

**THE GOVERNMENT**

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**SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

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No. 27/2021/ND-CP

*Hanoi, March 25, 2021*

## **DECREE**

### **ON MANAGEMENT OF FOREST TREE CULTIVARS**

*Pursuant to the Law on Government Organization dated June 19, 2015 and Law on Amendments to the Law on Government Organization and Law on Local Government Organization dated November 22, 2019;*

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

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

*The Government hereby promulgates a Decree on management of forest tree cultivars.*

## **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. Scope**

This Decree provides for management of forest tree cultivars, including conservation of genetic resources; cultivar research, selection, creation and testing; labels and names of forest tree cultivars; management of quality of forest tree cultivars; and production, trade, export and import of forest tree cultivars.

#### **Article 2. Regulated entities**

This Decree is applicable to Vietnamese and foreign organizations and individuals engaging in the activities mentioned in Article 1 of this Decree in the territory of the Socialist Republic of Vietnam.

#### **Article 3. Definitions**

1. “forest tree cultivar” means a forest tree population that is distinct from other forest tree populations by the manifestation of at least one inheritable characteristic; has uniform and stable morphologic features in repeated propagation; and has value for cultivation and use.

2. “original forest tree cultivar” means a cultivar produced for the first time from a plus tree or original ortet of a recognized or restored cultivar (including seeds, tubers, roots, stems, branches, bud unions, shoots or tissues, tissue culture plantlets in bottles and seedlings) and used as propagation materials or for development of seed orchards and/or seed sources.
3. “restored cultivar” means a cultivar propagated from a plus tree or original ortet that is reselected from a recognized cultivar and subject to technical measures for maintenance and restoration of initial characteristics of the original cultivar and prevention of inbreeding depression and reduction of productivity and quality.
4. “major forest tree species” means a forest tree species that is commonly planted, plays an important role in economic development and environmental protection and requires proper management.
5. “forest tree propagation materials” means a tree or tree part capable of developing into a new tree and is used for propagation or planting.
6. “forest tree cultivar testing” means monitoring and assessment of criteria to determine the distinctness, uniformity, stability and value for cultivation and use of a forest tree cultivar using certain methods.
7. “origin testing for forest tree cultivar” means testing and comparison of a cultivar’s origins under certain site conditions to select the origins with desired characteristics.
8. “progeny testing for forest tree cultivar” means testing and comparison of progeny of selected and assessed plus trees to choose the plus trees capable of passing desired characteristics to later generations.
9. “clonal testing for forest tree cultivar” means testing and comparison of clones with an available cultivar or a common local cultivar.
10. “distinctness of forest tree cultivar” means the clear distinction between a cultivar and other well-known forest tree cultivars.
11. “uniformity of forest tree cultivar” means the similar manifestation of relevant characteristics of a forest tree cultivar, excluding permissible variances concerning some specific characteristics in propagation.
12. “stability of forest tree cultivar” means the stable manifestation of relevant characteristics according to the initial description in repeated propagation.

#### **Article 4. Rules for management of forest tree cultivars**

1. Strictly carry out chain-based management of cultivars of major forest trees and encourage such management for other forest tree cultivars to ensure origin tracing and cultivar quality improvement.
2. Forest tree cultivar rights of organizations and individuals shall be protected in compliance with regulations of law on intellectual property.
3. Organizations and individuals shall take responsibility for quality of forest tree cultivars researched, selected, created, produced and traded as per the law.
4. Encourage private sector involvement in activities concerning forest tree cultivars.
5. Apply science and technology in research, selection, creation, production, preservation and management of forest tree cultivars.

#### **Article 5. State policies for activities concerning forest tree cultivars**

1. The State shall invest in the following activities:
  - a) Statistics production, investigation, establishment of a forest tree cultivar database; provision of market information and forecast; formulation of a strategy for forest tree cultivar development; formulation of technical standards and regulations on forest tree cultivars;
  - b) Building and upgrade of facilities and equipment for policy research and basic research concerning forest tree cultivars for public science and technology organizations;
  - c) The scientific and technological activities mentioned in Points a and b Clause 2 Article 6 of this Decree.
2. From time to time and depending on state budget capacity, the State shall provide assistance for the following activities:
  - a) The scientific and technological activities mentioned in Point c Clause 2 Article 6 of this Decree;
  - b) Application of advanced quality control systems and forest tree cultivar certification;
  - c) Storage, production and provision of original forest tree cultivars; restoration of original cultivars; production of specialty forest tree cultivars and native forest tree cultivars; maintenance of first-generation plants; protection and development of hedge orchards, seed sources and seed orchards; import of new cultivars and transfer of copyright on forest tree cultivars;
  - d) Workforce training; transfer of scientific and technological advancements in activities concerning forest tree cultivars.

3. The State shall encourage organizations and individuals to invest in the activities mentioned in Clauses 1 and 2 herein and the following activities:

- a) Cooperation in research and development, trade, provision of technical services, technology transfer and activities concerning forest tree cultivars;
- b) Provision of public services and products concerning forest tree cultivar per the law;
- c) Insurance for forest tree cultivar production and trade.

4. Funding sources: state budget and sources aside from state budget (credit; funding from organizations and individuals; international assistance, etc.) per the law.

#### **Article 6. Scientific and technological activities concerning forest tree cultivars**

1. Scientific and technological activities concerning forest tree cultivars shall be carried out according to regulations of this Decree and regulations of law on science and technology and technology transfer.

2. Scientific and technological activities concerning forest tree cultivars receiving state investment or assistance for investment consist of:

- a) Research on mechanisms and policies for forest tree cultivars; selection and creation of forest tree cultivars that have high quality, are pest resistant and climate smart and protect the environment;
- b) Collection, storage, conservation and use of genetic resources of rare and precious forest tree cultivars, specialty forest tree cultivars and native forest tree cultivars; establishment of a forest tree genebanks;
- c) Research, development and application of high technology, advanced technology and new technology for forest tree cultivars.

### **Chapter II**

#### **MANAGEMENT OF FOREST TREE CULTIVARS**

##### **Section 1. CONSERVATION OF GENETIC RESOURCES OF FOREST TREE CULTIVARS**

#### **Article 7. Investigation, collection and assessment of genetic resources of forest tree cultivars**

1. Investigation and collection of genetic resources of forest tree cultivars:

- a) Based on actual demand and situation, the Ministry of Agriculture and Rural Development shall place orders for organizations and individuals with suitable capacity and conditions to investigate and collect genetic resources of forest tree cultivars; based on actual demand and situation, local governments shall investigate and collect genetic resources of forest tree cultivars within their provinces;
- b) Collect seeds, cultivars and cuttings or other genetic resources of forest tree cultivars depending on each type of cultivar;
- c) Results of investigation and collection of genetic resources of forest tree cultivars must be documented with detailed information related to the investigation and collection such as location, time, specimen type and quantity and collecting method.

## 2. Assessment of genetic resources of forest tree cultivars

- a) The Ministry of Agriculture and Rural Development shall place orders for qualified organizations and individuals to assess genetic resources of forest tree cultivars; local governments shall assess genetic resources of forest tree cultivars that they investigated and collected;
- b) Assessment of genetic resources of forest tree cultivars includes genetic decoding; and assessment of genetic diversity, forestry and biological characteristics and use values of genetic resources of forest tree cultivars.

## **Article 8. Storage and establishment of forest tree cultivar gene bank**

### 1. Storage of genetic resources

Methods for storage of genetic resources of forest tree cultivars include:

- a) In-situ storage means storage of genetic resources of forest tree cultivars in the natural distribution of these cultivars;
- b) Ex-situ storage means storage of genetic resources of forest tree cultivars outside of the natural distribution of these cultivars, in genebanks (in cold storage, liquid nitrogen storage or other suitable types of storage when new technology is available); in in-vitro storage; or in arboreta, seed sources or seed orchards.

### 2. Forest tree cultivar genebanks include:

- a) Seed banks, which store dry seeds at suitable temperature;
- b) Tissue-cell banks, which store shoots, protocells, embryos and meristems in a suitable medium with specific light and temperature conditions;
- c) Pollen banks, which store pollen using different techniques;

d) Field banks, which conserve genetic materials in the form of complete individuals on site.

3. Vietnamese Academy of Forest Sciences shall establish forest tree cultivar genebanks nationwide; organizations and individuals in charge of genetic resource conservation shall establish forest tree cultivar genebanks according to their respective needs and conditions.

#### **Article 9. Data on genetic resources of forest tree cultivars**

1. Data on genetic resources of forest tree cultivars shall be provided by organizations and individuals directly involved and relevant according to regulations in Articles 7 and 8 herein.

2. Data on genetic resources of forest tree cultivars shall be retained in the forms of document or digital databases, investigation sheets, description sheets, assessment reports, specimens, drawings, distribution maps, pictures and printed works.

3. Organizations and individuals in charge of genetic resource conservation shall store data on genetic resources of forest tree cultivars; Vietnamese Academy of Forest Sciences shall store data on genetic resources of forest tree cultivars nationwide.

4. Data on genetic resources of forest tree cultivars shall be shared as prescribed by law.

### **Section 2. RESEARCH, SELECTION, CREATION AND TESTING OF FOREST TREE CULTIVARS**

#### **Article 10. Names of forest tree cultivars**

1. The following types of forest tree cultivar names are not accepted:

a) The name includes only numbers;

b) The name is not appropriate to Vietnamese history, culture, ethics and fine traditions and customs;

c) The pronunciation or writing of the name is identical to that of a national leader, hero or famous person, food, drink or pharmaceutical;

d) The whole or a part of the name contains the name of a state agency, people's armed force, political organization, socio-political organization, socio-professional political organization, social organization or socio-professional organization, except for cases approved by the aforesaid bodies.

dd) The name may cause a misunderstanding concerning the cultivar's characteristics;

e) The name may cause a misunderstanding concerning the author's identity;

g) The name is identical to that of a protected forest tree cultivar.

2. Organizations and individuals engaging in production, trade, export and import of forest tree cultivars and materials must use the exact name of the forest tree cultivar written in the decision on forest tree cultivar recognition issued by the competent authority.

3. When a forest tree cultivar name is used in combination with a trademark, trade name or instructions similar to a forest tree cultivar name recognized for business operation, the former must be easily distinguishable.

#### **Article 11. Research, selection and creation of forest tree cultivars**

1. Research, selection and creation of forest tree cultivars shall be carried out as prescribed by existing law.

2. Prioritize research, collection, storage, conservation and use of genetic resources of rare and precious forest tree cultivars and native forest tree cultivars; establishment of forest tree cultivar genebanks; and development and application of high technology, advanced technology and new technology in selection, creation, propagation and storage of climate-smart forest tree cultivars.

#### **Article 12. Conditions for forest tree cultivar testing facilities**

1. Persons directly perform tests must have a bachelor's degree or higher in forestry, plant sciences or biology.

2. Location, infrastructure and equipment of testing facilities must comply with national standards on forest tree cultivar testing in Appendix I enclosed therewith.

#### **Article 13. Testing of forest tree cultivars**

1. Test subjects: forest tree cultivars selected and created domestically; and forest tree cultivars imported for the first time, not yet recognized and not included in lists of invasive alien species and alien species posing invasion risk per the law.

2. Testing methods: origin testing, progeny testing and clonal testing shall be performed in accordance with national standards on testing in Appendix I enclosed therewith.

3. Testing content: testing and assessment of distinctness, uniformity and stability; testing and assessment of value for cultivation and use of forest tree cultivars according to national standards on testing in Appendix I enclosed therewith.

4. Organizations and individuals satisfying the conditions in Article 12 herein may test forest tree cultivars.

5. The Ministry of Agriculture and Rural Development shall assess test results to recognize forest tree cultivars.

#### **Article 14. General requirements for forest tree cultivar testing**

1. Testing of forest tree cultivars shall be carried out regionally. A forest tree cultivar undergoing testing in one region shall be issued with a recognition decision for development in that region and areas with similar ecological conditions.

2. Forest tree cultivar testing methods are provided for in national standards on testing methods in Appendix I enclosed therewith.

3. Gene sequencing methods shall be used instead of distinctness testing methods to inspect variety trueness.

4. Before testing a genetically modified forest tree cultivar, perform a risk assessment according to regulations of law on biodiversity.

#### **Article 15. Rights and obligations of organizations and individuals involved in research, selection and creation of forest tree cultivars**

1. Rights of organizations and individuals involved in research, selection and creation of forest tree cultivars:

a) Invest in research, selection and creation of forest tree cultivars; investigate, assess, collect, store and use domestic or imported propagation materials for research, selection and creation of forest tree cultivars as per the law;

b) Be entitled to state policies for assistance for scientific and technological investment and policies applicable to specific fields and regions as per the law;

c) Cooperate with Vietnamese and foreign organizations and individuals in research, selection and creation of forest tree cultivars as per the law.

2. Obligations of organizations and individuals involved in research, selection and creation of forest tree cultivars:

a) Fulfill all obligations according to regulations of law on science and technology and other relevant provisions of law;

b) Transfer forest tree cultivars according to regulations of law on technology transfer;

c) Comply with regulations of law on biodiversity and relevant law provisions when researching, selecting, creating and testing genetically modified forest tree cultivars.

### **Section 3. MANAGEMENT OF FOREST TREE CULTIVAR QUALITY**

#### **Article 16. General requirements for management of forest tree cultivar quality**

1. Forest tree cultivar quality shall be managed according to regulations of this Decree and law on product and goods quality.
2. For major forest tree cultivars, only produce and trade recognized cultivars and cultivar sources.
3. Forest tree cultivar quality shall be managed according to national standards and internal standards on forest tree cultivars.

#### **Article 17. Requirements for quality of major forest tree cultivars**

1. Seed lots must be harvested from cultivar sources with unexpired recognition decision and seed quality must satisfy national standards for seeds in Appendix I enclosed therewith.
2. Cultivars in tissue culture bottles must be produced from recognized cultivars and quality thereof must satisfy national standards for bottled tissue culture plantlets and tissue culture plantlets in Appendix I enclosed therewith.
3. Cuttings, grafts and bud unions must be taken from hedge orchards and plus trees with unexpired recognition decision and quality thereof must satisfy national standards for cuttings, grafts and bud unions in Appendix I enclosed therewith.
4. Cultivar lots must be produced from cultivars in tissue culture bottles or cultivars harvested from cultivar sources with unexpired recognition decision and quality thereof must satisfy national standards on cultivars in Appendix I enclosed therewith.
5. Quality of forest tree cultivars mentioned in Clauses 1, 2, 3 and 4 herein shall be managed according to internal standards when no national standards are available.

#### **Article 18. Documents on forest tree cultivars**

1. Forest tree cultivar producers and traders must prepare and retain the following documents:
  - a) For seed lots: list of forest tree cultivars made using Form No. 01/LN in Appendix II enclosed therewith; photocopy of decision on cultivar source recognition; sales invoice, which specifies seed weight and code of the cultivar source from which the seeds are harvested;

b) For cultivars in tissue culture bottles: list of forest tree cultivars made using Form No. 02/LN in Appendix II enclosed therewith; photocopy of decision on cultivar recognition or cultivar purchase agreement; sales invoice, which specifies number of bottled tissue culture plantlets and tissue culture plantlets and name and code of the cultivar used for production;

c) For cuttings, grafts and bud unions: list of forest tree cultivars made using Form No. 03/LN in Appendix II enclosed therewith; photocopy of decision on cultivar source recognition or propagation material purchase agreement; sales invoice, which specifies number of cuttings, grafts and bud unions and name and code of cultivar sources;

d) For cultivar lots: list of forest tree cultivars made using Form No. 04/LN in Appendix II enclosed therewith; other relevant documents of propagation material sources used for cultivars production (invoice, dispatch sheet, decision on cultivar source recognition);

dd) Cultivars not included in list of major forest trees do not require the decision on cultivar or cultivar source recognition mentioned in Points a, b and c herein.

2. Organizations and individuals shall take responsibility before the law for the accuracy of listed forest tree cultivar sources.

### **Article 19. Forest tree cultivar label presentation and advertising**

1. Forest tree cultivar labels shall be presented according to regulations in the Government's Decree No. 43/2017/ND-CP dated April 14, 2017 on goods labeling and include the following content:

a) For seeds: tree name (scientific name); seed weight; date of production; expiry date; harvest location; storage method; name and address of production facility;

b) For tissue culture bottles: tree name (scientific name); cultivar name; code of recognized cultivar; production lot: date; name and address of production facility; cultivation deadline (from date of production to expiry date);

c) Other types of cultivars do not require labels but they must have the documents mentioned in Article 18 of this Decree.

2. Forest tree cultivar advertising

a) Recognized forest tree cultivars may be advertised according to regulations of law on advertising.

b) Content of forest tree cultivar advertisements must be consistent with content in the decision on forest tree cultivar recognition and decision on forest tree cultivar source recognition.

3. Forest tree cultivars imported for exhibitions and fairs may be advertised within the meaning of the license for forest tree cultivar import issued by the competent authority.

#### **Article 20. Declaration of conformity to forest tree cultivar standard**

Forest tree cultivar producers must declare conformity of their forest tree cultivars to national standards or internal standards if there is no national standard.

### **Section 4. PRODUCTION AND TRADE OF FOREST TREE CULTIVARS**

#### **Article 21. Conditions for forest tree cultivar producers and traders**

1. Forest tree cultivar producers must satisfy the following conditions:

- a) Own or rent premises, infrastructure and equipment meeting national standards on forest tree cultivar production methods or internal standards if there are no national standards;
- b) Use propagation materials from recognized cultivars and cultivar sources to produce major forest tree cultivars.

2. Forest tree cultivar traders must satisfy the following conditions:

- a) Have a lawful trading location;
- b) Have documents ensuring tracing of cultivar lot origin, including information on cultivar lot purchase agreement and/or invoice; documents and labels in compliance with regulations in Articles 18 and 19 herein; information on propagation materials used, applicable standards, quantity and delivery time.

3. Before producing and trading forest tree cultivars, producers and traders must send a notification containing trading address, name of facility owner or legal representative and phone number via email or directly or by post to the Department of Agriculture and Rural Development to have the information published on the web portal of the Department of Agriculture and Rural Development.

#### **Article 22. Production and trade of forest tree cultivars**

1. Forest tree cultivars shall be produced using sexual and asexual reproduction methods in compliance with national standards on forest tree cultivar production or internal standards if there is no national standard.

2. Forest tree cultivar production by tissue culture must use propagation materials from original cultivars or restored cultivars; after 02 years during which they are used for propagation, original cultivars or restored cultivars must be re-restore according to national standards on cultivar restoration.

3. Producers and traders shall take responsibility for the quantity and quality of forest cultivars that they produce and trade.

4. Forest tree cultivar traders shall hand documents related to cultivar lots mentioned in Clause 1 Article 18 herein over to their customers upon dispatch and sale to serve the transport, trade and use of the cultivars.

### **Article 23. Rights and obligations of forest tree cultivar producers and traders**

1. Organizations and individuals satisfying the conditions in Article 21 herein may produce and trade forest tree cultivars.

2. Obligations of forest tree cultivar producers and traders:

a) Comply with all regulations in Article 21 herein;

b) Declare conformity of their products to corresponding standards and regulations as per the law;

c) Recall and handle unqualified forest tree cultivars from the market;

d) Give compensation as prescribed by law;

dd) Provide evidence of forest tree cultivar origin and documents on tracing of forest tree cultivar lot origin;

e) Present forest tree cultivar labels according to regulations in Clause 1 Article 19 of this Decree;

g) Report on results of forest tree cultivar production and trade at the request of local forestry authorities.

### **Article 24. Rights and obligations of forest tree cultivar users**

1. Rights of forest tree cultivar users:

a) Receive sufficient information and instructions for use concerning in-use forest tree cultivars;

b) Receive compensation as prescribed by law;

c) Make propositions and denunciations of and file complaints and lawsuits against regulatory violations as prescribed by law.

2. Obligations of forest tree cultivar users:

- a) Follow production procedures and instructions for use of forest tree cultivars from forest tree cultivar providers;
- b) Upon an incident or consequence caused by a forest tree cultivar, promptly notify the cultivar provider and local government for handling.

## **Section 5. EXPORT AND IMPORT OF FOREST TREE CULTIVARS**

### **Article 25. Export of forest tree cultivars**

1. Forest tree cultivars included in list of endangered, rare and precious species of forest flora and appendixes of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) shall be exported in accordance with regulations of law on management of endangered, rare and precious species of forest flora and observation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

2. Recognized forest tree cultivars shall be exported according to regulations of law on trade and foreign trade management.

3. Forest tree cultivars not yet recognized may be exported for non-commercial research, testing, advertising, exhibition and international exchange with a permit from the Ministry of Agriculture and Rural Development.

4. An application for permit for forest tree cultivar export includes:

a) Application for permit for forest tree cultivar export, which is made using Form No. 05/LN in Appendix II enclosed therewith;

b) Authentic copy of profile of each forest tree cultivar (only required for first export time), which is made using Form No. 07/LN in Appendix II enclosed therewith;

c) In addition to the documents mentioned in Points a and b herein, the applicant shall submit one of the following documents:

Copy of cooperation agreement in foreign language together with its notarized Vietnamese translation for cultivars exported for international cooperation, testing and research;

Confirmation of participation in or invitation to fair or exhibition from the organizer for cultivars exported for exhibitions and fairs.

5. Procedure:

a) The applicant shall submit an application directly or by post or by electronic means or via the Vietnam National Single Window to the Ministry of Agriculture and Rural Development.

If the application is submitted directly or by post: within no more than 01 working day starting from the date of receipt of the application, the Ministry of Agriculture and Rural Development shall check the adequacy of the application's components; if the application is inadequate, notify the applicant in writing for supplementation.

If the application is submitted by electronic means or via the Vietnam National Single Window: within no more than 01 working day starting from the date of receipt of the application, the Ministry of Agriculture and Rural Development shall check the adequacy of the application's components; if the application is inadequate, notify the applicant in writing for supplementation.

b) Within 05 working days from the date of receipt of the valid application, the Ministry of Agriculture and Rural Development shall appraise the application and issue the permit for forest tree cultivar export using Form No. 08/LN in Appendix II enclosed therewith; if the application is rejected, send a written explanation to the applicant.

6. The export permit is valid for 12 months starting from the date of issuance.

7. Procedure for reissuance of a lost or damaged permit for forest tree cultivar export:

a) The applicant shall submit an application for reissuance of permit for forest tree cultivar export, which is made using Form No. 06/LN in Appendix II enclosed therewith, directly or by post or by electronic means or via the Vietnam National Single Window to the Ministry of Agriculture and Rural Development;

b) Within 03 working days from the date of receipt of the application, the Ministry of Agriculture and Rural Development shall consider the application and reissue the permit; if the application is rejected, send a written explanation to the applicant.

## **Article 26. Import of forest tree cultivars**

1. Forest tree cultivars included in list of endangered, rare and precious species of forest flora and appendixes of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) shall be imported in accordance with regulations of law on management of endangered, rare and precious species of forest flora and observation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

2. Recognized forest tree cultivars shall be imported according to regulations of law on trade and foreign trade management.

3. Forest tree cultivars not yet recognized and not included in lists of invasive alien species and alien species posing invasion risk per the law may be imported for research, testing, experimental planting, use as ornamental plants or shade trees, international cooperation, use as specimens for exhibitions, use as gifts or investment projects and programs with a permit from the Ministry of Agriculture and Rural Development.

4. An application for permit for forest tree cultivar import includes:

a) Application for permit for forest tree cultivar import, which is made using Form No. 05/LN in Appendix II enclosed therewith;

b) Authentic copy of profile of each forest tree cultivar (only required for first import time), which is made using Form No. 07/LN in Appendix II enclosed therewith;

c) In addition to the documents mentioned in Points a and b herein, the applicant shall submit one of the following documents:

Authentic copy or copy of technical design for experimental planting or testing of the cultivar for cultivars imported for testing and experimental planting;

Copy of cooperation agreement in foreign language together with its notarized Vietnamese translation for cultivars imported according to cooperation agreements;

Authentic copy or copy of confirmation of participation in or invitation to fair or exhibition in Vietnam for cultivars imported for exhibitions and fairs;

Copy of confirmation between two parties in foreign language together with its notarized Vietnamese translation for cultivars imported for use as gifts;

Copy of written approval for investment project or program from the competent authority or enterprise according to regulations of law for cultivars imported for investment projects and programs.

5. Procedure:

a) The applicant shall submit an application directly or by post or by electronic means or via the Vietnam National Single Window to the Ministry of Agriculture and Rural Development;

If the application is submitted directly or by post: within no more than 01 working day starting from the date of receipt of the application, the Ministry of Agriculture and Rural Development shall check the adequacy of the application's components; if the application is inadequate, notify the applicant in writing for supplementation;

If the application is submitted by electronic means or via the Vietnam National Single Window: within no more than 01 working day starting from the date of receipt of the

application, the Ministry of Agriculture and Rural Development shall check the adequacy of the application's components; if the application is inadequate, notify the applicant in writing for supplementation;

b) Within 05 working days from the date of receipt of the valid application, the Ministry of Agriculture and Rural Development shall appraise the application and issue the permit for forest tree cultivar import using Form No. 08/LN in Appendix II enclosed therewith; if the application is rejected, send a written explanation to the applicant.

6. The import permit is valid for 12 months starting from the date of issuance.

7. Procedure for reissuance of a lost or damaged permit for forest tree cultivar import:

a) The applicant shall submit an application for reissuance of permit for forest tree cultivar import, which is made using Form No. 06/LN in Appendix II enclosed therewith, directly or by post or by electronic means or via the Vietnam National Single Window to the Ministry of Agriculture and Rural Development;

b) Within 03 working days from the date of receipt of the application, the Ministry of Agriculture and Rural Development shall consider the application and reissue the permit; if the application is rejected, send a written explanation to the applicant.

### **Chapter III**

## **IMPLEMENTATION**

### **Article 27. Responsibilities of Ministries and Ministerial-level agencies**

1. The Ministry of Agriculture and Rural Development shall:

a) Provide directions and guidelines for state management of forest tree cultivars;

b) Develop scientific and technological tasks concerning research, selection and creation of new forest tree cultivars meeting the requirements of each period to improve forest productivity and quality;

c) Formulate national technical regulations and standards and production procedures in relation to forest tree cultivars as per the law;

d) Develop a forest tree cultivar database system; comply with statistic and reporting requirements for forest tree cultivars;

dd) Organize scientific and technological research and application; investigation, collection and management of information and documents, and international cooperation concerning forest tree cultivars;

e) Direct and organize inspection, settlement of complaints and denunciations and handling of regulatory violations concerning forest tree cultivars intra vires.

2. Ministries and Ministerial-level agencies shall cooperate with the Ministry of Agriculture and Rural Development in state management of forest tree cultivars intra vires.

#### **Article 28. Responsibilities of provincial People's Committees**

1. Direct and organize implementation of regulations on management of forest tree cultivars in their provinces; provide guidelines for and inspect production procedures as appropriate to the conditions of their provinces.

2. Propose and place orders for scientific and technological tasks concerning forest tree cultivars as suitable for the socio - economic development demand of their provinces for each period.

3. Disseminate regulations of law and provide training in knowledge about forest tree cultivars.

4. Update databases and information; provide statistics and reports on forest tree cultivars in their provinces for the forest tree cultivar database system of the Ministry of Agriculture and Rural Development.

5. Direct inspection, settlement of complaints and denunciations and handling of regulatory violations concerning forest tree cultivars intra vires.

### **Chapter IV**

#### **IMPLEMENTATION CLAUSE**

##### **Article 29. Effect**

1. This Decree takes effect from May 15, 2021.

2. If the documents and national standards referred to in this Decree are amended or superseded, the newest documents shall apply.

3. The following regulations are annulled:

a) Clause 1 and Clause 13 Article 3, Article 7, Article 14, Article 15, Article 16 and Article 17 of Circular No. 30/2018/TT-BNNPTNT dated November 16, 2018 by the Minister of Agriculture and Rural Development on the list of major forest tree species; recognition of cultivars and cultivar sources; management of major forest tree cultivar materials;

b) Article 4 of Circular No. 43/2018/TT-BNNPTNT dated December 28, 2018 by the Minister of Agriculture and Rural Development on export and import of plant varieties, animal breeds, plant gene resources; import of agrochemicals and import of objects on the list of objects that have to undergo pest risk analysis before import.

**Article 30. Transitional clause**

1. Forest tree cultivar labels and packaging affixed with labels manufactured or printed prior to the entry into force of this Decree may continue to be used for up to 12 months after this Decree takes effect.

2. Applications for forest tree cultivar export or import received prior to the entry into force of this Decree shall be handled according to regulations in Circular No. 43/2018/TT-BNNPTNT.

**Article 31. Implementing responsibilities**

1. The Minister of Agriculture and Rural Development shall organize the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of Governmental agencies, chairpersons of People’s Committees of provinces and central-affiliated cities and relevant regulatory bodies, organizations and individuals shall implement this Decree./.

**P.P. THE GOVERNMENT  
THE PRIME MINISTER**

**Nguyen Xuan Phuc**

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