

**THE GOVERNMENT**

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No.156/2018/ND-CP

**SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

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*Hanoi, November 16, 2018*

## **DECREE**

### **ON ENFORCEMENT OF A NUMBER OF ARTICLES OF THE LAW ON FORESTRY**

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

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

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

*The Government promulgates a Decree providing for enforcement of a number of the Law on Forestry.*

## **Chapter I**

### **GENERAL PROVISIONS**

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

This Decree provides for enforcement of a number of articles of the Law on Forestry, including:

1. Criteria for forest determination and classification and regulations on forest management
2. Land allocation or lease for production purpose, conversion of forest types, forest repurposing and forest appropriation
3. Forest fire safety
4. Payers and methods for payment and cost of forest environmental services, remission of forest environmental service charges and management and use of such charges
5. Investment policy on forest development and protection
6. Duties, organizational structures and mechanism for management and financial resource use of forest development and protection funds.

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

This Decree applies to regulatory agencies, organizations, family households, individuals, domestic communities and foreign organizations or foreigners involved in forestry-related activities in Vietnam.

### **Article 3. Definition**

1. “forest development” means forestation or reforestation after exploitation or damage due to natural disasters or other causes, localizing and promoting forest reproduction or restoration, regenerating extremely poor natural forests and taking other bio-forestry measures for the purpose of increasing forest area, forest reserves and quality.
2. “inter-regional area” means a land area with concentrated natural forests or planted forests in which the distance between 2 stretches of forest does not exceed 30 m and total area of non-forested land does not account for 30% of such area.
3. “primeval forest” means a natural forest without major human disturbance that still remain its original structure.
4. “secondary forest” means a natural forest suffering from human disturbance to the extent that its original structure is changed, including: secondary forest undergoing natural restoration
5. “main exploitation” means cutting down trees for wood collection mainly serving economic purpose but ensuring sustainable forest development and use which is specified in the sustainable forest management plan as regulated by laws.
6. “full utilization” means taking advantages of timbers during bio-forestry measure adoption and scientific research and clearing land of projects for repurpose of forests.
7. “full collection” means collecting fallen or dead timbers due to natural disasters, burnt or dead woods, branches and crowns left.
8. “forest environment” means a part of forest ecology, including land, water, air, sound, light and other physical elements forming forest scenery.

## **Chapter II**

### **FOREST MANAGEMENT REGULATIONS**

#### **Section 1. CRITERIA FOR FOREST DETERMINATION**

##### **Article 4. Criteria applied for natural forests**

Natural forests are primeval forests and secondary forests that satisfy the following requirements:

1. The canopy of timbers, bamboos and family palmae (hereinafter referred to as “forest trees”) which are main components of the natural forest is at least 0.1.
2. The inter-regional area is at least 0.3 ha.
3. Average height of main forest trees shall be classified based upon geographical conditions as follows:
  - a) For natural forests on hills and plains: at least 5 m;
  - b) For freshwater swamp natural forests: at least 2.0 m;
  - c) Natural forests on land inundated by acid sulfate: at least 1.5 m
  - d) Natural forests on rock mountains, sandy land, salt marshes and other forests growing under special ecological conditions: at least 1.0 m

#### **Article 5. Criteria applied for planted forests**

Planted forests include new forests planted on non-forested lands, forests re-planted after exploitation or due to other causes, forests developed from extremely poor natural forests and planted forests reproduced after forest exploitation, which satisfy the following criteria:

1. The canopy of forest trees is at least 0.1.
2. The inter-regional area is at least 0.3 ha.
3. Average height of forest trees shall be classified based upon geographical conditions as follows:
  - a) For planted forests on hills, mountain soils, deltas and salt marshes: at least 5 m.
  - b) For planted forests on mountain rocks integrated with soils and freshwater swamp planted forests: at least 2 m;
  - c) For planted forests on sandy land and salt marshes: at least 1 m.

#### **Article 6. Criteria applied for reserve forests**

1. National parks satisfying the following criteria:

Have at least 1 natural ecosystem featuring one region, the nation or international country or at least 1 endemic species of Vietnam or more than 5 species on the list of endangered and rare forest animals and forest plants;

b) Have special significance to science and education, landscape and unique feature of the nature and values to ecotourism, hospitality and entertainment services;

c) Have the inter-regional area of at least 7,000 ha, 70% of which is forest ecosystem.

2. Natural reserves satisfying the following criteria:

a) Have a natural ecosystem that is nationally or internationally significant or features or represents a natural ecoregion;

b) House at least 5 species on the list of endangered and rare forest animals and forest plants;

c) Have a special significance to science, education or ecotourism, hospitality and entertainment services;

d) Have inter-regional area of at least 5,000 ha, 90% of which is forest ecosystem.

3. Species and habitat reserves satisfying the following criteria:

a) House at least 1 endemic species or 1 species on the list of endangered and rare forest animals and forest plants on a regular or seasonal basis;

b) Ensure feed, living and reproducing conditions for sustainable conservation of endemic species or species on the list of endangered and rare forest animals and forest plants;

c) Have a special significance to science and education;

d) Have inter-regional area meeting requirements for sustainable conservation of species on the list of endangered and rare forest animals and forest plants.

4. Landscape protection areas including:

a) Forests used for preservation of historical and cultural heritage and landscape that has environmental scenery or unique feature of nature; historical and cultural heritage or landscape graded by the competent regulatory agency or subjects on the list of heritage stocktaking as per provisions of the law on culture; and has a value to science, education, ecotourism, hospitality and entertainment services;

b) Holy forests that has environmental scenery or unique feature of nature and is associated with beliefs and customs of the forest-dependent community;

c) Forests protecting environment of urban areas, industrial zones, export-processing zones, economy zones and hi-tech zones that protect environment and landscape and are

planned associated with urban areas, industrial zones, export-processing zones, economy zones and hi-tech zones.

5. Forests used for scientific research and experiment purpose satisfying the following criteria:

a) Have e ecosystem that meet requirements for scientific research and experiments by science and technology organizations or vocational training institutions performing forestry-related scientific research and experiments;

b) Have forest area satisfying objectives and requirements of scientific research and experiments, technological development and sustainable forestry education.

6. National botanic gardens

Forests used for reserve and collection of Vietnamese and world plants serving research, sightseeing and education purpose which have at least 500 species of timbers and area of 50 ha and more.

7. National forest nurseries that:

a) are forests of converted or planted varieties of plants on the list of main plant varieties for forestry;

b) satisfy national standards for planted forests and have an area of at least 30 ha.

### **Article 7. Criteria applied for protection forests**

1. Headwater protection forests are forests in the basin of rivers or reservoirs that satisfy the following criteria:

a) In terms of topography: hilly and rocky area with at least 15 degrees slope;

b) In terms of precipitation: the average annual precipitation is at least 2,000 mm or at least 1,000 mm for precipitation concentrated in 2 to 3 months;

c) In terms of soil texture and soil density: sandy soil or medium sandy loam of density of less than 70 cm of less than 30 cm for fine or medium loam.

2. Forests used for protection of water sources of the community

Forests providing daily water for production by forest-dependent community which are associated with customs and traditions of the community and are protected and used by such community.

3. Bordering protection forests

Protection forests in bordering areas associated with mandatory regions for national defense and security formed under the request of border management authorities.

4. Wind/sand shielding protection forests satisfying the following criteria:

a) Coastal wind/sand shielding protection forests stretch at least 300 m or 200 m measured from the annual highest sea level to the mainland for eroded seashore and uneroded seashore, respectively;

b) Wind/sand shielding protection forests behind the protection forests specified in Point a this Clause stretch at least 40 m in case of the sandy region of least 100-ha area or active sand dune or sand area of slope of at least 15 degrees. The width of each forest stretch is at least 30 m in case of sand area of less than 100 ha or inactive sand area or sand area of 15 -degree slope

5. Protection forests for tide shielding or sea encroachment prevention satisfying the following criteria:

a) The width of forest stretch is from 300 to 1000 m according to each ecosystem in case of coastal aggradations or coastal stability;

b) The minimum width of forest stretch is 150 m in case of coastal erosion;

c) The width of forest stretch is at least 20 m measured from the dike footing with at least 2 stretches of forest trees for river mouth;

d) The width of forest stretch is at least 100 m (dike available) and 250 m (without dike) for coastal lagoon.

### **Article 8. Criteria applied for production forests**

Forests satisfying criteria applied for natural forests and planted forests specified in Article 4 and 5 herein but not criteria for reserve forests and protection forests prescribed in Article 6 and 7 herein.

## **Section 2. RESERVE FOREST MANAGEMENT**

### **Article 9. Establishment of reserve forest zones**

1. Principles for establishment of reserve forest zones

a) Have a project on establishment of reserve forest zones in consistent with national forestry planning not regulated by Point c Clause 1 Article 8 of Decree No.65/2010/ND-CP date June 11, 2010 of the Government on enforcement of a number of the Law on Biodiversity;

b) Satisfy criteria applied for each type of reserve forests specified in Article 6 herein

## 2. Contents of the project on establishment of reserve forest zone

a) Assessment of natural conditions, forest conditions in reality and natural ecosystems; values to biodiversity and genetic resources and significance to history, culture, landscape, ecotourism, hospitality and entertainment services, science, experiments environmental education and forest environmental service provision;

b) Assessment of management and use of forests, lands and water surface included in the project in reality;

c) Assessment of living conditions and social-economic conditions;

d) Determination of objectives of reserve forest zone establishment meeting criteria applied for reserve forests;

dd) Determination of boundaries and area of the reserve forest and buffer zones thereof on the map;

e) Activity programs and plans for settlement of living of the community in buffer zones, methods for implementation and management;

g) Determination of general estimate of investment capital, investment separation; funding for recurrent forest protection, conservation and improvement of living conditions and investment quality;

h) Project implementation

## 3. Application for establishment of reserve forest zone includes:

a) Application form for establishment of reserve zone (the original);

b) Project on establishment of reserve forest zone (the original);

c) A map showing real condition of reserve forest zone (the original) at the scale of 1/5,000 or 1/10,000 or 1/25,000 under the Vietnam's national Reference System VN2000 according to area of the reserve forest zone;

d) A consolidated report on opinions from relevant entities;

dd) Appraisal results

## 4. Procedures for establishing the reserve forest zone located in 2 or more than 2 provinces or centrally-affiliated cities.

The Ministry of Agriculture and Rural Development shall take charge of preparing and sending the project to the Prime Minister for approval and issuance of decision on establishment of reserve forest zone as follows:

- a) Develop a project on establishment of reserve forest zone as prescribed in Clause 2 this Article;
- b) Request advice from ministries, ministerial agencies, provincial People's Committees and relevant entities. The aforesaid entities shall response in writing to the Ministry of Agriculture and Rural Development within 20 working days from the day receiving the request;
- c) The Ministry of Agriculture and Rural Development shall appraise the application within 30 working days;
- d) The Prime Minister shall consider whether to grant approval for the establishment project within 30 working days from the day on which the satisfactory application is received.

#### 5. Procedures for establishing the reserve forest zone not specified in Clause 4 this Article

The Department of Agriculture and Rural Development shall take charge of preparing the construction project and send such project to the provincial People's Committee for approval and issuance of decision on establishment as follows:

- a) Develop a project on establishment of reserve forest zone as prescribed in Clause 2 this Article;
- b) Request advice from the Ministry of Agriculture and Rural Development and relevant organizations and individuals The aforesaid entities shall response in writing to the provincial People's committee within 20 working days from the day receiving the request;
- c) The Department of Agriculture and Rural Development shall appraise the application within 30 working days;
- d) The Chairperson of provincial People's Committee shall consider whether to grant approval for such project within 30 working days from the day on which the satisfactory is received.

### **Article 10. Responsibilities for management of reserve forests**

1. The Ministry of Agriculture and Rural Development shall be responsible to the governmental management authorities for the system of reserve forests throughout the



country and take charge of managing reserve forests located in 2 or more than 2 provinces or centrally-affiliated cities.

2. Provincial People's Committees shall perform state management for local reserve forest system.

### **Article 11. Protection of reserve forests**

1. Protecting forest ecosystem

a) Protection of forest ecosystem shall comply with regulations in Article 37 of the Forestry Law;

b) The following actions taken within the reserve forest shall be prohibited: actions causing changes to natural scenery of the forest; illegal exploitation of creature resources and other natural resources; environmental pollution-causing actions; carrying hazardous chemicals, explosive or flammable substances against law provisions into the forest; grazing cattle or poultry or pets in the strictly protected sub-zone of the reserve forest.

2. Protecting forest animals and plants

a) Protection of forest animals and plants shall comply with regulations in Article 38 of the Forestry Law; Government's regulations on management of endangered and rare forest animals and forest plants in conformity with the convention on international trading in endangered wildlife animals and plants.

b) All forests animals living in the reserve forest must be protected from actions that lead to negative effects on their habitat and sources of feed.

c) Local healthy animals may be grazed in the reserve forest as allocated; however, the quantity of each species grazed into the forest must suitable for their habitat and feed and ensure the balance in forest ecosystem;

d) Grazing or husbandry of animals or plants not naturally allocated in the reserve forest is prohibited.

3. Complying with forest fire safety regulations specified in Chapter IV hereof.

4. Complying with regulations on prevention and elimination of organisms harmful to forests as prescribed in Article 40 of the Forestry Law.

### **Article 12. Exploitation of forest products of reserve forests**

1. With regard to national parks, natural reserves and species - habitat reserves

a) Forest products to be exploited or sampled are specified in Point b, c and d Clause 1 Article 52 of the Forestry Law.

a) Exploitation is permitted if there is a plan for full utilization of wood as prescribed by the Ministry of Agriculture and Rural Development for forest products specified in Point b Clause 1 Article 52 of the Forestry Law; decision on forest repurposing for forest products specified in Point c Clause 1 Article 52 of the Forestry Law; scientific program or research approved for forest products specified in Point d Clause 1 Article 52 of the Forestry Law.

## 2. With regard to forests used for landscape protection

a) Forest products to be exploited or sampled are specified in Clause 2 Article 52 of the Forestry Law;

a) Exploitation is permitted if there is a bio-forestry plan in case of full utilization within the scope of land clearance specified in Point a Clause 2 Article 52 of the Forestry Law; scientific program or scientific research approved for forest products specified in Point d Clause 2 Article 52 of the Forestry Law; plan for full utilization of woods as regulated by the Ministry of Agriculture and Rural Development for forest products specified in Point c Clause 2 Article 52 of the Forestry Law.

## 3. With regard to forests used for scientific research and experiments

a) Forest products to be exploited or sampled are specified in Clause 3 Article 52 of the Forestry Law;

a) Exploitation is permitted if there is a scientific program or scientific research subject approved for forest products specified in Point and c Clause 3 Article 52 of the Forestry Law; bio-forestry plan in case of full utilization during adoption of bio-forestry methods for forest products specified in Point b Clause 3 Article 52 of the Forestry Law or decision on forest repurposing for forest products fully utilized with the scope of land clearance specified in Point b Clause 3 Article 52 of the Forestry Law.

## 4. With regard to national botanic gardens and national forest nurseries

a) Forest products to be exploited are specified in Clause 4 Article 52 of the Forestry Law;

a) Exploitation is permitted if there is a bio-forestry plan in case of full utilization during adoption of bio-forestry methods for forest products specified in Point b Clause 4 Article 52 of the Forestry Law; plan for full utilization of woods as regulated by the Ministry of Agriculture and Rural Development for forest products specified in Point b Clause 4 Article 52 of the Forestry Law or decision on forest repurposing for forest products fully utilized within the scope of land clearance specified in Point b Clause 4 Article 52 of the Forestry Law.

### **Article 13. Scientific research, training and practice in reserve forests**

1. In case the scientific research, training or practice is organized by the forest owner, the aforesaid activities shall be carried out by according to the approved plan or project.

2. Scientific research organizations, training institutions, scientists or students not specified in Claus 1 this Article doing scientific research, training or practice must:

- a) prepare a plan for scientific research, training and practice in reserve forests (the original);
- b) ensure that scientific research, training, practice, collection of samples and genetic source, transport, storage and announcement of samples and genetic sources comply with law provisions, management regulations under the guidance and supervision of the forest owner;
- c) notify the result of scientific research, training and practice; documents announced nationwide or internationally (if any) to the forest owner;

### **Article 14. Procedures for preparing, appraising, approving and running schemes for ecotourism, hospitality and entertainment services in reserve forests**

1. The forest owner shall prepare a scheme on ecotourism, hospitality and entertainment services in consistent with the approved sustainable forest management plan. The scheme shall contain the following information:

- a) Real condition of natural resources, tourism resources and products of ecotourism, hospitality and entertainment services;
- b) Detailed explanation of the plan for development routes or places for ecotourism, hospitality and entertainment services including: locations, area, condition in reality, purposes, time and method for implementation;
- c) Locations and sizes of construction works serving ecotourism, hospitality and entertainment services;
- d) Methods for forest protection and development, nature and biodiversity preservation and environmental protection;
- dd) Supervision of ecotourism, hospitality and entertainment services;
- e) Maps at scale of 1/5,000 or 1/10,000 or 1/25,000 under the Vietnam's national Reference System VN2000, including maps of natural resources and tourism resources in reality of the reserve forest; maps for planning of place for ecotourism, hospitality and entertainment services and organization of architecture and infrastructure of the reserve forest.

2. An application for ecotourism, hospitality and entertainment services shall include:

- a) An application form prepared by the forest owner (the original);
- b) The scheme on ecotourism, hospitality and entertainment services specified in Clause 1 this Article (the original)

3. Procedures for appraising and approving the scheme on ecotourism, hospitality and entertainment services

- a) The forest owner shall send 2 applications specified in Clause 2 this Article to the Department of Agriculture and Rural Development directly or by post if the reserve forest is under local management or to the General Department of Forestry if the reserve forest is under management of the Ministry of Agriculture and Rural Development.

In case the application is found unsatisfactory, the receiving authority shall notify in writing to the forest owner for him/her to provide additional information within 3 working days from the day on which the application is received;

- b) The receiving authority mentioned in Point a this Clause shall ask for opinions from relevant entities within 15 working days;
- c) Such receiving authority shall appraise the application within 20 working days;
- d) The provincial People's Committee or Ministry of Agriculture and Rural Development shall grant approval for the scheme on ecotourism, hospitality and entertainment services within 15 working days from the day on which the satisfactory application is received.

4. Scope of appraisal:

- a) Natural resources, tourism resources and other tourism-related products in reality;
- b) Locations and sizes of construction works serving ecotourism, hospitality and entertainment services;
- c) Time and methods for implementation;
- d) Methods for forest protection and development, nature and biodiversity preservation and environmental protection;
- dd) Supervision of ecotourism, hospitality and entertainment services;

5. Running schemes on ecotourism, hospitality and entertainment services

- a) After the scheme is approved, the forest owner shall take charge and cooperate with the entity preparing such scheme in running the scheme or lease out the forest

environment suitable for the approved scheme to such entity. The scheme on ecotourism, hospitality and entertainment services shall be prepared in compliance with provisions of the Forestry Law and other relevant law provisions;

b) The forest owner shall provide guidelines, check and supervise the entity hiring the forest environment for scheme running as per law provisions;

s) Funding for preparing the scheme shall be balanced in the annual financial plan as regulated by current State's regulations. In case such scheme is prepared in association with another entity, funding for preparing the scheme shall be mutually decided by both parties. Funding for preparing the scheme shall be provided by the entity hiring the forest environment.

6. Lease of forest environment for provision of ecotourism, hospitality and entertainment services

Lease of forest environment for provision of ecotourism, hospitality and entertainment services. Lease of reserve forest environment for provision of ecotourism, hospitality and entertainment services must be widely announced. Lease prices shall be mutually determined by both parties but not lower than 1% of total realized revenue in the year of the lessee; If 2 more than 2 entities ask for lease of forest environment at the same time, an auction shall be conducted in which the reserve price is not lower than 1 % of total annual realized revenue of the entity leasing the forest environment within the area permitted for lease. The leasing period shall not exceed 30 years; the lessor shall carry out assessment of contract execution once every 5 years and consider whether to extend the lease contract if the lessee abides by all contract provisions and desire contract renewal by the expiry date of such contract.

b) Before entering the contract of forest environment lease, the forest owner shall check stock of forest resources within the forest area for lease as the basis for lease, supervision and assessment of contract execution.

#### **Article 15. Management of construction of works used for ecotourism, hospitality and entertainment services in reserve forests**

1. Construction of works used for ecotourism, hospitality and entertainment services shall not affect biodiversity and forest scenery and must be consistent with the scheme on ecotourism, hospitality and entertainment services approved by the competent authority as prescribed in Point d Clause 3 Article 14 herein.

2. Only paths, overhead cables, underground cables, observation stations, tents and sign boards for forest protection in association with ecotourism purpose are constructed within the strictly protected sub-zone of the reserve forest.

3. Only appropriate roads whose size does not exceed that of class IV mountainous roads, observation stations, tents, sign boards, overhead cables, underground cables and bridges

for swamp forests are constructed within the ecological restoration sub-zone of the reserve forest.

4. Works used for ecotourism, hospitality and entertainment services and upholding of values of historical - cultural heritage and landscape may be constructed within the administrative and service sub-zone of the national park, nature reserve, species-habitat reserve, landscape protection area and forest used for scientific research and experiments if such construction:

a) cause no harm to the conservation process or the forest landscape or the forest trees; construction works must be dependent on nature and associated to the forest landscape and the maximum height of works used for hospitality services shall not exceed 12 m;

b) does not cause loss of State ownership of forests and natural resources on Earth's surface and underground natural resources;

c) is carried out in vacant land, grassplot or land with bushes that fail for self-restoration;

d) is carried out in combination with responsibility for protection, conservation and development of forest resources in the area for ecotourism, hospitality and entertainment services and is under guidance, inspection and supervision of the forest owner;

dd) does not cause harm to national defense and security, landscape and historical - cultural heritage.

#### **Article 16. Stabilization of livelihood of people residing in reserve forests and buffer zones thereof**

##### 1. Buffer zone determination

a) Internal buffer zone of the reserve forest is the zone in which a community reside before such forest zone is established providing no favorable conditions for emigration but planned for sustainable settlement of forest-dependent residents in consistent with the reserve forest planning; the area of internal buffer zone shall be determined according to Earth's surface and water surface used in reality by the community before establishment of the reserve forest zone;

b) External buffer zone of the reserve forest includes the zone in which a community lives and do traditional production activities and the area of villages located adjacent to the outer boundaries of the reserve forest;

c) The external buffer zone of the reserve forest whose boundaries are contiguous to national boundaries, protection forest zone, other reserves or national defense zone shall not be determined at such contiguous zone.

##### 2. Investment programs or plans for buffer zone development shall include:

- a) assessment of natural conditions, socio-economic conditions, living conditions and forest resources, land and water surface used in reality;
  - b) methods for forest protection and natural ecosystem and biodiversity preservation;
  - c) assistance given to the community residing in the buffer zone in forestry, agriculture and fishing business to achieve social, economic and environmental efficiency conformable to the local customs;
  - d) education dissemination to raise awareness of law provisions regarding forest protection and ecosystem and biodiversity preservation;
  - dd) assistance in infrastructure investment for socio-economic development purpose to ease the pressure on preservation activities in reserve forests according to the investment policy and financial mechanism applied to the system of reserve forests as regulated;
  - e) determination of investment capital desires, investment capital sources and investment separation;
  - g) organization of management of buffer zones which clearly specify duties, responsibilities and rights of commune-level People's Committees, community living in buffer zones and management board of reserve forest zone for implementation of project for buffer zone investment.
3. The management board of reserve forest zone shall take charge and cooperate with governmental authorities and community in the buffer zone in preparing program or projects for buffer zone investment. Application for appraisal and approval of such program/project shall be made under regulations of the Law on Public Investment.

### **Section 3. PROTECTION FOREST MANAGEMENT**

#### **Article 17. Establishment of protection forest zones**

1. Principles for establishment of protection forest zones
  - a) Have a project on establishment of the protection forest zone in consistent with the national forestry planning;
  - b) Satisfy criteria applied for each type of protection forests specified in Article 7 herein.
2. The project on establishment of protection forest zone shall include:
  - a) Assessment of natural conditions, forest conditions in reality and natural ecosystems; significances to ecotourism, hospitality and entertainment services, provision of woods and forest products other than woods, forest environmental service provision and biodiversity;

b) Assessment of management and use of forests, lands and water surface included in the project in reality;

c) Assessment of living conditions and social-economic conditions;

d) Determination of objectives of protection forest zone establishment meeting criteria applied for protection forests;

dd) Determination of boundaries and area of the protection forest zone on the map;

e) Activity programs and methods for implementation and management organization;

g) Determination of general estimate of investment capital, investment separation; funding for recurrent protection and improvement of living conditions and investment quality;

h) Project implementation

3. Application for establishment of protection forest zone includes:

a) An application form prepared by the management authority of the protection forest (the original);

b) Project on establishment of protection forest zone (the original);

c) A map showing real condition of the protection forest (the original) at the scale of 1/5,000 or 1/10,000 or 1/25,000 under the Vietnam's national Reference System VN2000 according to area of the protection forest;

d) A consolidated report on opinions from relevant entities;

dd) Appraisal results

4. Procedures for establishing the protection forest zone in 2 or more than 2 provinces or centrally-affiliated cities

The Ministry of Agriculture and Rural Development shall take charge of preparing and sending the project to the Prime Minister for approval and decision on establishment of protection forest zone as follows:

a) Set up a project on establishment of protection forest zone as prescribed in Clause 2 this Article;

b) Request opinions from ministries, ministerial agencies, provincial People's Committees and relevant entities



The aforesaid entities shall response in writing to the Ministry of Agriculture and Rural Development within 20 working days from the day receiving such request;

c) The Ministry of Agriculture and Rural Development shall appraise the application within 30 working days;

d) The Prime Minister shall consider whether to grant approval for the project within 30 working days from the day on which the satisfactory application is received.

#### 5. Procedures for establishing the protection forest zone not specified in Clause 4 this Article

The Department of Agriculture and Rural Development shall take charge of preparing the establishment project and send such project to the provincial People's Committee for approval and decision on establishment as follows:

a) Set up a project on establishment of protection forest zone as prescribed in Clause 2 this Article;

b) Request opinions from relevant organizations and individuals The aforesaid entities shall response in writing to the provincial People's committee within 20 working days from the day receiving such request;

c) The Department of Agriculture and Rural Development shall appraise the application for forest zone establishment within 30 working days;

d) The Chairperson of provincial People's Committee shall consider whether to grant approval for such project within 30 working days from the day on which the satisfactory is received.

### **Article 18. Responsibilities for management of protection forests**

1. The Ministry of Agriculture and Rural Development shall be responsible to the governmental management authorities for the nationwide system of protection forest and take charge of managing protection forests zones located in 2 or more than 2 provinces or centrally-affiliated cities.

2. Provincial People's Committees shall perform state management for local protection forest system.

### **Article 19. Protection of protection forests**

1. Protecting forest ecosystem

a) Protection of forest ecosystem shall comply with regulations in Article 37 of the Forestry Law;

b) The following actions taken in the protection forest shall be prohibited: actions causing changes to natural scenery of the forest; illegal exploitation of creature resources and other natural resources; environmental pollution-causing actions; carrying hazardous chemicals, explosive or flammable substances against law provisions into the forest; grazing cattle or poultry or pets in the currently planted forest area during nurturing process.

## 2. Protecting forest animals and forest plants

a) Protection of forest animals and forest plants shall comply with regulations in Article 38 of the Forestry Law; Government's regulations on management of endangered and rare forest animals and forest plants in conformity with the convention on international trading of endangered wildlife animals and plants.

b) All forests animals living in the protection forest must be protected from actions that lead to negative effects on their habitat and sources of feed.

## 3. Complying with forest fire safety regulations specified in Chapter IV hereof.

4. Complying with regulations on prevention and elimination of organisms harmful to forests as prescribed in Article 40 of the Forestry Law.

## **Article 20. Exploitation of forest products in protection forests**

### 1. In case of logging in natural protection forests

a) Forest products to be exploited are specified in Clause 1 Article 55 of the Forestry Law;

b) Logging is permitted if there is a plan for full utilization of woods as regulated by the Ministry of Agriculture and Rural Development; exploitation of upright trucks in the forest with tree density beyond the specified one is only conducted in the forest open day;

c) Selection cutting method shall apply in case of upright truck logging and intensity thereof shall not exceed 20% of wood reserves, and the post-logging canopy must be over 0.6.

### 2. In case of exploitation of non-timber forest products in natural protection forests

a) Forest products to be exploited are specified in Clause 2 Article 55 of the Forestry Law;

b) Exploitation is only permitted if it ensures sustainable development of the forest and that the exploitation output is not greater than the amount of growth of the species and cause no harm to the protection function of the forest;

c) The exploitation method shall be decided by the forest owner.

### 3. In case of logging in planted protection forests

a) Forest products to be exploited are specified in Clause 3 Article 55 of the Forestry Law;

b) Logging is permitted if there is a logging plan as regulated by the Ministry of Agriculture and Rural Development.

c) Logging method: Pruning of main trees must ensure the remaining tree density is at least 600 tree units per hectare and such trees are distributed throughout the forest plot. Selection cutting of main forest trees shall apply provided that the exploitation intensity does not exceed 20% of the forest reserve. Strip clearcut shall apply provided that the strip's length does not exceed 30m; in case of patch clearcut, the area of each patch shall not exceed 3 ha and total annual logging area shall not exceed 20% of total forest area eligible to perform protection function

### 4. Full utilization in natural and planted protection forests

a) Timber trees in forest areas converted for another purpose may be fully utilized during adoption of technical bio-forestry method serving training and scientific research purpose.

b) Wood utilization is permitted if only the competent authority grants approval for forest repurposing or the bio-forestry project or scientific research program.

## **Article 21. Regulations on enjoying benefits arising from forest product exploitation protection forests**

1. Enjoying benefits arising from forest product exploitation is specified in Article 55 of the Forestry Law.

a) The protection forest owner may fully enjoy benefits arising from forest products exploited in natural protection forests after fulfilling financial obligations as regulated by the State;

b) The protection forest owner may fully enjoy benefits arising from forest products exploited in protection forests planted by state funding or assistance from programs or projects funded by state budget after fulfilling financial obligations as regulated by the State.

c) Persons receiving protection forests from the State or forest management authorities for self-investment are entitled to enjoy all products collected from exploitation.

2. The management board of protection forests may enjoy benefits arising from non-forest product services and pay to the transferee, and share such benefits to family households, individuals and community involved in forest protection as regulated by the State.

3. The management board of protection forests and persons whose forest are allocated or transferred under lump-sum contracts for stable protection and use purpose may enjoy all agriculture-fishing products and non-timber forest products after fulfilling financial obligations as regulated by the State.

#### **Article 22. Scientific research, training and practice in protection forests**

1. In case the scientific research, training or practice is organized by the forest owner, the aforesaid activities shall be carried out by according to the approved plan or project.

2. Scientific research organizations, training institutions, scientists or students not specified in Claus 1 this Article doing scientific research, training or practice must:

a) prepare a plan for scientific research, training and practice in protection forests (the original);

b) ensure that scientific research, training, practice, collection of samples and genetic source, transport, storage and announcement of samples and genetic sources comply with law provisions management regulations under the guidance and supervision of the forest owner;

c) notify the result of scientific research, training and practice; documents announced nationwide or internationally (if any) to the forest owner;

#### **Article 23. Procedures for preparing, appraising, approving and running schemes on ecotourism, hospitality and entertainment services in protection forests**

1. The forest owner shall prepare a scheme on ecotourism, hospitality and entertainment services in consistent with the approved sustainable forest management plan. The scheme shall contain the following information:

a) Real condition of natural resources, tourism resources and products of ecotourism, hospitality and entertainment services;

b) Detailed explanation of the plan for development of routes and places for ecotourism, hospitality and entertainment services including: locations, area, condition in reality, purposes, time and method for implementation;

c) Locations and sizes of construction works serving ecotourism, hospitality and entertainment services;

d) Methods for forest protection and development, nature and biodiversity preservation, environmental protection and maintenance of protection function of the forest;

dd) Organization of supervision of ecotourism, hospitality and entertainment services;

e) Ecotourism maps at scale of 1/5,000 or 1/10,000 or 1/25,000 under the Vietnam's national Reference System VN2000, including maps of natural resources and tourism resources in reality; maps for planning of places for ecotourism and organization of architecture and infrastructure of the protection forest.

2. An application for the scheme on ecotourism, hospitality and entertainment services shall include:

a) An application form prepared by the forest owner (the original);

b) The scheme on ecotourism, hospitality and entertainment services specified in Clause 1 this Article (the original)

3. Procedures for appraising and approving the scheme

a) The forest owner shall send 2 applications specified in Clause 2 this Article to the Department of Agriculture and Rural Development directly or by post if the protection forest is under local management or to the General Department of Forestry if the protection forest is under management of the Ministry of Agriculture and Rural Development.

In case the application is found unsatisfactory, the receiving authority shall notify in writing to the forest owner for him/her to provide additional information within 3 working days from the day on which the application is received. ;

b) The receiving authority mentioned in Point a this Clause shall ask for opinions from relevant entities within 15 working days;

c) Such receiving authority shall appraise the application within 20 working days;

d) The provincial People's Committee or Ministry of Agriculture and Rural Development shall grant approval for the scheme within 15 working days from the day on which the satisfactory application is received.

4. Scope of appraisal:

a) Natural resources, tourism resources and other tourism-related products in reality;

b) Locations and sizes of construction works used for ecotourism, hospitality and entertainment services;

c) Time and methods for implementation;

d) Methods for forest protection and development, nature and biodiversity preservation, environmental protection and maintenance of protection function of the forest;

dd) Organization of supervision of ecotourism, hospitality and entertainment services;

#### 5. Running schemes on ecotourism, hospitality and entertainment services

a) After the scheme is approved, the forest owner shall take charge and cooperate with the organization/individual preparing such scheme in running the scheme or lease out the forest environment suitable for the approved scheme to such entity. The scheme for investment in ecotourism, hospitality and entertainment services shall be made in compliance with provisions of the Forestry Law and other relevant law provisions;

b) The forest owner shall provide guidelines, check and supervise the entity hiring the forest environment for scheme running as per law provisions;

s) Funding for setting up the scheme shall be balanced in the annual financial plan as regulated by current State's regulations. In case such scheme is developed in association with another entity, funding for preparing the scheme shall be mutually decided by both parties. Funding for preparing the scheme shall be provided by the entity hiring the forest environment.

#### 6. Lease of forest environment for provision of ecotourism, hospitality and entertainment services

a) The forest owner is entitled to lease out protection forest environment to entities to trade in ecotourism, hospitality and entertainment services. Lease of protection forest environment for provision of ecotourism, hospitality and entertainment services must be widely announced. Lease prices shall be mutually determined by both parties but not lower than 1% of total realized revenue in the year of the lessee; If 2 more than 2 entities ask for lease of the forest environment at the same time, an auction shall be conducted in which the reserve price is not lower than 1 % of total annual realized revenue of the entity leasing the forest environment within the area permitted for lease. Lease duration shall not exceed 30 years. The lessor shall carry out assessment of contract execution once every 5 years and consider whether to extend the lease contract if the lessee abides by all contract provisions and desire contract renewal by the expiry date of such contract.

b) Before entering the contract of forest environment lease, the forest owner shall check stock of forest resources within the forest area for lease as the basis for lease, supervision and assessment of contract execution.

### **Article 24. Management of construction of works used for ecotourism, hospitality and entertainment services in protection forests**

1. Construction of works used for ecotourism, hospitality and entertainment services shall not cause effects on biodiversity, natural landscape and protection function of the forest and must be consistent with the scheme on ecotourism, hospitality and entertainment services approved by the competent authority as prescribed in Point d Clause 3 Article 23 herein.

2. Construction of works used for ecotourism, hospitality and entertainment services must:

a) cause no harm to the landscape or the forest trees; construction works must be dependent on nature and associated to the natural landscape as regulated by law provisions;

b) not cause loss of State ownership of forests and natural resources on Earth's surface and underground natural resources;

c) be carried out in vacant land, grassplot or land with bushes that fail for self-restoration;

d) be carried out in combination with responsibility for protection, conservation and development of forest resources in the area for ecotourism, hospitality and entertainment services and must be under the guidance, inspection and supervision of the forest owner;

dd) not cause harm to national defense and security, landscape and historical - cultural heritage.

## **Article 25. Combined forestry-agriculture-fishing production in protection forests**

### 1. Principles

a) Not allow combined forestry-agriculture-fishing production in headwater protection forests of slope of more than 30 degrees; eroded coasts within protection forests for wind/sand shielding, protection forests for tire shielding or sea encroachment prevention;

b) Use forest environment and space in an efficient manner for combined forestry-agriculture-fishing production purpose;

c) Ensure harmony in interests of the State and forest owners, organizations, individuals, family households and community involved in forestry-related activities

### 2. In case of forested land

It is allowed to plant alternately agricultural plants and non-timber forest products, raise and plant aquatic products under forest canopies provided that forest area, forest quality and capability of forest reproduction and forest protection are not affected.

### 3. In case of vacant land

a) Forest owner and family households, individuals or community whose land is allocated under lump-sum contracts for stable use purpose may use the vacant land for combined forestry-agriculture-fishing production purpose but they must plant forests on the land area assigned in such a way that at least 80% of such land is covered by forest trees for headwater protection forests, wind/sand shielding protection forests and 60% for combined aquaculture mangrove. Technical bio-forestry measures for protection forest development purpose shall be taken as regulated by the Ministry of Agriculture and Rural Development;

b) It is allowed to plant alternately agricultural plants, industrial trees and fruit trees within the land area received. Grazing cattle, poultry or pets in the area of currently planted forests during nurturing period is prohibited.

c) It is allowed to use the land area between stretches of forest trees for combined agriculture-fishing production provided that the rate for use must not exceed 20% of the land area allocated or transferred under lump-sum contracts in headwater protection forests or wind/sand shielding protection forests; 40% of the water surface area for combined aquaculture mangrove.

4. Forest owners and persons whose forest is transferred under lump-sum contracts for stable use purpose may enjoy all outputs of combined agriculture – fishing production specified in Clause 2 and 3 this Article.

5. State management authorities for forestry of various levels shall take responsibility to instruct forests owners and persons whose forest is transferred under lump-sum contacts to perform combined forestry-agriculture-fishing production as per law provisions.

## **Section 4. PRODUCTION FOREST MANAGEMENT**

### **Article 26. Protection of production forests**

#### 1. Protecting forest ecosystem

a) Protection of forest ecosystem shall comply with regulations in Article 37 of the Forestry Law;

b) Actions directly affecting forest ecosystem must be taken under law regulations on environmental protection after permitted by competent regulatory agencies.

#### 2. Protecting forest animals and forest plants

a) Protection of forest animals and forest plants shall comply with regulations in Article 38 of the Forestry Law; Government's regulations on management of endangered and rare forest animals and forest plants in conformity with the convention on international trading of endangered wildlife animals and plants.



b) All forests animals living in production forests must be protected from actions that lead to negative effects on their habitat and sources of feed.

3. Complying with forest fire safety regulations specified in Chapter IV hereof.

4. Complying with regulations on prevention of organisms harmful to production forests as prescribed in Article 40 of the Forestry Law and law regulations on protection and quarantine of plants and veterinary.

### **Article 27. Development of production forests**

1. Development of production forests shall comply with regulations in Article 48 of the Forestry Law;

2. Organization of production forest development

a) Forest owners shall develop production forests according to the sustainable management plan;

b) Forest owners shall make their own investment or run forest development projects under joint-venture or association agreement and perform production activities within the area of forests or land for production forests allocated by the State or lease out such land area as per law provisions.

3. Applicable bio-forestry measures for forest development purpose shall comply with regulations of the Ministry of Agriculture and Rural Development;

### **Article 28. Exploitation of forest products in natural production forests**

1. In case of main logging in natural production forests

a) Products to be exploited are timbers in rich and average forests;

b) The logging shall comply with regulations in Clause 1 Article 58 of the Forestry Law and shall not be carried out during closing of natural production forests.

c) Selective logging shall apply provided that maximum logging intensity shall not exceed 35% of wood reserves in the forests plot.

2. Full utilization in natural production forests

a) Forest products in the forest areas converted for another purpose may be fully utilized during adoption of bio-forestry method serving training and scientific research purpose.

b) Full utilization is permitted if the competent authority grants approval for forest repurposing or the bio-forestry project or scientific research program.

3. In case of full collection in natural production forests

a) Forest products to be collected are timbers, branches and stumps dried, burnt, fallen or dead due to natural disasters.

b) Full collection is permitted if the forest owner prepares a plan for full collection as regulated by the Ministry of Agriculture and Rural Development.

4. In case of exploitation of non-timber ordinary forest plants and derivatives thereof

a) Forest products to be exploited are non-timber ordinary forest plants and derivatives thereof.

b) Exploitation is permitted if it ensures sustainable development of the forest and that the exploitation output is not greater than the amount of growth of the species.

c) The exploitation method shall be decided by the forest owner.

5. In case of exploitation of ordinary forest animals

a) Products to be exploited are ordinary forest animals;

b) Exploitation is permitted if there is a plan for exploitation of ordinary forest animals.

6. Exploitation of endangered and rare forest animals shall comply with Government's regulations on management of endangered and rare forest animals and forest plants in conformity with the convention on international trading in endangered wildlife animals and plants.

7. Enjoying benefits arising from forest product exploitation

Forest owners are entitled to all value of forest products exploited after fulfilling financial obligations as per State regulations.

**Article 29. Exploitation of forest products in planted production forests**

1. In case of exploitation in planted protection forests

a) Clearcutting is permitted if the forest is replanted in the next forest planting period or regenerated. As for forests planted by using state funding, exploitation is permitted if there is a logging plan as regulated by the Ministry of Agriculture and Rural Development;

b) The forest investor shall decide whether to apply clearcutting or whole-forest logging method.

## 2. In case of full utilization in planted production forests

a) Timbers in the forest areas converted for another purpose may be fully utilized during adoption of bio-forestry method serving training and scientific research purpose.

b) In case of forests planted by using state funding, full utilization is permitted if the competent authority grants approval for forest repurposing or the bio-forestry project or scientific research program.

## 3. In case of full collection in planted production forests

a) Forest products to be exploited are timbers dried, fallen, burnt or dead due to natural disasters.

b) Full collection shall apply to forests planted by using state funding provided that there must be reports on logging volume and logging places as regulated by the Ministry of Agriculture and Rural Development.

4. Exploitation of endangered and rare species shall comply with Government's regulations on management of endangered and rare forest animals and forest plants in conformity with the convention on international trading in endangered wildlife animals and plants.

## 5. Enjoying benefits arising from forest product exploitation

a) Forest owners that self-invest in planting forests are entitled to all forest valuation;

b) As for planted forests wholly or partially invested by state funding, the owners thereof are entitled to all forest valuation after fulfilling financial obligations as regulated by the State.

## **Article 30. Combined forestry-agriculture-fishing production in production forests**

### 1. Principles

b) Use forest environment and space in an efficient manner for combined forestry-agriculture-fishing production purpose;

b) Ensure harmony between State interests and interests of forest owners in forestry - agriculture - fishing production

### 2. With regard to forested land area

The forest owner is allowed to plant alternately agricultural plants and non-timber forest products, raise and plant aquatic products provided that forest area, forest quality and capability of forest regeneration are not affected.

### 3. With regard to non-forested land

a) The forest owner is allowed to use non-forested land for combined agriculture - fishing production purpose but must plant forests on the area allocated or leased in such a way that forested area accounts for at least 60% of the land (for combined aquaculture mangrove) or 70% for other forest types;

b) It is allowed to plant alternately agricultural plants, industrial trees and fruit trees on the land area allocated or leased. Grazing cattle, poultry or pets in the area of newly planted forests during nurturing period is prohibited.

c) It is allowed to use the land area between stretches of forest trees for combined agriculture-fishing production provided that the rate for use must not exceed 40% of the land area allocated or leased in case of combined aquaculture mangrove or 30% in case of other forest types.

4. The forest owner is entitled to enjoy all outputs of combined agriculture - fishing production specified in Clause 2 and 3 this Article.

### **Article 31. Scientific research, training and practice in production forests**

1. Scientific research, training and practice shall be organized by forest owners.

2. Scientific research organizations, training institutions, scientists or students performing scientific research, training or practice in production forests shall:

a) comply with provisions of the law on forestry, the law on scientific research, education and training and other relevant provisions;

b) have a plan for scientific research or education and training approved by the forest owner;

c) be permitted to collect samples and genetic source of species with the quantity specified in the plan.

### **Article 32. Ecotourism, hospitality and entertainment services in production forests**

1. Forest owners may self-organize or cooperate with other entities in providing ecotourism, hospitality and entertainment services or lease out forest environment to entities for providing ecotourism, hospitality and entertainment services.

2. Ecotourism, hospitality and entertainment services shall be provided according to the sustainable forest management plan approved by competent regulatory agencies.

3. Prices for lease of forest environment for provision of ecotourism, hospitality and entertainment services including travel services, tourist transport and accommodation

services, food and beverage, shopping, sport, recreation, healthcare, sightseeing and advertisement services and other relevant services within the forest zone shall be mutually decided by both parties but not under 1 % of total annual realized revenue of the lessee.

## **Section 5. CLOSING AND OPENING OF NATURAL FORESTS AND ISSUANCE OF CERTIFICATES OF SUSTAINABLE FOREST MANAGEMENT**

### **Article 33. Procedures for closing and opening natural forests**

1. The scheme on closing or opening of natural forests shall contain the following basic information:

- a) Determination of necessity of closing or opening of natural forests;
- b) Assessment of socio-economic condition, national defense and security condition in the forest zone in reality;
- c) Assessment of reserves and quality of forest resources in reality and forest ecosystem and biodiversity;
- d) Methods for management and implementation during closing or opening of natural forests, legal rights and benefits of parties involved in closing or opening of natural forests;
- dd) Determination and allocation of funding for closing or opening of forests

2. Procedures for closing or opening of natural forests under the authority of the Prime Minister

- a) An application for closing or opening of natural forest shall include an application form prepared by the Ministry of Agriculture and Rural Development and the scheme for closing or opening of natural forests;
- b) The Ministry of Agriculture and Rural Development shall send the application specified in Point a this Clause to the Prime Minister;
- c) The Prime Minister shall consider whether to close or open the natural forest within 30 working days from the date on which the satisfactory application is received.

3. Procedures for closing or opening of natural forests under the authority of Chairpersons of provincial People's Committees

- a) An application for closing or opening of natural forests shall include an application form prepared by the Department of Agriculture and Rural Development and the scheme for closing or opening of natural forests;

b) The Department of Agriculture and Rural Development shall send the application specified in Point a this Clause to the Chairperson of provincial People's Committee; The Chairperson of provincial People's Committee shall send the scheme for closing or opening of natural forests to the People's Council of the same level for approval purpose;

c) The Chairperson of provincial People's Committee shall consider whether to close or open the natural forest in the area under its management within 10 working days from the day on which the scheme is approved by the People's Council of the same level.

#### 4. Announcing decisions on closing or opening of natural forests

Decisions on closing or opening of natural forests shall be publicly announced on mass media throughout the country and posted on the portal of the Ministry of Agriculture and Rural Development and provincial People's Committees.

### **Article 34. Issuance of certificates of sustainable forest management**

1. Issuance of certificates of sustainable forest management means provision of conditional conformity assessment service prescribed in the law on investment.

2. Business certification and registration of organizations providing assessment service and issuing certificates of sustainable forest management shall comply with Government's regulations on conditions for provision of conformity assessment service.

3. Certificates of sustainable forest management shall be issued under internationally-certified standards for sustainable forest management or the criteria code of sustainable forest management issued by the Ministry of Agriculture and Rural Development in compliance with regulations in Clause 4 Article 28 of the Forestry Law.

## **Chapter III**

### **FOREST ALLOCATION AND LEASE, CONVERSION OF FOREST TYPES, FOREST REPURPOSING AND FOREST APPROPRIATION**

#### **Section 1. FOREST ALLOCATION AND LEASE**

#### **Article 35. Plans for allocating and leasing out forests**

1. Preparing plans for allocating and leasing out forests

a) Commune-level People's Committees shall prepare annual plan for allocating and leasing out forests and send written notification of proposal of registration of demands for allocating and leasing out forests to district-level People's Committees. Written announcement about preparation, appraisal and approval of plans for forest allocation or lease shall be issued in conjunction with preparation, appraisal and approval of district-level annual land use plan.

b) Commune-level People's Committees shall send a consolidated report on local demands for forest allocation or lease made according to Form No.1 provided in Appendix II thereto to district-level People's Committees within 20 working days from the day on which the application for registration of forest allocation/lease demands is received;

c) District-level People's Committees shall make a consolidated report on unallocated/unleased forest area and determine criteria for allocating or leasing out forests to each commune-level administrative agency, gather demands and predict allocation or lease of forests to each commune-level administrative agency.

2. The plan for allocating or leasing out forests shall contain the following information:

a) Area of types of forests available in districts and communes including total forest area, allocated/leased forest area and unallocated/unleased forest area;

b) Forest area requested for allocation or lease in each commune and locations of the allocated or leased forests;

c) Quotas on forest allocation to family households, individuals and community in consistent with land allocation quotas;

d) Assessment of impacts of forest allocation or lease plans on society - economy, environment, national defense and security; proceeds from forest allocation or lease; job creation, labor attraction, hunger elimination and poverty reduction; capability of reasonable forest resources exploitation; requirements for forest development and conservation and forest density in association with preservation of landscape and culture of ethnic groups and elements affecting to national defense and security;

dd) Determination of finance, labor and technique resources, methods and schedule for implementing forest allocation or lease.

3. Granting approval for forest allocation or lease plans

a) District-level People's Committees shall send an application for forest allocation or lease including an application form, forest allocation or lease plan, general explanation report and a map of forest allocation or lease plan to the Department of Agriculture and Rural Development in Quarter III every year.

b) The Department of Agriculture and Rural Development shall appraise such application and send it to the provincial People's Committee for approval purpose within 15 working days from the day on which the satisfactory application is received. In case such application is found unsatisfactory, the Department of Agriculture and Rural Development shall inform the commune-level People's Committee to provide additional information;

c) Provincial People's Committees shall grant approval for annual forest allocation or lease plan of commune level before December 31.

4. The district-level People's Committee shall post up the approved forest allocation or lease plan at its office and the office of the commune-level People's Committee in place where forests are allocated or leased out within 30 days from the day on which such plan is approved.

### **Article 36. Procedures for forest allocation and forest lease in consistent with land allocation and land lease**

Procedures for forest allocation and forest lease in consistent with land allocation and land lease shall be carried out under provisions of the law on land and the following regulations:

1. Application form for forest allocation or lease or land allocation or lease shall be made according to Form No.2 for organizations or Form No.3 for family households, individuals and community which is provided in Appendix II issued thereto.

2. The receiving authority shall transfer the application to the forestry management authority for opinion asking within 2 working days from the day on which the satisfactory is received. The forestry management authority shall send its opinion in writing to the environment and resource agency within 5 working days from the day on which the application is received.

3. Decisions on land allocation or lease or forests allocation or lease shall be made according to Forms specified in this Decree as follows:

a) Decisions on allocating land or forest to organizations shall be made according to Form No.4 provided in Appendix II issued thereto;

b) Decisions on leasing out land or forest to organizations shall be made according to Form No.5 provided in Appendix II issued thereto;

c) Decisions on allocation land or forest to family households, individuals or community shall be made according to Form No.6 provided in Appendix II issued thereto;

c) Decisions on leasing out land or forest to family households, individuals or community shall be made according to Form No.7 provided in Appendix II issued thereto.

4. The Director of Department of Agriculture and Rural Development shall enter into a contract for forest lease with the organization (the lessee) and Chairperson of district-level People's Committee shall enter a contract with the family household or individual (the lessee) according to Form No.8 provided in Appendix II issued thereto within 3 working days from the day on which the decision on leasing out land or forest is issued.



**Article 37. Completing dossiers on forest allocation or forest lease in case of allocated land or leased forested land or recognition of forested land use rights without any forest allocation or lease dossier**

1. Organizations, family households, individuals and community whose land is allocated or whose forested land is leased or having their forested land use rights recognized shall cooperate with forestry management authorities of various levels in completing dossiers on forest allocation or forest lease.
2. The environment and resources agency shall provide information on allocated or leased land area or land of which the use right is recognized specified in the cadastral dossier to various-level forestry management authorities for them to complete dossiers on forest allocation or forest lease.
3. Various-level forestry management authorities shall inspect and review forest information recorded in the cadastral dossier and in reality, including forest use purposes, forest area, origin, location, boundaries and real condition and reserves of the forest and complete dossiers on forest allocation or forest lease.

**Article 38. Completing dossiers on land allocation or land lease in case of allocated forests or leased forests**

1. Organizations, family households, individuals and community whose forest is allocated or leased but not having their land use rights recognized shall provide information to the environment and resources agencies of various levels for them to complete dossiers on land allocation or land lease.
2. Various-level forestry management authorities shall provide information on dossiers on forest allocation or forest lease to the environment and resources agency of the same level for the purpose of completing dossiers on land allocation or land lease and issuing land use rights certificates.
3. The environment and resources agency shall take charge and cooperate with various-level forestry management authorities in verifying applications for land allocation or land lease and carry out field inspection, and send such applications to People's Committees of the same level for them to issue land allocation decisions and land use right certificates as per provisions of the law on land.

**Section 2. CONVERSION OF FOREST TYPES AND FOREST REPURPOSING**

**Article 39. Plans for conversion of forest types**

1. Forest owners shall prepare plans for converting types of forests.
2. The plan for conversion of forest types shall include the basic following information:

- a) Legal and scientific bases and real condition;
- b) Forest characteristics in terms of its natural condition, socio-economic condition, resources and biodiversity in reality and assessment of management, protection and use of the forest;
- c) Area, scope and boundaries of forest type on the map;
- d) Cause for forest type conversion, management scope, methods and management of the forest;
- dd) General funding estimate and organization of plan implementation

#### **Article 40. Procedures for conversion of forest types**

##### 1. With regard to forest zones established as decided by the Prime Minister

a) The forest owner shall send 2 applications for conversion of forest type to the Ministry of Agriculture and Rural Development directly or by post if the forest is under management of Ministry of Agriculture and Rural Development. The application includes an application form and plan for conversion of forest type;

b) The forest owner shall send 2 applications for conversion of forest type to the Department of Agriculture and Rural Development directly or by post in case the forest is under management of the provincial People's Committee. The application includes an application form and plan for conversion of forest type;

c) The Department of Agriculture and Rural Development shall take charge of application appraisal and inform the provincial People's Committee for proposals to the Ministry of Agriculture and Rural Development and the Prime Minister for the purpose of deciding conversion of forest type within 15 working days from the day on which the satisfactory application is received.

d) The Ministry of Agriculture and Rural Development shall consider the application then send proposals of decision on conversion of forest types to the Prime Minister within 30 working days from the day on which the satisfactory is received;

dd) The Prime Minister shall consider whether to grant approval for conversion of forest type within 30 working days from the day on which the satisfactory is received.

##### 2. With regard to forest zones established as decided by the provincial People's Committees

b) The forest owner shall send 2 applications for conversion of forest type, each includes an application form and conversion plan, to the Department of Agriculture and Rural Development directly or by post;

b) The Ministry of Agriculture and Rural Development shall send such application to the provincial People's Committee for consideration within 15 working days from the day on which the satisfactory application is received;

c) The provincial People's Committee shall send such application to the People's Council of the same level for considering and deciding the policy on conversion of forest type 15 days before the next meeting of such People's Council. The People's Council shall issue a Resolution on for conversion of forest types 15 days after the meeting;

dd) The provincial People's Committee shall issue a decision on conversion of forest types within 15 working days after the policy is promulgated.

#### **Article 41. Procedures for deciding the policy on forest repurposing**

1. In case the policy is under authority of the National Assembly: the procedure for deciding the forest repurposing policy is not required if the forest repurposing project has investment guidelines decided by the National Assembly.

2. For the case in which the policy is under authority of the Prime Minister

a) The investor shall send 2 applications for forest repurposing to the Ministry of Agriculture and Rural Development directly or by post if the forest is under management of such Ministry. The application shall include an application form, a report on investment plan proposal, written appraisal of such report provided by relevant entities;

b) The Ministry of Agriculture and Rural Development shall consider then send such application to the Prime Minister for deciding the policy on forest repurposing within 30 working days from the day on which the satisfactory application is received.

c) The investor shall send 2 applications for forest repurposing to the Department of Agriculture and Rural Development directly or by post in case the forest in under provincial management. The application shall include an application form, a report on investment plan proposal, written appraisal of such report provided by relevant entities;

d) The Department of Agriculture and Rural Development shall consider the application then send it to the provincial People's Committee and the Prime Minister for deciding the forest repurposing policy within 15 working days from the day on which the satisfactory application is received;

dd) The Prime Minister shall consider deciding the forest repurposing policy within 30 working days from the day on which the satisfactory application is received;

e) The aforesaid regulation shall not apply to the case in which the investment policy is already decided by the Prime Minister.

3. For the case in which the policy is under authority of provincial People's Committees

c) The investor shall send 2 applications for forest repurposing to the Department of Agriculture and Rural Development directly or by post in case the forest to be repurposed is owned by an organization. The application shall include an application form, a report on investment plan proposal, written appraisal of such report provided by relevant entities;

b) The Department of Agriculture and Rural Development shall send such application to the provincial People's Committee for consideration within 15 working days from the day on which the satisfactory application is received;

c) The investor shall send 2 applications for forest repurposing to the district-level People's Committee directly or by post. The application shall include an application form, a report on investment plan proposal, written appraisal of such report provided by relevant entities;

d) The district-level People's Committee shall send such application to the provincial People's Committee for consideration within 15 working days from the day on which the satisfactory application is received;

dd) The provincial People's Committee shall send such application to the People's Council of the same level for considering and deciding the forest repurposing policy 15 days before the next meeting of such People's Council. The People's Council shall issue a Resolution on forest repurposing policy 15 days after the meeting;

e) The aforesaid regulation shall not apply to the case in which the investment policy is already decided by the provincial People's Council.

#### **Article 42. Procedures for forest repurposing**

1. The procedure for forest repurposing shall be in consistent with the procedure for land repurposing.

2. The environment and resources agency shall cooperate with the forestry management authority in checking the dossier of forest repurposing conditions as prescribed in Article 19 of the Forestry Law and review and define location, area and real condition of such forest before granting approval for forest repurposing.

3. The decision on land repurposing issued by the competent authority shall indicate location and area of the forest to be repurposed as approved.

4. The application form for forest repurposing enclosed with the application for forest repurposing shall be made according Form No.9 for organizations or Form No.10 for family households, individuals and community which is provided in Appendix II issued thereto.

#### **Section 3. FOREST APPROPRIATION**

### **Article 43. Procedures for forest appropriation and conversion of forest types**

1. The procedure for forest appropriation or forest conversion shall be consistent with the procedure for land appropriation or land conversion in compliance with provisions of the law on land.
2. In case the forest is appropriated as prescribed in Point a, b and dd Clause 1 Article 22 of the Forestry Law, such appropriation shall be done based upon inspection and violation handling results provided by competent regulatory agencies in addition to regulations in Clause 1 this Article.
3. District-level People's Committees shall instruct commune-level People's Committees to manage forests appropriated for allocation or lease purpose.

### **Article 44. Compensation in case of appropriation of allocated or leased forests beyond the power or wrong forest appropriation**

1. Competent People's Committees shall take responsibility to establish a valuation council to:
  - a) determine unpaid forest rent in total amount paid to the State by the forest owner in which the amount paid is not originated from state budget;
  - b) determine increased forest product value, value of planted production forests and other assets legally invested by forest owners on the allocated or leased forest area in which the investment capital is not originated by state budget.
2. The State shall make compensation for unpaid forest rent, increased forest product value and value of planted production forests and other assets legally invested specified in Clause 1 this Article to the forest owners as per law provisions on compensation responsibility of the State.
3. Compensation shall be made as specified in Clause 2 this Article in case of appropriation of planted production forests of which ownership is already transferred.
4. In case the owner of the forest to be appropriated has put the value of planted production forest as a security or guarantee or to contribution, beneficiaries thereof shall be compensated as per civil law provisions.

## **Chapter IV**

### **FOREST FIRE SAFETY**

#### **Section 1. FOREST FIRE PREVENTION**

#### **Article 45. Forest fire safety plans**

## 1. Responsibility for preparing forest fire safety plans

- a) Forest owners who are family households and community shall prepare forest fire safety plans according Form No.1 provided in Appendix III issued thereto;
  - b) Forest owners who are organizations shall prepare forest fire safety plans according Form No.2 provided in Appendix III issued thereto;
  - c) Commune-level People's Committees assigned to manage unallocated or unleased forests shall prepare forest fire safety plans according to Form No.3 provided in Appendix III issued thereto.
2. Forest fire safety plans prepared by organizations or commune-level People's Committees specified in Point b and c Clause 1 this Article shall be sent to the forestry administration and Fire and Rescue Police of commune level for advice.
3. Forest fire safety plans must be promptly amended in case there is any change to characteristics and nature of fire dangers and conditions related to forest fire safety.
4. Forest owners shall offer practice of forest fire safety plans as per provisions of the law on fire safety.
5. Forestry administrations and Fire and Rescue Police shall provide guidelines for and check preparation and implementation of forest fire safety plans.

## **Article 46. Levels of forest fire danger**

1. There are 5 levels of forest fire danger from I to V; the forest fire danger sign is in semicircle shape of outer and inner diameter of 2.5 and 1.8 m, respectively surrounded by a red line and attached to a movable arrow to indicate 5 levels of forest fire danger. More details of forest fire danger levels can be found in Form No.4 provided in Appendix III issued thereto.

2.

Various-level forestry administrations shall continuously forecast and inform daily forest fire danger levels on mass media in case of level IV and V according to the weather and hydrometeorology condition.

## **Article 47. Safety conditions for forest fire prevention**

### 1. Safety conditions for forest fire prevention

- a) Forest fire safety regulations, fire danger signs and flame prohibited signs shall be placed at designated positions in consistent with characteristics and nature of fire of each forest type;

- b) There must be forest fire safety plans specified in Article 45 herein;
- c) Existing forest fire safety works shall be consistent with the nature and characteristics of each forest type.
- d) Forest fire safety equipment and instruments shall be consistent with characteristics and nature of each forest type according to the forest fire safety plan;
- dd) There must be a standing firefighting force who is trained in forest fire safety to meet on-spot firefighting requirements;
- e) There must be a record of management and monitoring of forest fire safety as prescribed in the law on fire safety.

2. Forests with railway, high voltage power lines, gas or petroleum or petroleum product pipelines and works bearing forest fire risks must be protected by fire barriers and safety corridors consistent with each type of work under law provisions and flammable materials must be moved out the fire barrier zone.

3. When burning fields or vegetation for the purpose of forest planting and flammable material reduction, the fire user shall:

- a) take fire safety measures;
- b) not burn on dates of forest fire danger level IV or V and shall burn on dates of light wind before 9:00 am and after 4:00 pm.
- c) notify the burning to the head of the village and forest fire safety team. There must be a person keeping guard over such burning and firefighting instruments in case the fire sweeps through the forest. All sparks must be extinguished after burning.

4. Fire use in facilities, works, construction sites and houses permitted to be built inside the forest must ensure the flame does not sweep through the forest and all sparks are extinguished.

#### **Article 48. Fire prevention requirements applied for forest development projects**

The forest development project shall include fire safety methods with the following contents:

1. Fire safety methods applied for forest plots and sub-forest zones in conformable to characteristics of fire in each type of forests and existing railway, high voltage power grids, gas, petroleum and petroleum product pipelines, houses and works.
2. Fire safety works in consistent with characteristics of each forest type

3. Designed estimate for funding for forest fire safety works.

#### **Article 49. Organization and management of forest fire safety forces**

1. Forest owners that are organizations shall establish a forest fire safety team and manage operation thereof and provide funding, equipment and favorable conditions for maintaining such operation.

2. The forestry administration shall establish forest fire safety units and manage operation thereof as authorized, provide guidelines, carry out inspection and offer training courses in professional forest fire safety to forest protection forces established by forest owners and internal forest protection forces.

3. The Fire and Rescue Police Agency shall instruct and cooperate with the forestry administration in performing tasks specified in Clause 2 this Article.

4. Training and re-training in professional fire safety skills offered to forest safety forces shall comply with provisions of the fire safety law.

#### **Article 50. Forest fire safety inspection**

1. Forest fire safety inspection shall:

a) satisfy conditions for forest fire safety specified in Article 47 herein and other provisions of the law on fire prevention and fighting;

b) fulfill responsibilities for forest fire safety of each subject specified in Article 53 and relevant Articles herein and provisions of the law on fire prevention and fighting;

c) comply with standards and regulations on forest fire safety and forest fire safety requirements of competent persons or authorities

2. Forest fire safety inspection shall be carried out periodically and irregularly.

3. Responsibility for forest fire safety inspection after and before dry season shall be assigned as follows:

a) Chairpersons of commune-level People's Committees and forest owners shall carry out inspection of forest fire safety in the area under their management as per regulations in Clause 2 this Article;

b) Heads of organizations and agencies and Chairpersons of provincial People's Committees or higher shall carry out periodic and irregular forest fire safety inspection in the area under their management;



c) The forestry administration shall carry out periodic forest fire safety inspection for forests facing fire risks and irregular inspection in case any fire danger or violation against forest fire safety regulations is found or in case of special protection requirement;

d) The Fire and Rescue Police Agency shall carry out forest fire safety inspection once every 6 months or every year for forests facing fire risks and carry out irregular inspection if any fire danger or violation against forest fire safety and in case of special protection requirements.

## **Section 2. FOREST FIRE FIGHTING**

### **Article 51. Responsibilities for fire alarm, fire fighting and participation in forest fire fighting and fire fighting command**

1. The person detecting forest fire must notify such fire to others and to one of the following entities at any cost:

a) Forest owner;

b) The nearest forest fire safety team;

c) The nearest forestry administration or fire and rescue police agency;

d) Local government authority or the nearest police and military agency

2. When receiving forest fire notification, entities specified in Clause 1 this Article shall mobilize forces and equipment for fire fighting and notify the fire to other necessary entities for assistance; in case the forest fire breaks out outside the area under management, such entities shall, at any cost, inform agencies managing the place on fire for handling purpose and participate in fire fighting after receiving fire notification.

3. Persons present at the place in which the forest fire breaks out shall work out any method for fire spread prevention and fire fighting; participants in fire fighting must abide by orders of the fire-fighting commander;

4. Forest owners, police, forest rangers, military, militia and self-defense forces and other relevant agencies shall extinguish the fire and participate in fire fighting as per provisions of the law on fire prevention and fighting.

5. Mobilization of forces, equipment and properties for fire fighting, fire-fighting command, decision on destruction of houses, construction works and obstacles where necessary and property movement for fire fighting purpose shall comply with provisions of the law on fire prevention and fighting.

### **Article 52. Overcoming consequences of forest fire**

1. Forest owners shall determine damage rate after the fire and send a statistical report on damage to the forestry administration, fire and rescue police and local government authority.
2. According to the damage rate, forest owners shall find and take post-forest restoration measures including localizing and promoting natural forest regeneration or planting additional forest or new forest.
3. The local forestry administration shall cooperate with commune-level People's Committees in sending a consolidated report on damage rate and solutions to consequences and assistances to the competent authority.
4. The forestry administration, fire and rescue police and investigation agency shall find causes for forest fire, damage rate and take actions as regulated by laws.

### **Section 3. FOREST FIRE SAFETY RESPONSIBILITIES**

#### **Article 53. Forest fire safety responsibilities of forest owners**

1. For the case in which forest owners are organizations:
  - a) Comply with forest fire safety regulations and conditions and take measures for forest fire safety as per law provisions;
  - b) Formulate and issue regulations and methods for fire safety in the forest under their management;
  - c) Prepare and implement fire safety plans applied for the forests under their management;
  - d) Disseminate knowledge and law about forest fire safety, offer training in forest fire safety profession, establish, manage forest fire safety teams and maintain operations thereof;
  - dd) Carry out forest fire safety inspection, suggest handling of violations against forest fire safety regulations and promptly deal with shortcomings and violations against forest fire safety regulations as authorized;
  - e) Invest in work construction and equipment and instruments used for forest fire safety;
  - g) Provide funding for forest fire safety as per current State regulations;
  - h) Send periodic and irregular report on forest fire safety and promptly notify the local forestry administration, fire and rescue police and supervisory authorities of changes related to fire safety of the forests under their management;

i) Cooperate with other forest owners, local government authority and surrounding entities in ensuring safety of forest fire prevention and fighting and not cause fire danger to neighboring forests, agencies or family households;

k) Perform forest fire safety activities as required by competent authorities;

l) Cooperate and enable competent authorities to investigate and look for the perpetrator of forest fire.

2. For the case in which forest owners are family households, individuals or community

a) Comply with forest fire safety regulations and conditions and take measures for forest fire safety as per law provisions;

b) Carry out forest fire safety inspection, suggest handling of violations against forest fire safety regulations and promptly deal with shortcomings and violations against forest fire safety regulations as authorized;

c) Invest in purchase of equipment and instruments used for forest fire safety as regulated;

d) Provide funding for investment in forest fire safety under current State regulations;

dd) Cooperate with other forest owners, local government authority and surrounding entities in ensuring safety of forest fire prevention and fighting and not cause fire danger to neighboring forests, agencies or family households;

e) Perform forest fire safety activities as required by competent authorities;

g) Cooperate with and enable competent authorities to investigate and look for the perpetrator of forest fire.

#### **Article 54. Responsibilities of heads of agencies and organizations operating in forests or verge of forests**

1. Comply with forest fire safety regulations and conditions and take measures for forest fire safety as per law provisions;

2. Urge and remind persons under their management to comply with forest fire safety regulations and conditions.

3. Detect fire and participate in forest fire fighting

4. Cooperate with other forest owners, local government authority and surrounding entities in ensuring safety of forest fire prevention and fighting and not cause fire danger to forests

5. Participate in forest fire safety activities as required by competent authorities and proactively participate in forest fire fighting when the fire break outs.

**Article 55. Responsibilities of family households, individuals and community living in forests or verge of forests**

1. Comply with forest fire safety regulations and conditions and take measures for forest fire safety as per law provisions;

2. Urge and remind the family members to comply with forest fire safety regulations and conditions.

3. Cooperate with other forest owners, family households and agencies in ensuring safety of forest fire prevention and fighting and not cause fire danger to forests.

4. Participate in forest fire safety activities as required by competent authorities.

5. Ensure forest fire safety if permitted to use flame or heat sources or devices generating flame or heat and maintain and use flammable materials in the forest and forest verge.

6. Prevent and timely notify element directly causing forest fire and violations against forest fire safety regulations, timely detect and extinguish fire and strictly abide by order for mobilization of forces for forest fire fighting.

**Article 56. Responsibilities for forest development project of fire safety agencies**

1. Agencies preparing forest development projects shall:

a) ensure that such forest development projects satisfy forest fire safety requirements;

b) monitor implementation of such projects and construct works used for forest fire safety;

c) participate in acceptance of results of such projects and construction of forest fire safety works.

2. Investors shall:

a) organize implementation of forest development projects and construction of forest fire safety works specified in the approved projects or designs;

b) carry out inspection and supervision of work construction and acceptance of results of forest development projects and work construction.

3. Entities running forest development projects and building forest fire safety works shall:

a) run forest development projects and construct forest fire safety works according to the approved designs;

b) ensure forest fire safety during project implementation and work construction.

4. The forestry administration and fire and rescue police, as authorized and assigned, shall:

a) consider and response to fire safety methods applied for forest development projects and projects on new construction or reform of forest fire safety works;

b) carry out inspection of compliance with fire prevention and fighting regulations handle violations against forest fire safety regulations;

c) The forestry administration shall participate in acceptance of results of fire prevention and fighting applied for forest development projects and forest fire safety works.

## **Chapter V**

### **FOREST ENVIRONMENTAL SERVICES AND FOR FOREST PROTECTION AND DEVELOPMENT FUNDS**

#### **Section 1. PROVIDERS, USERS, METHODS OF PAYMENT AND CHARGE RATES OF FOREST ENVIRONMENTAL SERVICES**

##### **Article 57. Payers of forest environmental services**

1. Hydroelectricity producers specified in Point a Clause 2 Article 63 of the Forestry Law.

2. Clear water producers and suppliers specified in Point b Clause 2 Article 63 of the Forestry Law.

3. Industrial producers specified in Point c Clause 2 Article 63 of the Forestry Law which use water from water sources for industrial production, including industrial producers of all business lines as regulated.

4. Providers of ecotourism, hospitality and entertainment services specified in Point d Clause 2 Article 63 of the Forestry Law that have to pay service charges as prescribed in Clause 1 Article 58 herein, including travel services, tourist transport and accommodation service, food, shopping, recreation, healthcare, sightseeing and advertisement services and other relevant services within the forest providing forest environment services.

5. Producers and traders causing massive greenhouse gas emission specified in Point dd Clause 2 Article 63 of the Forestry Law that have to pay service charges for absorbing and storing carbon in forests under Government's regulations on providers, user, payment

methods, payment amount, management and use of forest carbon absorption and storage service charges which are formulated based upon the result of pilot payment program until the end of 2020 provided by the Ministry of Agriculture and Rural Development.

6. Producers of aquatic products specified in Point e Clause 2 Article 63 of the Forestry Law that are production enterprises of aquatic products or enterprises entering into association contracts with family households or individuals in aquatic product creation that have to pay service charges as prescribed in Clause 1 Article 58 herein.

#### **Article 58. Methods for payment for forest environmental services**

1. The user of forest environmental services shall pay service charges directly to the provider under mutual contract as per regulations in Point a and c Clause 3 Article 63 of the Forestry Law.

2. The user of forest environmental services shall make payment to the provider by transferring the service charge to the forest protection and development fund as prescribed in Point b Clause 3 Article 63 of the Forest Law in case the service provider and user fail to mutually enter into a contract for direct payment of forest environmental services.

#### **Article 59. Service charge rates and determination of forest environmental service charges**

1. The rate for forest environmental service charge payable by hydroelectricity producers is VND 36 per kwh of commercial electricity. Electricity output used for calculation of forest environmental service charge is the one sold to electricity buyers by hydroelectricity producers under electricity sale contracts.

The forest environmental service charge amount payable in a payment period shall be equal to the commercial electricity production (kwh) within the same period multiplied by the charge rate per kwh (VND 36/kwh).

2. The rate for forest environmental service charge payable by clear water suppliers is VND 52 per cubic meter of commercial water. Water volume used for calculation of forest environmental service charges is the one sold to consumers by the clear water supplier.

The forest environmental service charge amount payable in a payment period shall be equal to the water volume (m<sup>3</sup>) generated within the same period multiplied by the charge rate per cubic meter of water (VND 53/m<sup>3</sup>).

3. The rate for forest environmental service charge payable by industrial producers is VND 50 per cubic meter of water used from water sources. Water volume used for calculation of forest environmental service charges is the volume of water used by the industrial producer measured by the water meter or volume of water permitted for use by

a competent authority or the one specified in the water sale document between the industrial producer and water trader.

The forest environmental service charge amount payable in a payment period shall be equal to the volume of water (m<sup>3</sup>) used by the industrial producer multiplied by the charge rate per cubic meter of water (50 VND/m<sup>3</sup>).

4. The rate for forest environmental service charge payable by providers of ecotourism, hospitality and entertainment services specified in Point d Clause 2 Article 63 of the Forestry Law shall not be under 1% of their total realized revenue in a payment period; the particular charge rate shall be determined based upon conditions in reality under an agreement between the provider and user of forest environmental services.

5. The rate for forest environmental service charge payable by production enterprise of aquatic products or enterprise producing aquatic products under association agreement with family households or individuals specified in Point e Clause 2 Article 63 of the Forestry Law shall not be under 1% of their total realized revenue in a payment period; the particular charge rate shall be determined based upon conditions in reality under an agreement between the provider and user of forest environmental services.

6. When average retail prices of electricity or water specified in Clause 1, 2 and 3 this Article vary or drop by 20%, the Ministry of Agriculture and Rural Development shall send proposals of adjustments to equivalent forest environmental service charges to the Government for approval.

## **Section 2. DETERMINATION OF FOREST AREA USED FOR PROVISION OF FOREST ENVIRONMENTAL SERVICES ENTRUSTED TO FOREST PROTECTION AND DEVELOPMENT FUND**

### **Article 60. Bases for forest area determination**

1. Results of periodic forest stocktaking and inspection
2. Results of annual forest development monitoring
3. Drainage basic maps of the place for provision of forest environmental services
4. Results of payment for forest environmental services in the preceding year

### **Article 61. Making maps of payment for forest environmental services**

1. The provincial forest protection and development fund shall take charge and cooperate with the commune-level Forest Ranger Department and People's Committee in making annual map for payment of forest environmental service charges applied to family households, individuals and community, commune-level People's Committees and other organizations managing forests as assigned by the State according to consolidation of

commune-level maps for results of forest stocktaking and forest development monitoring and maps of drainage basins in place of forest environmental service provision. Contents of such maps are specified in Appendix IV issued thereto.

2. The provincial forest protection and development fund shall take charge and cooperate with the Forest Protection Department and organizations owning forests in making annual map for payment of forest environmental service charges according to consolidation of maps for results of forest stocktaking and forest development monitoring provided by such forest owners and maps of drainage basins in place of forest environmental service provision.

3. Costs for making maps of payment for forest environmental services and maps of drainage basins in place of forest environmental service provision shall be allocated from funding for management of the provincial forest protection and development fund or forest owners that are organizations or other legal funding sources.

**Article 62. Determination of forest area get paid for provision of forest environmental services of family households, individuals or community; commune-level People's Committees and other organizations assigned to manage forests by the State**

1. The provincial forest protection and development fund shall take charge and cooperate with the Forest Ranger Department in determining the forest area got paid for provision of forest environmental services in the preceding year of family households, individuals, community, commune-level People's Committees and other organizations assigned to manage forests by the State according to update on maps of payment for forest environmental services provided by the result of forest development monitoring in the preceding year before February 15 every year.

The provincial forest protection and development fund shall cooperate with the Forest Ranger Department in checking and verifying the forest area being paid for forest environmental service provision in the preceding year if any petition is raised before March 01 every year.

2. The provincial forest protection and development fund shall cooperate with the Forest Ranger Department in checking and verifying the forest area got paid for forest environmental service provision in the preceding year if any petition is raised before March 01 every year.

3. Costs for determining forest area that gets paid for forest environmental service provision shall be allocated from funding for management of the provincial forest protection and development fund or other legal funding sources.

**Article 63. Determination of forest area that is paid for provision of forest environmental services of organizations**



1. The provincial forest protection and development fund shall take charge and cooperate with the Forest Protection Department and forest owners that are organizations in determining the forest area that is paid for forest environmental service provision in the preceding year according to updates on maps of payment for forest environmental services upon consideration of the result of forest development monitoring in the previous year before February 15 every year.
2. The provincial forest protection and development fund shall cooperate with the Forest Protection Department and forest owners that are organizations in checking and verifying the forest area being paid for forest environmental service provision in the preceding year if any petition is raised before February 28 every year.
3. The provincial forest protection and development fund shall make a consolidated report on forest area that is paid for forest environmental services of organizations according to Form No.2 provided in Appendix V issued thereto as the basis for payment of forest environmental service charges before March 15 every year.
4. Costs for determining forest area that is paid for forest environmental service provision shall be allocated from funding for management of the provincial forest protection and development fund or organizations that are forest owners or other legal funding sources.

### **Section 3. MANAGEMENT AND USE OF FOREST ENVIRONMENTAL SERVICE CHARGES PAID DIRECTLY TO SERVICE PROVIDERS**

#### **Article 64. Signing and executing contracts for payment of forest environmental service charges**

1. The provider of forest environmental services shall enter into a contract with the service user which specifies the service type, payment amount, payment time and payment method. The rate for service charges shall not be under the rate prescribed in Article 59 herein; the contract of payment for forest environmental services shall be made into 4 copies, each will be kept by the service provider, user, forest protection and development fund and Department of Agriculture and Rural Development.
2. The user of forest environmental services shall make payment directly to the service provider from the day on which the forest environmental service is provided under the contract of payment of forest environmental services.

#### **Article 65. Use of forest environmental service charges**

1. The provider of forest environmental services may decide use of proceeds from service provision after fulfilling financial obligations to the State as per law provisions.
2. In case such service provider is an organization, the proceeds from forest environmental services deducted from reasonable costs for implementation of the policy on payment for forest environmental services, including payments to the forest protector

under a lump-sum contract shall be recorded as revenue of such provider and shall be used under finance law provisions applied to such organization.

#### **Section 4. MANAGEMENT AND USE OF FOREST ENVIRONMENTAL SERVICE CHARGES TRANSFERRED THROUGH FOREST PROTECTION AND DEVELOPMENT FUNDS**

##### **Article 66. Entering into contracts for payment of forest environmental service charges**

1. The user of forest environmental services shall enter in to an entrustment contract with the Vietnam forest protection and development fund if the forest area provided is on the drainage basin of administrative boundaries of 2 or more than 2 provinces.
2. The user of forest environmental services shall enter in to an entrustment contract with the provincial forest protection and development fund for if forest area provided is on the drainage basin of administrative boundaries of 1 province.
3. The contract for entrusted payment of forest environmental service charges shall be made according to Form No.1 provided in Appendix VI issued thereto.

##### **Article 67. Executing contracts for payment of forest environmental service charges**

1. The user of forest environmental services shall pay service charges from the day using such service.
2. The service user shall send a plan for transfer of forest environmental service charges of the following year to the forest protection and development fund according to Form No.2 provided in Appendix VI issued thereto before October 15.
3. The service user shall make a statistical report on payment of forest environmental service charges according to Form No.3 provided in Appendix VI issued thereto and send it to the forest protection and development fund together with this Decree within 15 days from the end day of each quarter.
4. The service user shall make payment on a quarter-basis; the payment period is 20 days from the end date of Quarter I, II and III and 45 days from the end date of Quarter IV.
5. The service user shall send a consolidated report on payment of forest environmental service charges to the forest protection and development fund according to Form No.4 with this Decree within 50 days from the end date of the year.

##### **Article 68. Preparing plans for collection and use of forest environmental service charges and estimates of management expenditures**

1. The Vietnam forest protection and development fund shall:

- s) review and determine the forest area provided located on the drainage basin of administrative boundaries of 2 or more than 2 provinces and notify to the Ministry of Agriculture and Rural Development for announcement;
- b) make a consolidated report on payment plans provided by users of forest environmental services in which the forest area provided is in administrative boundaries of 2 or more than 2 provinces and send a report on estimated money amount distributed to the provincial forest protection and development fund according to Form No.5 provided in Appendix V issued thereto before October 31 every year;
- c) prepare a plan for collection and use of forest environmental service charges (hereinafter referred to as “service charge collection and use plan”) according to Form No.6 provided in Appendix VI issued thereto and estimates of management expenditures according to Form No.7 provided in Appendix VI issued thereto in Quarter VI every year and send them to the Management Board of Vietnam forest protection and development fund and the Ministry of Agriculture and Rural Development for approval purpose

2. The provincial forest protection and development fund shall:

- a) review and determine the forest area provided and make a list of providers of forest environmental services.
- b) make a consolidated report on payment of forest environmental service charges by service users.
- c) prepare service charge collection and use plans according to Form No.8 provided in Appendix VI issued thereto and estimates of management expenditures according to Form No.9 provided in Appendix VI issued thereto in Quarter IV every year and send them to the Fund Management Board and provincial People’s Committees for approval purpose;
- d) notify the service charge collection and use plan to the forest owner (organization), commune-level People's Committee and other organizations assigned to manage forests by the State as per law provisions and send the decision on approval for such plan issued by the provincial People's Committee to the Vietnam forest protection and development fund.

**Article 69. Determination of forest environmental service charges**

1. The Vietnam forest protection and development fund shall:

determine the money amount distributed to provincial forest protection and development funds according to the forest environmental service charge amount collected in reality and forest area on the drainage basin announced by the Ministry of Agriculture and Rural Development before December 31 every year.

2. The provincial forest protection and development fund shall:

a) determine the money amount paid to providers of forest environmental services in the previous year for payment to service providers according to the forest environmental service charge amount collected in reality and the result of determination of forest area that is paid for forest environmental service provision before March 31 every year;

b) send notification of forest environmental services charges to service providers according to Form No.10 and 11 provided in Appendix VI issued thereto before April 15 every year.

3. The forest owner that enters into a lump-sum contract for forest protection shall:

determine the money amount paid to the contractor according to the forest environmental charge amount received from the provincial forest protection and development fund before June 01 every year.

4. Determination of forest environmental service charges shall comply with regulations in Appendix VII issued thereto.

#### **Article 70. Use of forest environmental service charges**

1. In case of use by the Vietnam forest protection and development fund

a) Maximum 0.5% of total forest environmental service charge amount collected in a year shall be deducted as management funding for expenditure on operations of the fund machine. The particular deducted amount shall be specified in annual service charge collection and use plan of the fund approved by the Ministry of Agriculture and Rural Development. Expenditures on operations of the fund include:

Recurrent expenditures, including payment of salary, salary-based allowances and contributions to members of the Fund Operation Board, payment of remunerations for management to members of the Fund Management Board and Fund Control Board; payment of wages, payment for public services, stationery, information and communications; expenditures on meetings and conferences; payment of allowances for business trip and rent; payment for repair and maintenance of assets serving professional activities and infrastructure; payment for appraisal of programs/projects or appraisal in bidding; expenditure on money receipt and payment and expenditure on surveillance and other expenditures (if any);

Non-recurrent expenditures, including financial assistance in preparation of sustainable management plans and issuance of forest certificates; expenditure on review and determination of forest area provided under forest environmental service contracts; expenditure on conferences and training for improvement of professional skills; payment for purchase and repair of a massive quantity of assets for the fund operations and purchase of other specific equipment serving payment services; payment for

dissemination and audit services and expenditure on inbound and outbound delegations (if any).

Expenditures and expenditure amount for operations of the fund shall be determined under current regulations. In case such expenditures and expenditure amount are not regulated by the law, the Vietnam forest protection and development fund shall specify expenditures and particular spending amount in the internal expenditure regulations according to its financial capability.

c) The management funding specified in Point a Clause 1 this Article is considered a source of revenue of the Vietnam forest protection and development fund and shall be used under the financial autonomy mechanism for public service providers.

d) After deducting the money amount used for management purpose, the Vietnam forest protection and development fund shall transfer the remaining forest environmental service charge amount to provincial forest protection and development funds in compliance with regulations in Clause 1 Article 69 herein;

dd) The money amount paid by users of forest environmental services whose receivers cannot be identified shall be distributed to provinces having the lowest rate of forest environmental services per 1 hectare or higher.

## 2. In case of use by provincial forest protection and development funds

a) Maximum 10% of total forest environmental service charge amount collected in a year shall be deducted as management funding for expenditure on operations of the fund machine. The particular deducted amount shall be specified in annual service charge collection and use plan of the fund approved by the provincial People's Committees. Expenditures on operations of the fund include:

Recurrent expenditures, including payment of salary, salary-based allowances and contributions to members of the Fund Operation Board, payment of remunerations for management to members of the Fund Management Fund and Fund Control Board; payment of wages, payment for public services, stationery, information and communications; expenditures on meetings and conferences; payment of allowances for business trip and rent; payment for repair and maintenance of assets serving professional activities and infrastructure; payment for appraisal of programs/projects or appraisal in bidding; expenditure on money receipt and payment and expenditure on surveillance and other expenditures (if any);

Non-recurrent expenditures, including assistance in preparation of sustainable management plans and issuance of forest certificates; expenditure on review and determination of forest area provided under forest environmental service contracts; expenditure on conferences and training for improvement of professional skills; payment for purchase and repair of a massive quantity of assets for the fund operations and purchase of other specific equipment serving payment services; payment for

dissemination and audit services and expenditure on inbound and outbound delegations (if any).

b) Spending and spending amounts for the fund operations, payment of allowances for concurrent position holding and financial support for management of other entities shall be supported by provincial People's Committees for provincial forest protection and development fund to cover expenditures as per current regulations. In case such expenditures and expenditure amount are not regulated by the law, the provincial forest protection and development fund shall specify such contents in the internal expenditure regulations according to its financial capability.

c) The management funding specified in Point a Clause 2 this Article is considered a source of revenue of provincial forest protection and development funds and shall be used under financial autonomy mechanism applied to public service providers.

d) Maximum 5% of total forest environmental service charge amount collected in a year shall be deducted for support to family households, individuals and communities with forests allocated or contracted for stable and permanent protection in case of natural disasters or droughts or in case the forest environmental service charge rate per allocated forest are is lower than that of the previous year and Director of the provincial forest protection and development fund shall prepare a support plan for the aforesaid entities which is then approved by the provincial People's Committee. The unused amount of forest environmental service charge deducted under approval in the year must be refunded to the provider of forest environmental services;

dd) After deducting the used money amount as prescribed in Point a and d Clause 2 this Article, the provincial forest protection and development fund shall pay the remaining amount of forest environmental service charge to the provider of forest environmental services as per regulations in Clause 2 Article 69 herein;

e) With regard to the forest environmental service charge paid by the user of forest environmental services whose receiver cannot be identified, the forest protection and development fund shall send proposals of distribution of such charge to service providers having the minimum average rate for service charge per hectare to the provincial People's Committee for approval; give assistance in forest protection and development, plant trees in a scattered manner and forests for scenery purpose in the zone of forest environmental service provision and disseminate policies on improvement of capacity to implement the policy on payment for forest environmental services.

### 3. In case of use by forest owners

a) Forest owners that are family households, individuals and communities may wholly use forest environmental service charges for the purpose of protecting and developing forests and raising their living standard;

b) Forest owners that are enterprises may manage and use forest environmental service charges which are considered their revenue as per law provisions on finance applied to enterprises;

c) Forest owners that are organizations not specified in Point b Clause 3 this Article and do not enter into lump-sum contracts for forest protection or only have a part of forest area protected under lump-sum contracts may wholly use the forest environmental service charges for forest protection and development purpose, including the following activities: preparation and implementation of plans for sustainable forest management and forest certificate issuance; construction of bio-forestry works and technical works serving forest protection and development; patrol and eradication of hot spots and action against violations related to forest protection and development; purchase of assets and instruments and maintenance and repair of assets and equipments used for forest protection; recording and mapping of payment for forest environmental services, inspection, supervision, assessment, acceptance, dissemination, encouragement, training, practice, conferences and other activities serving payment for forest environmental services; payment of wages and other amounts paid as wages to persons not getting paid from state budget and other activities serving forest management, protection and development.

Charges for provision of forest area that is protected by forest owners themselves shall be considered a source of their revenue and managed by them as per financial law provisions applicable to each organization type;

d) Forest owners that are organizations specified in Point c Clause 3 this Article and enter into lump-sum contracts for forest protection with family households, individuals or communities may deduct 10% of forest environmental service charges for forest area under the protection contracts mentioned above for the purpose of managing forests with forest environmental service provision, including the following activities: construction of bio-forestry works and technical works serving forest protection and development; patrol and eradication of hot spots and action against violations related to forest protection and development; purchase of assets and instruments and maintenance and repair of assets and equipments used for forest protection; recording and mapping of payment for forest environmental services, inspection, supervision, assessment acceptance, dissemination, encouragement, training, practice, conferences and other activities serving payment for forest environmental services; payment of wages and other amounts paid as wages to persons not getting paid from state budget and other activities serving forest management, protection and development.

Deducted amount used for forest management shall be considered a source of revenue of the forest owner and managed under financial law provisions applicable to each type of organization.

After deducting the money amount used for management purpose, forest owners shall pay the remaining forest environmental service charge amount to the contractors in compliance with Clause 3 Article 69 herein.

4. Commune-level People's Committees and other organizations assigned to manage forest by the State shall send plans for use of forest environmental service charges for forest protection and development purpose to district-level People's Committees for approval purpose which are then sent to the provincial forest protection and development fund. Expenditures include:

- a) Payment to forest guards;
- b) Expenditure on oil and petrol for vehicles used for forest patrol and inspection;
- c) Allowances given to persons mobilized for preventing and fighting against forest destruction and fire fighting for damaged forests;
- d) Payment for night shift, extra work and concurrent jobs;
- dd) Expenditure on dissemination and education of law and training in professional skills for forest protection and management;
- e) Expenditure on conferences and seminars and emulation and commendation;
- g) Other expenditures

**Article 71. Advanced payment, payment and final statement of forest environmental service charges**

1. Advanced payment of forest environmental service charges

According to the approved service charge collection and use plan, the provincial forest protection and development fund shall make an advanced payment to the provider of forest environmental services and allocate money to entities assigned to assist such provincial fund in payment. The provincial People's Committee shall regulate times for advanced payment and advanced payment rate.

2. Payment of forest environmental service charges

- a) According to realized service charges collected in a year and the forest area getting paid for forest environmental service provision, the provincial forest protection and development fund or entities assigned to assist in payment shall make payment to providers of forest environmental services before June 01 of the following year.
- b) After completing their assignments, entities mentioned above shall send a consolidated report made according to Form No.12 and 13 provided in Appendix VI issued thereto to the provincial forest protection and development fund with payment proofs before June 15 of the following year;



c) According to the money amount used for management purpose, expenditures and spending amount approved by the provincial People's Committee and lawful spending proof, the provincial forest protection and development fund shall repay entities assigned to assist in making payment to service providers.

### 3. Methods for advanced payment and payment of forest environmental service charges

a) In case service providers are organizations, advanced payment and payment shall be made by bank transfer;

b) In case service providers are family households, individuals or communities, advanced payment and payment shall be made by bank transfer or in cash. Advanced payment and payment by bank transfer under favorable conditions are encouraged by the State.

### 4. Statement of forest environmental service charges

a) The forest protection and development fund shall close the accounting book in December 31 every year and make a report on final statement according to Form No.14 provided in Appendix VI issued thereto which may be amended until June 30 of the following year and sent to the supervisory authority before July 15 of the following year;

b) Forest owners that are organizations making lump-sum contracts for forest protection shall prepare a report on final statement of forest environmental service charges according to Form No.15 provided in Appendix VI issued thereto and send it to the supervisory authority and provincial forest protection and development fund before June 30 of the following year;

c) Commune-level People's Committees and other organizations assigned to manage forests by the State shall close the accounting book, make and send reports as per regulations on financial management applied to each organization type;

d) The Ministry of Agriculture and Rural Development shall verify the report on final statement of forest environmental service charges provided by the Vietnam forest protection and development fund;

dd) The Department of Agriculture and Rural Development (in case the provincial forest protection and development fund is affiliated with the Department) or Department of Finance (in case the provincial forest protection and development fund is affiliated with the provincial People's Committee) shall verify the report on final statement of forest environmental service charges provided by the provincial forest protection and development fund;

e) Supervisory authorities shall verify the report on final statement of forest environmental service charges provided by organizations (forest owners) under their management;

g) Commune-level finance authorities shall verify the report on final statement of forest environmental service charges provided by commune-level People's Committees and other organizations for forest management as assigned by the State;

h) Time limit for verification of final statement of forest environment service charges shall be specified in compliance with current regulations on financial mechanism applied to each organization type.

## **Article 72. Financial inspection, supervision and publicity**

1. Inspection and supervision of management and use of forest environmental service charges

d) The Ministry of Agriculture and Rural Development shall take charge and cooperate with the Ministry of Finance in carrying out local inspection and visit inspection to the Vietnam forest protection and development fund;

b) The Department of Agriculture and Rural Development (in case the provincial forest protection and development fund is affiliated with the Department) or Finance Department (in case the provincial forest protection and development fund is affiliated with the provincial People's Committee) shall take charge of carrying out inspection of provincial forest protection and development fund;

c) The Vietnam forest protection and development fund shall carry out inspection and use of forest environmental service charges by provincial forest protection and development funds and payment of forest environmental service charges by service users;

d) The provincial forest protection and development fund shall carry out inspection of management and use of forest environmental service charges by relevant entities in provinces and payment by service users;

dd) Forest owners shall carry out inspection of lump-sum contractors;

e) Other agencies, organizations and the whole society shall participate in supervision of regulatory agencies, organizations, family households and communities involved in management and use of forest environmental service charges.

2. Finance publicity  
a) The forest protection and development fund and organizations owning forests, commune-level People's Communities and other organizations for forest management as assigned by the State shall publish financial information as per provisions of the finance law;

b) Lists of payees, payment amounts and payment plans shall be published every quarter and every year under internal democracy regulations in the following forms: posting up such lists at the office of commune-level People's Committees and place of community's

meetings or public places or announcing on commune-level radiobroadcast or announcing such lists in commune-level conferences.

## **Section 5. REMISSION OF FOREST ENVIRONMENTAL SERVICE CHARGES**

### **Article 73. Entities eligible for remission of forest environmental service charges**

1. Producers and traders that are affected by natural disasters, fire, earthquakes, storms, floods, tsunami or landslide which cause damage to their capital and assets resulting in loss of capacity or suspension of business operation and are not mandatory participants in asset insurance as per law provisions.
2. Traders and producers incapacitated or died or claimed to be dead or missing who have no assets to make payment or their guardian or inheritor are incapable to repay their debts.
3. Production or trading organizations receiving dissolution or bankruptcy decisions from competent authorities under law provisions that have neither capital nor assets to pay to providers of forest environmental services

### **Article 74. Remission rates**

1. In case of service charge exemption: Organizations and individuals may be entitled to exemption of 100% forest environmental service charges if the rate of capital and asset loss is from 70% to 100% compared to total asset or production and trading plans or cases specified in Clause 2 and 3 Article 73 herein.
2. In case of service charge reduction: Organizations and individuals may receive 50% reduction in forest environmental service charges if the rate of capital and asset loss is from 40% to less than 70% compared to total asset or the production and trading plan.

### **Article 75. Applications and procedures for remission of forest environmental service charges**

1. Applications for remission of forest environmental service charges

If any force majeure event specified in Article 73 herein occurs, the user of forest environmental service shall send an application for remission of forest environmental services (hereinafter referred to as “application for service charge remission”) to the Department of Agriculture and Rural Development in case the forest area provided is within administrative boundaries of one province or to General Department of Forestry if the forest area provided is in administrative boundaries of 2 or more than 2 provinces. An application for service charge remission includes:

- a) An application form for service charge remission prepared the service user or his/her guardian or inheritor which specifies causes for force majeure event, rate of capital and asset loss, remission subject and remission time;
- b) An inventory of loss or damage of capital and assets and a copy of dissolution or bankruptcy decision (if any) issued by competent authorities as per law provisions for service users that are organizations;
- c) In case the service user is individual, in addition to application form specified in Point a Clause 1 this Article, the guardian shall provide a copy of court's decision in case of incapacitated individual or the inheritor must provide copies of death certificate or missing certificate in case such individual is claimed to be dead or missing.

## 2. Procedures for remission of forest environmental service charges

- a) If the application is sent directly, the receiving authority shall notify the applicant of the satisfaction of his/her application within a half-day from the receiving time.
- b) If the application is sent by post or through the Internet, the receiving authority shall notify in writing to the applicant of satisfaction of his/her application within 2 working days from the day on which such application is received;
- c) The receiving authority shall establish an inspectorate within 5 working days from the day on which the application is received;
- d) The inspectorate shall carry out inspection and verification within 5 working days from the day on which the establishment decision is issued;
- dd) The inspectorate shall complete and send a report to the provincial People's Committee for approval for service charge remission if the forest area provided for the service user is in administrative boundaries of one province or to the Ministry of Agriculture and Rural Development in case the forest provided for the service user is located within administrative of 2 more than 2 provinces;
- e) Decisions on service charge remission shall be sent to the forest protection and development fund and users of forest environmental services for implementation.

## **Section 6. DUTIES AND ORGANIZATION STRUCTURE OF FOREST PROTECTION AND DEVELOPMENT FUNDS**

### **Article 76. Duties of forest protection and development funds**

#### 1. The Vietnam forest protection and development fund shall:

- a) review, sign contracts, receive and manage forest environmental service charge amounts entrusted by service users;

b) encourage, receive and manage entrusted financial sources, sources of voluntary aids, funds or contributions, money amounts entrusted by domestic and foreign organizations or individuals and other legal funding sources other than state budget;

c) receive and manage money amounts used for replacement afforestation;

d) appraise programs or projects or non-planned activities funded by the fund then send them to the competent authority for approval purpose;

dd) play the role of a contact point to help the General Department of Forestry carry out inspection and supervision of collection and distribution of forest environmental service charges to provincial forest protection and development funds under the guidance of the Vietnam fund;

e) provide guidelines for, check and monitor entities getting paid from the Vietnam forest protection and development fund;

g) comply with law regulations on finance, statistics, accounting and audit and send reports on management and use of forest environmental service charges by the fund to the competent authority;

h) send proposals of promulgation or amendment of regulations on entities or activities eligible to be supported by the Vietnam fund to competent regulatory agencies;

i) send annual consolidated report on collection and use of forest environmental service charges nationwide;

k) disseminate the policy on payment for forest environmental services in local and central areas;

l) perform other duties assigned or specified by competent regulatory agencies.

2. Provincial forest protection and development funds shall:

a) review, sign contracts, receive and manage forest environmental service charge amounts entrusted by service users;

b) encourage, receive and manage entrusted financial sources, sources of voluntary aids, funds or contributions, money amounts entrusted by domestic and foreign organizations or individuals and other legal funding sources other than state budget;

c) receive and manage money amounts used for replacement afforestation;

d) represent providers of forest environmental services to enter into contracts with service users that have to make entrusted payment to them;

- dd) play the role of a contact point to help competent regulatory agencies carry out inspection and supervision of management and use of funding for management activities and payment to contractors by forest owners making lump-sum contracts for forest protection;
- e) appraise programs or projects or non-planned activities funded by provincial funds then send them to the competent authority for approval purpose;
- g) provide guidelines for, check and monitor entities paid by provincial funds;
- h) comply with law regulations on finance, statistics, accounting and audit and send reports on management and use of forest environmental service charges by the fund to the competent authority;
- i) send proposals of promulgation or amendment of regulations on entities or activities eligible to be supported by provincial funds;
- k) send annual report on collection and use of forest environmental service charges made according to Form No.16 provided in Appendix VI issued thereto to provincial People's Committees and Vietnam forest protection and development fund;
- l) disseminate relevant law provision policies;
- m) As for provinces and centrally-affiliated cities without forest protection and development fund due to unfavorable conditions for establishment, agencies replacing provincial forest protection and development funds shall take responsibility to perform duties specified in this Clause.

## **Article 77. Organization structure**

### **1. Central fund organization**

- a) The Vietnam forest protection and development fund (hereinafter referred to as “the central fund”) shall be established and managed by the Ministry of Agriculture and Rural Development. The fund has legal status, its own stamp and an account opened at a bank and State Treasury as per law provisions and operates like a public service provider;
- b) The organization structure for management and operation of the fund include a Fund Management Board, Control Board, Operation Board and professional divisions;
- c) The Fund Management Board, Control Board and Operation Board shall be specified in regulations on fund operation issued by the Minister of Agriculture and Rural Development.

### **2. Provincial fund organization**

- a) The provincial forest protection and development fund (hereinafter referred to as “provincial fund”) shall be established by Chairperson of the provincial People’s Committee upon consideration of demands and capacity to mobilize financial sources for forest protection, development and management. Such fund is affiliated to provincial People’s Committee or the Department of Agriculture and Rural Development. The fund has legal status, its own stamp and an account opened at a bank and State Treasury as per law provisions and operates like a public service provider;
- b) The organization structure for management and operation of the fund include a Fund Management Board, Control Board, Operation Board and professional divisions;
- c) The Fund Management Board, Control Board and Operation Board shall be specified in regulations on fund operation issued by the Chairperson of provincial People’s Committee.

### **Article 78. Relationship between central and provincial fund**

#### 1. Duties of central fund:

- a) Distribute forest environmental service charges and other entrusted amounts to the provincial fund;
- b) Offer financial or technical assistance to the provincial fund;
- c) Offer training in professional skills to provincial fund officers;
- d) Organize programs or activities for accumulating and learning experience in management skills among provincial funds;
- dd) Carry out inspection and supervision of management and use of funding by provincial funds

#### 2. Duties of provincial funds:

- a) Receive, manage and use financial or technical assistance from the central fund;
- b) Undergo inspection and supervision by the central fund in terms of management and use of funding provided from such fund;
- c) Send reports on management and use of funding provided to the central fund which are then included in the report sent to the Ministry of Agriculture and Rural Development.

### **Section 7. FINANCIAL RESOURCES AND MANAGEMENT AND USE OF FINANCIAL RESOURCES OF FOREST PROTECTION AND DEVELOPMENT FUNDS**

## **Article 79. Financial resources**

### 1. Financial resources of central fund

a) Forest environmental service charges collected, money entrusted by domestic and foreign entities under the entrustment contracts related to forest protection and development;

b) Money for replacement afforestation due to forest repurposing;

c) Voluntary aids, funds and contributions of domestic and foreign entities;

d) Interests on bank deposits;

dd) Legal financial resources other than state budget

### 2. Financial resources of provincial funds

a) Forest environmental service charges collected, money entrusted by domestic and foreign entities under the entrustment contracts related to forest protection and development;

b) Money for replacement afforestation due to forest repurposing;

c) Voluntary aids, funds and contributions of domestic and foreign entities;

d) Sources of aids from the central fund

dd) Interests on bank deposits;

e) Legal financial resources other than state budget

## **Article 80. Expenditures of forest protection and development funds**

### 1. Expenditures of the central fund

a) Distribution of forest environmental service charges to provincial funds and performance of entrusted tasks under entrustment contracts from funding sources specified In Point a Clause 1 Article 79 herein;

b) Expenditure on replacement afforestation due to forest repurposing as regulated from funding sources specified in Point b Clause 1 Article 79 herein;

c) Financial assistance given to programs, projects or non-planned activities from funding sources specified in Point c, d and dd Clause 1 Article 79 herein, including financial support for fighting against forest destruction and illegal production, trading and transport



of forest products; dissemination and implementation of policies on forest protection and development; experiments and universalization of forest protection and development and sustainable forest management; experiments and use of new forestry plant varieties; scattered afforestation; development of non-timber forest product on forestry land; training of human resources for forest protection and development to provincial level and other activities regarding forest protection and development;

d) Financial assistance given to provincial funds from funding sources specified in Point c, d and dd Clause 1 Article 79 herein;

dd) Expenditure on operation of the fund from funding sources for management of forest environmental services specified in Point a Clause 1 Article 70 herein or from money entrusted for management under entrustment contracts, interests on bank deposits and other legal financial resources as per law regulations;

Expenditures and expenditure rates for operation of the fund shall be determined under current regulations. In case such expenditures and expenditure rates are not regulated by the law, the provincial forest protection and development fund shall specify such contents in the internal expenditure regulations according to its financial capability and decide spending and take legal responsibility for such spending.

## 2. Expenditures of provincial funds

a) Payment for forest environmental services and expenditure on performance of tasks specified in entrustment contracts from funding sources mentioned Point a Clause 2 Article 79 herein;

b) Expenditure on replacement afforestation due to forest repurposing as regulated from funding sources specified in Point b Clause 2 Article 79 herein;

c) Financial assistance given to programs, projects or non-planned activities from funding sources specified in Point c, d and e Clause 2 Article 79 herein, including financial support for fighting against forest destruction and illegal production, trading and transport of forest products; dissemination and implementation of policies on forest protection and development; experiments and universalization of forest protection and development and sustainable forest management; experiments and use of new forestry plant varieties; scattered afforestation; development of non-timber forest product on forestry land; training of human resources for forest protection and development in provinces and other activities regarding forest protection and development;

dd) Expenditure on operation of the fund from funding sources for management of forest environmental services specified in Point a Clause 2 Article 70 herein or from money entrusted for management under entrustment contracts, interests on bank deposits and other legal financial resources as per law regulations

Expenditures and expenditure rates for operation of the fund shall be determined under current regulations. In case such expenditures and expenditure rates are not regulated by the law, the provincial forest protection and development fund shall specify such contents in the internal expenditure regulations according to its financial capability and decide spending and take legal responsibility for such spending.

### **Article 81. Preparation of financial plans, financial reports and statements**

1. The central fund shall:

a) prepare annual financial plan including plan on collection and use of forest environmental service charges and other financial resources and estimate of expenditures for the fund operation and send it to the Fund Management Board for consideration which is then submitted to the Ministry of Agriculture and Rural Development for approval;

b) send annual financial reports and annual statements as per current law provisions on finance and accounting to the Ministry of Agriculture and Rural Development for approval purpose.

2. Provincial funds shall:

a) prepare annual financial plan including plan on collection and use of forest environmental service charges and other financial resources and estimate of expenditures for the fund operation and send it to the Fund Management Board for consideration which is then submitted to provincial People's Committees for approval;

b) make annual financial reports and annual statements as per current law provisions on finance and accounting. The Department of Agriculture and Rural Development shall verify statements provided by departmental-affiliated funds while the Finance Department shall verify statements provided by funds affiliated to provincial People's Committees.

3. Permission for financial autonomy given to central and provincial funds shall comply with Government's regulations on autonomy mechanism applied to public service providers operating in economy fields or other fields and guiding documents thereof.

### **Article 82. Accounting, audit, management of assets and financial publicity**

Various-level forest protection and development funds shall perform accounting, audit and management of assets and financial publicity as follows:

1. Carry out the accounting process under the current accounting regime applied to service providers

2. Manage and use assets in compliance with provisions of the Law on Management and use of public assets and guiding documents thereof.
3. Encourage independent audit for making financial reports
4. Publish financial information in compliance with law provisions on finance in force and encourage self-assessment of the result of implementation of the policy on forest environmental services.

## **Section 8. MANAGEMENT OF PROGRAMS, PROJECTS OR NON-PLANNED ACTIVITIES SUPPORTED BY FUNDS**

### **Article 83. Methods for provision of financial assistance and activities entitled to financial assistance**

1. Non-refundable aids or partially refundable aids shall be given to organizations, family households, individuals and communities running programs, projects or non-planned activities prescribed in Clause 2 this Article.
2. Activities entitled to financial assistance
  - a) Financial assistance from the central fund shall be given to activities specified in Point c Clause 1 Article 80 herein;
  - b) Financial assistance from the provincial funds shall be given to activities specified in Point c Clause 2 Article 80 herein;

### **Article 84. Approval for programs, projects or non-planned activities**

1. Approval by central fund
  - a) Organizations, family households, individuals and communities demanding financial assistance shall send an application form for financial assistance with the dossier of the program, project or non-planned activity to the Fund Operation Board directly or by post before December 31 every year;
  - b) The Fund Operation Board shall take charge and cooperate with competent authorities in carrying out appraisal of such application and send a report to the Fund Management Board for consideration then submit it to the Ministry of Agriculture and Rural Development for approval before February 25 every year;
  - c) The Director of the fund shall send the result to the applicant by post within 3 working days from the day on which the Ministry of Agriculture and Rural Development grants approval for such program/project or non-planned activity.
2. Approval by provincial funds

a) Organizations, family households, individuals and communities demanding financial assistance shall send an application form for financial assistance with the dossier of the program, project or non-planned activity to the Fund Operation Board directly or by post before December 31 every year;

b) The Fund Operation Board shall take charge and cooperate with competent authorities in carrying out appraisal of such application and send a report to the Fund Management Board for consideration then submit it to the provincial People's Committees for approval;

c) The Director of the fund shall send the result to the applicant by post within 3 working days from the day on which the provincial People's Committee grants approval for such program/project or non-planned activity.

#### **Article 85. Running programs, projects or non-planned activities**

1. Family households, individuals and communities shall run programs, projects or non-planned activities approved by the competent authority.

2. The management board for running such programs, projects or non-activities shall be established as required by the competent authority.

#### **Article 86. Inspection and assessment of program, project or non-planned activity running**

1. By the central fund

a) The Fund Operation Board shall provide guidelines for carrying out inspection of implementation of programs, projects or non-planned activities supported by the central fund on a periodic or irregular basis;

b) Where necessary, the Fund Operation Board may hire a consultancy for inspection and assessment of implementation of programs, projects or non-planned activities supported by the central fund.

2. By provincial funds

a) The Fund Operation Board shall provide guidelines for carrying out inspection of implementation of programs, projects or non-planned activities supported by provincial funds on a periodic or irregular basis;

b) Where necessary, the Fund Operation Board may hire a consultancy for inspection and assessment of implementation of programs, projects or non-planned activities supported by provincial funds.

#### **Chapter VI**

## **INVESTEMENT POLICIES ON FOREST PROTECTION AND DEVELOPMENT**

### **Article 87. Investment policies**

The State shall provide funding for investment in the following activities:

1. Protection and development of reserve forests and protection forests, including:
  - a) Management performed by forest management boards;
  - b) Forestation, forest nurture and protection and localizing for forest regeneration;
  - c) Stocktaking and monitoring of development of forest resources and biodiversity; forest stocktaking and inspection and announcement of forest condition in reality;
  - d) Management of forestry information and forest database;
  - dd) Collection of forest animal and plant specimen;
  - e) Scientific research, training and development of forestry manpower and forest extension;
  - g) Dissemination and education of law provisions on forest protection and development;
  - h) Inspection, prevention, control and handling of violations related to forest protection and development;
  - i) Preparation and implementation of sustainable forest management plans;
  - k) Forest allocation and forest boundary marking.
2. Protection and rescue of endangered and rare forest plants and animals, including
  - a) Monitoring, surveillance and rescue of endangered and rare forest plants and animals;
  - b) Purchase of equipment used for monitoring, rescue and protection of endangered and rare forest plants and animals;
  - c) Nurture of endangered and rare forest plants and animals
3. Research, application of scientific research results, technology development and training of human resources for state management in forestry
  - a) Application of high technology, advanced technology and new technology in inspection, stocktaking and monitoring of forest development; forest fire safety; prevention and elimination of organisms harmful to forests; selection and propagation of

timber varieties and non-timber forest product varieties and forest restoration and improvement of natural forest quality;

b) Study and conservation of forest ecosystems, forest valuation and determination of forest environmental service value;

c) Study on methods for biodiversity conservation for forest ecosystems and dealing with climate change;

d) Establishment and completion of the system of standards, regulations and technical guidelines on forestry

#### 4. Establishment of development research zones and hi-tech zone

a) Propagation of plant varieties by tissue culture and embryo technology; development of new varieties by transformation technology, genetic mutation technology, cell technology and molecular genetics technology;

b) Study, development and application of mechanization, automation, bio-technology, use of new materials and saving of energy in production of young seedling at industrial level, forestation and forest nurture;

c) Study and application of remote sensing technology, information technology and bio-technology in management and protection of forest resources;

dd) Study and application of high technology in logging and forest product exploitation;

dd) Study, application and performance of high technology in processing and maintenance woods and forest products

5. Purchase of equipment and devices used for forest protection, forest fire danger alarm and monitoring and prevention and elimination of organisms harmful to forests.

6. Construction, maintenance, improvement and reform of infrastructure serving protection and development of reserve forests and protection forests, including

a) Traffic route running from the existing road to the office of the forest management board; forestry route including roads for exporting/transporting forest products within the boundaries of the forest management board and patrolling roads for forest protection;

b) Working office and houses for forest officers on service, forest ranger stations, rescue centers combined with wild animal grazing; environmental training centers combined with guest house; forest plant and animal museums and works serving scientific research;

c) Fire barriers, forest fire watch-towers, forest fire observation and forecast stations; canals, bridges, sewers, water tanks, dams, reservoirs and pipeline systems for forest fire safety;

d) Sign boards, warning sign boards and forest boundary markers;

dd) Warehouses, yards for gathering raw materials, fuels and instruments used for forest protection and development; ports for offices and forest ranger stations next to the river or the sea;

e) Independent power systems (solar power, wind power or small-scale hydroelectricity) in case the place in which the office of forest management board or forest ranger station is located is not supported by the national grid and information-communication system.

g) Works serving management and protection of other forests

7. National forestry planning, basic forestry investigation and development of forestry development programs or schemes

8. Investigation, stocktaking and monitoring forest development and forest database

9. Protection and development of natural production forests during forest closing

10. Maintenance and development of national forest nurseries and national botanic gardens according to plans approved by the competent authority.

11. Entities regulated by investment policies, investment rates and investment procedures shall be specified by the Government for each period upon consideration of the funding balancing capacity and socio-economic development of the country.

### **Article 88. Investment assistance policies**

The State shall provide assistance in investment in the following activities:

1. Transfer of high technology, advanced technology, new technology, forest extension and issuance of certificates of sustainable forest management, including

a) Application of high technology, advanced technology and modern technology in intensive cultivation of forest for wood provision, growth of native plants and multi-type forests; modernization of producing process of forestry plant varieties, planting, nurture, protection and exploitation of forests; exploitation, transport, processing and maintenance of forest products and supporting industry in forest product processing;

b) Study on renovation of value chain-based forest production in connection with sustainable forest development and development of combined forestry-agriculture-fishing production;

- c) Technology transfer and application of forestry research results in forest production, trading and management;
- d) Training, experiment, transfer and operation of high technology, advanced technology, modern technology and forest extension;
- dd) Preparation and implementation of sustainable forest management plans and issuance of certificates of production forests

2. Development of infrastructure in conjunction with investment in development and trading in production forests based upon the value chain

- a) Establishment of centers for production of high-quality forest plant varieties and nursery gardens for such varieties;
- b) Construction of forestry roads in production forest zones of scale of at least 500 ha;
- c) Construction of forest protection works such as fire watch-towers, sign boards or fire barriers in production forest zones of scale of 500 ha and more;
- d) Assistance in construction investment and provision of funding for factories processing woods in planted forests in areas with poor socio-economic condition.

3. Cooperation in protection and development of forests of ethnic minority and communities in combination with programs on socio-economic development and new rural development, including

- a) Planting production forests and developing non-timber forest products for farmer households living in mountainous areas, bordering areas, islands and areas with poor socio-economic condition;
- b) Protecting forests and localizing for forest regeneration with additional afforestation for natural production forests for farmer households living in mountainous areas, bordering areas, islands and areas with poor socio-economic condition;
- c) Offering assistance in livelihood and improvement of standards of living of people residing in buffer zones of reserve forests and protection forests;
- d) Granting loans from the Social Policy Bank to ethnic minority households and poor family households residing in areas with seriously poor socio-economic condition if they participate in planting of production forests under current regulations;
- dd) Giving rice to ethnic minority households and poor family households living in seriously poor condition for socio-economic development for the purpose of changing their shifting cultivation customs and replacing fields by forests.



4. Training and development of manpower for forest owners in:
  - a) producing and trading plant varieties;
  - b) planting, nurturing and protecting forests;
  - c) exploiting, processing and trading forest products;
  - d) applying remote sensing technology and information technology in management, protection and monitoring of forest development;
  - dd) forest fire safety and preventing and eliminating organisms harmful to forests
5. Promotion of forestry market investment and development and forestry trade; extension and strengthening of international cooperation in forestry, including
  - a) Investment promotion, market development and product trade;
  - b) Extension and strengthening of international cooperation in forestry
6. Entities entitled to assistance policies, assistance rates and assistance procedures shall be specified by the Government in each period.

#### **Article 89. Investment incentive policies**

1. State investment incentive policies shall apply to activities specified in Clause 3 Article 94 of the Forestry Law.
2. Other investments shall be entitled to preferential treatment as per provisions of the Investment Law and the Law on Public Investment.
3. Entities regulated by incentive policies, principles and procedures for investment incentives shall comply with provisions of the Investment Law and Law on Public Investment.

#### **Chapter VII**

### **IMPLEMENTATION PROVISIONS**

#### **Article 90. Effect**

1. This Decree comes into force from January 01, 2019.
2. Legislative documents provided in Appendix I issued thereto shall be annulled.

#### **Article 91. Transfer provisions**

1. Programs and projects on forest protection and development and forest product processing and trade that are entitled to investment, investment assistance or investment incentive policies of the State shall continued to be run until the Government or Prime Minister issue new policies, including:

a) The policy on assurance of livelihood of forest-dependent ethnic minority and communities implemented as prescribed in Government's Decree No.75/2015/ND-CP;

b) Allocation of forests to family households, individuals or communities for protection and development purpose under lump-sum contracts as prescribed in Government's Decree No.168/2016/ND-CP;

c) Policy on development of forest product processing and forest product market implemented as prescribed in Government's Decree No.55/2015/ND-CP and Government's Decree No.57/2018/ND-CP;

d) Investment policy on reserve forest development during 2011 – 2020 according to the Prime Minister's Decision No.24/2012/QD-TTg;

dd) Policy on forest protection enhancement implemented as prescribed in Decision No.07/2012/QD-TTg dated February 08, 2012 of the Prime Minister, excluding Clause 2, 3, 4, and 5 Article 3 thereof;

e) Policy on forest protection and development, infrastructure investment and assignment of public tasks to agricultural companies implemented according to Decision No.38/2016/QD-TTg dated September 14, 2016 of the Prime Minister;

g) Policy on management, protection and sustainable development of coastal forests for the purpose of dealing with climate change implemented as prescribed in Decree No.119/2016/ND-CP dated August 23, 2016 of the Government;

h) With regard to natural forest area owned by agricultural companies closing natural forest that are protected by using state funding The applicable assistance rate is specified in Clause 3 Article 6 of Decision No.38/2016/QD-TTg dated September 14, 2016 of the Prime Minister;

i) State policies issued to replace those mentioned in this Clause shall prevail.

2. Reserve forest zones that are established as decided by competent regulatory agencies including marine protection areas and inland wetland shall continue to be managed by the management board of such reserve forests without establishment of marine protection area management board or inland wetland management board.

3. Commune-level funds set up as prescribed in Government's Decree No.05/2008/ND-CP shall continue to be operated to fulfill their duties of payment and financial statements and dissolved in 2019.

## Article 92. Implementation responsibilities

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

**PP. THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Xuan Phuc**

### APPENDIX I

#### LIST OF ANNULLED LEGISLATIVE DOCUMENTS

*(Issued together with Decree No.156/2018/ND-CP dated November 16, 2018 of the Government)*

No.	Type of document	Series number, symbol and issuance date	Name of the document/Summary
1	Decree	09/2006/ND-CP dated January 16, 2016	Forest fire safety
2	Decree	23/2006/ND-CP dated March 03, 2006	Enforcement of the Law on Forest Protection and Development
3	Decree	48/2007/ND-CP dated March 28, 2007	Principles and methods for forest valuation
4	Decree	05/2008/ND-CP dated January 14, 2008	Forest protection and development funds
5	Decree	99/2010/ND-CP dated September 24, 2010	Policy on payment for forest environmental services
6	Decree	117/2010/ND-CP dated December 24, 2010	Organization and management of reserve forest systems
7	Decree	147/2016/ND-CP dated November 02,	Amendments to a number articles of Decree No.99/2010/ND-CP dated September 24, 2010 of

		2016	the Government
8	Decision	178/2001/QD-TTg dated November 12, 2001	Benefits and obligations of family households and individuals whose forests and forestry lands are allocated or hired or transferred under lump-sum contracts
9	Decision	186/2006/QD-TTg dated August 14, 2006	Promulgation of forest management regulations
10	Decision	34/2011/QD-TTg dated June 24, 2011	Amendments to a number articles of forest management regulations issued together with Decision No.186/2006/QD-TTg dated August 14, 2006 of the Prime Minister
11	Decision	39/2012/QD-TTg dated October 05, 2012	Promulgation of regulations on management of ornamental plants, plants for shade and ancient trees
12	Decision	17/2015/QD-TTg dated June 09, 2015	Promulgation of protection forest management regulations
13	Decision	49/2016/QD-TTg dated November 01, 2016	Promulgation of production management regulations
14	Circular	99/2006/TT-BNN dated November 06, 2006	Guidelines on implementation of a number of articles of forest management regulations issued together with the Prime Minister's Decision No.186/2006/QD-TTg
15	Circular	38/2007/TT-BNN dated April 25, 2007	Guidelines on procedures for forest allocation, lease or appropriation applied to family households, individuals and village communities
16	Circular	57/2007/TT-BNN dated June 13, 2007	Amendments to a number of contents of Circular No.99/2006/TT-BNN dated November 06, 2006 of the Ministry of Agriculture and Rural Development providing for guidelines on implementation of forest management regulations which is issued together with Decision No.186/2006/QD-TTg dated August 14, 2006 of the Prime Minister
17	Circular	70/2007/TT-BNN dated August 01, 2007	Guidelines on formulation and implementation of convention on protection and development of forest of communities
18	Circular	05/2008/TT-BNN dated January 14, 2008	Guidelines on preparation of plans and planning on forest protection and development

19	Circular	58/2009/TT-BNNPTNT dated September 09, 2009	Guidelines on planting rubber trees on forestry lands
20	Circular	24/2009/TT-BNN dated May 05, 2009	Guidelines on conversion of reserve forests and protection forests planned to production forests and vice versa after review of such 3 types of forests under Directive No.38/2005/CT-TTg of the Prime Minister
21	Circular	34/2009/TT-BNNPTNT dated June 10, 2009	Regulations on criteria for forest determination and classification
22	Circular	78/2011/TT-BNNPTNT dated November 11, 2011	Providing for implementation of Decree No.117/2010/ND-CP dated December 24, 2010 on organization of reserve forest management
23	Circular	60/2012/TT-BNNPTNT dated November 09, 2012	Providing for principles and methods for determination of forest area within the zone of forest environment service provision
24	Circular	10/2014/TT-BNNPTNT dated March 26, 2014	Providing for criteria determination of buffer zones of reserve forests and protection belt of marine protection areas
25	Circular	20/2016TT-BNNPTNT dated June 27, 2016	Article 1 and 3 amending a numbers of articles of Circulars No.38/2007/TT-BNNPTNT, 78/2011/TT-BNNPTNT, 25/2011/TT-BNNPTNT, 47/2012/TT-BNNPTNT, 80/2011/TT-BNNPTNT and 99/2006/TT-BNN
26	Circular	22/2017/TT-BNNPTNT dated November 15, 2017	Guidelines on implementation of the policy on payment for forest environmental services
27	Circular	85/2012/TT-BTC dated May 25, 2012	Guidelines on financial management mechanism applied to forest protection and development funds
28	Circular	04/2018/TT-BTC dated January 17, 2018	Guidelines on management and use of forest environmental service charges
29	Decision	46/2007/QD-BNN dated May 28, 2007	Regulations on defining planted forests and localized areas as forests
30	Decision	62/2005/QD-BNN dated October 12, 2005	Providing for criteria for classification of reserve forests
31	Decision	106/2006/QD-BNN dated November 27,	Providing for guiding document on management of forests of village communities

		2006	
32	Decision	104/2007/QD-BNN dated December 27, 2007	Regulations on management of ecotourism in national parks and nature reserves
33	Joint Circular	80/2003/TTLT-BNN-BTC dated September 03, 2003	Guidelines on Decision No.178/2001/QD-TTg on benefits and obligations of family households and individuals whose forests and forestry lands are allocated or hired or transferred under lump-sum contracts
34	Joint Circular	62/2005/TTLT-BTC-BNN&PTNT dated August 04, 2005	Guidelines on making estimates, managing and using funding for forest fire safety
35	Joint Circular	61/2007/TTLT-BNN-BTC dated June 22, 2007	Guidelines on management and use of state funding for operation of various-level forestry administrations; payment to entities involved in prevention of illegal forest destruction and forest fire safety
36	Joint Circular	07/2011/TTLT-BNNPTNT-BTNMT dated January 29, 2011	Guidelines on forest allocation and lease in association with allocation and lease of forestry lands
37	Joint Circular	20/2013/TTLT-BNNPTNT-BTC dated March 27, 2013	Amendments to a number of articles of Joint Circular No.61/2007/TTLT-BNN-BTC dated June 22, 2007 of the Ministry of Agriculture and Rural Development and Ministry of Finance

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