

DECREE No.17/2002/ND-CP OF FEBRUARY 8, 2002 AMENDING AND SUPPLEMENTING A NUMBER OF ARTICLES OF THE GOVERNMENT'S DECREE No.77/CP OF NOVEMBER 29, 1996 ON SANCTIONS AGAINST ADMINISTRATIVE VIOLATIONS IN THE FIELD OF FOREST MANAGEMENT AND PROTECTION AND FOREST PRODUCT MANAGEMENT

THE GOVERNMENT

Pursuant to the Law on Organization of the Government of December 25, 2001;

Pursuant to the Law on Forest Protection and Development of August 12, 1991;

Pursuant to the 1999 Penal Code;

Pursuant to the Ordinance on Handling of Administrative Violations of July 6, 1995;

At the proposal of the Minister of Agriculture and Rural Development,

DECREES:

Article 1.- To amend and supplement a number of articles of the Government's Decree No.77/CP of November 29, 1996 on sanctions against administrative violations in the field of forest management and protection and forest product management as follows:

1. To amend and supplement Article 4 as follows:

Article 4.- Illegal deforestation means an act of felling or slashing and burning forests and all other acts not permitted by competent State agencies or permitted but carried out in contravention of the permits, thus causing damage to forest of any type, which shall be sanctioned according to the following levels:

1. A warning or a fine of between VND 100,000 and VND 200,000 for one of the following acts of violation:

- a/ Destroying production forests, up to 0.02 ha.
- b/ Destroying protection forests, up to 0.01 ha.
- c/ Destroying special-use forests, up to 0.007 ha

or equivalent in kind with the concrete values as follows:

- Common timber, for up to 0.2 m³ of log timber.
- Firewood, for up to 1 stere.
- Other forest products with a value of up to VND 100,000 (according to the local market prices).

2. A fine of from over VND 200,000 to VND 500,000 for one of the following acts of violation:

a/ Destroying production forests, from over 0.02 ha to 0.1 ha.

b/ Destroying protection forests, from over 0.01 ha to 0.05 ha.

c/ Destroying special-use forest, from over 0.007 ha to 0.03 ha or equivalent in kind with the concrete values as follows:

- Common timber, from over 0.2 m³ to 0.5 m³ of log timber.

- Firewood, from over 1 stere to 4 steres.

- Other forest products with a value of between VND 100,000 and VND 500,000 (according to the local market prices).

3. A fine of from over VND 500,000 to VND 2,000,000 for one of the following acts of violation:

a/ Destroying production forests, from over 0.1 ha to 0.2 ha.

b/ Destroying protection forests, from over 0.05 ha to 0.1 ha.

c/ Destroying special-use forests, from over 0.03 ha to 0.07 ha, or equivalent in kind with the concrete values as follows:

- Common timber, from over 0.5 m³ to 1 m³ of log timber.

- Precious and rare timber, up to 0.5 m³ of log timber.

- Firewood, from over 4 steres to 10 steres.

- Other forest products with a value of between VND 500,000 and VND 2,000,000 (according to the local market prices).

4. A fine of from over VND 2,000,000 to VND 10,000,000 for one of the following acts of violation:

a/ Destroying production forests, from over 0.2 ha to 0.3 ha.

b/ Destroying protection forests, from over 0.1 ha

to 0.2 ha.

c/ Destroying special-use forests, from over 0.07 ha to 0.1 ha, or equivalent in kind with concrete values as follows.

- Common timber, from over 1 m³ to 5 m³ of log timber.

- Precious and rare timber, from over 0.5 m³ to 2 m³ of log timber.

- Firewood, from over 10 steres to 25 steres.

- Other forest products with a value of between VND 2,000,000 and VND 10,000,000 (according to the local market prices).

5. A fine of from over VND 10,000,000 to VND 20,000,000 for one of the following acts of violation:

a/ Destroying production forests, from over 0.3 ha to 1.5 ha.

b/ Destroying protection forests, from over 0.2 ha to 0.3 ha.

c/ Destroying special-use forests, from over 0.1 ha to 0.2 ha, or equivalent in kind with values as follows:

- Common timber, from over 5 m³ to 8 m³ of log timber.

- Precious and rare timber, from over 2 m³ to 4 m³ of log timber.

- Firewood, from over 25 steres to 30 steres.

- Other forest products with a value of between VND 10,000,000 and VND 20,000,000 (according to the local market prices).

6. Persons who commit acts of violation prescribed in this Article shall, in addition to warning or fines, also be subject to the following additional sanctioning measures:

a/ Confiscation of forest products, means and/or instruments already used for committing the administrative violations.

b/ Forcible reforestation or payment of the reforestation costs.

7. The confiscation of forest products, means and/or instruments used in the administrative violations prescribed at Point a, Item 6, Clause 1 of this Article shall comply with the provisions of Item 12, Clause 1, Article 1 of this Decree."

2. To amend and supplement Article 5 as follows:

"Article 5.- Illegal exploitation of forests means acts of felling forest trees or exploiting forest products without permission of competent State agencies or in contravention of the regulations on forest exploitation management, which shall be sanctioned as follows:

1. Warning or a fine of between VND 100,000 and VND 200,000 for one of the following acts of violation:

a/ Illegally exploiting forest products in production forests:

- Common timber, up to 0.5 m³ of log timber.

- Firewood, up to 2 stere.

- Other forest products with value of up to VND 300,000 (according to the local market prices).

b/ Illegally exploiting forest products in protection forests:

- Common timber, up to 0.3 m³ of log timber.

- Firewood, up to 1 steres.

- Other forest products with a value of up to VND 200,000 (according to the local market prices).

2. A fine of from over VND 200,000 to VND 500,000 for one of the following acts of violation.

a/ Illegally exploiting forest products in production forests:

- Common timber, from over 0.5 m³ to 1 m³ of log timber.

- Firewood, from over 2 steres to 8 steres.

- Other forest products with a value of from over VND 300,000 to VND 1,500,000 (according to the local market prices).

b/ Illegally exploiting forest products in protection forests:

- Common timber, from over 0.3 m³ to 0.7 m³ of log timber.

- Firewood, from over 1 stere to 5 steres.

- Other forest products with a value of from over VND 200,000 to VND 1,000,000 (according to the local market prices).

3. A fine of from over VND 500,000 to VND 2,000,000 for one of the following acts of violation:

a/ Illegally exploiting forest products in production forests:

- Common timber, from over 1 m³ to 3 m³ of log timber.
- Precious and rare timber, up to 1 m³ of log timber.
- Firewood, from over 8 steres to 20 steres
- Other forest products with a value of from over VND 1,500,000 to VND 6,000,000 (according to the local market prices).

b/ Illegally exploiting forest products in protection forests:

- Common timber, from over 0.7 m³ to 2 m³ of log timber.
- Precious and rare timber, up to 0.7 m³ of log timber.
- Firewood, from over 5 steres to 15 steres.
- Other forest products with a value of from over VND 1,000,000 to VND 4,000,000 (according to the local market prices).

4. A fine of from over VND 2,000,000 to VND 10,000,000 for one of the following acts of violation:

a/ Illegally exploiting forest products in production forests:

- Common timber, from over 3 m³ to 10 m³ of log timber.
- Precious and rare timber, from over 1 m³ to 4 m³ of log timber.
- Firewood, from over 20 steres to 30 steres
- Other forest products with a value of from over VND 6,000,000 to VND 25,000,000 (according to the local market prices).

b/ Illegally exploiting forest products in protection forests:

- Common timber, from over 2 m³ to 6 m³ of log timber.
- Precious and rare timber, from over 0.7 m³ to 3 m³ of log timber.
- Firewood, from over 15 steres to 25 steres.
- Other forest products with a value of from over VND 4,000,000 to VND 15,000,000 (according to the local market prices).

5. A fine of from over VND 10,000,000 to VND 20,000,000 for one of the following acts of violation:

a/ Illegally exploiting forest products in production forests:

- Common timber, from over 10 m³ to 15 m³ of log timber.
- Precious and rare timber, from over 4 m³ to 7 m³ of log timber.
- Firewood, from over 30 steres to 50 steres
- Other forest products with a value of from over VND 25,000,000 to VND 50,000,000 (according to the local market prices).

b/ Illegally exploiting forest products in protection forests:

- Common timber, from over 6 m³ to 10 m³ of log timber.
- Precious and rare timber, from over 3 m³ to 5 m³ of log timber.
- Firewood, from over 25 steres to 40 steres.
- Other forest products with a value of from over VND 15,000,000 to VND 25,000,000 (according to the local market prices).

6. In case of illegal exploitation of young forest trees, each of which cannot be calculated in cubic meter, the destroyed forest area shall be measured and such act shall be handled like the act of "illegal deforestation" prescribed at Clause 1, Article 1 of this Decree; in cases of exploitation of scattered trees for which the destroyed forest area cannot be calculated, the total number of felled trees shall be measured in steres and converted into cubic meters, and depending on the type of the illegally exploited timber, the violation shall be handled according to the provisions of Item 1, 2, 3, 4 or 5, Clause 2, Article 1 of this Decree.

7. Persons who commit acts of exploiting forest products involving 2 or more types of timber (common and precious and rare) with the total volume exceeding the maximum level for common timber prescribed at Points a and b, Item 5, Clause 2, Article 1 of this Decree, shall be examined for penal liability.

8. Persons who commit acts of violation prescribed this Article shall, in addition to warning or fines, be subject to the application of the following additional sanctioning measures:

a/ Revocation of their forest product-exploitation permits;

b/ Confiscation of forest products, means and/or

instruments used for committing the administrative violations.

c/ Forcible reforestation or payment of the reforestation costs.

9. The revocation of forest product-exploitation permits prescribed at Point a, Item 8, Clause 2, Article 1 of this Decree shall be effected under decisions of the persons competent to handle administrative violations.

The confiscation of forest products, means and/or instruments used in the administrative violations prescribed at Point b, Item 8, Clause 2, Article 1 of this Decree shall comply with the provisions of Item 12, Clause 9, Article 1 of this Decree."

3. To amend and supplement Article 6 as follows:

"Article 6.- Acts of illegally slashing and burning forests for milpa farming beyond the prescribed area, thus causing damage to forest of any type shall be sanctioned as follows:

1. Warning or a fine of between VND 100,000 and VND 200,000 for one of the following acts of violation:

a/ Slashing and burning production forests, up to 0.1 ha.

b/ Slashing and burning protection forests, up to 0.05 ha.

c/ Slashing and burning special-use forests, up to 0.02 ha.

2. A fine of from over VND 200,000 to VND 500,000 for one of the following acts of violation:

a/ Slashing and burning production forests, from over 0.1 ha to 0.3 ha.

b/ Slashing and burning protection forests, from over 0.05 ha to 0.1 ha

c/ Slashing and burning special-use forests, from over 0.02 ha to 0.05 ha.

3. A fine of from over VND 500,000 to VND 1,000,000 for one of the following acts of violation:

a/ Slashing and burning production forests, from over 0.3 ha to 0.5 ha.

b/ Slashing and burning protection forests, from over 0.1 ha to 0.2 ha

c/ Slashing and burning special-use forests, from over 0.05 ha to 0.1 ha.

4. Persons who commit acts of violation prescribed in this Article shall, in addition to warning or fines, be subject to the following additional sanctioning measures:

a/ Confiscation of forest products, means and/or instruments used for committing administrative violations.

b/ Forcible reforestation or payment of the reforestation costs.

5. The confiscation of forest products, means and/or instruments used in the administrative violations prescribed at Point a, Item 4, Clause 3 of this Article shall comply with the provisions of Item 12, Clause 9, Article 1 of this Decree."

4. To amend and supplement Article 7 as follows:

"Article 7.- Violations of the regulations on forest-fire prevention and fight means acts of breaching the regulations on forest-fire prevention and fight or causing forest fires, which shall be sanctioned as follows:

1. Warning or a fine of between VND 50,000 and VND 200,000 for one of the following acts of violation:

a/ Setting a fire in forests where it is so banned.

b/ Bringing explosives and/or inflammables into forests where it is so banned.

c/ Throwing or discharging burning ash into forests where it is so banned.

2. A fine of between VND 500,000 and VND 2,000,000 on forest owners who violate law provisions on forest fire prevention and fight.

3. A fine of from over VND 200,000 to VND 2,000,000 for an act of causing damage to the area of forest of one of the following types:

a/ Production forest, up to 0.2 ha.

b/ Protection forest, up to 0.1 ha.

c/ Special-use forest, up to 0.05 ha.

4. A fine of from over VND 2,000,000 to VND 10,000,000 for an act of causing damage to the area of forest of one of the following types:

a/ Production forest, from over 0.2 ha to 0.5 ha.

b/ Protection forest, from over 0.1 ha to 0.3 ha.

c/ Special-use forest, from over 0.05 ha to 0.2

ha.

5. A fine of from over VND 10,000,000 to VND 20,000,000 for an act of causing damage to the area of forest of one of the following types:

- a/ Production forest, from over 0.5 ha to 1 ha.
- b/ Protection forest, from over 0.3 ha to 0.5 ha.
- c/ Special-use forest, from over 0.2 ha to 0.3 ha.

6. Persons who commit acts of violation prescribed in this Article shall, in addition to warning or fines, be subject to the forcible reforestation or payment of the reforestation costs."

5. To amend and supplement Article 8 as follows:

"Article 8.- Violations of the regulations on prevention and elimination of harmful forest insects and diseases means acts of failing to fully follow measures to prevent and eliminate harmful forest insects and diseases by forest owners, which shall be sanctioned as follows:

1. Warning or a fine of between VND 200,000 and VND 2,000,000 for one of the following acts:

a/ Failing to check and detect in time harmful forest insects and/or diseases by forest owners.

b/ Failing by forest owners to organize the elimination of harmful forest insects and/or diseases and/or to report thereon to the competent agency for handling upon the detection thereof.

2. A fine of from over VND 100,000 to VND 1,000,000 for a forest owner who uses forest insecticides not on the State-prescribed list prescribed.

3. Persons who commit acts of violation prescribed in this Article shall, in addition to warning or fines, be subject to the forcible overcoming of consequences caused by such insects and/or diseases."

6. To amend and supplement Article 9 as follows:

"Article 9.- Illegally grazing cattle in forests means acts of grazing cattle in forests where it is so prohibited, which shall be sanctioned as follows:

1. Warning or a fine of between VND 50,000 to VND 200,000 for an act of grazing cattle in newly

planted forests, newly replanted forests, forests zoned off for regeneration, special-use forests where the grazing of cattle is prohibited.

2. Persons who commit acts of violation prescribed in this Article shall, in addition to warning or fines, be subject to the forcible reforestation or payment of the reforestation costs."

7. To amend and supplement Article 10 as follows:

"Article 10.- Violations of the regulations on wild animal protection means acts of hunting, catching, killing, purchasing, selling, storing, raising in cages, transporting or using precious and rare as well as common wild animals (including products thereof) originating from the nature without permission of competent State agencies or with permission but in violation of the regulations on wild animal management regime, which shall be sanctioned as follows:

1. Warning or a fine of between VND 100,000 and VND 500,000 for one of the following acts:

a/ Hunting, catching, purchasing, selling or transporting wild animals without permits issued by the competent State agencies.

b/ Using methods and/or instruments of destructive nature such as guns, toxic matters, explosives, voltage impulse, nets, magnetic tapes... for hunting and catching.

2. Warning or a fine of from over VND 500,000 to VND 1,000,000 for one of the following acts:

a/ Hunting and catching wild animals in no-hunting areas.

b/ Hunting and catching wild animals during no-hunting (breeding) season.

3. A fine of from over VND 1,000,000 to VND 5,000,000 for an act of hunting, catching, killing, purchasing, selling, storing, raising in cages, transporting or using precious and rare as well as common wild animals (including products thereof) as follows:

a/ Common wild animals with a value of up to VND 10,000,000 (according to local market prices).

b/ Precious and rare wild animals (group IIB) with a value of up to VND 5,000,000 (according to local market prices)

c/ Insects with the number of samples ranging from 50 to 500.

4. A fine of from over VND 5,000,000 to VND 15,000,000 for an act of hunting, catching, killing, purchasing, selling, storing, cage-raising, transporting or using precious and rare as well as common wild animals (including products thereof) as follows:

a/ Common wild animals with a value of from over VND 10,000,000 to VND 25,000,000 (according to local market prices).

b/ Precious and rare wild animals (group IIB) with a value of from over VND 5,000,000 to VND 15,000,000 (according to local market prices)

c/ Insects with the number of samples ranging from over 500 to 1,000.

5. A fine of from over VND 15,000,000 to VND 35,000,000 for an act of hunting, catching, killing, purchasing, selling, storing, raising in cages, transporting or using precious and rare as well as common wild animals (including products thereof) as follows:

a/ Common wild animals with a value of from over VND 25,000,000 to VND 50,000,000 (according to local market prices).

b/ Precious and rare wild animals (group IIB) with a value of from over VND 15,000,000 to VND 30,000,000 (according to local market prices)

c/ Insects with the number of samples ranging from over 1,000 to 2,000.

6. A fine of from over VND 35,000,000 to VND 50,000,000 for an act of hunting, catching, killing, purchasing, selling, storing, raising in cages, transporting or using precious and rare as well as common wild animals (including products thereof) as follows:

a/ Common wild animals with a value of from over VND 50,000,000 to VND 70,000,000 (according to local market prices).

b/ Precious and rare wild animals (group IIB) with a value of from over VND 30,000,000 to VND 50,000,000 (according to local market prices)

c/ Insects with the number of samples ranging from over 2,000 to 3,000.

7. The operators or owners of transport means used for the illegal transportation of wild animals shall be handled according to the provisions of Items 1, 2,

3 and 10, Clause 9, Article 1 of this Decree.

8. Persons who commit acts of violation prescribed in this Article shall, in addition to warning or fines, be subject to the following additional sanctioning measures:

a/ Stripping of the right to use permits for hunting, catching, transporting, or papers on business registration of, wild animals.

b/ Confiscation of material evidences, means and/or instruments used for committing administrative violations.

c/ Revocation of business permits for business establishments and specialty food restaurants which offer foods from meat of precious and rare as well as common wild animals (originating from the nature).

9. The revocation of permits prescribed at Points a and c, Item 8, Clause 7 of this Article shall be effected as follows:

Regarding papers not granted by the ranger offices, the ranger offices handling the violations shall have to make records thereof and pass them to the competent State agencies for issuance of revocation decisions. Regarding papers granted by the ranger offices, the provincial-level ranger offices shall issue the revocation decisions.

The confiscation of material evidences, means and/or instruments used for committing administrative violations prescribed at Point b, Item 8, Clause 7 of this Article shall comply with the provisions of Item 12, Clause 9, Article 1 of this Decree."

8. To amend and supplement Article 11 as follows:

"Article 11.- Causing damage to forest land means acts of digging, mine-exploding, excavating forest land for soil and/or stones, making embankments that obstruct water sources for living, or discharging waste water and/or toxic matters into forest land without permission of competent State agencies, which shall be sanctioned as follows:

1. Warning or a fine of between VND 100,000 and VND 500,000 for an act of digging or mine-exploding, thus causing damage into forest land.

2. A fine of from over VND 500,000 to VND 2,000,000 for an act of excavating forest land for soil and/or stones, making embankments that

obstruct water sources for living, or discharging waste water to forest land, thus causing natural imbalance, destroying the forest ecological environment.

3. A fine of between VND 2,000,000 and VND 10,000,000 for an act of discharging, burying or putting toxic matters into forest land.

4. Persons who commit acts of violation prescribed in this Article shall, in addition to warning or fines, be subject to the following additional sanctioning measures:

a/ Confiscation of means and/or instruments used for committing the administrative violations, which shall comply with the provisions of Item 12, Clause 9, Article 1 of this Decree.

b/ Forcible overcoming of the consequences or payment of the costs therefor.

c/ If causing damage to the forest, they shall also be handled according to Clause 1, Article 1 of this Decree.

9. Article 12 is amended, supplemented and divided into two articles as follows:

***Article 12a.-** Illegal transportation of forest products means acts of transporting common or precious and rare forest products by means operators or owners for themselves or for other persons without the law-prescribed vouchers or with lawful vouchers but different size or type of products or excessive volume (according to the prescribed percentages) as compared to the forest product-transportation vouchers, which shall be sanctioned as follows:

1. Warning or a fine of between VND 100,000 and VND 200,000 for an act of illegally transporting forest products by operators or owner of rudimentary vehicles or animal drawn-carts.

2. A fine of from over VND 200,000 to VND 2,000,000 for an act of illegal transportation of forest products by operators or owners of "cong nong" (rudimentary mini-trucks), automobiles, trains, ships, motorbikes or boats.

3. A fine of from over VND 2,000,000 to VND 5,000,000 for one of the following acts committed by illegal transporters of forest products:

a/ Using fake number plate or having no registration paper granted by the competent agency.

b/ Using double-compartment, double-bottom or

double-roof carts to hide forest products.

c/ Using four-seat cars, tourist cars, passenger cars or other special-use cars to illegally transport forest products.

d/ Taking advantage of goods transportation to hide forest products under the goods.

4. Warning or a fine of between VND 100,000 and VND 200,000 on forest product owners for acts of organizing or participating in the transportation of forest products of the following types:

a/ Common timber, up to 0.5 m³ of log timber.

b/ Precious and rare timber, up to 0.1 m³ of log timber.

c/ Firewood, up to 3 steres.

d/ Other forest products with a value of up to VND 1,000,000 (according to local market prices).

5. A fine of from over VND 200,000 to VND 2,000,000 on forest product owners for acts of organizing or participating in the transportation of forest products of the following types:

a/ Common timber, from over 0.5 m³ to 2 m³ of log timber.

b/ Precious and rare timber, from over 0.1 m³ to 1 m³ of log timber.

c/ Firewood, from over 3 steres to 15 steres.

d/ Other forest products with a value of from over VND 1,000,000 to VND 5,000,000 (according to local market prices).

6. A fine of from over VND 2,000,000 to VND 10,000,000 on forest product owners for acts of organizing or participating in the transportation of forest products of the following types:

a/ Common timber, from over 2 m³ to 10 m³ of log timber.

b/ Precious and rare timber, from over 1 m³ to 4 m³ of log timber.

c/ Firewood, from over 15 steres to 30 steres.

d/ Other forest products with a value of from over VND 5,000,000 to VND 20,000,000 (according to the local market prices).

7. A fine of from over VND 10,000,000 to VND 20,000,000 on forest product owners for acts of organizing or participating in the transportation of

forest products of the following types:

a/ Common timber, from over 10 m³ to 15 m³ of log timber.

b/ Precious and rare timber, from over 4 m³ to 7 m³ of timber equivalent in log timber.

c/ Firewood, from over 30 steres to 50 steres.

d/ Other forest products with a value of from over VND 20,000,000 to VND 30,000,000 (according to local market prices).

8. A fine of from over VND 20,000,000 to VND 30,000,000 on forest product owners for acts of organizing or participating in the transportation of forest products of the following types.

a/ Common timber, from over 15 m³ to 20 m³ of log timber.

b/ Precious and rare timber, from over 7 m³ to 10 m³ of log timber.

c/ Firewood, from over 50 steres to 60 steres.

d/ Other forest products with a value of from over VND 30,000,000 to VND 50,000,000 (according to local market prices).

9. Forest product owners organizing or participating in the transportation of forest products, whose violations involve two or more types of timber (common and precious and rare) as prescribed at Points a and b, Item 8, Clause 9 of this Article with the total volume exceeding the maximum level prescribed at Point a, Item 8, Clause 9 of this Article, shall be examined for penal liability.

10. In cases where the means owner or operators illegally transporting forest products cannot prove the forest product owners, such means owners or operators shall be handled as the forest product owners.

11. Persons who commit acts of violation prescribed in this Article shall, in addition to warning or fines, be subject to the following additional sanctioning measures:

a/ Revocation of special forest product-transportation permits or wild animal-transportation permits;

b/ Confiscation of timber, forest products and means used for committing the administrative violations.

12. The revocation of special forest product-transportation permits and wild animal-transportation permits prescribed at Point a, Item 11, Clause 9 of this Article as well as the confiscation of the means used for committing administrative violations prescribed at Point b, Item 11, Clause 9 of this Article shall be effected under decisions of the persons competent to handle administrative violations according to current regulations.

The confiscation of timber and forest products prescribed at Point b, Item 11, Clause 9 of this Article shall be effected as follows:

If timber and forest products are seized in forests of forest owners (State-run forest farms, organizations, households and individuals), after records and dossiers on the handling thereof have been fully made by the ranger offices, they shall be returned to the forest owners. The forest owners shall have to make deductions for setting up funds against deforestation and forest product smuggle, to be transferred to the ranger offices according to current regulations.

For the seized timber and forest products with unidentified origin, if they are illegal and the violators cannot be identified, the persons competent to sanction administrative violations shall issue the confiscation and handling decisions according to current regulations."

10. To add Article 12b as follows:

"Article 12b.- Illegal purchase and/or sale of forest products means acts of purchasing, selling and/or storing common and/or precious and rare forest products without valid vouchers or with valid purchase and/or sale vouchers but different size or type of products or with excessive quantity or volume (according to the prescribed percentages) as compared to the valid forest product purchase and/or sale vouchers, which shall be sanctioned as follows:

1. Warning or a fine of between VND 100,000 and VND 200,000 on persons for acts of purchasing and/or selling forest products of one of the following types:

a/ Common timber, up to 1 m³ of log timber.

b/ Precious and rare timber, up to 0.2 m³ of log timber.

c/ Firewood, up to 5 steres.

d/ Other forest products with a value of up to VND 1,000,000 (according to local market prices).

2. A fine of from over VND 200,000 to VND 2,000,000 on persons for acts of participating in the purchase and/or sale of forest products of one of the following types:

a/ Common timber from over 1 m³ to 5 m³ of log timber.

b/ Precious and rare timber, from over 0.2 m³ to 1 m³ of log timber.

c/ Firewood, from over 5 steres to 20 steres.

d/ Other forest products with a value of from over VND 1,000,000 to VND 5,000,000 (according to local market prices).

3. A fine of from over VND 2,000,000 to VND 10,000,000 on persons engaged in the purchase and/or sale of forest products of one of the following types:

a/ Common timber, from over 5 m³ to 10 m³ of log timber.

b/ Precious and rare timber, from over 1 m³ to 4 m³ of log timber.

c/ Firewood, from over 20 steres to 40 steres.

d/ Other forest products with a value of from over VND 5,000,000 to VND 20,000,000 (according to local market prices).

4. A fine of from over VND 10,000,000 to VND 20,000,000 on persons engaged in the purchase and/or sale of forest products of one of the following types:

a/ Common timber, from over 10 m³ to 18 m³ of log timber.

b/ Precious and rare timber, from over 4 m³ to 8 m³ of log timber.

c/ Firewood, from over 40 steres to 60 steres.

d/ Other forest products with a value of from over VND 20,000,000 to VND 30,000,000 (according to local market prices).

5. A fine of from over VND 20,000,000 to VND 30,000,000 on persons engaged in the purchase and/or sale of forest products of one of the following types:

a/ Common timber, from over 18 m³ to 25 m³ of log timber.

b/ Precious and rare timber, from over 8 m³ to 12 m³ of log timber.

c/ Firewood, from over 60 steres to 70 steres.

d/ Other forest products with a value of from over VND 30,000,000 to VND 50,000,000 (according to

local market prices).

6. Persons engaged in the forest product purchase and/or sale involving 2 or more types of timber (common and precious and rare) as prescribed at Points a and b, Item 5, Clause 10 of this Article, with the total volume exceeding the maximum level prescribed at Point a, Item 5, Clause 10 of this Article shall be examined for penal liability.

7. Persons who commit acts of violation prescribed in this Article shall, in addition to warning or fines, be subject to the following additional sanctioning measure.

Confiscation of forest products and means used for committing the administrative violations, which shall comply with the provisions at Item 12, Clause 9, Article 1 of this Decree."

11. To amend and supplement Article 13 as follows:

"Article 13.- Violations of the regulations on wood and forest product processing:

1. A fine of between VND 1,000,000 and VND 6,000,000 for an act of processing wood and/or forest products for customers without vouchers certifying the lawful origin of those wood and/or forest products.

2. In cases where the inspection detects that wood and/or forest products put into processing are not accompanied with vouchers proving the lawful sources of exploitation, purchase and sale thereof, they shall be handled according to the provisions of Clause 10, Article 1 of this Decree.

3. Persons who commit acts of violation prescribed in this Article shall, in addition to fines, have forest products and means used in the administrative violations confiscated according to the provisions of Item 12, Clause 9, Article 1 of this Decree."

12. To amend and supplement Article 23 as follows:

"Article 23.- Sanctioning principles:

1. The persons competent to impose sanctions, after determining acts of violation and their seriousness, must base themselves on the provisions of Clause 5, Article 3 of the Ordinance on Handling of Administrative Violations and Clauses 1 and 2, Article 3 of the Government's Decree No.77/CP of November 29, 1996 on sanctions against administrative violations

in the field of forest management and protection and forest product management to consider and decide the appropriate forms and levels of sanction..

2. An administrative violation shall be sanctioned only once.

a/ A person who commits many administrative violations shall be sanctioned for each of such violations.

b/ If many persons commit the same administrative violation, each of them shall be sanctioned therefor.

If administrative violations fall under the handling competence of one level, such level shall decide on the sanctions. If one of the administrative violations falls under the sanctioning competence of the superior level, all dossiers shall be passed over thereto for handling.

The decision on sanctioning shall comply with the procedures prescribed in Article 48 of the Ordinance on Handling of Administrative Violations."

13. To amend and supplement Clauses 1 and 2 of Article 25 as follows:

"1. Forest products exploited, purchased, sold, stored and/or transported without vouchers proving their lawful sources of exploitation, purchase or sale or with lawful vouchers but different size or type or excessive quantity or volume as compared to the vouchers, shall be confiscated for handling according to the provisions of Item 12, Clause 9, Article 1 of this Decree.

2. Means (including the State-owned means) used for illegal transportation of forest products in the following cases shall be confiscated according to the provisions of Item 12, Clause 9, Article 1 of this Decree.

a/ Committing violations in an organized manner, committing many violations or relapsing in the same violation, opposing officials on duty, intentionally passing through ranger stations.

b/ Transporting common and/or precious and rare wild plants and/or animals (originating from the nature).

c/ Using automobiles with fake number plates or automobiles without registration paper issued by the competent State agencies; designing double-compartment, double-bottom and/or double-roof vehicles in order to hide forest products, taking advantage of goods transportation to hide timber and

forest products."

14. To amend and supplement Article 29 as follows:

"Article 29.- Complaint and denunciation:

1. Organizations or individuals subject to measures for prevention of administrative violations prescribed in Articles 38, 39, 41, 42, 43 and 44 of the Ordinance on the Handling of Administrative Violations or sanctions against administrative violations in the field of forest management and protection and forest product management shall have the right to complain with the administrative decision-issuing agencies or agencies of the persons having committed the administrative violations when they have grounds to believe that the issuance of decisions on the application of measures for prevention of such administrative violations contravene the law, infringe upon their legitimate rights and/or interests.

2. All citizens have the right to denounce to the State agencies law violations in the field of forest management and protection and forest product management as well as the persons competent to handle administrative violations.

3. Upon receiving complaints and/or denunciations from organizations or individuals, the persons competent to handle such complaints and/or denunciations shall have to base themselves on the Law on Complaints and Denunciations as well as relevant legal documents to settle them."

Article 2.- The Minister of Agriculture and Rural development shall have to guide the implementation of this Decree.

Article 3.- This Decree takes effect 15 days after its signing. Articles from 4 to 13, Clauses 1 and 2 of Article 25 and Article 29 of Decree No.77/CP of November 29, 1996 cease to be effective.

The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government and the presidents of the People's Committees of the provinces and centrally-run cities shall have to implement this Decree.

On behalf of the Government
Prime Minister
PHAN VAN KHAI