

THE MINISTRY OF AGRICULTURE AND
RURAL DEVELOPMENT

**DECISION No. 47/1999/QĐ-BNN-KL OF
MARCH 12, 1999 ISSUING THE**

REGULATION ON INSPECTION OF THE TRANSPORTATION, PRODUCTION AND BUSINESS OF TIMBER AND FOREST PRODUCTS

THE MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT

- Pursuant to Decree No. 73/CP of November 1, 1995 of the Government providing for the functions, tasks, powers and organization of the apparatus of the Ministry of Agriculture and Rural Development;

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

- At the proposal of the Head of the Rangership Department and the Head of the Forestry Development Department,

DECIDES:

Article 1.- To issue together with this Decision the "Regulation on Inspection of the Transportation, Production and Business of Timber and Forest Products".

Article 2.- This Regulation takes effect 15 days after its signing and replaces Circular No. 11-LN/KL of October 31, 1995 of the Ministry of Forestry.

Article 3.- The Director of the Ministry Office, the heads of the Departments of Rangership, Forestry Development, Forest Products Processing and Rural Trade; the heads of the Policies Department and the related departments; the director of the Agriculture and Rural Development Services, the heads of the Sub-Departments of Rangership of the provinces and centrally-run cities shall have to implement this Decision.

*For the Minister of Agriculture and
Rural Development
Vice Minister
NGUYEN VAN DANG*

REGULATION ON INSPECTION OF THE TRANSPORTATION, PRODUCTION AND BUSINESS OF TIMBER AND FORESTRY PRODUCTS

(Issued together with Decision No. 47/1999/QĐ-BNN-KL of March 12, 1999 of the Minister of Agriculture and Rural Development)

Chapter I

GENERAL PROVISIONS

Article 1.- Timber, forest products and other jargons used in this Regulation are construed as follows:

1. Material timber exploited from natural forests in the country include logs, logs split in two, in four, hewn and sawn timber of various kinds not yet brought into processing workshop.

2. Material timber exploited from planted forests, including various types of timber exploited from planted forests belonging to different sources of funding, timber from gardens, timber of trees planted scatteredly or in enclosed spaces, timber of mangrove and cajeput forests, rubber trees felled for liquidation.

3. Firewood of various kinds including firewood from natural forests, firewood from planted forests which are parts of the trees that cannot be used as timber.

4. Imported material timber in the form of logs, sawn timber, artificial plank of various kinds, wood taken from imported crates.

5. Products having gone through processing including:

a/ Sawn timber of various kinds sawn from material timber and having gone through processing workshop to be cut into planks, stakes, beams, laths, rafters... whether planed or unplaned.

b/ Complete timber products, details of complete products, products of handicrafts and art crafts as stipulated in Decision No. 65/1998/QĐ-TTg of March 24, 1998 of the Prime Minister.

c/ Used carpentry articles of various kinds.

d/ Artificial planks of various types, including glued planks, pressed planks, ply wood, fiber planks, coated or uncoated tile planks, with decorated or

undecorated surface.

c/ Chips (of timber or bamboo), wood taken from packing crates.

6. Other kinds of forest products used as materials and their products (called other forest products for short), including forest products other than timber exploited from natural forests or planted forests, including material timber or processed timber.

a/ Raw materials including all the other forest products named after their real names, such as big rattan, rattan, bamboo of different species, amomum, morinda officinalis, cinnamon, orchids, ornamental plants, tubercles, leaves and roots of forest plants...

b/ Processed products including all other forest products processed from raw materials as listed in Section a, Clause 6, Article 1, of this Regulation and named according to their actual appellations in practice such as processed big rattan, shredded rattan, bamboo laths and stakes, vegetable essence, transparent oil, self-emitted resin, pit coal, charcoal...

7. Timber and forest products are classified into two kinds, ordinary and precious. The latter category is defined as stipulated in Decree No. 18/HDBT of January 17, 1992 of the Council of Ministers (now the Government), including:

a/ Precious forest plants Groups IA and IIA.

b/ Precious forest animals Groups IB and IIB.

8. Wild animals, including:

a/ Primitive wild animals of various kinds (ordinary and precious as classified in Decree No. 18/HDBT of January 17, 1992) and their products.

b/ Wild animals having been raised and propagated and their products.

9. Apart from the list of timber and forest products mentioned in Clauses 1, 2, 3, 4, 5, 6, 7 and 8 of Article 1 of this Regulation, the non-listed timbers and forest products shall be reported by the owners to the Ministry of Agriculture and Rural Development for timely handling.

10. The sale receipts including the value added receipt, sale receipt, receipt-cum-delivery bill, service receipt and other kinds of receipts and delivery bills used for internal transportation and other attestations, such as stamps, tickets with printed

paid prices (commonly called receipt) issued by the Ministry of Finance (the General Tax Department) or accepted in writing by the Ministry of Finance (the General Tax Department) for the organizations or individuals to print by themselves.

11. Customs declaration is the declaration certified by the Customs Office that the goods have gone through the Customs procedures as prescribed by law.

Article 2.- All organizations and individuals engaged in the transportation, production and business of timber and forest products must seriously carry out this Regulation and submit to the supervision and inspection of the rangership agency.

Article 3.- The directors of the Agriculture and Rural Development Service, the heads of the rangership agency of the provinces and centrally-run cities shall have to popularize and guide the organizations and individuals (called goods owner for short) to carry out the transportation, production and business of timber and forest products in strict accordance with this Regulation. At the same time they shall have to coordinate with the specialized agencies and the local administration at various levels to carry out Decision No. 245/1998/QĐ-TTg of December 21, 1998 of the Prime Minister on fulfilling the responsibility of State management of all echelons with regard to forests and forest land.

Chapter II

ATTESTATIONS FOR THE TRANSPORTATION, PRODUCTION AND BUSINESS OF TIMBER AND FOREST PRODUCTS

Article 4.- Attestations for the transportation of material timber shall conform with Clause 1, Article 1 and for the transportation of products processed from material timber shall conform with Clause 5, Article 1:

1. With regard to the transportation of material timber under Clause 1, Article 1:

a/ Transportation attestations include:

- Receipt of sale (only one of the types of receipts prescribed in Clause 10, Article 1 is required).

- Summarized history of the timber attached to the timber which has been marked with the ranger

hammer indentation.

b/ In case the material timber has been submitted to the forest control station for inspection and brought into the processing workshop, there is no need of new hammer indentation by the Rangership Service, but must be certificated by the local Forest Control Sector.

c/ In case the material timber does not reach the standard for indentation hammering by the Rangership Service, the goods owner must produce the certificate of the local Rangership Sector that the timber is lawful.

d/ In the case of precious timbers and forest products belonging to Group IIA, when transported out of the province, they must have a special transportation permit issued by the local Rangership Sub-Department as prescribed in Article 11 of this Regulation.

2. For the transportation of processed products from material timber under Clause 5 of Article 1, the sale receipt is required.

For used carpentry articles no paper must be produced.

3. With regard to illegal timber and forest products which have been confiscated, they must have the following papers when transported:

a/ Receipt of proceeds from the sale of the forest products.

b/ If it is material timber already indented with the forest control hammer, they must have a summarized history of the timber attached with the timber indented with the forest control hammer. If the material timber has no forest control hammer indentation, it must be certified by the local Rangership Service in the summarized history of the timber.

c/ For rare and precious timber and forest products belonging of Group IIA when transported out of the province, they must have a special transportation permit issued by the local Rangership Service as prescribed in Article 11 of this Regulation.

Article 5.- Transportation permit for material timber from planted forests and products processed from planted forests shall conform with Clause 2, Article 1:

1. If it is used on the spot for household purpose, only a certificate of the nearest rangership agency or the local People's Committee of the commune or

township is necessary.

2. If it is used for commercial purpose, there must be:

a/ The certificate of the nearest rangership agency.

b/ Sale receipt (with regard to business organizations or individuals) or the purchase list (with regard to organizations and individuals who make the purchase among the population).

3. For the material timber which are trees with names coinciding with trees in natural forests, the transportation certificates shall conform with Clause 1, Article 4.

Article 6.- Certificates for the transportation of firewood shall conform with Clause 3, Article 1:

1. For firewood with legal origin from natural forests, the transportation certificate shall comprise: the sale receipt or the bill of purchase.

The shortening of timber to transform it into firewood is strictly forbidden.

2. For firewood of all kinds originating from planted forests, they are free to circulate, only the bill of purchase is necessary when transported.

Article 7.- Certificates for transportation of timber and forest products originating from imports shall conform with Clause 4 of Article 1, including:

a/ The customs declaration at the border gate.

b/ If the forest products are logs or sawn timber, they must have a summarized history and names supplied by the foreign country.

In case the logs must be shortened to conform with the means of transport, they must be hammer indented by the Vietnam Rangership Service attached with the written record of the indentation.

If the timber is resold to another enterprise, in addition to the above papers, there must be the purchase and sale contract attached to the sale receipt. If the timber is log or sawn timber, they must have excerpts from the original summarized history certified by the local Rangership Sector.

Article 8.- Certificates of transportation of timber products and forest products with legal origin for export:

1. With regard to timber products and forest products originating from natural forests in the country.

a/ Norms for consumption of raw material set by the goods owner who shall take responsibility before law for the practicality and accuracy of these norms.

b/ The quota of timber of natural forests for export of the enterprise.

c/ The foreign trade contract.

2. With regard to timber products and forest products originating from imports:

a/ The norms for consumption of raw materials proposed by the goods owner who shall take responsibility before law for the practicality and accuracy of this determination.

b/ The foreign trade sale-purchase contract.

3. With regard to timber products and forest products originating from planted forest, there need only the foreign trade buying and selling contract.

4. After completing Customs procedures, when transporting the timber products and forest products to the border gate for export, there must be a Customs declaration (original copy).

Article 9.- Certificates of transportation of other forest products and products from other forest products shall comply with Clause 6, Article 1:

In his exploitation and consumption activities, the forest owner needs only to notify the nearest rangership agency or the People's Committee of the local commune or township so that within 10 days he can be issued with a certificate that the products are legal and can be freely circulated on the market.

1. If the products are used locally, Clause 1, Article 5 shall apply.

2. If they are used for commercial purpose, Clause 2, Article 5 shall apply.

Article 10.- The permits for transportation of wild animals shall conform to Clause 8, Article 1.

1. For common wild animals there must be:

a/ The permit for hunting and catching common wild animals (original copy or copy of the original issued by the local Rangership Sector).

b/ Permit for transportation issued by the local Rangership Sector (according to the unified form).

2. For wild animals stipulated in Decree No. 18/ HDBT, there must be:

a/ A written permit of the Ministry of Agriculture and Rural Development.

b/ Special transportation permit issued by the local Sub-Department of Rangership.

3. For wild animals originating from strain multiplication or raising and breeding for development, there must be:

a/ Certification by the local Rangership Sub-Sector, for organizations and individuals engaged in raising, breeding and multiplication (original copy or copy of the original issued by the local Rangership Sector).

b/ Sale receipt (for business organizations and individuals) or purchase bill (for organizations and individuals purchasing from among the population).

c/ Permit of transportation issued by the Rangership Sector according to the unified form.

4. With regard to wild animals already confiscated, there must be:

a/ Receipt of proceeds from the sale of forest products.

b/ Transportation permit issued by the local Rangership Agency for common animals and special transportation permit issued by the local Rangership Sub-Sector for rare and precious animals.

Article 11.- Regulation on the issue of special transportation permit:

1. In the transportation of rare and precious forest plants belonging to Group IIA and rare and precious animals belonging to Group IIB under Clause 8, Article 1, there must be a special transportation permit.

2. The special transportation permit shall be issued and extended by the local Rangership Sub-Sector.

3. Procedures for issue of permit: The goods owner shall send an official dispatch or application for special transportation permit to the local Rangership Sub Sector, in which the following must be clarified: origin, volume, quantity, type of timber and forest products, place of departure, destination, time, means of transport attached to the original attestation of the origin of the timber and forest products.

After examination, if the Rangership Sub-Sector sees that the dossier and attestations are complete, it shall issue immediately the special transportation permit. If the dossier and papers are not complete, it shall direct the customer to complement them so that within 10 days at the latest (after reception of the

document or application of the goods owner), the latter is issued with the special transportation permit.

4. Management of special transportation permit: the special transportation permit shall be printed according to the unified form in the whole country. The Rangership Department shall have to print and issue the permits to the Rangership Sub-Departments which in turn have to manage the use of the permits and periodically report every quarter to the Rangership Department on the situation of the issue of the special transportation permits so that the latter can sum up and report to the Ministry of Agriculture and Rural Development.

Article 12.- For organizations and individuals using material timber and forest products in production and business:

1. When bringing material timber and forest products into the workshops the organizations and individuals shall have:

a/ To make entries of timber and forest products into the book issued by the rangership agency.

b/ To keep files on attestations of origin of material timber and forest products.

2. When signs of violation of the legislation on the management and protection of forests and management of forest products are detected, officials of the rangership agency have the right to make an inspection. Organizations and individuals must produce attestations of the legal origins of the material timber and forest products which are brought into production and business.

Chapter III

PROCEDURES OF INSPECTING AND CONTROLLING TIMBER AND FOREST PRODUCTS

Article 13.- The inspection and control of timber and forest products during transportation is stipulated as follows:

1. Responsibility of the goods owner and driver of transport means of timber and forest products:

a/ Arriving at the Sector or Station for Re-inspection of Forest Products, they must stop the means to produce the papers related to the origin of the timber and forest products.

b/ To carry out the requests for inspection and

control made by rangers on mission; to report in time to the competent agency if the ranger has any act at variance with prescriptions of law.

c/ To strictly abide by the handling decision of the competent agency.

2. Responsibility, powers and contents of inspection and control of the Forest Product Inspection Sector or Station:

a/ Responsibility and powers:

- To educate on and popularize the line and policies of the Party and the law of the State in the management and protection of forests and management of forest products.

- To put up the signboard of control of forest products on the road about 100 m before passage in both directions of the Sector or Station so that the goods or means owner can stop the transport means and submit to inspection.

- To put up a board with information on receipts and papers related to the transportation, production and business of timber and forest products.

- To provide stores and yards for temporary detention and preservation of forest products and take responsibility before law on the temporary detention of the goods.

- To organize a force operating round the clock, to assign leadership responsibility in timely settlement of affairs and a team on duty of inspection with at least two persons wearing forest ranger uniform with badges, insignias and service insignia.

- To record fully the date, time, quantity and volume of forest products allowed through the station, inspect quickly and accurately without causing disturbances to the customers. To seriously carry out the hand-over of duty between two shifts.

- To open a book to record the information from citizens about violations concerning the regulations on management of forests, protection of forests and management of forest products.

- If any violation is detected during inspection, a written record must be made for handling thereof according to prescriptions of law.

b/ Contents of inspection:

- To inspect the papers related to the timber and forest products.

- To inspect the timber and forest products on the means of transport and compare them to the attestations about the timber and forest products

listed in the papers produced.

- After inspection, if no violation is detected, the first rangership unit shall put the seal "already inspected" (with signature and name of the inspecting official) on the back of the transportation permit or transportation certificate. The rangership units in the next stations shall only record it into their diaries.

- In case the transportation exceeds the allowed volume or varies with the prescribed norms or the prescribed route, types and species, or in case of newly detected violation after the first line station has made the inspection, the rangership unit and the ranger in the next line shall draw up a report and handle the case in conformity with the character and extent of the violation, then notify in writing to the provincial rangership agency managing the unit and personnel of forest control in the first line and also to the Rangership Department.

- In all cases of violation, the owner of the forest products and the driver of the transport means must be identified. If the owner of the forest products cannot be identified and the driver of the transport means does not have evidences to prove that he is only inadvertently hired to transport the goods, he shall be regarded as owner of the forest products.

3. Rangers on duty have the right to inspect at the railway station or airport the timber and forest products allowed to be transported by rail or by air, and the owner of the goods must produce the papers related to the timber and forest products.

Article 14.- The inspection and control of material timber and forest products at production and business establishments is stipulated as follows:

1. When detecting signs of violation of the legislation on the management and protection of forests and management of forest products, the rangers can make on-site inspection in the agency, workshop or unit and private home according to the prescriptions of law. If an inspection team is formed, there must be a written decision of the leadership of the Rangership Sub-Department or the leadership of the Rangership Sector.

Contents of inspection:

a/ To inspect the permit to process timber and forest products.

b/ To inspect the entries in the book of reception

of timber and forest products of the enterprise.

c/ To inspect and compare with the dossier and papers on the origin of the material timber and forest products brought into production and business.

d/ During the inspection, if a violation is detected, it must be recorded in writing and handled according to prescriptions of law.

The inspection must be speedy, quick, accurate and must cause no disturbances to the establishment.

2. For its part, the production and/or business establishment must:

- Produce the dossiers and papers as stipulated in Clause 1 of this Article.

- To strictly abide by the decision on handling of the competent agency.

Article 15.- The inspection and control of timber and forest products outside the Forest Product Re-Inspection Sector or Station is stipulated as follows:

1. Rangers on duty can stop the transport means to inspect timber and forest products only when there are grounds that this transport means illegally conceals timber and forest products.

They must use signal banner, signal board and signal light to stop the means and take responsibility before law for their decision.

2. It is strictly forbidden to arbitrarily stop the transport means in circulation to inspect and control timber and forest products.

3. Instruments used to send the signal to stop the means of transport:

- Whistle blown by mouth.

- Signal banner: the triangular banner of the Rangership Service.

- Signal light: electric torch or hurricane lamp

- Signal board: circular and refracting according to the unified model.

4. Contents of inspection according to Point b, Clause 2, Article 13 of this Regulation.

5. The goods owner and the driver of the means must:

a/ Strictly obey the signal of the forest control personnel to stop the means of transport.

b/ Produce the dossiers and papers related to the origin of the timber and forest products.

c/ Report speedily to the competent State agency if the rangers has any act at variance with prescriptions of law.

Article 16.- Method of measuring and counting timber and forest products during inspection and control:

When inspecting or controlling forest products, if he detects a violation, the rangers shall proceed to measuring and counting the timber and forest products and inform the driver of the means of transport or the owner of the timber or forest products of the method of measurement and counting.

a/ With regard to logs: to measure the average diameter (or circumference) at both ends or in the medium section of the trunk, including the outer layer and core (unit: cm), the length of the tree trunk or the section of practical use (unit: meter) plus two odd figures in order to calculate the volume of the timber (in cubic meter).

b/ With regard to sawn timber and hewn timber: real measurement and counting of each box, log, plank and hewn timber by three dimensions (in cm), width (cm), length (m) plus two odd figures to calculate the volume of timber (in cubic meter).

c/ With regard to sawn timber of various kinds and of the small and short type to check the number of timber stakes as stated in the transport receipt.

d/ With regard to timber split in two and in four: on the basis of the split timber to determine the average diameter of the tree, hence to calculate the total volume of the split timber. If the timber is split in two or in four, the total volume of the timber shall be divided by two or by four and after that to calculate the volume of each kind of timber (in cubic meter of log).

e/ With regard to the timber of mangrove and cajeput, calculation shall be made by tree, post, section or length.

f/ With regard to firewood, calculation shall be made in single stere and double stere, ton and one hundred kilos.

g/ With regard to other forest products, depending on each concrete type to measure and count their volume, quantity or weight according to the transport receipt.

The permissible error in the measurement and counting of timber in term of volume: for logs of all

types it is $\pm 10\%$, for sawn timber it is $\pm 5\%$.

In case of defective timber such as hollow, rotten inside or outside, the defect can be accounted for in the measurement and counting.

Chapter IV

COMMENDATIONS AND DISCIPLINE

Article 17.- Organizations and individuals that carry well this Regulation and record meritorious achievements shall be commended and rewarded. In case of violation, they shall be sanctioned administratively or examined for penal liability as prescribed by law.

Article 18.- Rangers with good achievements shall be commended. If they misuse their positions and powers and fail to accomplish or act at variance with this Regulation, they shall be disciplined, sanctioned administratively or examined for penal liability as prescribed by law.

In the process of implementation, any question that arises must be reported to the Ministry of Agriculture and Rural Development for timely examination, amendment or supplementation.

*For the Minister of Agriculture and
Rural Development
Vice Minister
NGUYEN VAN DANG*