

Agriculture and Rural Development;

Pursuant to the National Assembly Standing Committee's Ordinance No. 16/PL-UBTVQH11 of March 24, 2004, on domestic animal breeds;

At the proposal of the directors of the Animal Husbandry Department and the Science and Technology Department,

DECIDES:

Article 1.- To promulgate together with this Decision the Regulation on international exchange of gene sources of precious and rare domestic animals.

Article 2.- This Decision takes effect 15 days after its publication in "CONG BAO."

Article 3.- The directors of the Office; the Animal Husbandry Department; the Science and Technology Department; and provincial/municipal Agriculture and Rural Development Services, and heads of relevant agencies shall have to implement this Decision.

**For the Minister of
Agriculture and Rural Development
Vice Minister
BUI BA BONG**

DECISION No. 43/2006/QĐ-BNN OF JUNE 1, 2006, PROMULGATING THE REGULATION ON INTERNATIONAL EXCHANGE OF GENE SOURCES OF PRECIOUS AND RARE DOMESTIC ANIMALS

THE MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT

Pursuant to the Government's Decree No. 86/2003/ND-CP of July 18, 2003, defining the functions, tasks, powers and organizational structure of the Ministry of

REGULATION ON INTERNATIONAL EXCHANGE OF GENE SOURCES OF PRECIOUS AND RARE DOMESTIC ANIMALS

(Promulgated together with the Agriculture and Rural Development Minister's Decision No. 43/2006/QĐ-BNN of June 1, 2006)

Article 1.- Scope of regulation

This Regulation provides for international exchange of gene sources of precious and rare domestic animals for scientific research purposes and does not cover the import of commercial breeds. The international exchange of gene sources of precious and rare domestic animals shall be closely associated with the tasks of preservation of genetic natural resources with specific international cooperation contents which are assigned to the exchangers.

Article 2.- Subjects of application

This Regulation applies to Vietnamese and foreign individuals and organizations operating in the domain of international exchange of gene sources of precious and rare domestic animals in the territory of Vietnam.

In case treaties to which the Socialist Republic of Vietnam has signed or acceded stipulate differently from this Regulation, the treaties shall be applied.

Article 3.- Gene sources of precious and rare domestic animals

Gene sources of precious and rare domestic animals are complete living creatures or their living parts (sperm, germ, ovicell, animal tissue and DNA stretch) which bear genetic information and are capable of creating or participating in the creation of new animal breeds.

Article 4.- Purposes of the Regulation on international exchange of gene sources of precious and rare domestic animals

1. Setting legal bases for state management of international cooperation on the country's gene sources of precious and rare domestic animals to be preserved.

2. Cooperation in international exchange of gene sources of precious and rare domestic animals shall be conducted on the basis of equality, mutual benefit, prevention of loss of gene sources of precious and

rare domestic animals, protection and enrichment of biodiversity, supply of breeds for agricultural production and genetic materials for scientific research, and selection and production of domestic animal breeds in Vietnam.

Article 5.- Management and preservation of gene sources of precious and rare domestic animals

1. The Agriculture and Rural Development Minister shall assign the Animal Husbandry Department to perform state management of the international exchange of gene sources of precious and rare domestic animals.

2. When having demand, the exchanger shall have to apply for permission for international exchange of gene sources of precious and rare domestic animals. Application dossiers shall each consist of:

a/ An application for permission to export or import gene sources of precious and rare domestic animals;

b/ Records of gene sources of precious and rare domestic animals to be exchanged;

c/ Documents concerning the export or import of gene sources of precious and rare domestic animals (research cooperation projects, research contracts);

The director of the Animal Husbandry Department shall have to submit to the Minister for consideration and grant of permits for exchange of gene sources of precious and rare domestic animals within 5 working days from the date the Animal Husbandry Department receives valid dossiers.

3. Organizations and individuals that need to internationally exchange gene sources of precious and rare domestic animals shall have to comply with regulations of the Socialist Republic of Vietnam on animal health, animal quarantine, food hygiene safety and environmental sanitation.

Article 6.- Principles for exchange of gene sources of precious and rare domestic animals

The supply of gene sources of domestic animals to a foreign partner shall abide by the following principles:

1. At the Vietnamese party's request, the foreign party shall have to supply in return gene sources of precious and rare domestic animals which the Vietnamese party has supplied earlier;
2. The foreign party shall have to provide the Vietnamese party with data on the assessment and use of gene sources of precious and rare domestic animals which the Vietnamese party has supplied;
3. The foreign party may supply gene sources of precious and rare domestic animals to a third party only if it receives written agreement from the Vietnamese party;
4. When the foreign party uses gene sources of precious and rare domestic animals supplied by, and under the copyright of, the Vietnamese party for production or creation of new breeds, the Vietnamese party shall enjoy the copyright according to international conventions to which the countries of the two parties are members.

Article 7.- Implementation provisions

The director of the Animal Husbandry Department and directors of provincial/municipal Agriculture and Rural Development Services shall, within the scope of their respective functions, tasks and competence, have to guide the implementation of this Regulation.

In the course of implementation, provincial/municipal Agriculture and Rural Development Services should promptly send reports on arising problems to the Ministry of Agriculture and Rural Development for prompt consideration, amendment and supplementation.

***For the Minister of
Agriculture and Rural Development
Vice Minister
BUI BA BONG***