

To maintain and effect sustainable trade in wild animals and plants of various species in accordance with CITES and the law of the Socialist Republic of Vietnam;

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

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1. - This Decree specifies the export, import, re-export and introduction from sea of specimens of species of wild animals and plants under the provisions of CITES and the law of the Socialist Republic of Vietnam.

Article 2. - In this Decree, the following terms and expressions shall be construed as follows:

1. Species embrace a species, a sub-species or a geographically separated population thereof.

2. Cross-bred species means the outcome of crossbreeding or heterotransplantation of two different animal or plant species.

3. Rare and precious species means wild animal and plant species specified in the list issued together with Decree No. 18/HDBT of January 17, 1992 of the Council of Ministers (now the Government) and other legal documents of the Socialist Republic of Vietnam.

4. Common wild animals mean animal species comprising only insects, reptiles, amphibians, birds, mammals not prescribed in the Appendices to CITES, Decree No. 18/HDBT of January 17, 1992 and neither banned nor restricted from exploitation and use in other legal documents of the Socialist Republic of Vietnam.

5. Specimens are live or dead wild animals, plants or parts or derivatives thereof or products originating from wild animals, plants.

6. The export, import, re-export and introduction from sea of wild animals and plants of various species for commercial purposes mean the bringing of specimens of species of wild animals and/or plants

DECREE No. 11/2002/ND-CP OF JANUARY 22, 2002 ON MANAGEMENT OF THE EXPORT, IMPORT AND TRANSIT OF WILD ANIMALS AND PLANTS OF VARIOUS SPECIES

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 Environmental Protection Law of December 27, 1993;

Pursuant to the Ordinance on Protection and Development of Aquatic Resources of April 25, 1989;

Pursuant to the Ordinance on Conclusion and Implementation of International Agreements of August 20, 1996;

Pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);

across the borders or territorial waters of the Socialist Republic of Vietnam for the purpose of gaining profits in form of cash, commodity, barter, service provision, other use forms or other economic interests.

7. Export of specimens means the bringing of specimens of species of wild animals and/or plants out of the territory of the Socialist Republic of Vietnam.

8. Re-export of specimens means the export of specimens of species of wild animals and/or plants, which were previously imported lawfully into the territory of the Socialist Republic of Vietnam.

9. Import of specimens means the bringing of specimens of species of wild animals and/or plants into the territory of the Socialist Republic of Vietnam.

10. Introduction from sea means the introduction into the territory of the Socialist Republic of Vietnam specimens of the species which are included in the Appendices to CITES and exploited from seas not under the jurisdiction of any country.

11. Transit means the transportation or transshipment of specimens of species of wild animals and/or plants under the customs control through the territory of the Socialist Republic of Vietnam to a third country.

12. Export ports, import ports are airports, seaports or land road or railroad border gates of the Socialist Republic of Vietnam, which are designated for export and/or import of specimens of species of wild animals and/or plants.

13. Controlled environment means an environment managed by humans for the purpose of selectively creating species of purebred or crossbred plants and/or animals. Such environment must be clearly delimited in order to prevent the encroachment or dispersal of animals, eggs or gametes into or from the controlled environment.

14. Captive breeding operation farms mean places where species of wild animals with lawful origins from the nature are kept to get their offspring in the controlled environment.

15. Artificial propagation operation establishments mean places where species of wild plants lawfully taken in nature from seeds, zygotes, prospores or

cuttings are grown or where other propagation methods are practiced in a controlled environment.

16. F0, F1, F2 generations:

a) F0 are live animals, eggs or gametes taken from the nature or young animals born in the controlled environment but as the outcomes of natural mating;

b) F1 are offspring of copulation of individual animals captured from nature (F0) and raised in the controlled environment. The offspring of copulation between any individual animal (F) and a F0 in the controlled environment is considered F1;

c) F2 are the offspring of copulation of a parental couple (F1) raised and mating in the controlled environment.

17. Appendices to CITES include:

a) Appendix I is the list of wild animal and plant species, which are threatened with extinction and strictly banned from export, import, re-export and introduction from sea for commercial purposes;

b) Appendix II is the list of wild animal and plant species, which have not yet been threatened with extinction, but may face extinction if their export, import, re-export and introduction from sea for commercial purposes are not controlled;

c) Appendix III is the list of wild animal and plant species of which a member state controlling the export, import, re-export and introduction from sea requests other member states to cooperate in controlling their export, import, re-export and introduction from sea for commercial purposes.

The lists of wild animal and plant species prescribed in Appendices I and II to CITES may be amended through the member states' conferences held once every two years.

18. Personal property means specimens owned by individuals and used not for commercial purposes. Illegally exploited specimens of species which are banned by Vietnamese laws from exploitation and use are not considered personal property.

19. Pre-convention specimens are those specified in the Appendices to CITES which had been acquired before April 20, 1994, the date when the Socialist Republic of Vietnam acceded to CITES. The pre-convention specimens must be registered with the

competent CITES management body of Vietnam.

20. Member states are the states where CITES has come into force.

21. Non-member states are the states where the CITES has not yet taken effect.

Chapter II

EXPORT AND IMPORT OF SPECIMENS OF WILD ANIMAL AND PLANT SPECIES PRESCRIBED IN APPENDICES TO CITES

Article 3.-

1. It is prohibited to export, import, re-export and introduce from sea for commercial purposes the specimens of wild animal and plant species already prescribed in Appendix I to CITES.

2. The export, import, re-export and introduction from sea of specimens of wild animal and plants species prescribed in Appendix I to CITES can be carried out only when the following conditions are met:

a) Not for commercial purposes;

b) Being in compliance with the law of the Socialist Republic of Vietnam;

c) Having permits for the export, import, re-export or introduction from sea thereof, which are granted by the competent Vietnam CITES Management Authority.

3. The granting of permits for export, import, re-export or introduction from sea of specimens of wild animal and plant species prescribed in Appendix I to CITES and Point c, Clause 2 of this Article shall be effected when the following conditions are fully met:

a) Export:

- The competent Vietnam CITES Scientific Authority advises that the export does not affect the sustainable survival of such species in nature;

- The competent Vietnam CITES Management Authority recognizes the permits for import of such specimens, which were granted by the competent CITES Management Authority of the previous importing country;

- The competent Vietnam CITES Management

Authority recognizes that the specimens have been legally exploited under the law of the Socialist Republic of Vietnam;

- The competent Vietnam CITES Management Authority certifies that the transportation of live specimens must be well prepared in order to minimize dangers or injuries caused to the specimens.

b) Import:

- The competent Vietnam CITES Scientific Authority recognizes that the specimens imported into Vietnam do not affect the sustainable survival of such species and other species currently existing in nature;

- The competent Vietnam CITES Management Authority recognizes that the specimens have been imported into Vietnam in strict accordance with the provisions of CITES;

- The competent Vietnam CITES Management Authority recognizes that such specimens must not be used for commercial purposes;

- The competent Vietnam CITES Management Authority certifies that the organizations and/or individuals that receive the specimens have satisfied all conditions on stables as well as other conditions for keeping and tending live specimens.

c) Re-export:

- The competent Vietnam CITES Management Authority recognizes that such specimens have been legally imported into Vietnam;

- The competent Vietnam CITES Management Authority certifies that the transportation of live specimens must be well prepared in order to minimize dangers or injuries caused to the specimens.

d) Introduction from sea:

- The competent Vietnam CITES Scientific Authority recognizes that the specimens imported into the territory of the Socialist Republic of Vietnam do not affect the sustainable survival of such species and other species currently existing in nature;

- The competent Vietnam CITES Management Authority determines that such specimens must not be used for commercial purposes.

- The competent Vietnam CITES Management Authority certifies that the organizations and/or individuals receiving the specimens satisfy all conditions on stables as well as other conditions for

keeping and tending the live specimens.

Article 4.-

1. The export, import, re-export and introduction from sea of wild animal and plant species prescribed in Appendix II to CITES can be carried out only after the permits for the export, import, re-export and introduction from sea thereof are granted by the competent Vietnam CITES Management Authority.

2. The granting of permits for the export, import, re-export or introduction from sea of specimens of wild animal and plant species prescribed in Appendix II to CITES and Clause 1 of this Article can be effected only when the following conditions are met:

a) Export:

- The competent CITES Scientific Authority of Vietnam advises that the export does not affect the sustainable survival of such species in nature;

- The competent Vietnam CITES Management Authority recognizes that the specimens have been legally exploited under the law of the Socialist Republic of Vietnam;

- The competent Vietnam CITES Management Authority recognizes that the transportation of live specimens must be well prepared in order to minimize dangers or injuries caused to the specimens.

b) Import:

- Having export permits granted by the competent Vietnam CITES Management Authority;

- The competent CITES Scientific Authority of Vietnam advises that the import of these species into Vietnam does not affect the sustainable survival of such species as well as other species currently existing in nature;

- The competent Vietnam CITES Management Authority certifies that the transportation of live specimens must be well prepared in order to minimize dangers or injuries caused to the specimens.

c) Re-export:

- The competent Vietnam CITES Management Authority recognizes that the specimens imported into Vietnam have complied with CITES provisions and the law of the Socialist Republic of Vietnam;

- The competent Vietnam CITES Management Authority certifies that the transportation of live

specimens must be well prepared in order to minimize dangers or injuries caused to the specimens.

d) Introduction from sea:

- The competent CITES Scientific Authority of Vietnam advises that the introduction from sea does not affect the sustainable survival of such species as well as other species currently existing in nature;

- The competent Vietnam CITES Management Authority certifies that the transportation of live specimens must be well prepared in order to minimize dangers or injuries caused to the specimens.

Article 5.-

1. The export, import and re-export of specimens of wild animal and plant species prescribed in Appendix III to CITES at Vietnam's recommendation can be carried out only when the export, import or re-export permits are granted by the competent Vietnam CITES Management Authority or certificates are granted by the competent Vietnam CITES Management Authority if the species are not recommended by Vietnam for listing into Appendix III.

2. The granting of permits for export, import or re-export of wild animal and plant species specified in Appendix III to CITES and Clause 1 of this Article can be effected only when the following conditions are fully met:

a) Export:

- The competent Vietnam CITES Management Authority recognizes that those specimens have been lawfully exploited according to the law of the Socialist Republic of Vietnam.

- The competent Vietnam CITES Management Authority certifies that the transportation of live specimens must be well prepared in order to minimize dangers or injuries caused to the specimens.

b) Import:

- Having the export permits granted by the competent CITES Management Authority of the exporting country if the export is effected from countries which have proposed to include those species into Appendix III to CITES or the certificates of their origins if they are exported from countries which do not propose the inclusion of such species into Appendix III to CITES.

- The competent CITES Scientific Authority of

Vietnam advises that the import of these species into Vietnam does not affect the sustainable survival of such species as well as other species existing in nature.

c) Re-export: The competent Vietnam CITES Management Authority recognizes that those specimens have been legally imported into Vietnam.

Chapter III

EXPORT, IMPORT OF SPECIMENS OF WILD ANIMAL AND/OR PLANT SPECIES PRESCRIBED IN APPENDICES TO CITES AND ORIGINATING FROM CAPTIVE BREEDING OR ARTIFICIAL PROPAGATION OPERATIONS

Article 6.-

1. The export, import and re-export of specimens of wild animal and plant species prescribed in Appendices to CITES and originating from captive breeding or artificial propagation operations can be effected only when the export, import or re-export permits are granted by the competent Vietnam CITES Management Authority.

2. It is permitted to export and import for commercial purposes specimens of wild animal and plant species prescribed in Appendix I to CITES and originating from captive breeding or artificial propagation from (F2) generation at captive breeding farms or artificial propagation establishments.

3. In the operations of captive breeding or artificial propagation of species prescribed in Appendix I to CITES, groups of parental strains must be certified and managed in order to maintain their capabilities to create successive generations.

4. Farms for captive breeding or establishments for artificial propagation of animal and plant species prescribed in Appendix I to CITES must be registered with the competent Vietnam CITES Management Authority.

Article 7.-

1. It is permitted to export, import specimens of wild animal and plant species prescribed in Appendices II and III to CITES and originating from captive breeding or artificial propagation from F1 generation at captive breeding farms or artificial propagation establishments.

2. Farms for captive breeding and establishments for artificial propagation of animal and plant species prescribed in Appendix II and III to CITES must be registered with the provincial-level ranger offices authorized by the competent Vietnam CITES Management Authority.

Chapter IV

EXPORT AND IMPORT OF SPECIMENS OF RARE AND PRECIOUS SPECIES OF WILD ANIMALS AND PLANTS UNDER THE PROVISIONS OF VIETNAMESE LAWS

Article 8.-

1. It is forbidden to export for commercial purposes specimens of rare and precious species of wild animals and plants, which, as prescribed by Vietnamese laws, are banned from exploitation and/or use though they are not prescribed in Appendix I to CITES. For specific cases, the Minister of Agriculture and Rural Development shall decide the non-commercial export of specimens of rare and precious species of wild animals and plants prescribed in this Clause.

2. It is permitted to export specimens of rare and precious wild animal and plant species mentioned in Clause 1 of this Article and originating from captive breeding or artificial propagation from F2 generation at captive breeding farms or artificial propagation establishments already registered with the competent Vietnam CITES Management Authority.

Article 9.- Specimens of rare and precious wild animal and plant species being subjects of exploitation and use restriction under the law provisions of the Socialist Republic of Vietnam but not specified in Appendices to CITES, when being exported or imported, must have export certificates or import certificates granted by the competent Vietnam CITES Management Authority.

Article 10.- The export of specimens of species of wild animals and plants existing in Vietnam, which are permitted for or restricted from exploitation and use but are specified in Appendices to CITES, must comply with CITES provisions.

Chapter V

EXPORT AND IMPORT OF SPECIMENS OF COMMON SPECIES OF WILD ANIMALS

Article 11.-

1. The export, import or re-export of specimens of lawfully-exploited common wild animal species can be carried out only if the export, import or re-export permits are granted by the competent Vietnam CITES Management Authority.

2. The granting of certificates for the export, import or re-export of specimens of common wild animal species prescribed in Clause 1 of this Article can be effected only when the following conditions are fully met:

a) Export:

- The competent Vietnam CITES Scientific Authority advises that the export does not affect the sustainable survival of those species in nature.

- The competent Vietnam CITES Management Authority recognizes that the specimens have been lawfully exploited according to the law of the Socialist Republic of Vietnam.

b) Import: The competent Vietnam CITES Scientific Authority advises that the import of these specimens does not affect the sustainable survival of those species and other species currently existing in the nature;

c) Re-export: The competent Vietnam CITES Management Authority recognizes that those specimens have been legally imported into Vietnam.

Article 12.- The export of specimens of common wild animal species originating from captive breeding at captive breeding farms, which have been registered with the provincial-level ranger offices is encouraged and not restricted in quantity.

Chapter VI**COMPETENT VIETNAM CITES MANAGEMENT AUTHORITY**

Article 13.- The Ministry of Agriculture and Rural Development is the competent Vietnam CITES Management Authority, having the following functions, tasks and powers:

1. To represent the Government of the Socialist Republic of Vietnam in participating in conferences of member countries.

2. To maintain relations with the CITES Secretariat member countries and international organizations for organizing the implementation of CITES in Vietnam.

3. To make annual and biennial reports on the implementation of the Convention as provided for by CITES and send them to relevant agencies of Vietnam and the CITES Secretariat.

4. To assume the prime responsibility and coordinate with the relevant agencies in enforcing CITES in Vietnam, including the following jobs:

a) Compiling and submitting to the Government or concerned ministries or branches for promulgation according competence the regulations on export and import of wild animals and plants;

b) Compiling documents on propaganda to raise the awareness of CITES among the community;

c) Consulting with the concerned agencies on the designation or change of ports for export and/or import of wild animal and plant species according to the provisions of CITES;

d) Inspecting the export and import of specimens of wild animal and plant species at land road, railway border gates, seaports and airports;

e) Periodically announcing the lists of wild animal and plant species prescribed in the CITES Appendices supplemented after the member countries' conferences held biennially;

f) Considering, granting and revoking permits and certificates for export, import, re-export or introduction from sea of specimens of wild animal and plant species according to the current regulations and collecting the licensing fees. Coordinating with the Ministry of Aquatic Resources in considering and granting permits for export, import, re-export or introduction from sea of specimens of aquatic wild animal and plant species prescribed in the Appendices to CITES;

g) In case of necessity, the competent Vietnam CITES Management Authority shall mark the specimens allowed for export or import;

h) Guiding, supervising, inspecting and examining commercial animal captive breeding farms and artificial propagation establishments;

i) Authorizing the provincial-level ranger offices

to effect the registration of captive breeding farms and artificial propagation establishments for wild animal and plant species prescribed in Appendices I and II to CITES as well as common animal species;

g) Carrying out the procedures for registration with the International CITES Secretariat of captive breeding farms and artificial propagation establishments for wild animal and plant species prescribed in Appendix I to CITES, which satisfy the conditions set by the Convention and submitting the export quotas of such farms;

k) Building 3 wild animal rescue centers in three regions: Northern Vietnam, Central Vietnam and Southern Vietnam respectively in Hanoi, Da Nang and Ho Chi Minh City;

l) Organizing professional training and fostering for ranger, police, customs, border guard, tax and market management forces, plant protection specialized inspectorate and veterinary specialized inspectorate or coordinated inspection and examination of the export and import of wild animals and plants strictly according to the provisions of CITES and of Vietnamese laws;

m) Setting up Vietnam CITES Office at the Ranger Department of the Ministry of Agriculture and Rural Development, which functions as the standing body of the competent Vietnam CITES Management Authority.

5. Responsibilities of the Ministry of Agriculture and Rural Development as the competent Vietnam CITES Management Authority:

a) To coordinate with the competent CITES Scientific Authority of Vietnam in proposing the amendment of the lists of rare and precious species of wild animals and plants of Vietnam for inclusion in the Appendices of CITES;

b) Together with the competent CITES Scientific Authority of Vietnam to determine the annual export quotas for the registered wild animal captive breeding farms or artificial plant propagation establishments;

c) To elaborate detailed regulations on technical standards of captive breeding farms and artificial propagation establishments, the stipulations on marking of specimens and the regulations on transport of live animals.

Chapter VII

COMPETENT CITES SCIENTIFIC AUTHORITY OF VIETNAM

Article 14.- The Ecology and Biological Resources Institute under the National Center for Natural Sciences and Technologies and the Resource and Environment Research Center of the Hanoi National University are two competent CITES Scientific Authorities of Vietnam, having the following functions and tasks:

1. To provide scientific consultancy for the competent Vietnam CITES Management Authority on:

a) The actual distribution, the rarity and preciousness extent, the extinction dangers of wild animal and plant species as well as the extent of threat to their survival in nature so as to recommend the annual export volume for commercial purposes;

b) The regulations on conditions for transport of live animals;

c) The elaboration of technical standards of captive breeding farms and artificial propagation establishments;

d) The granting of permits and certificates for export, import, re-export and introduction from sea of specimens of species prescribed in the Appendices to CITES;

e) The determination of specimens, categorization of specimens, scientific terms;

f) The establishment of rescue centers and selection of habitats for release of wild animals seized in the course of inspection and control;

g) The conditions on stables and care for specimens of wild animal and plant species prescribed in the Appendices to CITES in order to get permission for import or introduction from sea.

2. To participate in meetings at the invitation of the CITES Secretariat.

3. To draft scientific documents and prepare recommendations together with the competent Vietnam CITES Management Authority and send them to the CITES Secretariat for addition or re-grading of the species in Appendices I and II to CITES

at the member countries' conferences. To prepare scientific documents for the competent Vietnam CITES Management Authority to send them to the CITES Secretariat regarding the inclusion of a species into Appendix III or the proposed withdrawal of a species from Appendix III to CITES when deeming it necessary.

4. To compile and print documents on identification of Vietnam's wild animal and plant species prescribed in the Appendices to CITES.

Chapter VIII

EXPORT OR IMPORT PERMITS OR CERTIFICATES

Article 15.- The export, import, re-export and introduction from sea of specimens of wild animal and plant species can be carried out only when the export or import permits or certificates are granted by the competent Vietnam CITES Management Authority.

Article 16.- Each export or import goods lot must be enclosed with an original of the permit or the certificate. The permits or certificates must be produced when specimens are exported or imported or when so requested by competent bodies.

Article 17.-

1. The permits and certificates must carry adequate information on specimens allowed for export or import. On CITES permits, the CITES stamps must be stuck, bearing separate signs for Vietnam granted by the CITES Secretariat.

2. CITES permits are printed in set form and apply only to species prescribed in Appendices to CITES. Where specimens of animal and plant species are not included in Appendices to CITES, the Vietnam-prescribed certificates shall be granted.

3. Forms of CITES permits, forms of certificates, the signatures of the persons designated to sign the permits and the stamps affixed on the permits shall be registered so that the CITES Secretariat notify them to all member countries.

4. The export or re-export permits and certificates granted by the competent Vietnam CITES

Management Authority shall be valid for not more than 6 months as from the date of issuance and the validity of import permits and certificates shall not exceed one year.

5. The granted permits and certificates shall be no longer valid when they are modified, erased, expired, transferred, are copies or not granted by the competent Vietnam CITES Management Authority. Those permits and certificates granted in contravention of the provisions of laws of the exporting or importing countries shall not be valid in Vietnam.

Article 18.-

1. Organizations and individuals that request the granting of permits for export, import, re-export or introduction from sea of specimens of wild animal and plant species must satisfy all the following conditions:

a) Having business registration permits for export, import of goods items being wild animals and plants, which are granted by competent bodies;

b) Having export and import tax codes already registered with the customs offices;

c) Having the originals of the contracts concluded between domestic organizations or individuals and foreign organizations or individuals;

d) Having the written certification that the wild animals and/or plants have originated from culture or artificial breeding or the exploitation permits as provided for by law;

e) The record of the inspection of the quantity of animals captive bred at farms or the quantity of plants created at artificial propagation establishments or the record certifying the quantity and categories according to exploitation permits granted by local competent bodies;

f) Submitting the originals of the natural resource tax receipts (for wild animal and plant species exploited from nature);

g) For cases being units other than those licensed for direct exploitation, the originals of contracts concluded between domestic organizations or individuals must be presented.

2. Organizations and individuals, when participating in the export, import, re-export and/or introduction from

of specimens of wild animal and/or plant species not for commercial purposes must have papers proving the lawful origins of the goods lots.

3. The transportation of live specimens must comply with the current transport regulations of the International Aviation Association and the CITES regulations on transport.

Article 19.- The permit-granting procedures are prescribed as follows:

1. The dossier of application for a permit includes:

a) The written application for the permit addressed to the competent Vietnam CITES Management Authority, which is made according to the set form;

b) The valid papers on the goods lot as provided for in Article 18. The goods lot owner must bear responsibility for the accuracy and validity of those papers.

2. The organizations and individuals that are granted permits must pay fees therefor as prescribed by law.

3. Within no more than 7 working days as from the date of receiving the complete and valid dossiers of organizations, individuals applying for permits, the competent Vietnam CITES Management Authority shall grant the permits. In case of refusal, it must send documents notifying the applying organizations or individuals of the reasons therefor.

Article 20.-

1. In order to be permitted to export, import and re-export specimens of wild animal and plant species prescribed in the Appendices to CITES from Vietnam to a country other than a CITES member, the following conditions must be fully met:

a) The permits and certificates of non-member countries must bear the names, stamps and signatures of agencies equivalent to the competent CITES Management Authorities and designated by the Governments of those countries;

b) The species are accurately determined according to criteria of the Convention;

c) The certificates of origin or the written explanations of the non-availability of the certificates of origin issued by the agencies equivalent to the competent CITES Management Authorities and

designated by the Governments of those countries;

d) In case of export of specimens of species listed in Appendices I and II, the scientific agencies equivalent to the competent CITES Scientific Authorities and designated by the Governments of such countries shall issue certificates certifying the lawful exploitation of such specimens, which does not adversely affect the survival of those species in nature;

e) In case of re-export from countries other than CITES members, the agencies equivalent to the competent CITES Management Authorities and designated by the Governments of those countries shall certify that the import into those countries is carried out not in contravention of CITES provisions;

f) In case of export of live specimens from countries other than CITES members, the transportation must be well prepared in order to minimize dangers or injuries caused to the live specimens.

2. The competent Vietnam CITES Management Authority recognizes the equivalent competent agencies if those agencies have already been notified to the CITES Secretariat or after consulting with the CITES Secretariat.

3. The import of animal and plant species prescribed in the Appendices to CITES and originating from captive breeding or artificial propagation in non-member countries shall be permitted after consulting with the CITES Secretariat.

4. The import of species listed in Appendix I to CITES for the purpose of preservation or protection of those species shall be permitted after consulting with the CITES Secretariat.

Article 21.- The competent Vietnam CITES Management Authority shall not grant permits for import of specimens into Vietnam if deeming that the to be-imported specimens potentially contain disease-causing elements or develop in a way detrimental to Vietnamese nature or cause adverse impacts on economic activities of Vietnam.

Article 22.- The competent Vietnam CITES Management Authority shall withdraw permits, certificates if:

1. The permits are granted on the basis of false information supplied by organizations or individuals that have applied for the permits.

2. The competent Vietnam CITES Management Authority receives new information on acts of violating CITES or other regulations related to the import, export, re-export or introduction from sea, committed by organizations or individuals that have been granted the permits.

3. Organizations and individuals that have been granted permits, certificates must return the unused permits, certificates to the competent CITES Management Authority within no more than 15 days as from the expiry dates inscribed on such permits or certificates.

Article 23.-

1. The organizations and individuals that apply for permits shall be obliged to fully supply and supplement the information on goods lots for which they apply for the permits when so requested by the competent Vietnam CITES Management Authority.

2. The organizations and individuals granted with permits shall take responsibility before law for the transfer, amendment, erasing, addition or cutting of details inscribed in the permits.

3. Apart from the permit-granting fees prescribed in Clause 2, Article 19, in case of necessity, the organizations and individuals applying for permits shall also have to pay expenses for expertise or re-expertise of specimens.

4. The permit grantees, when exporting, importing and/or re-exporting specimens of wild animal and plant species shall also have to strictly comply with the provisions of current import/export - related legal documents of the Socialist Republic of Vietnam.

Article 24.-

1. The competent Vietnam CITES Management Authority shall grant permits for export, import and re-export of pre-convention specimens and specimens being personal properties when the organizations and individuals that apply for the permits fully supply documents proving the legality of such specimens.

2. The export, import and re-export of specimens of wild animal and plant species for scientific purposes, donation, exhibitions or circus performances shall be decided by the Ministry of Agriculture and Rural Development.

Article 25.- In the course of transiting specimens, there must be all valid papers accompanying the goods lots. If the goods lots being live specimens, the provisions in Clause 3 of Article 18 must be complied with.

Chapter IX

INSPECTION, EXAMINATION AND HANDLING OF VIOLATIONS

Article 26.- The ranger, customs, police, border guard, tax, market management, animal quarantine, plant quarantine and aquatic product quarantine offices shall, depending on their respective functions and tasks, have to inspect, examine and handle violations according the provisions or law with regard to acts of illegally hunting, catching, trading in, storing and transporting wild animals and plants.

Article 27.-

1. The keeping of live animals pending the handling decisions must ensure safety for people and good care for the animals.

2. The confiscated specimens which are certified by the quarantine offices as being diseased or carrying disease germs shall be destroyed. The destruction thereof shall be carried out according to the current law provisions.

3. Dealing with confiscated specimens:

a) Confiscated specimens with domestic origins shall be dealt with according to Article 27 of the Government's Decree No.77/CP of November 29, 1996 on sanctioning administrative violations in the fields of forest management, forest protection and forest product management;

b) Confiscated specimens of foreign origins must be sent back to the countries of origin. All expenses arising therefrom must be born by individuals and/or organizations that have illegally exported or imported the specimens or the countries that receive back the specimens. Where the countries of origin refuse to take back the specimens, the specimens shall be handled like those of domestic origin.

Article 28.- Organizations and individuals that violate the provisions of this Decree shall, depending on the nature and seriousness of their violations, be

administratively sanctioned or examined for penal liability according to the current law provisions of the Socialist Republic of Vietnam:

1. Organizations and individuals that commit acts violating the regulations on forest management, forest protection and forest product management shall be sanctioned for administrative violations under Decree No.77/CP of November 29, 1996 on sanctions against administrative violations in the fields of forest management, forest protection and forest product management.

2. Individuals who commit acts of violations with damage exceeding the maximum level subject to sanctions against administrative violations regarding the illegal exploitation, hunting, catching, transportation or trading of rare and precious or common wild animals and plants (originating from nature) shall be examined for penal liability according to the provisions of the Penal Code of the Socialist Republic of Vietnam.

3. Organizations and individuals that violate the regulations on the protection of bio-diversity and nature preservation shall be administratively sanctioned according to the Government's Decree No.26/CP of April 26, 1996 on sanctioning administrative violations in the field of environmental protection or examined for penal liability according to the provisions of the Penal Code of the Socialist Republic of Vietnam.

4. Organizations and individuals that violate the regulations on exploitation, transportation and trading of animal and plant species on the lists managed by the Ministry of Aquatic Resources shall be handled according to the Ordinance on Protection and Development of Aquatic Resources of April 25, 1989 and the Government's Decree No.48/CP of August 2, 1996 on sanctioning administrative violations in the field of aquatic resource protection.

5. Organizations and individuals that violate the regulations on customs procedures shall be administratively handled according to the Government's Decree No.54/CP of July 21, 1998 on sanctioning administrative violations in the field of customs.

6. Organizations and individuals that violate the regulations in the field of trade regarding goods export, import and transportation shall be administratively

handled according to the Government's Decree No.01/CP of January 3, 1996 on sanctioning administrative violations in the field of trade.

7. Organizations and individuals that violate the regulations on plant protection and quarantine shall be administratively sanctioned according to the Government's Decree No.78/CP of November 29, 1996 on sanctioning administrative violations in the field of plant protection and quarantine.

Article 29.-

1. Organizations and individuals shall have the right to complain about administrative decisions and/or administrative acts of State administrative bodies, competent persons in the State administrative bodies when having grounds to believe that such decisions and/or acts contravene the provisions of this Decree and infringe upon their legitimate rights and interests.

2. Citizens shall have the right to denounce to competent bodies and persons acts contrary to the provisions of this Decree of any organizations and/or individuals, which cause damage or threaten to cause damage to the interests of the State, the legitimate rights and interests of citizens and organizations.

3. The settlement of complaints and denunciations shall comply with the provisions of the Law on Complaints and Denunciations of December 2, 1998.

Chapter X

IMPLEMENTATION PROVISIONS

Article 30.- The Ministry of Agriculture and Rural Development shall have the responsibility to guide and inspect the organization of implementation of this Decree and periodically report to the Government and notify to the concerned branches on the implementation of CITES.

Article 31.- This Decree takes effect 15 days after its signing.

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, within the ambit of their respective powers and responsibilities, organize the implementation of this Decree.

The previous regulations contrary to this Decree shall all be annulled.

On behalf of the Government

Prime Minister

PHAN VAN KHAI