Circular receives an endangered, rare or precious forest animal voluntarily submitted to the State, immediately after such receipt, it shall send a written notification and the delivery record to the provincial forest ranger authority to carry out the procedures for establishment of the all-people ownership, and formulate and approve

the voluntarily submitted animal handling plan according to regulations of laws on management and use of public property.

4. If a regulatory body or unit prescribed in Clauses 2 and 3 Article 7 of this Circular receives a usual forest animal voluntarily submitted to the State, it shall carry out the procedures for establishment of the all-people ownership, and formulate and approve the voluntarily submitted animal handling plan according to regulations of laws on management and use of public property.

5. Handling of forest animals received under handling plans is provided for in Chapter III of this Circular.

Chapter III

HANDLING OF FOREST ANIMALS RECEIVED UNDER HANDLING PLANS

Article 10. Forest animal handling methods

1. Forest animal handling methods include:

- a) Release of the forest animal into the wild;
- b) Rescue of the forest animal;
- c) Transfer of the forest animal to a zoo, a scientific research facility, an institution for environmental education or a specialized museum;
- d) Sale of the forest animal;
- dd) Disposal of the forest animal.

2. The forest animal handling methods in Clause 1 of this Article are listed in order of priority, from Point a to Point dd; a handling method shall only be adopted if the one immediately preceding it is inapplicable.

Article 11. Release of forest animals into the wild

1. Targets: Alive and healthy forest animals.

2. Conditions:

- a) The animal's habitat can be identified;
- b) The animal is confirmed healthy by a veterinary authority or an animal rescue facility managed by the State in an animal health record made using Form No. 02 enclosed with this Circular;

c) If the animal can pose a risk to humans, protective measures must be taken against it after its release;

d) If the regulatory body or unit releasing the animal does not own the forest where the animal is to be released, a written consent from the owner of such forest, which is made using Form No. 03 enclosed with this Circular, must be obtained.

3. Procedure:

a) Head of the regulatory body or unit with competence in handling the forest animal shall promulgate a decision to release the animal into the wild;

b) Participants in release of the forest animal into the wild include the regulatory body or unit in charge of the release, local forest ranger authority and forest owner (for the case stated in Point d Clause 2 herein). The regulatory body or unit in charge may invite a witness, the authority given power to institute legal proceedings (if the animal is an exhibit), the local government, a communication authority and relevant parties;

c) The regulatory body or unit in charge of the release shall draw up a record on the release using Form No. 04 enclosed with this Circular.

Article 12. Rescue of forest animals

1. Targets: Injured and weak forest animals needing rescue.

2. Conditions:

a) The forest animal is confirmed injured or sick by a veterinary authority or an animal rescue facility managed by the State in an animal health record made using Form No. 02 enclosed with this Circular;

b) The rescue facility is capable of performing the rescue operation suitable to the animal.

3. Procedure:

a) Head of the regulatory body or unit with competence in handling the forest animal shall promulgate a decision to rescue the animal;

b) If the rescue operation entails transfer of the forest animal to the rescue facility, the regulatory body or person with competence in deciding the rescue operation shall draw up a record on delivery of the animal for rescue purpose using Form No. 01 enclosed with this Circular.

4. Handling of the forest animal post rescue:

a) If, after rescued, the forest animal can be released into the wild, the rescue facility shall release it according to the regulations in Article 11 of this Circular;

b) If, after rescued, the forest animal cannot be released into the wild, the rescue facility shall handle it using one of the subsequent methods prescribed in Article 10 of this Circular.

Article 13. Transfer of forest animals to zoos, scientific research facilities, institutions for environmental education and specialized museums

1. Targets: Forest animals included in IB and IIB endangered species lists and not subject to disposal according to regulations of laws.

2. Conditions:

a) The facility receiving the forest animal must have one of the following functions or duties: Scientific research, environmental education, conservation, exhibition for education and conservation purposes per the law;

b) The facility receiving the forest animal is capable of caring for and/or preserving the animal;

c) A veterinary authority or an animal rescue facility managed by the State confirms that the forest animal does not need to be disposed of in an animal health record made using Form No. 02 enclosed with this Circular;

3. Procedure:

a) Head of the regulatory body or unit with competence in handling the forest animal shall promulgate a decision to transfer the animal to the scientific research facility, institution for environmental education or specialized museum;

b) The regulatory body or person with competence in transfer of the forest animal shall draw up a record on delivery of the animal using Form No. 01 enclosed with this Circular.

Article 14. Sale of forest animals to organizations and individuals per the law

1. Targets: Forest animals which have been presented as exhibits, are permitted for commercial use and cannot be handled using the methods prescribed in Articles 11, 12 and 13 of this Circular.

2. Conditions: A veterinary authority or an animal rescue facility managed by the State confirms that the forest animal does not need to be disposed of in an animal health record made using Form No. 02 enclosed with this Circular.

3. Head of the regulatory body or unit with competence in handling the forest animal shall promulgate a decision to sell the animal according to regulations of laws on management and use of public property.

Article 15. Disposal of forest animals

1. Targets: Infected forest animals or forest animals which cannot be handled using the methods prescribed in Articles 11, 12, 13 and 14 of this Circular or forest animals subject to disposal per the law.

2. Disposal method: Depending on the characteristics of the forest animal to be disposed of, the competent person shall select one of the following disposal methods: mechanical method, incineration, burial, use of chemicals or another method according to regulations of laws to dispose of the forest animal, ensuring that the animal no longer exists or is rendered unusable and the disposal does not affect the environment.

3. Procedure:

a) Head of the regulatory body or unit with competence in handling the forest animal shall promulgate a decision to dispose of the animal;

b) Participants in disposal of the forest animal include the regulatory body or unit in charge of the disposal and local forest ranger authority. The regulatory body or unit in charge may invite a witness, the authority given power to institute legal proceedings (if the animal is an exhibit), the local government, a communication authority and relevant parties;

c) The regulatory body or unit in charge of the disposal shall draw up a disposal record using Form No. 05 enclosed with this Circular.

Chapter IV

IMPLEMENTATION

Article 16. Retention of dossiers and reports on result of handling of forest animals

1. The regulatory body or unit receiving and/or handling a forest animal shall retain the dossier on such receipt and/or handling.

2. The regulatory bodies and units receiving and/or handling forest animals mentioned in Point c Clause 1 Article 5; Clause 1 Article 6; and Clause 1 and Clause 2 Article 7 of this Circular shall submit biannual and annual reports on result of receiving and/or handling of forest animals to local forest ranger authorities.

3. District-level forest ranger authorities shall submit periodical consolidated reports on result of receipt and handling of forest animals in their districts to provincial forest ranger

authorities; and provincial forest ranger authorities shall submit periodical reports on result of receipt and handling of forest animals in their provinces to Forest Ranger Authority as regulated.

4. Reports on result of receipt and handling of forest animals shall be made using Form No. 06 enclosed with this Circular.

Article 17. Implementing responsibilities

1. Vietnam Administration of Forestry shall organize implementation of this Circular throughout the country and inspect such implementation.

2. Departments of Agriculture and Rural Development shall implement this Circular in their provinces.

Article 18. Effect

1. This Circular takes effect from February 20, 2020.

2. Circular No. 90/2008/TT-BNN dated August 28, 2008 by the Ministry of Agriculture and Rural Development providing guidelines for post-seizing handling of forest animals being exhibits is annulled from the date this Circular comes into force.

3. During the implementation of this Circular, any problem arising should be promptly reported to the Ministry of Agriculture and Rural Development for consideration and resolution./.

**PP. THE MINISTER
THE DEPUTY MINISTER**

Ha Cong Tuan

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