

DECREE No. 82/2006/ND-CP OF AUGUST 10, 2006, ON MANAGEMENT OF EXPORT, IMPORT, RE-EXPORT, INTRODUCTION FROM THE SEA, TRANSIT, BREEDING, REARING AND ARTIFICIAL PROPAGATION OF ENDANGERED SPECIES OF PRECIOUS AND RARE WILD FAUNA AND FLORA

THE GOVERNMENT

Pursuant to the 2001 Law on Organization of the Government;

Pursuant to the 2003 Law on Fisheries;

Pursuant to the 2004 Law on Forest Protection and Development;

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

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

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Governing scope and application subjects

1. Governing scope

This Decrees provides for the export, import, re-export, introduction from the sea, transit, breeding, rearing, artificial culture of endangered precious and rare wild fauna and flora species (including hybrid species), including:

a/ The specimens of wild fauna and flora species defined in Appendices I, II and III to the Convention

on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter called CITES).

b/ The specimens of endangered species of precious and rare wild fauna and flora as provided for by Vietnamese law.

2. Subjects of application

This Decree shall apply to state agencies, domestic organizations, households and individuals, foreign organizations and individuals, overseas Vietnamese, that are involved in the export, import, re-export, introduction from the sea, transit, breeding, rearing, artificial propagation of specimens of endangered species of precious and rare wild fauna and flora in the Vietnamese territory.

In cases where treaties to which the Socialist Republic of Vietnam is a contracting party contain provisions different from the provisions of this Decree, the provisions of such treaties shall apply.

Article 2.- Interpretation of terms

In this Decree, the following terms shall be construed as follows:

1. Species are used to indicate any species, class or population of geographically separated fauna or flora.

2. Hybrid species are the outcomes of mating or grafting of two species or two classes of fauna or flora.

3. CITES permits, CITES certificates are papers issued by CITES Management Authority of Vietnam for export, import, re-export, introduction from the sea of specimens of fauna and/or flora species defined in Appendices to CITES.

4. Permits issued by CITES Management Authority of Vietnam for export of specimens of endangered species of precious and rare fauna and flora as defined by Vietnamese law, not defined in Appendices to CITES.

5. Appendices to CITES include:

a/ Appendix I is the list of wild fauna and flora species which are in danger of extinction and the natural specimens of which are banned from export, import, re-export, introduction from the sea and transit for commercial purposes.

b/ Appendix II is the list of wild fauna and flora species which are yet in danger of extinction but may be subject to extinction if the export, import, re-export, introduction from the sea and transit of the natural specimens thereof for commercial purposes are not controlled.

c/ Appendix III is the list of wild fauna and flora species the export, import or re-export of which is controlled as requested by a member country of the CITES Convention in combination with other CITES member countries for commercial purposes.

6. Endangered precious and rare fauna and flora species under the provisions of Vietnamese law shall include:

a/ Group I is the list of fauna and flora species of special scientific or environmental value or high economic value, with only few populations existing in nature or being in high danger of extinction; which are strictly banned from exploitation or use for commercial purposes.

b/ Group II is the list of wild fauna and flora species of scientific or environmental values or high economic value, with few groups existing in nature or being in high danger of extinction; which are subject to restriction on exploitation and use for commercial purposes.

7. Specimens of wild fauna or flora species (hereinafter called specimens) means living or dead wild animals or plants, parts or derivatives thereof, which are easily recognized as having originated from

wild animals or plants.

8. Activities for commercial purposes mean activities of exchanging goods or services or promoting trade in specimens of wild fauna and/or flora species for profits.

9. Activities for non-commercial purposes mean activities of exchanging or providing services on transport of specimens of wild fauna and/or flora species not for profits, including those in service of diplomatic activities, scientific research, exchange between zoos or botanical gardens, exhibitions for non-commercial purposes, circus performances for non-commercial purposes; exchange or return of specimens between CITES Management Authorities of different countries.

10. Introduction from the sea means the introduction into the Vietnamese territory of specimens of wild fauna and/or flora species defined in Appendices to CITES, which are exploited from sea areas not under the jurisdiction of any state.

11. Re-export means the export of previously imported specimens.

12. The controlled environment means the environment managed by humans for the purposes of creating purebred species or hybrid plants or animals, satisfying the conditions to prevent the encroachment or dispersion of fauna, flora, eggs, gametes, zygotes, seeds, sprouts, genes, epidemics out of or into such environment.

13. Rearing farms are places where natural broods and eggs of wild fauna species are kept for growth or hatchery into individual animals in a controlled environment.

14. Breeding farms are places where wild animals are raised in captivity for reproducing animals of successive generations in a controlled environment.

15. Artificial propagation establishments are places where wild plants are grown from seeds, zygotes, sprouts, grafts or by other propagation methods in a controlled environment.

16. Reproductive breeds are individual animals initially raised in breeding farms to reproduce individuals of successive generations. The exploitation of reproductive breed sources must not affect the survival of such species in nature.

17. Individuals of F1 generation means those reproduced in a controlled environment where at least their fathers or mothers are exploited from the nature or zygotes are formed from the nature.

18. Individuals of F2 generation or successive generations mean those reproduced in a controlled environment by fathers and mothers, which were reproduced from a controlled environment.

19. Personal items, household utensils of wild fauna or flora origin are specimens under the lawful ownership of individuals or households.

20. Souvenir specimens means personal items or household utensils acquired outside the country of specimen owners' residence. Specimens being living animals shall not be regarded as souvenirs.

21. Hunting specimens are those acquired from lawful hunting.

22. Pre-convention specimens are those defined in Appendices to CITES, which are acquired before such species were included in the Appendices to CITES. The date of acquiring specimens shall fall into one of the following cases:

a/ The specimens are taken out of their habitats.

b/ The specimens are reproduced in controlled environments.

c/ The owners possess the lawful ownership of the

specimens.

23. Member countries mean nations where CITES takes effect.

Chapter II

EXPORT, IMPORT, RE-EXPORT, TRANSIT AND INTRODUCTION FROM THE SEA OF SPECIMENS

Article 3.- Conditions for export, import, re-export, introduction from the sea of natural specimens, defined in Appendices to CITES.

1. Prohibiting the export, import, re-export, introduction from the sea of the specimens defined in the Appendices to CITES for commercial purposes.

2. Possessing CITES permits, CITES certificates as provided for in Clauses 1, 2 and 3, Article 15 of this Decree when:

a/ Exporting, importing, re-exporting the specimens defined in Appendix I to CITES not for commercial purposes, the specimens defined in Appendices II and III to CITES, the pre-Convention specimens.

b/ Introducing from the sea the specimens defined in Appendix I to CITES not for commercial purposes, the specimens defined in Appendix II to CITES.

3. Specimens being personal items, household utensils shall be exempt from CITES permits, CITES certificates when satisfying the following conditions:

a/ The specimens are used not for commercial purposes.

b/ At the time of export or import, they are carried along by people or are parts of household utensils upon movement from country to country.

c/ Their quantity does not exceed the limits set by CITES, applicable to a number of species of wild

animals and plants.

Article 4.- Conditions on export, import, re-export of specimens of breeding, rearing, artificial propagation, which are defined in the Appendices to CITES

1. Possessing CITES permits, CITES certificates defined in Clauses 1, 2 and 3, Article 15 of this Decree upon the export, import, re-export of the specimens defined in the Appendices to the CITES Convention and having originated from breeding, rearing, artificial propagation.

2. Exporting the specimens defined in Appendix I to CITES and having originated from breeding, artificial propagation, which must satisfy the following conditions:

a/ Fauna specimens of generation F2 onward, which are reproduced in rearing farms registered under the provisions of Clause 1, Article 11 of this Article.

b/ Flora specimens from artificial propagation establishments already registered under the provisions of Clause 1, Article 11 of this Decree.

c/ The specimens must be marked under the guidance of CITES Management Authority of Vietnam.

3. The export of specimens defined in Appendices II and III to CITES and having originated from breeding, rearing, artificial propagation must satisfy the following conditions:

a/ For specimens of bred animals: The specimens of animals of F1 generation onward, which were reproduced at rearing farms already registered under the provisions of Clause 2, Article 11 of this Decree.

b/ For specimens of reared animals: The specimens from rearing farms already registered under the provisions of Clause 2, Article 11 of this Decree.

c/ For specimens of artificially propagated plants: The specimens of plants from artificial propagation establishments already registered under the provisions of Clause 2, Article 11 of this Decree.

Article 5.- Conditions on export of endangered precious and rare specimens from nature, as provided for by Vietnamese law, not defined in the Appendices to CITES

1. Prohibiting the export of specimens of endangered precious and rare wild fauna and flora species; specimens of endangered forest flora species of Group I-A under Vietnam's legal provisions on management of endangered precious and rare fauna and flora for commercial purposes.

2. Possessing the permits defined in Clause 4, Article 15 of this Decree upon the export of specimens of endangered precious and rare wild fauna species not for commercial purposes; specimens of endangered precious and rare forest flora species of Group I-A not for commercial purposes; specimens (excluding wood products) of endangered precious and rare forest flora species of Group II-A.

3. The export of wood products shall comply with Decree No. 12/2006/ND-CP of January 23, 2006, detailing the implementation of the Commercial Law regarding activities of international trade in goods and activities of goods sale and purchase agency, processing and transit with foreign countries.

Article 6.- Conditions on export of endangered precious and rare specimens prescribed by Vietnamese law, not defined in the Appendices to CITES and having originated from breeding, rearing, artificial propagation

1. Possessing the permits defined in Clause 4, Article 15 of this Decree upon the export of endangered precious and rare specimens prescribed by

Vietnamese law and having originated from breeding, rearing, artificial propagation.

2. The export of endangered precious and rare specimens of Group I under the provisions of Vietnamese law and having originated from breeding, artificial propagation must satisfy the following conditions:

a/ Specimens of animals of F2 generation onward, which are reproduced at rearing farms already registered under the provisions of Clause 2, Article 12 of this Decree.

b/ Specimens of plants from artificial propagation establishments already registered under the provisions of Clause 3, Article 12 of this Decree.

c/ The specimens must be marked under the guidance of CITES Management Authority of Vietnam.

3. The export of endangered precious and rare specimens of Group II, prescribed by Vietnamese law and having originated from breeding, rearing, artificial propagation must satisfy the following conditions:

a/ For specimens of bred animals: The specimens of animals of F1 generation onward, which are reproduced at rearing farms already registered under the provisions of Clause 2, Article 12 of this Decree.

b/ For specimens of reared animals: The specimens from rearing farms already registered under the provisions of Clause 2, Article 12 of this Decree.

c/ For specimens of artificially propagated plants: The specimens from artificial propagation establishments already registered under the provisions of Clause 3, Article 12 of this Decree.

Article 7.- Conditions on export, re-export of specimens not defined in Articles 3, 4, 5 and 6 of this Decree

CITES Management Authority of Vietnam shall

issue permits for export of specimens not defined in Articles 3, 4, 5 and 6 of this Decree upon requests, in accordance with the law of importing countries. The permits shall comply with the provisions of Clause 4, Article 15 of this Decree.

Article 8.- Transit of specimens being living wild animal species

The transit of specimens being living wild animals through the territory of the Socialist Republic of Vietnam must be approved in writing by CITES Management Authority of Vietnam as provided for in Article 20 of this Decree; must be subject to animal quarantine and comply with the provisions of Vietnamese law on customs.

Chapter III

BREEDING, REARING, ARTIFICIAL PROPAGATION OF ENDANGERED PRECIOUS AND RARE WILD FAUNA AND FLORA SPECIES

Article 9.- Responsibility to manage the breeding, rearing and artificial propagation of endangered precious and rare fauna and flora species

1. Forest Management Offices of provinces or centrally run cities (hereinafter referred to as provincial Forest Management Offices) have the responsibility to manage, certify the production capacity of farms for breeding or rearing, and establishment for artificial propagation of endangered precious and rare wild fauna and/or flora species (excluding aquatic species) defined in this Decree. For localities where exist no forest management agencies, the Ministry of Agriculture and Rural Development shall designate specialized management agencies to perform this responsibility.

2. Provincial/municipal aquatic resource-protecting agencies have the responsibility to manage and certify the production capacity of farms for breeding, farms

for rearing and establishments for artificial propagation of aquatic species. For localities where exist no aquatic resource-protecting agencies, the services specialized in management of fisheries shall perform this responsibility.

Article 10.- Conditions on farms for breeding, farms for rearing and establishments for artificial propagation of wild fauna and flora species defined in the Appendices to the CITES

1. Animal-breeding farms, animal-rearing farms must satisfy the following conditions:

a/ Cages and farms are constructed in suitability to the characteristics of the reared species and the production capacity of the farms.

b/ Registering the farms for breeding of animal species which have been certified in writing by CITES scientific bodies of Vietnam as having the capability to reproduce many successive generations in the controlled environment.

c/ Registering the farms for breeding of animal species, the breeding of which has been certified in writing by CITES scientific bodies of Vietnam as having not affected the conservation of such species in nature.

d/ Ensuring safety for humans and environmental sanitation under the State's regulations.

e/ Having professionals meeting the requirements of management and techniques of breeding, rearing and tending the reared species and preventing diseases and epidemics.

f/ Organizations, households and individuals exploiting broods and/or eggs from the nature for breeding, hatchery for commercial purposes must obtain permission from the management bodies defined in Article 9 of this Decree.

2. Plant artificial propagation establishments must satisfy the following conditions:

a/ The establishments are constructed in suitability with the characteristics of the cultivated plant species and the production capacity of the artificial propagation establishments.

b/ The artificial propagation establishments must be certified by CITES scientific bodies of Vietnam that the artificial propagation shall not affect the survival of such species in nature.

c/ Having professionals meeting the requirements of management and techniques of artificial propagation and tending of cultivated plants and prevention of diseases and epidemics.

Article 11.- Registering farms for breeding, farms for rearing and establishments for artificial propagation of wild animal and/or plant species defined in the Appendices to CITES

1. Farms for breeding, establishments for artificial propagation of wild fauna and/or flora species defined in Appendix I to CITES must be registered with CITES Management Authority of Vietnam for forwarding the registration dossiers to the Secretariat of CITES International for consideration and approval. The dossiers for registration of breeding farms, artificial propagation establishments are specified in Appendix 3-A and Appendix 3-B to this Decree (not printed herein). CITES Management Authority shall authorize the management agencies defined in Clauses 1 and 2, Article 9 of this Decree to receive and evaluate the registration dossiers.

2. The farms for breeding, farms for rearing and establishments for artificial propagation of wild fauna and/or flora species defined in Appendices II and III to CITES must be registered with provincial forest management offices; where forest management offices are not available in localities, the registration shall be made with the specialized management agencies designated by the Ministry of Agriculture and

Rural Development. For aquatic species, the registration shall be made with the provincial/municipal aquatic resource-protecting agencies; where the aquatic resource-protecting agencies are not available in localities, the registration shall be made with the specialized fisheries management bodies. The dossiers for registration of breeding farms, rearing farms and artificial propagation establishments are specified in Appendix 4-A and Appendix 4-B to this Decree (not printed herein). Annually in November, the agencies receiving dossiers for registration of breeding farms, rearing farms or artificial propagation establishments, defined in this Clause, shall have to report to CITES Management Authority of Vietnam on the situation of registration of breeding farms, rearing farms and artificial propagation establishments in localities.

3. Time limits for issue of certificates of registration of breeding farms, rearing farms or artificial propagation establishments

a/ For farms for breeding and establishments for artificial propagation of wild fauna and/or flora species defined in Appendix I to CITES, the time limits shall be as follows:

- Within 15 working days after the receipt of dossiers for registration of farms for breeding or establishments for artificial propagation of wild fauna and/or flora species defined in Appendix I to CITES, the management agencies defined in Clauses 1 and 2, Article 9 of this Decree must complete the appraisal of the registration dossiers and send the appraised dossiers to the CITES Management Authority. In case of refusal, the dossier appraisal agencies must notify the reasons therefor to organizations, households or individuals applying for registration of breeding farms or artificial propagation establishments.

- Within 15 working days after the receipt of appraised registration dossiers, the CITES Management Authority shall have to consider and

forward the registration dossiers to the Secretariat of CITES International for consideration and approval. In case of refusal, the CITES Management Authority must notify the reasons therefor to the dossier appraisal agencies and the organizations, households or individuals applying for registration of breeding farms or artificial propagation establishments.

- Within 5 working days after the receipt of approval of the Secretariat of CITES International, CITES Management Authority of Vietnam must issue registration certificates to breeding farms or artificial propagation establishments defined in Appendix 5 to this Decree (not printed herein). The CITES Management Authority shall notify the management agencies defined in Clauses 1 and 2, Article 9 of this Decree of the results of registration of breeding farms and artificial propagation establishments for management.

b/ For farms breeding, farms rearing and establishments artificially propagating wild fauna and/or flora species defined in Appendices II and III to CITES, within 15 working days after the receipt of complete dossiers specified in Appendix 4-A and Appendix 4-B to this Decree (not printed herein), the agencies receiving dossiers for registration of breeding farms, rearing farms or artificial propagation establishments, defined in Clause 2 of this Article, must proceed with the appraisal and issue registration certificates to the registered breeding farms, rearing farms and artificial propagation establishments. The registration certificate forms are specified in Appendix 5 to this Decree (not printed herein). In case of refusal, they must notify the reasons therefor to organizations, households and individuals applying for registration of breeding farms, rearing farms or artificial propagation establishments.

Article 12.- Conditions on, and registration of, farms for breeding, farms for rearing or establishment artificially propagating endangered precious and rare

fauna and/or flora species defined by Vietnamese law, not defined in the Appendices to CITES

1. Farms for breeding and farms for rearing endangered precious and rare wild fauna species prescribed by Vietnamese law must satisfy the conditions set in Clause 1, Article 10 of this Decree.

2. Farms for breeding and farms for rearing endangered precious and rare wild fauna species prescribed by Vietnamese law must be registered with provincial forest management offices; where forest management offices are not available in localities, the registration shall be made with specialized management agencies designated by the Ministry of Agriculture and Rural Development. For aquatic species, the registration shall be made with provincial/municipal aquatic resource-protecting agencies; where the aquatic resource-protecting agencies are not available in localities, the registration shall be made with specialized fisheries management services. Dossiers for registration of breeding farms are specified in Appendix 3-B (for wild animals of Group I B); the dossiers for registration of breeding farms, rearing farms are specified in Appendix 4-B (for wild animals of Group II-B) to this Decree (not printed herein).

3. Establishments for artificial propagation of endangered precious and rare flora species:

a/ For timber trees, the planted forests must be registered with local forest management sub-departments according to the provisions of law on forest protection and development.

b/ For non-timber flora species, the registration must be made with provincial forest management offices; where forest management offices are not available in localities, the registration shall be made with specialized management bodies designated by the Ministry of Agriculture and Rural Development. The registration dossiers are specified in Appendix 3-A (for wild plants

of Group I-A) and Appendix 4-A (for wild plants of Group II-A) to this Decree (not printed herein).

Chapter IV

CITES MANAGEMENT AUTHORITY AND SCIENTIFIC BODIES OF VIETNAM

Article 13.- CITES Management Authority of Vietnam

1. The Ministry of Agriculture and Rural Development shall be answerable to the Government for the operation of CITES Management Authority of Vietnam. CITES Management Authority of Vietnam is set up by the Ministry of Agriculture and Rural Development and composed of director and deputy-directors, the permanent office (called CITES Vietnam Office) located at the Forest Management Department and CITES Vietnam branches in Central and Southern Vietnam. CITES Management Authority of Vietnam is entitled to use its own seal.

The CITES Vietnam Office is composed of sections for enforcement, information, propaganda and training, permit issuance, management of breeding farms, rearing farms and artificial propagation establishments and for international relations.

2. Tasks of CITES Management Authority of Vietnam:

a/ To represent the Socialist Republic of Vietnam Government in exercising the rights and performing the duties of CITES member countries.

b/ To assume the prime responsibility for, and coordinate with the CITES scientific bodies and relevant agencies and organizations in the CITES enforcement in Vietnam.

c/ To organize information and propaganda activities to raise the awareness of CITES.

d/ To propose the amendment and supplementation

of lists of wild fauna and/or flora species defined in the Appendices to CITES.

e/ To announce lists of wild fauna and flora species defined in the Appendices to CITES, which are amended after conferences of member countries.

f/ To issue, withdraw CITES certificates, CITES permits, permits for export or import of specimens of endangered precious and rare wild fauna and/or flora species under the provisions of Article 15 of this Decree.

g/ To register with the Secretariat of the CITES International the farms for breeding and establishments for artificial propagation of wild fauna and flora species defined in Appendix I to CITES, which fully meet the export conditions.

h/ To inspect commercial breeding farms, commercial rearing farms and artificial propagation establishments; activities of exporting, importing, re-exporting, importing from seas and transiting endangered precious and rare wild fauna and/or flora species under the provisions of this Decree.

i/ To guide the handling of specimens defined in the Appendices to CITES, which are confiscated under Vietnamese law and CITES.

j/ To coordinate with the concerned parties in organizing the provision of training and professional guidance for management agencies, organizations, households and relevant individuals under the provisions of CITES and Vietnamese law.

3. CITES Management Authority of Vietnam shall inspect the export, import, re-export and transit of specimens of endangered precious and rare fauna and flora species at airports, railway stations, sea ports and border gates.

4. The State shall ensure funding for the operation of CITES Management Authority of Vietnam, encourage domestic and foreign organizations, households and individuals to support the activities of

CITES Management Authority of Vietnam.

Article 14.- CITES scientific bodies of Vietnam

1. The Ecology and Biological Resource Institute under the Vietnam Institute of Science and Technology, the Vietnam Forestry Science Institute under the Ministry of Agriculture and Rural Development, the Marine Resources Research Institute under the Ministry of Fisheries and the Center for Natural Resource and Environment Research under the Hanoi National University shall act as the CITES scientific bodies of Vietnam.

2. Tasks of the CITES scientific bodies of Vietnam:

a/ To give scientific advice to the CITES Management Authority and relevant management agencies on the following issues:

- The actual situation on the population, distribution areas, the extents of endangerment, preciousness and rareness of the wild fauna and flora species in nature.

- The issue of CITES permits, CITES certificates, permits for export, import, re-export, introduction from the sea, transit of specimens of endangered, precious and rare wild fauna and flora species under the provisions of Article 15 of this Decree.

- The scientific names of fauna and flora species, the examination of specimens of wild fauna and flora species.

- The centers for rescue, tending of living specimens, proper habitats for release of confiscated wild animals.

- The farms for breeding, the farms for rearing, the establishments for artificial propagation of wild fauna or flora species; the appraisal of projects on breeding, rearing or artificial propagation of wild fauna or flora species.

b/ To be authorized by CITES Management Authority of Vietnam to inspect the breeding farms, rearing farms, artificial propagation establishments,

activities of exporting, importing, re-exporting, introducing from the sea and transiting specimens.

c/ To attend meetings, conferences, seminars on the CITES enforcement.

d/ To compile scientific documents, proposals relating to the CITES enforcement; to prepare reports at request of the Secretariat of CITES International.

3. The State shall ensure funding for operations of the CITES scientific bodies of Vietnam, encourage domestic and foreign organizations, households and individuals to support activities of the CITES scientific bodies of Vietnam.

Chapter V

PERMITS, CERTIFICATES

Article 15.- Assorted permits, certificates

1. CITES permits specified in Appendix 2-A to this Decree shall apply to the specimens defined in the Appendices to CITES. The CITES permits must be fully filled in, stuck with CITES stamps and affixed with seal of CITES Management Authority of Vietnam.

2. CITES certificates for export of souvenir specimens, specified in Appendix 2-B to this Decree (not printed herein) shall apply to souvenir specimens defined in the Appendices to CITES. The CITES certificates for export of souvenir specimens must be fully filled in, inscribed with the signatures and full names of owners of breeding or rearing farms or artificial propagation establishments.

3. Pre-Convention certificates specified in Appendix 2-C to this Decree (not printed herein) shall apply to pre-Convention specimens.

4. The permits defined in Appendix 2-D to this Decree shall apply to endangered precious and rare fauna and flora species provided for by Vietnamese law. The permits must be fully filled in, affixed with

seal of CITES Management Authority of Vietnam.

Article 16.- Issuance and management of permits, certificates

1. Within 10 working days after the receipt of complete valid dossiers, CITES Management Authority of Vietnam must issue permits, certificates. In case of refusal, it must notify the reasons therefor to the organizations, households or individuals applying for permits or certificates.

2. The maximum validity duration of a permit or certificate for export or re-export shall be six months; the maximum validity duration of an import permit shall be 12 months counting from the date of its issuance.

3. Each export, import or re-export goods lot must be accompanied with an original of the permit or certificate. Permits and/or certificates must be produced upon export or import of specimens or at requests of competent authorities.

4. Acts of forging, modifying or transferring permits or certificates are strictly prohibited.

5. CITES Management Authority of Vietnam shall withdraw permits, certificates in the following cases:

a/ Permits or certificates are issued in contravention of regulations.

b/ Permits or certificates are used for wrong purposes.

c/ Organizations, households or individuals, that are granted permits or certificates, commit acts of violating the provisions of CITES and/or Vietnamese law.

d/ Where permits or certificates expire, organizations, households or individuals, that are granted such permits or certificates shall, within 10 days after the expiration of such permits or certificates, have to return the permits or certificates to CITES

Management Authority of Vietnam.

6. CITES Management Authority of Vietnam shall have to print, publish, issue permits and certificates according to the provisions of Article 15 of this Decree.

Article 17.- Dossiers of application for specimen export or re-export permits, certificates

1. Export, re-export of specimens for commercial purposes:

a/ The application for a permit or certificate, made according to a form set in Appendix 1 to this Decree (not printed herein).

b/ The dossier evidencing the lawful origin of the specimen under current regulations.

2. Export, re-export of specimens for non-commercial purposes:

a/ Export, re-export of specimens for scientific research or diplomatic purposes

- The application for a permit or certificate, made according to a form set in Appendix 1 to this Decree (not printed herein).

- The signed agreement on programs for scientific research cooperation or the written certification of the diplomatic gifts or presents approved by competent bodies.

- The dossiers evidencing the lawful origins of the specimens under the current regulations.

- The copy of the import permit issued by the CITES Management Authority of the importing country, for the specimens defined in Appendix I to CITES.

b/ Export, re-export of specimens for exhibitions, circus performances not for commercial purposes:

- The application for a CITES permit or certificate, made according to a form set in Appendix 1 to this Decree.

- The competent body's decision on sending specimens to exhibitions or circus performances overseas.

- The dossier evidencing the lawful origin of the specimens or the copy of the import permit (for case of re-export).

- The copy of the import permit issued by the CITES Management Authority of the importing country, for the specimens defined in Appendix I to CITES.

3. Export, re-export of hunting specimens:

- The application for a CITES permit or certificate, made according to a form set in Appendix 1 to this Decree.

- The dossier evidencing the lawful origin of the specimens under the current regulations or the copy of the hunting specimen permit or certificate, issued by a competent body of the relevant country.

4. Export, re-export of pre-Convention specimens:

- The application for a CITES permit or certificate, made according to a form set in Appendix 1 to this Decree.

- The dossier evidencing the pre-Convention specimens or the copy of the import CITES permit (for case of re-export).

Article 18.- Dossiers of application for specimen import permits, certificates

1. Import of specimens for commercial purposes:

a/ The application for a permit or certificate, made according to a form set in Appendix 1 to this Decree.

b/ The copy of the export CITES permit issued by the CITES Management Authority of the exporting country, for specimens in the Appendices to CITES.

c/ Where imported specimens are living wild animals or plants, the following papers are required:

- The written certification of full satisfaction of

conditions for rearing, keeping and tending them by provincial forest protection offices or specialized management agencies designated by the Ministry of Agriculture and Rural Development, for localities where exist no forest protection offices. For aquatic species, the certification by provincial/municipal aquatic resource-protecting agencies or by the specialized fisheries management services, for localities where exist no aquatic resource-protecting agencies is required.

- The certification by CITES scientific bodies of Vietnam that the import of such specimens shall not adversely affect the environment and the conservation of domestic fauna and flora species, for cases where such fauna and/or flora species are imported for the first time into Vietnam.

2. Import of specimens not for commercial purposes:

a/ Import of specimens for scientific research or diplomatic purposes.

- The application for a permit or certificate, made according to a form set in Appendix 1 to this Decree.

- The signed agreement on programs for scientific research cooperation or the written certification of diplomatic gifts or presents approved by competent bodies.

- The copy of export permit or certificate issued by the CITES Management Authority of the exporting country, for the specimens defined in Appendices II and III to CITES.

b/ Import of specimens for exhibitions, circus performances not for commercial purposes:

- The application for a permit, certificate, made according to a form set in Appendix 1 to this Decree.

- The letter of invitation to exhibitions or circus performances of a competent agency.

- The copy of export CITES permit, for the specimens defined in Appendices II and III to CITES.

3. Import of hunting specimens:

- The application for a CITES permit, made according to a form set in Appendix 1 to this Decree.

- The copy of the export CITES permit or the written certification of the hunting specimens, issued by a competent body of the exporting country.

4. Import of pre-Convention specimens:

- The application for a permit or certificate, made according to a form set in Appendix 1 to this Decree.

- The dossiers evidencing the pre-Convention specimens or the copy of a permit or certificate issued by the exporting country.

Article 19.- *Dossiers of application for permits for introduction from the sea of specimens defined in Appendices I and II to CITES*

1. The application for a permit or certificate, made according to a form set in Appendix 1 to this Decree.

2. The written approval of the central aquatic resource-protecting agency.

3. Where the specimens introduced from the sea are living wild animals or plants, the following papers are required:

a/ The written certification of full satisfaction of rearing, keeping and tending conditions by provincial/ municipal aquatic resource-protecting agencies or *specialized management fisheries services for localities where exist no aquatic resource-protecting agencies.*

b/ The written certification by CITES Management Authority of Vietnam that the introduction of such specimens shall not adversely affect the environment and the conservation of domestic fauna and flora species, for cases where such fauna and/or flora species are introduced for the first time into Vietnam.

Article 20.- *Dossiers of request for transit of*

specimens being living animals

1. The application for transit of specimens, made according to a form set in Appendix 1 to this Decree.

2. The copy of the export permit or certificate, issued by a competent body of the exporting country.

3. The copy of a contract on transit transportation.

Article 21.- *Issue of CITES certificates for export of souvenir specimens*

1. Breeding farms, rearing farms, artificial propagation establishments shall directly issue CITES certificates for export of souvenir specimens, which are printed and published by the CITES Management Authority, to customers when the following conditions are fully met:

a/ The souvenir specimens are produced by breeding farms, rearing farms or artificial propagation establishments.

b/ They have identification numbers granted by the competent authorities defined in Article 11 of this Decree.

c/ They have registered with CITES Management Authority of Vietnam the models, logos, labels of specimens being souvenirs they have produced.

2. CITES certificates for export of souvenir specimens shall be issued only to finished products at souvenir shops. Each CITES certificate for export of specimens being souvenirs shall be issued to one customer for up to 4 items.

3. CITES Management Authority of Vietnam shall have to print and publish CITES certificates for export of souvenir specimens to breeding farms, rearing farms, artificial propagation establishments, which have demands therefor.

4. The breeding farms, the rearing farms and the artificial propagation establishments must submit to

the guidance and inspection by CITES Management Authority of Vietnam, the management agencies defined in Article 9 of this Decree; take responsibility before law for management and use of CITES certificates for export of souvenir specimens defined in this Decree.

Article 22.- Dossiers of application for certificates of pre-Convention specimens

1. The application for a pre-Convention specimen certificate, made according to a form set in Appendix 1 to this Decree.

2. The papers evidencing the lawful origin of the specimens (purchase invoices, exploitation permits, import permits).

Article 23.- Responsibilities of organizations, households and individuals, that are granted CITES permits, CITES certificates for export of endangered precious and rare animals and/or plants provided for by Vietnamese law

1. To fully supply information to CITES Management Authority of Vietnam and take responsibility for the legality of the dossiers on the specimens.

2. To take responsibility before law for the management and use of permits and certificates. To strictly comply with the current provisions of Vietnamese law on goods export and import.

3. To pay expenses for printing and publishing permits, certificates; expenses for marking the specimens; expenses for examination and identification of specimens.

Article 24.- Responsibilities of agencies involved in the supervision of the export and import of wild animals

1. When carrying out the customs procedures, border-gate customs offices which carry out the procedures for export, import, re-export of specimens shall have to certify the volume of actually exported, imported or re-exported specimens into the permits or certificates defined in Article 15 of this Decree, inscribe the serial numbers and date of the permits, certificates into the customs declarations; send the copies of the certified permits or certificates for each quarter in the first week of the subsequent quarter to the CITES Management Authority.

2. The functional agencies defined in Clause 1, Article 25 of this Decree shall, according to their respective competence, have to supply information to CITES Management Authority of Vietnam on cases of violation related to the export, import, re-export, transit, introduction from the sea of the fauna and flora species defined in Clause 1, Article 1 of this Decree.

Chapter VI

INSPECTION, EXAMINATION, AND HANDLING OF VIOLATIONS

Article 25.- Inspection, examination, and handling of violations

1. The Offices of Forest Protection, Customs, Police, Border Guard, Taxation, Market Management, Animal Quarantine, Plant Quarantine, Aquatic Resource Protection or Environmental Protection shall, according to their respective functions, tasks and competence, have to inspect, examine and handle violations according to provisions of law with regard to acts of law offenses in the management of export, import, re-export, transit, introduction from the sea, breeding, rearing, artificial propagation of wild fauna and/or flora species defined in Clause 1, Article 1 of this Decree.

2. The specimens of wild fauna and flora defined in Appendix I to CITES shall be handled like the

specimens of endangered wild precious and rare animals and plants of Group I under the provisions of Vietnamese law. The specimens of wild fauna and flora defined in Appendices II and III to CITES shall be handled like the specimens of endangered precious and rare wild animals and plants of Group II under the provisions of Vietnamese law. Where the CITES's provisions on handling of specimens of wild fauna and flora defined in the Appendices to the Convention are different from the provisions of Vietnamese law, the Convention's provisions shall apply.

3. Organizations, households and individuals that commit acts of violating this Decree's provisions on export, import, re-export, transit and introduction from the sea shall, depending on the nature and seriousness of their violations, be administratively sanctioned, and, for individuals, they may be examined for penal liability under the provisions of law.

Article 26.- Handling of specimens

1. The temporary seizure of living animals pending the handling decisions must ensure safety for humans and suit the conditions on animal management and tending.

2. The specimens certified by quarantine bodies as being infected with diseases, which may cause dangerous epidemics, must be immediately destroyed. The destruction must comply with the current regulations on animal health and plant quarantine.

3. Handling of confiscated specimens

a/ The director of CITES Management Authority of Vietnam shall consider and decide on the return of specimens to countries of origin, for the specimens defined in the Appendices to CITES, for which the countries of origin can be identified.

b/ For violating specimens in other cases, including the case specified at Point a of this Clause or cases

where customs offices or functional branches detect, seize and confiscate violating material evidences at border gates or along border lines (land border lines and sea border lines) but the countries of origin refuse to receive them while there are no safe places to keep them, written records shall be made for the transfer thereof to the nearest forest protection offices or animal and/or plant quarantine offices for handling according to current provisions of Vietnamese law and in accordance with CITES.

Chapter VII

IMPLEMENTATION PROVISIONS

Article 27.- Responsibility for guidance and implementation

1. The Ministry of Agriculture and Rural Development and the Ministry of Fisheries shall guide and inspect the implementation of this Decree according to their respective competence.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and presidents of provincial/municipal People's Committees shall have to implement this Decree.

Article 28.- Implementation effect

1. This Decree shall take effect 15 days after its publication in "CONG BAO."

2. This Decree replaces the Government's Decree No. 11/2002/ND-CP of January 22, 2002, on management of export, import and transit of wild fauna and flora species.

On behalf of the Government

Prime Minister

NGUYEN TAN DUNG