

2003/ND-CP of July 18, 2003, defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development;

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

DECIDES:

Article 1.- To issue together with this Decision the Regulation on inspection and control of forest products.

Article 2.- This Decision takes effect 15 days after its publication in "CONG BAO," replaces the Agriculture and Rural Development Minister's Decision No. 47/1999/QD-BNN-KL of March 12, 1999, on the Regulation on inspection of the transportation, production and business of timber and forest products, and annuls the provisions of Item a, Point 1.4, Clause 1, Chapter II of the Agriculture and Rural Development Ministry's Circular No. 62/2001/TT-BNN of June 5, 2001, guiding the import and export of goods subject to the specialized agricultural management under the Prime Minister's Decision No. 46/2001/QD-TTg of April 4, 2001, on the management of goods import and export in the 2001-2005 period.

Article 3.- The director of the Office, heads of concerned departments, and institutes and schools, directors of provincial/municipal Agriculture and Rural Development Services, directors of Forest Ranger Sub-Departments, and concerned organizations and individuals carrying out related activities shall have to implement this Decision.

THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

DECISION No. 59/2005/QD-BNN OF OCTOBER 10, 2005, PROMULGATING THE REGULATION ON INSPECTION AND CONTROL OF FOREST PRODUCTS

THE MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT

Pursuant to the 2004 Law on Protection and Development of Forests;

Pursuant to the Government's Decree No. 86/

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

REGULATION ON INSPECTION AND CONTROL OF FOREST PRODUCTS

(Issued together with the Agriculture and Rural Development Minister's Decision No. 59/2005/QĐ-BNN of October 10, 2005)

Chapter I

GENERAL PROVISIONS

Article 1.- Governing scope

This Regulation provides for the order for inspection and control of, and papers required for, the transportation, storage, and processing of forest products in the territory of the Socialist Republic of Vietnam.

Article 2.- Scope of application

This Regulation shall apply to domestic organizations, communities, households and individuals and foreign organizations and individuals carrying out activities related to the inspection and control of the transportation, storage, and processing of forest products.

Article 3.- Interpretation of terms

1. Finished woodworks are assorted products processed from timber and completely assembled according to their utilities, or unassembled details of finished products, which, after being assembled, may be ready for use according to their utilities.

2. Unfinished woodworks are semi-finished products processed from timber or details thereof, which, however, cannot be assembled into finished products according their utilities.

3. Local forest ranger offices are district-level

forest ranger offices under provincial-level Forest Ranger Sub-Departments.

Article 4.- Forest products not subject to inspection of transportation, storage and processing

1. Forest plants and products thereof (except for timber) which are not of endangered, precious and rare species, and other waste materials of timber or forest products left after processing.

2. Finished woodworks.

3. Assorted artificial, fiber and particle boards processed from forest products.

Article 5.- Special transport permits

1. For forest plants (except for timber) and forest animals of endangered, precious and rare species according to current regulations on the management regime and the lists of endangered, precious and rare forest plants and animals and products thereof, which are not specified in Article 4 of this Decision and are of domestic origin, when being transported out of provinces, a special transport permit shall be required.

2. Papers required for the grant of special transport permits:

a/ Applications for special transport permits, sent to the Forest Ranger Sub-Departments of the provinces or centrally-run cities where exist forest products, clearly stating the full names and addresses of the forest product owners, places of departure and destination; transportation purposes, categories, origin, volume and quantity of forest products;

b/ Documents proving the origin of endangered,

precious and rare forest products for which transport permits are applied.

3. Forest Ranger Sub-Departments of provinces or centrally-run cities where exist forest products shall consider and grant special transport permits to forest product owners within five days after receiving complete dossiers or notify forest product owners of the reasons why they refuse to grant special transport permits.

4. Management of special transport permits:

a/ The Forest Ranger Department shall print, distribute and guide the management and use of special transport permits nationwide.

b/ Directors of Forest Ranger Sub-Departments shall organize the grant of special transport permits according to the provisions of Clause 1, Clause 2 and Clause 3 of this Article, and biannually, report on the grant of permits to the Forest Ranger Department.

Article 6.- Methods of measuring and calculating the volume of logs and sawn timber

The methods of measuring and calculating the volume of logs and sawn timber shall comply with the Agriculture and Rural Development Ministry's regulations on the management and use of tree-marking hammers and forest ranger hammers.

Small stocks and logs having their bigger end of under 25 cm in diameter can be measured or calculated in the volume unit of stère, then converted into cubic meter at the rate of 1 stère equal to between 0.5m³ and 0.7m³, depending on each type of stock or log. Forest product owners shall determine this rate by themselves and bear responsibility therefor before law.

Chapter II

PAPERS REQUIRED FOR THE TRANSPORTATION, STORAGE AND PROCESSING OF FOREST PRODUCTS

Article 7.- Papers required for the transportation, storage and processing of logs, sawn timber and hewn timber exploited from domestic natural forests

1. For timber exploited from natural forests which are assigned or leased by the State to organizations:

a/ Sale invoices, according to regulations of the Ministry of Finance. For internal transportation, ex-warehousing-cum-internal transportation bills, made by organizations, are also required;

b/ Timber records, made by organizations.

Timber must have forest ranger hammer marks under the Agriculture and Rural Development Ministry's regulations and be compatible with its record. For timber ineligible for being so marked, inspection records of the forest ranger offices of the localities where exists timber are also required.

2. For timber exploited from natural forests assigned or leased by the State to communities, households or individuals:

Timber records shall be made by communities, households or individuals. Local forest ranger offices shall guide and advise the People's Committees of communes, wards or townships (hereinafter referred collectively to as the People's Committees of communes) where exists timber to give certification in such records.

Timber must have forest ranger hammer marks under the Agriculture and Rural Development

Ministry's regulations and be compatible with its record.

Article 8.- Papers required for the transportation and storage of logs, sawn timber and hewn timber exploited from planted forests, gardens or dispersedly planted trees

1. For organizations:

a/ Sale invoices, according to the Finance Ministry's regulations. For internal transportation, ex-warehousing-cum-internal transportation bills, made by organizations, are also required.

b/ Timber records or lists, made by organizations.

Timber must have forest ranger hammer marks under the Agriculture and Rural Development Ministry's regulations and be compatible with its record. For timber ineligible for being so marked, there must be a list thereof. Local forest ranger offices shall guide and advise the People's Committees of communes where exists timber to give certification.

c/ For organizations purchasing timber from many households, families or individuals, they must have timber records or lists. Local forest ranger offices shall guide and advise the People's Committees of communes where exists timber to give certification.

2. For timber of communities, households and individuals:

There must be timber records or lists, made by communities, households or individuals. Local forest ranger offices shall guide and advise the People's Committees of communes where timber is exploited to give certification.

Article 9.- Papers required for the transportation of imported logs and sawn timber

1. For organizations and individuals that directly import timber:

a/ Imports declarations, certified by competent Vietnamese customs agencies as having completed customs procedures;

b/ Timber records or lists, made by exporting countries, stating the scientific Latin names of timber. In cases where the exporting countries do not provide this information, importing organizations or individuals shall have to give additional information and bear responsibility for its accuracy.

Where a batch of imported timber is transported in several consignments, importing organizations or individuals shall have to make a timber record or list, extracted from the original record or list, for each consignment and copies of the customs declarations of imports, certified by importing organizations or individuals themselves.

c/ Timber must have forest ranger hammer marks of the exporting countries or of Vietnam according to the Agriculture and Rural Development Ministry's regulations on the management and use of forest ranger hammers.

2. For organizations and individuals purchasing timber from importing organizations and individuals

a/ Sale invoices, according to the Finance Ministry's regulations.

b/ Records or lists of imported timber (the originals). If they do not purchase a whole batch of imported timber, timber records or lists, extracted by purchasing organizations or individuals from the original records or lists and certified by local forest ranger office, are required.

Article 10.- Papers required for the transportation and storage of forest plants of endangered, precious and rare species and

unfinished products thereof (except for timber)

1. For organizations:

a/ Sale invoices, according to the Finance Ministry's regulations. For internal transportation, ex-warehousing-cum-internal transportation bills, made by organizations, are also required;

b/ Certification of local forest ranger office;

c/ Special transport permits specified in Article 5 of this Regulation.

2. For communities, households and individuals:

a/ Lists of forest plants and unfinished products thereof, made by communities, households or individuals. Local forest ranger offices shall guide and advise the People's Committees of communes where exist forest plants and products thereof to give certification;

b/ Special transport permits specified in Article 5 of this Regulation.

Article 11.- Papers required for the transportation and storage of sawn timber being products of timber-processing establishments, and unfinished woodworks

1. For organizations:

a/ Sale invoices, according to the Finance Ministry's regulations. For internal transportation, ex-warehousing-cum-internal transportation bills are also required.

b/ Sawn timber records or lists, made by organizations.

2. For communities, households and individuals:

Sawn timber records or lists, made by communities, households or individuals. Local forest ranger offices shall guide and advise the

People's Committees of communes where exist sawn timber and unfinished woodworks to give certification.

Article 12.- Papers required for the transportation and storage of forest animals hunted or reared in Vietnam and products thereof

1. For organizations:

a/ Sale invoices, according to the Finance Ministry's regulations. For internal transportation, ex-warehousing-cum-internal transportation bills are also required.

b/ Lists of forest animals or lists of products thereof, made by organizations;

c/ Certification of local forest ranger office.

2. For communities, households and individuals:

Lists of forest animals or lists of products thereof shall be made by communities, households or individuals and certified by forest ranger offices of the localities where exist forest animals or products thereof.

3. Apart from the papers defined in Clause 1 and Clause 2 of this Article, when transporting forest animals of endangered, precious and rare species and products thereof, special transport permits specified in Article 5 of this Regulation are also required.

Article 13.- Papers required for the transportation and storage of imported and transited forest animals and products thereof

1. Import goods declarations, certified by Vietnamese customs offices at the importing border-gates as having completed customs procedures;

2. Lists of forest animals and products thereof, made by exporting countries, stating the scientific Latin names of animals;

3. For imported forest animals and products thereof which are governed under the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), apart from the papers specified in Clause 1 and Clause 2, this Article, CITES permits or certificates are also required according to current regulations.

4. If organizations or individuals purchase forest animals from importing organizations or individuals, the following papers are required:

a/ Sale invoices, according to regulations of the Ministry of Finance;

b/ Lists of imported forest animals and products thereof, made by importing organizations or individuals and certified by local forest ranger office.

Article 14.- Papers required for the transportation and storage of forest products seized and confiscated to state funds

1. For timber:

a/ Sale invoices, according to the Finance Ministry's regulations;

b/ Timber records or lists, made by the sellers;

Timber must have forest ranger hammer marks under the Agriculture and Rural Development Ministry's regulations on the management and use of forest ranger hammers and be compatible with its record.

2. For forest animals:

a/ Sale invoices, according to the Finance Ministry's regulations;

b/ Lists of forest animals or products thereof,

made by the sellers;

c/ Special transport permits specified in Article 5 of this Regulations, for animals of endangered, precious and rare species.

3. For forest plants of endangered, precious or rare species and products thereof (except for timber):

a/ Sale invoices, according to the Finance Ministry's regulations;

b/ Lists of forest plants (except for timber) or products thereof, made by the sellers;

c/ Special transport permits specified in Article 5 of this Regulation, for forest plants (except for timber) of endangered, precious and rare species.

4. For unfinished woodworks:

a/ Sale invoices, according to the Finance Ministry's regulations;

b/ Lists of unfinished woodworks, made by the sellers.

Article 15.- Papers required for the processing of timber and forest animals

1. For establishments processing timber or forest animals:

a/ Business registration certificates issued by competent state agencies, stating their functions of processing timber or forest animals;

b/ Registers for monitoring the reception and delivery of timber, forest animals or raw materials originating from forest animals, made according to forms guided by local forest ranger office.

2. For timber and forest animals at processing establishments or raw materials originating from forest animals:

Dossiers on the origin of timber, forest animals

or raw material originating from forest animals according to the provisions of this Regulation. Within one day after such goods are brought into processing establishments, owners of processing establishments must make full entries into the reception- and delivery-monitoring registers.

Chapter III

ORDER OF FOREST PRODUCT INSPECTION AND CONTROL

Article 16.- Inspection and control of forest products being carried on roads or waterways

1. For forest ranger offices:

a/ When forest products are being transported, forest rangers may stop road or waterway means of transport for inspection and control of forest products only if they have grounds to believe that illicit forest products are carried onboard. Information considered grounds for stopping means of transport includes information in all forms supplied by organizations and individuals. Organizations and individuals that inform the illegal transportation of forest products must provide their full names, addresses, working offices or telephone numbers.

b/ When giving an order to stop means of transport for inspection, there must be at least 02 forest rangers. Forest rangers on duty must wear ranger uniforms, shoulder-straps, insignias and badges according to regulations. It is permitted to use one or many of the following instruments to give an order to stop means of transport: whistles, forest ranger flags, torches (when it is dark). Those who command the stopping of means of transport must bear responsibility before law for their decisions.

c/ Inspection contents:

- To inspect dossiers of forest products according to this Regulations;
- To inspect on a probability basis at most 30% of forest products carried on means of transport.

If detecting any sign of violating state regulations, forest rangers on duty must make written records on administrative violations for continued inspection, investigation and handling according to the provisions of law.

d/ It is not allowed to install barriers on roads to stop means of transport for the purpose of forest product control.

2. For organizations and individuals transporting forest products:

a/ To strictly obey forest rangers' signal to stop their means of transport.

b/ To produce to inspectors documents proving the origin of forest products carried on their means of transport according to the provisions of this Regulation and other documents as provided for by law.

Article 17.- Inspection of timber-processing establishments and forest product-storing places

1. Inspection of timber-processing establishments

a/ Forest rangers may inspect timber-processing establishments only after obtaining papers of recommendation of heads of competent forest ranger offices, except for cases where timber-processing establishments are caught while committing law-breaking acts. When carrying out inspection, forest rangers must wear ranger uniforms, shoulder-straps, insignias and badges according to regulations.

b/ Owners of timber-processing establishments must comply with the inspection requests of forest rangers who are assigned to carry out the inspection; produce papers related on the processing of timber specified in Article 15 of this Regulation; if committing violations, they must abide by the handing decisions of competent agencies.

c/ Inspection contents: To check papers relating to the processing of timber specified in Article 15 of this Regulation; to check the making of entries into timber reception and delivery registers by owners of timber-processing establishments; and to inspect forest products. Upon the inspection, if detecting any sign of violating state regulations, forest rangers shall have to make written records on administrative violations for continued inspection, investigation and handling according to the provisions of law.

2. Inspection of forest product-storing places other than those specified in Clause 1, this Article, including stations and ports

a/ Forest rangers shall carry out the inspection only if they have grounds to believe that illicit forest products are stored in such places. All inspections of forest product-storing places must be recorded in writing and conducted in the prescribed inspection order and procedures. When inspecting forest product-storing places, there must be at least 02 forest rangers, who must wear forest ranger uniforms, shoulder straps, insignias and badges according to regulations.

b/ Owners of forest product-storing places and owners of forest products must abide by the request of forest rangers on duty; produce documents proving the origin of the stored forest products according to the provisions of this Regulation and other documents as provided for by law.

c/ Inspection contents:

- To inspect documents proving the origin of stored forest products according to the provisions of this Regulations;

- To inspect the actual conditions of stored forest products.

Upon the inspection, if detecting any sign of violating state regulations, rangers must make written records on such violation for continued inspection, investigation and handling according to the provisions of law.

Article 18.- Complaints and denunciations

Organizations or individuals that detect illegal acts committed by organizations and individuals competent to inspect and control forest products may lodge complaints or denunciations according to current provisions of law.

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