

**THE MINISTRY OF AGRICULTURE AND
RURAL DEVELOPMENT**

**DECISION No. 95/2008/QĐ-BNN OF
SEPTEMBER 29, 2008, PROMULGATING**

**THE REGULATION ON MANAGEMENT
OF RAISED BEARS**

**THE MINISTER OF AGRICULTURE AND
RURAL DEVELOPMENT**

Pursuant to the Government's Decree No. 01/2008/ND-CP of January 3, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development;

Pursuant to the Government's Decree No. 82/2006/ND-CP of August 10, 2006, on management of import, export, re export, introduction from the sea, transit, raising for reproduction, raising and artificial transplantation of endangered wild animal and plant species;

Pursuant to the Government's Decree No. 32/2006/ND-CP of June 30, 2006, on management of endangered, precious and rare forest plants and animals;

At the proposal of the director of the Forest Protection Department,

DECIDES:

Article 1.- To promulgate together with this Decision the Regulation on management of raised bears.

Article 2.- This Decision replaces the Agriculture and Rural Development Minister's Decision No. 47/2006/QD-BNN of June 6, 2006, promulgating the Regulation on management of raised bears. This Decision takes effect 15 days

after its publication in "CONG BAO".

Article 3.- Presidents of People's Committees of provinces and centrally run cities, heads of units of the Ministry of Agriculture and Rural Development; directors of provincial-level Agriculture and Rural Development Services, directors of Forest Protection Sub-Departments and concerned organizations and individuals shall implement this Decision.

*For the Minister of
Agriculture and Rural Development
Vice Minister
HUA DUC NHI,*

**REGULATION ON MANAGEMENT OF
RAISED BEARS**

(Promulgated together with the Agriculture and Rural Development Minister's Decision No. 95/2008/QD-BNN of September 29, 2008)

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation and subjects of application

1. Scope of regulation

This Regulation provides for the management

of individual bears that are raised in a controlled environment (below referred to as raised bears) and is not applicable to bears living in the natural environment.

2. Subjects of application

Subject to this Regulation are domestic organizations, households and individuals, overseas Vietnamese and foreign organizations and individuals involved in bear raising activities in the Vietnamese territory (below referred to as bear raisers).

Article 2.- Prohibited acts

1. Hunting, trapping, purchasing, selling, slaughtering, transporting, advertising, exporting, importing temporarily importing and re-exporting bears and bear products and derivatives in contravention of law.

2. Raising bears without making management records on and implanting microchips into bears, or raising bears that do not have a lawful origin.

3. Raising bears without breeding facilities and farms or with breeding facilities and farms that fail to satisfy the conditions specified in this Regulation.

Chapter II

CONDITIONS FOR BEAR RAISING

Article 3.- Bear farms

1. Farms raising bears in cavity:

a/ Having a space for placing breeding facilities (cages) or a lean-to that can shade rain, sunshine

and prevent unfavorable weather conditions for bears;

b/ Having surrounding walls built at least 20cm thick and 1.8m high, strong and safe to ensure that bears cannot escape:

c/ Having a waste treatment system according to Article 6 of this Regulation.

2. Farms raising bears in a semi-natural environment

a/ Farms raising bears in a semi-natural environment must be surrounded with walls built at least 40cm thick and 2.5m with hard metal fences above at least 50cm high, strong and safe to ensure that bears cannot escape. Surrounding walls must be at least 2m away from other works (plan of protection fence in Appendix I to this Regulation, *not printed herein*).

b/ The area for raising bears in a semi-natural environment must be at least 150m²/ bear.

Article 4.- Breeding facilities

1. A breeding facility (cage) means a place for keeping bears inside and may be made of hard metal or built with concrete, bricks or other strong materials. The breeding facility prescribed below is applicable to the raising of an individual bear (except baby bears not yet separated from mothers). The size of a breeding facility which accommodates many bears must match the number of bears.

2. For a hard metal cage

a/ Dimensions: At least 1.5m long, 1.5m wide and 2m high:

b/ Frame: must be made of hard metal tubes with a diameter of at least 25mm or solid hard metal with a diameter of at least 18mm; joints of the frame must be welded to ensure solidity and safety;

c/ Front, cover, back and two sides: must be made of solid hard metal with a diameter of at least 12mm, joints must be welded to the frame; the distance between bars must be even and maximum 7cm, all sides must be strong and safe to ensure that bears cannot escape or stick out their limbs;

d/ Floor: must be made of solid hard metal with a diameter of at least 12mm; joints must be welded to the cage frame; the floor must be weaved into nets; the distance between bars must be even and maximum 6 cm; the floor must be strong and safe to ensure that bears cannot escape. The floor must be at least 25cm above the ground.

e/ A cage must have a stainless hard metal manger which is placed in a convenient position or detachable for regular cleaning; the cage floor must be cemented or tiled, and sloping for easy cleaning;

f/ Door: must have a lock bolt to ensure safety;

g/ Position: must be in an airy place in summer and out of the wind in winter; cage sides must be at least 50cm away from other bear cages, surrounding walls or other objects; this distance must be at least 3m for the door side.

3. For a built breeding facility:

a/ Dimensions: at least 2m long; 2m wide; 2m high;

b/ The breeding facility must have maximum

three sides built at least 20cm thick (or at least 10cm thick, if built with hard metal-framed concrete); walls and floor must be smoothly cemented or tiled; the floor must be sloping for wastewater drainage; if sides are made of metal, they must meet the requirements specified at Points b and c, Clause 2, Article 4 of this Regulation;

c/ The breeding facility must have a manger which is placed in a convenient position or detachable for regular cleaning,

d/ The breeding facility must be built in an airy place; its walls may be built adjacent to other breeding facilities; if walls are made of metal, they must be at least 50cm away from other breeding facilities, surrounding walls or other objects; this distance must be at least 3m for the breeding facility's door side.

4. Breeding facilities for bears raised in a semi-natural environment may be built or made of metal under Clauses 2 and 3, Article 4 of this Regulation; must have a front door for bears to move in and out and a back door for cleaning; all doors can be opened and closed from outside.

Article 5.- Environmental sanitation and waste treatment

1. A raising farm must be certified by a provincial-level environment management agency to meet hygienic and environmental requirements.

2. A raising farm must have a waste treatment system meeting environmental sanitation requirements such as biogas tank, antiseptic tank or other relevant solutions and may not directly

discharge wastes into the environment.

3. A raising farm and its breeding facilities must be cleaned regularly and may not leave leftovers and waste polluting the environment.

Article 6.- Feeding and veterinary care

1. A bear farm must have a veterinary technician or enter into a contract with a veterinarian or an animal health establishment to give care and medical treatment to bears.

2. A bear farm must have a book recording diseases of each bear (made according to the form in Appendix III to this Regulation, *not printed herein*).

3. A bear farm must have a separate place for storing feed; feed and water must be hygienically safe; daily feed and water must be sufficiently given to bears.

Chapter III

**REGISTRATION OF BEAR FARMS AND
TRANSPORTATION OF BEARS**

Article 7.- Conditions for bear farm registration

1. Bears have a lawful origin and management records and are implanted with a microchip.

2. Farms and breeding facilities satisfy the conditions specified in Articles 3, 4, 5 and 6 of this Regulation.

3. Written approval by a commune-level People's Committee of the establishment of the bear farm in the locality.

Article 8.- Dossiers of application for bear farm certificates

A bear raiser shall make a dossier of bear farm registration and submit it to a Forest Protection Sub-Department (or a provincial Agriculture and Rural Development Service, for provinces that do not have a Forest Protection Sub-Department). Such a dossier comprises:

1. An application for bear farm registration (made according to the form in Appendix IV to this Regulation, *not printed herein*) certified by a commune-level People's Committee under Clause 3, Article 7 of this Regulation.

2. Papers on the lawful origin of bears or records of bears which have been registered for management and implanted with a microchip.

3. A detailed illustration drawing of the bear farm and breeding facilities enclosed with photos.

4. A notarized copy of the labor contract with a veterinary technician or the contract with a veterinarian or an animal health establishment for veterinary care.

5. A written certification on the bear farm's satisfaction of hygienic and environmental requirements by a provincial-level environment management agency.

Article 9.- Competence and order of granting bear farm certificates

1. Competence to grant bear farm certificates:
The agency receiving dossiers of bear farm

registration specified in Article 8 of this Regulation has the competence to grant bear farm certificates.

2. Order of granting bear farm certificates:

a/ Establishment of an Assessment Council:
The agency receiving dossiers of bear farm registration shall set up an Assessment Council to evaluate registration dossiers. An Assessment Council is composed of the chairman being a representative of the Forest Protection Sub-Department (or provincial-level Agriculture and Rural Development Service, for a province or city which does not have a Forest Protection Sub-Department) and members being representatives of the Animal Health Sub-Department, provincial/municipal Natural Resources and Environment Service, provincial/municipal Environment Police Section and administration of the commune (ward) where the applying bear farm is located;

b/ Tasks of an Assessment Council: To conduct field inspection of material foundations of certificate-applying bear farms; to make an assessment report to serve as the basis for competent authorities to consider and grant bear farm certificates if the conditions specified in this Regulation are met;

c/ Time of assessment: Within 5 working days from the time of receiving a full dossier under Article 8 of this Regulation, the dossier-receiving agency shall set up an Assessment Council. Within 5 working days from its establishment, the Assessment Council shall complete the assessment report;

d/ Time limit for granting bear farm certificates: Within 5 working days after receiving

an assessment report, the agency receiving the dossier of bear farm registration shall grant a bear farm certificate (made according to the form in Appendix V to this Regulation, *not printed herein*) to an eligible farm or reply in writing to the applying bear raiser on the conditions or procedures that he has failed to meet.

Article 10.- Transportation of bears

1. Conditions:

a/ Only bears specified in Clause 1, Article 7 of this Regulation are allowed to be transported;

b/ Bears which have had management records and been implanted with a microchip must be examined by a Forest Protection Sub-Department (or a regional Forest Protection Agency for provinces that do not have a Forest Protection Sub-Department) to determine the chip code at the place of departure;

c/ Establishments receiving bears are certified bear farms or rescue establishments under the State's current regulations;

d/ To ensure conditions of safety and health for bears in the course of transportation.

2. Dossiers of request for bear transportation:

A bear raiser shall make a dossier of request for bear transportation and submit it to a Forest Protection Sub-Department (or a regional Forest Protection Agency for provinces that do not have a Forest Protection Sub-Department), such a dossier comprises:

a/ A written request for bear transportation (made according to the form in Appendix VI to this Regulation, *not printed herein*);

b/ Papers on the lawful origin of bears or records of bears having been registered for management and implanted with a microchip;

c/ A copy of the bear farm certificate of the place of destination. In case of transporting bears from a province to another, a written approval of such transportation by the Forest Protection Sub-Department (or provincial-level Agriculture and Rural Development Service, for provinces that do not have a Forest Protection Sub-Department) of the locality to which bears are transported.

3. Competence and order of granting bear transportation permits:

a/ Competence to grant bear transportation permits: the agency receiving dossiers of request for bear transportation specified in Clause 2, Article 10 of this Regulation has the competence to grant bear transportation permits.

b/ Tasks of the agency receiving dossiers of request for bear transportation: To verify and check microchips (for bears implanted with microchips), to make written certification of the number of bears to be transported and grant bear transportation permits under this Regulation and the State's current regulations on examination and control of forest products.

c/ Time limit for granting bear transportation permits: Within 10 working days after receiving a complete dossier, the agency competent to grant bear transportation permits shall certify in writing the number of bears to be transported and issue a document approving bear transportation within a province or grant permits for special transportation from a province to another; in case of refusal, the agency shall give the requester the reason in writing.

d/ Competence and time of granting bear transportation permits: A bear raiser shall make a written request for transporting bears enclosed with the bear farm certificate of the receiving bear farm and submit it to the Forest Protection Sub-Department (or provincial-level Agriculture and Rural Development Service for a province or city that does not have a Forest Protection Sub-Department) of the locality of destination. Within 5 working days, the dossier-receiving agency shall examine and give written approval or disapproval of the bear transportation.

Chapter IV

HANDLING OF BEARS VOLUNTARILY DELIVERED TO THE STATE, DEAD AND SICK BEARS

Article 11.- Handling of bears voluntarily delivered to the State by bear raisers

1. Dossiers of request for bear delivery to the State: Bear raisers who wish to deliver bears to the State shall submit a written request (made according to the form in Appendix VII to this Regulation, *not printed herein*) enclosed with papers on the origin of bears to a Forest Protection Sub-Department (or provincial-level Agriculture and Rural Development Service for a province or city that does not have a Forest Protection Sub-Department).

2. Agencies handling the transfer of voluntarily delivered bears

a/ A Forest Protection Sub-Department (or provincial-level Agriculture and Rural Development Service for a province or city which does not have a Forest Protection Sub-

Department) may decide on the transfer of bears to units within a province;

b/ The Forest Protection Department may decide on the transfer of voluntarily delivered bears nationwide.

3. Time limit for handling voluntary delivery of bears:

Within 5 working days after receiving a written request for voluntary delivery of bears, a Forest Protection Sub-Department (or provincial-level Agriculture and Rural Development Service for a province or city which does not have a Forest Protection Sub-Department) shall complete procedures for transferring bears to units in a province or report to the Forest Protection Department if no unit in the province can receive bears.

4. Bears voluntarily delivered to the State by bear raisers may be transferred to the following establishments:

a/ Bear rescue establishments, wild animal rescue centers;

b/ Zoos and domestic research and training institutions for research, display and environmental education purposes;

c/ Bear farms satisfying the conditions specified in this Regulation that voluntarily raise bears for rescue and conservation purposes;

d/ Other organizations under competent state agencies' decisions.

Article 12.- Handling of dead or sick bears

1. Responsibilities of bear raisers: Within 1(one) day after a bear dies or is certified by a person in charge of animal health to have

contracted a disease which threatens to cause an epidemic or pollute the environment, a bear raiser shall report by the fastest way of communication to the local forest protection body or Forest Protection Sub-Department (or provincial-level Agriculture and Rural Development Service for a province or city which does not have a Forest Protection Sub-Department).

2. Tasks of the agency notified of dead or sick bears: To coordinate with the local animal health agency in making an on-the-spot record of the dead or sick bear which must specify the cause of the death and the chip code of the dead bear (for bears implanted with a microchip). After making the record, to organize the culling according to law. In the course of culling, to satisfy requirements on disinfection and environmental sanitation to prevent disease spread.

Chapter V

**RESPONSIBILITIES OF BEAR RAISERS
AND MANAGEMENT AGENCIES**

Article 13.- Responsibilities of bear raisers

1. To raise individual bears in accordance with this Regulation. To be held responsible before law if bears cause unsafety, environmental pollution and epidemics.

2. To keep records on every bear (according to the form in Appendix VIII to this Regulation, *not printed herein*).

3. To make an annual report of the preceding year before January 15 every year and extraordinary reports on bear farms' bears (breeding, sickness, death and other incidents) to

the Forest Protection Agency (or provincial-level Agriculture and Rural Development Service for a province or city which does not have a Forest Protection Sub-Department).

4. To be subject to the examination and control of competent state agencies.

Article 14.- Responsibilities of state management agencies

1. Provincial-level People's Committees shall direct local functional agencies in organizing and specifying time limits for satisfying the conditions on breeding facilities specified in Articles 3, 4, 5 and 6 of this Regulation.

2. The Forest Protection Department shall examine and guide the implementation of the Regulation on management of raised bears and simultaneously review and report on the management of raised bears nationwide to the Ministry of Agriculture and Rural Development.

3. The Forest Protection Sub-Department (or provincial-level Agriculture and Rural Development Service for a province or city which does not have a Forest Protection Sub-Department) shall:

a/ Advise provincial-level People's Committees on managing bears raised in their localities, organizing the propagation, and guiding the implementation, of this Regulation and relevant regulations of the State;

b/ Organize annual or extraordinary (when necessary) inspection and examination; make an annual overall report of the preceding year (according to the form in Appendix IV to this Regulation, *not printed herein*) and submit it to the Forest Protection Department before January 30

every year;

c/ Direct their attached units in receiving regular and irregular reports from bear raisers; certify new-born, dead, departing and arriving bears. Grant special permits for transporting bears from a province or centrally run city to another;

d/ Supervise and detect acts against this Regulation and law; handle or advise competent state agencies on handling acts of violation;

e/ Coordinate with concerned agencies in organizing the assessment of bear farms, grant and withdraw bear farm certificates. A bear farm certificate is valid for five years. Upon the expiration of this duration, a bear farm shall be reassessed and may obtain a new certificate if it meets the conditions specified in this Regulation;

f/ Advise provincial-level People's Committees and coordinate with functional agencies in handling cases of violating this Regulation under current regulations, and organize the culling of bears according to law.

Chapter VI

HANDLING OF VIOLATIONS AND FUNDS FOR IMPLEMENTATION

Article 15.- Handling of violations

1. Organizations and individuals that commit acts of violating this Regulation shall, depending on the nature and severity of their violations, be handled according to current law.

2. After being confiscated, bears shall be handled according to the Ministry of Agriculture and Rural Development's regulations guiding the post-confiscation handling of material evidence being forest animals.

Article 16.- Funds for management of raised bears

1. Bear raisers shall ensure sufficient funds for caring and raising bears and building breeding facilities specified in Articles 3, 4, 5 and 6 of this Regulation.

2. Funds for bear management comply with the Finance Ministry's Circular No. 59/2008/TT-BTC of July 4, 2008, guiding the management and use of incomes from the handling of violations of regulations against smuggling, trade frauds and fake goods. In case of insufficiency, the following funding sources may be used:

a/ Local budgets to ensure funds for Forest Protection Sub-Departments (or provincial-level Agriculture and Rural Development Services for provinces or cities which do not have a Forest Protection Sub-Department) to manage raised bears in localities;

b/ The Ministry of Agriculture and Rural Development shall ensure funds for the Forest Protection Department to direct and guide the implementation of this Regulation.

3. Funds for transporting bears voluntarily delivered to the State by bear raisers shall be covered by bear-receiving units.

4. To encourage domestic and foreign organizations and individuals to provide financial and technical assistance for conservation, rescue and management of bears.

For the Minister of
Agriculture and Rural Development
Vice Minister
HUA DUC NHI