

THE GOVERNMENT

No. 94/2019/ND-CP

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, December 13, 2019

DECREE

GUIDELINES FOR SOME ARTICLES OF THE LAW ON CROP PRODUCTION REGARDING PLANT VARIETIES AND CROP CULTIVATION

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

Pursuant to the Law on Crop Production dated November 19, 2018;

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

The Government hereby promulgates a Decree on guidelines for some Articles of the Law on Crop Production regarding plant varieties and crop cultivation.

Chapter I

GENERAL

Article 1. Scope

1. This Decree elaborates Clause 2 Article 12, Clause 8 Article 15, Clause 3 Article 16, Clause 3 Article 17, Clause 4 Article 21, Clause 3 Article 22, Clause 7 Article 24, Clause 3 Article 27, Clause 3 Article 28, Clause 5 Article 29, Clause 2 Article 56 and Clause 3 Article 57 of the Law on Crop Production.
2. Contents regarding organic cultivation specified in Clause 5 Article 69 of the Law on Crop Production shall comply with the Government's Decree No. 109/2018/ND-CP dated August 29 on organic agriculture.

Article 1. General provisions on completion of administrative procedures specified in this Decree

1. Submission of documents serving administrative procedures: according to the methods for receipt of documents and returning of results adopted by the authority handling administrative procedures (hereinafter referred to as "the handling authority"), organizations and individuals shall submit documents whether in person or by post or online (national single-window system, online public service, software, email or fax). To be specific:

a) If documents are submitted in person or by post, the documents must be originals or certified true copies or copies presented together with their originals for comparison; if documents are promulgated by organizations, their copies must bear the seals of such organizations;

b) If documents are submitted online, the documents must be scanned or photocopied from the originals.

2. Number of documents: 01 set.

3. Time limit for replying to the adequacy of documents:

a) If documents are submitted in person, the handling authority shall inspect documents and give a response as soon as an organization/individual submits the documents.

b) If documents are submitted by post or online, within 03 working days, the handling authority shall inspect their adequacy. If the documents are inadequate, it shall notify the organization/individual.

4. Methods for paying fees and charges for completing administrative procedures: organizations and individuals shall pay fees and charges in accordance with applicable regulations to the handling authority, whether in person or by wire transfer or another appropriate mean.

5. Methods for returning results: the handling authority shall return results directly at the document receipt area or by post or online.

6. In case any regulations herein are contrary to the regulations laid down in Clauses 1, 2, 3, 4 or 5 of this Article, the former shall prevail.

7. Documents written in a foreign language shall be translated into Vietnamese language and verified by translating authorities.

8. Organizations and individuals shall take responsibility for the legitimacy of their submitted documents.

Chapter II

PLANT VARIETIES

Article 3. Conservation of plant genetic resources and Nomenclature of plant genetic resources banned from export

1. Investigating and collecting plant genetic resources:

a) The Department of Crop Production shall, according to actual demands and conditions, conclude contracts with qualified organizations or individuals for periodic investigation into and collection of plant genetic resources.

b) Plant genetic resources shall be collected in the form of seeds, cultivars, cuttings, seed tubers or plant genetic materials depending on each plant species.

c) Investigation and collection results shall be documented, specifying relevant information such as place, date, types of samples, quantity collected and collection method.

2. Conserving and establishing banks of plant genetic resources:

a) Plant genetic resources shall be conserved at the Plant Resources Center and members of the plant resources conservation network nationwide under the contracts with the Department of Crop Production.

b) Depending on the actual resources and conditions, the conservation may be carried out adopting one of the two methods or both methods below:

Ex-situ conservation, which is the conservation of plant varieties outside their natural habitats under frozen conditions (in frozen warehouses, liquid nitrogen or other conservation methods upon the availability of new technologies); or in in-vitro culture; or genetic materials or on fields;

In-situ conservation, which is the conservation of plant varieties outside within their natural habitats.

3. Evaluating plant genetic resources:

a) Activities related to evaluation of plant genetic resources include encoding genes, evaluating agronomic and biological indicators and value of use of plant genetic resources;

b) According to the demands for exploiting and using information about plant genetic resources, the Department of Crop Production shall conclude contracts with qualified organizations or individuals for encoding genes, evaluating agronomic and biological indicators and value of plant genetic resources.

4. Establishing, storing and sharing data on plant genetic resources:

a) Data on plant genetic resources shall be established by organizations or individuals carrying out the activities mentioned in Clauses 1, 2 and 3 of this Article and relevant organizations and individuals (information provider) to serve the management, exploitation and use of data on plant genetic resources.

b) Data on plant genetic resources shall be stored in the form of investigation forms, description forms, evaluation forms, specimens, drawings, maps, images, publications, physical or electronic database (including basic data on genetic resources and information concerning genetic resources).

c) Data on plant genetic resources shall be stored at the Plant Resources Center.

d) Data on national plant genetic resources shall be shared in accordance with applicable regulations.

5. The Nomenclature of plant genetic resources banned from export is provided in the Appendix I hereof.

Article 4. Applications and procedures for issuance, re-issuance, extension, suspension, restoration and invalidation of the decision on recognition of plant variety circulation

1. An application for issuance of the decision on recognition of plant variety circulation includes:

a) An application form, which is made using the Form No. 01.CN in the Appendix II hereof.

b) Results of testing for distinctness, uniformity and stability of plant varieties to be recognized.

c) Results of testing for value of cultivation and use of plant varieties.

d) Variety cultivation process designed by the applicant.

dd) A declaration of information about plant varieties, which is made by the applicant using the Form No. 02.CN in the Appendix II hereof.

2. An application for re-issuance of the decision on recognition of plant variety circulation includes:

a) An application form, which is made using the Form No. 03.CN in the Appendix II hereof.

b) Documents proving changes in case of changes of information concerning the organization or individual specified in the decision on recognition of plant variety circulation.

3. An application for extension of the decision on recognition of plant variety circulation includes:

a) An application form, which is made using the Form No. 04.CN in the Appendix II hereof.

b) Results of the controlled testing in Point a Clause 2 Article 18 of the Law on Crop Production, which is conducted within 01 year before the date on which the application is submitted.

4. Procedures for issuance, re-issuance and extension of the decision on recognition of plant variety circulation:

a) Procedures for issuance of the decision on recognition of plant variety circulation: The applicant shall submit an application to the Department of Crop Production. Within 15 working days from the receipt of the satisfactory application, the Department of Crop Production shall appraise it and issue the decision on recognition of plant variety circulation according to the Form No. 05.CN in the Appendix II hereof and post the decision and relevant documents on its web portal. In case of rejection of the application, a written notice and explanation shall be sent. The plant variety is allowed to be circulated from the date on which the decision on recognition of plant variety circulation is signed.

b) Procedures for re-issuance of the decision on recognition of plant variety circulation: The applicant shall submit an application to the Department of Crop Production. Within 05 working days from the receipt of the satisfactory application, the Department of Crop Production shall re-issue the decision on recognition of plant variety circulation according to the Form No. 06.CN in the Appendix II hereof, and post the decision and relevant documents on its web portal. In case of rejection of the application, a written notice and explanation shall be sent.

c) Procedures for extension of the decision on recognition of plant variety circulation: within 06 months before the expiry date of the decision on recognition of plant variety circulation, the applicant shall submit an application to the Department of Crop Production. Within 05 working days from the receipt of the satisfactory application, the Department of Crop Production shall issue the extended decision on recognition of plant variety circulation according to the Form No. 07.CN in the Appendix II hereof, and post the decision and relevant documents on its web portal. In case of rejection of the application, a written notice and explanation shall be sent.

The applicant that fails to submit the application for extension according to Clause 3 of this Article shall comply with regulations laid down in Clause 1 and Point a Clause 4 of this Article.

5. Suspension of the decision on recognition of plant variety circulation

Upon receipt of information about plant varieties specified in Clause 5 Article 15 of the Law on Crop Production, the Department of Crop Production shall verify the information

and issue a decision on suspension of plant variety circulation if there is sufficient evidence of the violation, and post the decision and relevant documents on its web portal.

6. Restoration of the decision on recognition of plant variety circulation

After the violations specified in Clause 5 Article 15 of the Law on Crop Production have been rectified and the rectification has been confirmed by the testing organization, the organization or individual shall submit an application form for restoration of the decision on recognition of plant variety circulation to the Department of Crop Production. Within 10 working days from the receipt of the application form, the Department of Crop Production shall appraise it and notify the restoration of the decision on recognition of plant variety circulation, and post information thereon on its web portal. In case of rejection of the application form, a written notice and explanation shall be sent.

7. Invalidation of the decision on recognition of plant variety circulation

a) Within 10 working days from the receipt of the information about the violations specified in Points a, d and dd Clause 7 Article 15 of the Law on Crop Production, the Department of Crop Production shall appraise the information and issue a decision to invalidate the decision on recognition of plant variety circulation according to the Form No. 08.CN in the Appendix II hereof; and post that decision on its web portal.

b) Upon receipt of the information specified in Point b Clause 7 Article 15 of the Law on Crop Production, the Department of Crop Production shall verify the information and issue a decision to invalidate the decision on recognition of plant variety circulation if there is sufficient evidence of the violation, and post the decision and relevant documents on its web portal.

Article 5. Procedures for issuance, re-issuance and extension of the decision on recognition of privileged circulation of plant varieties

1. An application for issuance or re-issuance of the decision on recognition of privileged circulation of plant varieties includes:

a) An application form, which is made by the provincial Department of Agriculture and Rural Development using the Form No. 01.DC in the Appendix III hereof.

b) A description of characteristics and current use of that plant variety, which is made using the Form No. 02.DC in the Appendix III hereof.

c) A stored sample transfer record.

d) In case of applying for re-issuance of the decision on recognition of privileged circulation of plant varieties, an application form, which is made using the Form No. 03.DC in the Appendix III hereof.

2. Procedures for issuance or re-issuance of the decision on recognition of privileged circulation of plant varieties:

a) Within 10 working days from the receipt of the satisfactory application, the Department of Crop Production shall appraise it and issue the decision on recognition of privileged circulation of plant varieties according to the Form No. 04.DC in the Appendix III hereof. In case of rejection of the application, a written notice and explanation shall be sent.

b) The decision on recognition of privileged circulation of plant varieties shall be re-issued in the case of loss or damage. Within 03 working days from the receipt of the application form for issuance of the decision on recognition of privileged circulation of plant varieties, which is made using the Form No. 03.DC in the Appendix III hereof, the Department of Crop Production shall re-issue the decision on recognition of privileged circulation of plant varieties according to the Form No. 05.DC in the Appendix III hereof. In case of rejection of the application, a written notice and explanation shall be sent.

3. Procedures for invalidation of the decision on recognition of privileged circulation of plant varieties:

Within 10 working days from the receipt of the information about the violations specified in Clause 7 Article 15 of the Law on Crop Production, the Department of Crop Production shall appraise the information and issue the decision to invalidate the decision on recognition of privileged circulation of plant varieties according to the Form No. 06.DC in the Appendix III hereof; and post that decision on its web portal.

Article 6. Documents and procedures for self-declaration of circulation of plant varieties

1. Self-declaration documents include:

a) A self-declaration form, which is made according to the Appendix IV hereof.

b) A variety cultivation process designed by the organization or individual that submits self-declaration documents.

c) A declaration of information about the plant variety, which is made according to the Form No. 02.CN the Appendix II hereof.

2. Procedures for self-declaration of circulation of plant varieties:

a) Within 05 working days from the receipt of the satisfactory documents, the Department of Crop Production shall post information on circulation of plant varieties on its web portal. The organization or individual is entitled to produce and sell plant varieties after the information is posted on the web portal of the Department of Crop Production.

b) If the application is not satisfactory as prescribed in Clause 1 of this Article, the Department of Crop Production shall send a written response and explanation.

Article 7. Applications and procedures for issuance, re-issuance and invalidation of the decision on recognition of a plant variety testing organization

1. An application for issuance of the decision on recognition of a plant variety testing organization includes:

a) An application form, which is made using the Form No. 01.KN in the Appendix V hereof.

b) Copies of qualifications of the person directly responsible for testing.

c) Documents proving that the testing location, infrastructure and equipment comply with national standard for plant variety testing.

2. An application for re-issuance of the decision on recognition of a plant variety testing organization includes:

a) An application form, which is made using the Form No. 02.KN in the Appendix V hereof.

b) Documents proving changes in case of changes of information concerning the testing organization specified in the decision on recognition of a plant variety testing organization.

3. Procedures for issuance and re-issuance of the decision on recognition of a plant variety testing organization:

a) Procedures for issuance of the decision recognition of a plant variety testing organization: the applicant shall submit an application to the Department of Crop Production, within 25 working days from the receipt of the satisfactory application, the Department of Crop Production shall appraise and assess the application and capacity of the applicant. If the testing organization satisfies all conditions, the Department of Crop Production shall issue the decision on recognition of a plant variety testing organization according to the Form No. 03.KN in the Appendix V hereof and post the decision on its web portal; notify the applicant in the case of any necessary amendment to the application. If the applicant fails to complete the application within 6 months from the receipt of the notification of the Department of Crop Production, the applicant shall submit a new application as prescribed in Clause 1 of this Article.

b) Procedures for re-issuance of the decision on recognition of a plant variety testing organization: The applicant shall submit an application to the Department of Crop Production. Within 05 working days from the receipt of the satisfactory application, the Department of Crop Production shall re-issue the extended decision recognition of a plant

variety testing organization according to the Form No. 04.KN in the Appendix V hereof and post the decision and relevant documents on its web portal. In case of rejection of the application, a written notice and explanation shall be sent.

c) The appraisal costs shall comply with regulations of the law on fees and charges.

4. Procedures for invalidation of the decision on recognition of a plant variety testing organization:

Within 10 working days from the receipt of the information about the violations specified in Clause 3 Article 21 of the Law on Crop Production, the Department of Crop Production shall issue the decision to invalidate the decision on recognition of a plant variety testing organization according to the Form No. 05.KN in the Appendix V hereof if there is sufficient evidence of the violation; and post that decision on its web portal.

Article 8. Elaborating eligibility requirements for production and sale of plant varieties

An organization or individual producing and selling plant varieties shall comply with the eligibility requirements specified in Article 22 of the Law on Crop Production and some of the following regulations:

1. Before selling plant varieties, the organization or individual shall send a notification via an email or in person or by post to the Department of Agriculture and Rural Development of the province where plant varieties are sold, which contains the following information: business location, name of the organization or individual or legal representative and contact telephone so that the notification is posted on the web portal of the provincial Department of Agriculture and Rural Development;

2. The organization or individual producing and selling plant varieties shall have documents serving tracing of the plant variety batch, including information about plant variety sales contract and invoices; documents about quality of the plant variety batch and appropriate label according to Article 10 of this Decree.

Regarding perennial fruit crops and perennial industrial crops, information about propagating materials used, standard applies, quantity and date of delivery of the crops is required.

Article 9. Applications and procedures for issuance, suspension, restoration and invalidation of the decision on elite tree recognition/decision on budwood garden recognition of perennial industrial and fruit crops propagated by vegetative methods

1. An application for issuance of the decision on elite tree recognition/decision on budwood garden recognition includes:

a) An application form, which is made using the Form No. 01.CDD in the Appendix VI hereof.

b) A report on selection of elite trees, which is prepared using the Form No. 02.CDD in the Appendix VI hereof; a report on result of establishment of budwood gardens An application form, which is made using the Form No. 03.CDD in the Appendix VI hereof.

2. Procedures for issuance of the decision on elite tree recognition/decision on budwood garden recognition:

a) The applicant shall submit an application to the Department of Agriculture and Rural Development of the province where the elite tree/budwood garden is available.

b) Within 15 working days from the receipt of the satisfactory application, the provincial Department of Agriculture and Rural Development shall issue the decision on establishment of an elite tree and budwood garden assessment council. The council shall be composed of at least 05 members who are scientists and representatives of regulatory and specialized agencies concerned. Within 05 working days from the date on which the council is established, the council shall appraise the application and inspect the elite tree/budwood garden.

c) If the elite tree/budwood garden satisfies all conditions, within 05 working days from the end of the appraisal, the provincial Department of Agriculture and Rural Development shall issue the decision on elite tree recognition/decision on budwood garden recognition according to the Form No. 04.CDD and Form No. 05.CDD respectively in the Appendix VI hereof. In case of rejection of the application, a written notice and explanation shall be sent.

3. Procedures for invalidation of the decision on elite tree recognition/decision on budwood garden recognition:

a) The provincial Department of Agriculture and Rural Development shall carry out annual or irregular inspections of exploitation, use and protection of the elite tree/budwood garden.

b) If the elite tree/budwood garden fails to ensure quality as specified in the national standard or basic standard issued by the provincial Department of Agriculture and Rural Development. The inspectorate shall make an inspection record.

c) Within 05 working days from the date on which the inspection record is made, the provincial Department of Agriculture and Rural Development shall issue the decision to invalidate the decision on elite tree recognition/decision on budwood garden recognition.

4. Procedures for restoration of the decision on elite tree recognition/decision on budwood garden recognition:

a) If the quality of the elite tree/budwood garden is restored according to the national standard or basic standard, the organization or individual shall submit an application form for restoration of the decision on elite tree recognition/decision on budwood garden recognition to the provincial Department of Agriculture and Rural Development.

b) Within 05 working days from the receipt of the application form, the provincial Department of Agriculture and Rural Development shall carry out an appraisal. If the elite tree/budwood garden meets the national standard or basic standard, the organization or individual shall submit an application form for restoration of the decision on elite tree recognition/decision on budwood garden recognition to the provincial Department of Agriculture and Rural Development. In case of rejection of the application form, a written notice and explanation shall be sent.

5. Within 01 year from the date on which the invalidation decision is issued, if the organization or individual fails to restore quality of the elite tree/budwood garden according to the national standard or basic standard, the provincial Department of Agriculture and Rural Development shall issue the decision to invalidate the issued decision on elite tree recognition/decision on budwood garden recognition.

Article 10. Labeling and advertising of plant varieties

1. A plant variety shall be labeled as prescribed in the Government's Decree No. 43/2017/ND-CP dated April 14, 2017 as follows:

a) Name of the plant variety.

b) Varietal grade specified in the national standard. In case a national standard is unavailable, the basic standard shall apply.

c) Characteristics of the plant variety: compulsory criteria specified in the national standard or basic standard for value of cultivation and use; criteria for quality of propagating materials specified in the national standard or basic standard in accordance with Article 25 of the Law on Crop Production. If a basic standard applies in the cases of unavailability of a national standard or national technical regulation, it is required to provide sufficient information about the criteria specified in the Form No. 02.CN in the Appendix II hereof; and other voluntary criteria (if any) for the plant variety.

d) Instructions for storage and use: storage conditions; scope of use of the plant variety in terms of season and geographical region, brief planting and caring process (in case of special requirements) in accordance with the information provided in the application for issuance of the decision on recognition of plant variety circulation or documents about self-declaration of plant variety circulation.

dd) Safety warnings (if any).

e) Quantitative data on the plant variety (weight of the plant variety or quantity of plants, potted plants, cuttings).

g) Date of manufacture, expiry date; the date of manufacture of grafted plants, which is the date of grafting; the date of manufacture of breeding branches or cuttings, which is the date of cutting; the date of manufacture of seeds or seed tubers, which is the date of harvest; the date of manufacture of the plant variety propagated using tissue culture method, which is the date on which the plant variety is transferred from the tube to the arboretum.

h) Name of the organization producing and importing the plant variety.

i) Plant variety circulation code if the plant variety is issued with the circulation decision or extended circulation decision.

k) Origin of the plant variety: in the case of imported plant variety, write the phrase “sản xuất tại” (“produced in”) and the country’s name or region from which the plant variety is produced.

l) Code of the variety batch corresponding to that specified in the documents serving tracing of plant varieties. Batch code shall be specified according to the Appendix VII hereof.

m) Information about the genetically modified plant regarding its propagating materials.

2. Plant varieties shall be advertised as follows:

a) The plant varieties issued with the decision on recognition of plant variety circulation or decision on recognition of privileged circulation of plant varieties or plant varieties whose circulation in Vietnam is self-declared shall be advertised in accordance with regulations of the law on advertising.

b) Advertisement contents shall comply with the decision on recognition of plant variety circulation, decision on recognition of privileged circulation and declaration of information about plant varieties whose circulation is self-declared.

3. If a plant variety is imported for exhibition purpose, it shall be advertised according to the license to import plant varieties issued by the competent authority.

Article 11. Applications and procedures for licensing export of plant varieties as prescribed in Clause 2 Article 28 of the Law on Crop Production

1. Composition of an application for licensing export of a plant variety:

a) An application form, which is made using the Form No 01.XK in the Appendix VIII hereof.

b) A technical declaration (required only when following procedures for the first shipment of each variety), which is made using the Form No 02.XK in the Appendix VIII hereof.

c) A copy of the business registration certificate or investment certificate or ID Card or Citizen ID Card if the applicant is an individual.

d) A copy of the cooperation agreement in foreign language enclosed with a notarized Vietnamese translation thereof in case of export for research, testing and international cooperation purposes.

dd) A confirmation or invitation to the exhibition or fair sent by the organizer in case of export for exhibition purpose.

2. Procedures for licensing export of a plant variety:

a) The applicant shall submit an application to the Department of Crop Production. Within 03 working days from the receipt of the sufficient application, the Department of Crop Production shall appraise it; notify the applicant in case of any necessary amendment. If the applicant fails to complete the application within 90 days from the receipt of the notification, the applicant shall submit a new application as prescribed in Clause 1 of this Article.

b) Within 10 working days from the receipt of the satisfactory application, the Department of Crop Production shall appraise it, issue the export license according to the Form No. 03.XK in the Appendix VIII hereof, and post information thereof on the web portals of the Ministry of Agriculture and Rural Development and Department of Crop Production. In case of rejection of the application, a written notice and explanation shall be sent.

Article 12. Applications and procedures for licensing import of plant varieties as prescribed in Clause 2 Article 29 of the Law on Crop Production

1. Composition of an application for licensing import of a plant variety:

a) An application form, which is made using the Form No 01.NK in the Appendix IX hereof.

b) A technical declaration (required only when following procedures for the first shipment of each variety), which is made using the Form No 02.NK in the Appendix IX hereof.

c) A copy of the cooperation agreement in case of import for research, testing and international cooperation purposes.

d) A confirmation or invitation to the exhibition or fair sent by the organizer in case of import for exhibition purpose.

2. Procedures for licensing import of a plant variety:

a) Within 05 working days from the receipt of the sufficient application, the Department of Crop Production shall appraise it; notify the applicant in case of any necessary amendment. If the applicant fails to complete the application within 90 days from the receipt of the notification, the applicant shall submit a new application as prescribed in Clause 1 of this Article.

b) Within 10 working days from the receipt of the satisfactory application, the Department of Crop Production shall appraise it, issue the import license according to the Form No. 03.XK in the Appendix VIII hereof, and post information thereof on the web portals of the Ministry of Agriculture and Rural Development and Department of Crop Production. In case of rejection of the application, a written notice and explanation shall be sent.

3. The import of genetically modified plants issued with the biosafety certificate and certificate of eligibility of genetically modified plants for use as foods and feeds in accordance with regulations of the law on bio-diversity for the purpose of testing and applying for the decision on recognition of plant variety circulation shall comply with Clause 1, Clause 2 of this Article; Article 4 of this Decree and Article 15 of the Law on Crop Production.

Chapter III

CROP CULTIVATION

Article 13. Crop structure shift occurring on paddy land

1. The crop structure shift occurring on paddy land shall comply with Clause 1 Article 56 of the Law on Crop Production and the following regulations:

a) The crop structure shift plan shall be approved by a competent authority.

b) The crop structure shift does not cause any loss of conditions necessary to recover the rice cultivation; does not cause paddy land deformation, pollution and degradation; does not damage traffic works and irrigation works serving rice growing.

c) If the rice growing is associated with aquaculture, 20% of the area of the paddy land at maximum can be excavated for aquaculture production purposes at the depth of no more than 120 cm from the field level.

2. A plan to shift crop structure on paddy land shall be prepared as follows:

a) The Ministry of Agriculture and Rural Development shall, according to the request of the provincial People's Committee and land use planning/plan approved by the competent authority, promulgate a plan to shift crop structure on paddy land nationwide according to the Form No. 01.CD in the Appendix X hereof.

b) The provincial People's Committee shall, according to the plan to shift crop structure on paddy land nationwide, request of the district-level People's Committee and provincial land use planning/plan, promulgate a plan to shift crop structure on paddy land across the province according to the Form No. 02.CD in the Appendix X hereof.

c) The district-level People's Committee shall, according to the plan to shift crop structure on paddy land across the province, request of the communal People's Committee and district-level land use planning/plan, promulgate a plan to shift crop structure on paddy land across the district according to the Form No. 02.CD in the Appendix X hereof.

d) The communal People's Committee shall, according to shift demand of organizations and individuals within its commune and the shift plan of the district, promulgate a plan to shift crop structure on paddy land across the commune according to the Form No. 03.CD in the Appendix X hereof.

3. Procedures for shifting crop structure on paddy land:

a) Any domestic organization/household or foreign organization/individual that lawfully uses paddy land and wishes to make a shift to growing of annual crops or grow rice in association with aquaculture; any domestic household/individual that lawfully uses paddy land and wishes to make a shift to growing of perennial crops shall complete a registration form according to the form No. 04.CD in the Appendix X hereof and send it to the communal People's Committee.

b) If the registration form is not satisfactory, within 03 working days, the communal People's Committee shall instruct the organization/individual to complete it.

c) If the registration form is satisfactory and conformable with the plan to shift crop structure on paddy land of the communal People's Committee, within 05 working days, the communal People's Committee shall give a reply “Đồng ý cho chuyển đổi” (“Approve the shift”), append seal to the registration form, record information in the logbook and return the registration form to the land user.

d) In case of rejection of the registration form, a written response made using the Form No. 05.CD in the Appendix X hereof shall be sent.

4. The competent authority approving the plan to shift crop structure on paddy land shall provide guidance, inspect and supervise the shift and report results thereof as prescribed.

5. After the crop structure shift specified in this Article is done, the paddy land is considered paddy land.

Article 14. Protection and use of topsoil of arable wet rice cultivation land

The protection and use of topsoil of arable wet rice cultivation land shall comply with Article 57 of the Law on Crop Production and the following regulations:

1. If the construction of works on land repurposed from arable wet rice cultivation land affects the topsoil, such topsoil shall be extracted for agricultural purposes.
2. The depth of extracted topsoil must be from 20 to 25 centimeters from the land surface.
3. The organization or individual that constructs works on land repurposed from arable wet rice cultivation land shall prepared a topsoil use plan according to the Appendix XI hereof. The topsoil use plan is part of the application for permission for land repurposing;
4. The competent authority that grants permission to repurpose arable wet rice cultivation land as land for construction of works shall inspect and supervise the extraction and use of topsoil.

Chapter IV

IMPLEMENTATION CLAUSE

Article 15. Effect

1. This Decree comes into force from February 01, 2020.
2. This Decree supersedes:
 - a) Article 4 of the Government's Decree No. 35/2015/ND-CP date April 13, 2015.
 - b) Clause 1, Clause 2 Article 1 of the Government's Decree No. 62/2019/ND-CP dated July 11, 2019.
 - c) Decision No. 95/2007/QD-BNN dated November 27, 2007 of the Minister of Agriculture and Rural Development.
 - d) Circular No. 18/2012/TT-BNNPTNT dated April 26, 2012 of the Minister of Agriculture and Rural Development.

Article 16. Transitional clause

1. Plant variety labels and packaging containing plant variety labels in compliance with the Ordinance on Plant Varieties 2004 that were produced or printed before the effective date of this Decree may continue to be used within 02 years from such effective date.
2. The testing facilities designated before the effective date of this Circular may continue to operate until December 31, 2020.
3. The plant varieties that have been included in the List of plant varieties permitted for production and sale promulgated by the Minister of Agriculture and Rural Development but have not been included in the Decision on recognition of new plant varieties may continue to be produced and sold until December 31, 2022.
4. If a national standard or basic standard has not been in place to select and recognize elite trees and budwood gardens, the provincial Department of Agriculture and Rural Development shall establish and issue criteria for selecting elite trees and budwood gardens.
5. Regarding plant varieties issued with the decision on recognition of trial production before the effective date of this Decree, results of controlled testing and results of testing for distinctness, uniformity and stability shall be provided to recognize their circulation.
6. The recognition of herbal varieties specified in Article 4 of the Government's Decree No. 65/2017/ND-CP dated May 19, 2017 shall comply with regulations of the Law on Crop Production and this Decree from its effective date.

Article 17. Implementation

1. The Minister of Agriculture and Rural Development shall organize the implementation of this Decree.
2. Ministers, heads of ministerial agencies, heads of Governmental agencies, Presidents of People's Committees of provinces and central-affiliated cities are responsible for the implementation of this Decree./.

**ON BEHALF OF THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Xuan Phuc

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