GOVERNMENT DECREE
ON MANAGEMENT OF EXPORT, IMPORT, RE-EXPORT AND INTRODUCTION FROM THE SEA, TRANSIT, BREEDING, REARING AND ARTIFICIAL PROPAGATION OF RARE, ENDANGERED AND PRECIOUS WILD ANIMALS AND PLANTS

THE GOVERNMENT

Pursuant to the Law on Organization of the Government, of the year 2001;
Pursuant to the Law on Aquatic products, of the year 2003;
Pursuant to the Law on Protection and Development of Forests, of the year 2004;

At the request of the Minister of Agriculture and Rural Development

DECREE

Chapter I

GENERAL STIPULATIONS

Article 1. Range and subject of application

1. Range of application

This Decree provides detailed stipulations on export, import, re-export, introduction from the sea, transit, breeding, rearing and artificial propagation of rare, endangered and precious wild animals and plants (including cross-bred species) comprised of:


b) Specimens of wild animals and plants in compliance with the laws of Vietnam.

2. Subject of application

The Decree is applicable to State agencies, organizations, households and individuals inside the country; organizations and individuals from abroad that are related to activities of exporting, importing, re-exporting, introducing from the sea, transiting, breeding, rearing, and artificial propagation of rare, endangered, and precious wild animals and plants within the nation.

In the case that the international treaties to which the Socialist Republic of Vietnam is a signatory have different regulations from the decree, the regulations of the treaties will be applied.

Article 2. Terminology interpretation

In the decree, the following terminologies are understood as follows:

1- SPECIES includes a species, a sub-species or a geographically separated population thereof.
2- CROSS-BRED SPECIES means the offspring of copulation or insemination between two species or two sub-species.

3- CITES PERMIT, CITES CERTIFICATION are papers granted by CITES for import, export, re-export, and introduction from the sea the specimens of animals and plants, which are regulated in its Appendixes.

4- Specimens of rare, endangered and precious wild animals and plants granted from the Vietnam CITES Management Authority shall only be undertaken with permits for export by the Laws of Vietnam not by Appendixes of CITES.

5- CITES APPENDIXES include:

a) CITES APPENDIX I is a list of species of wild animals and plants that are threatened with extinction and are prohibited from export, import, re-export, introduction from the sea and transit of the specimens from the wild for commercial purpose.

b) CITES APPENDIX II is a list of species of wild animals and plants that, at present, are not threatened by extinction but may become so if exports, imports, re-exports, introductions from the sea and transits of their specimens from the wild for commercial purpose are not strictly regulated; and

c) CITES APPENDIX III is a list of species of wild animals and plants that a CITES Party state has requested cooperation in controlling imports and exports and re-exports of, from other CITES Party states.

6- RARE AND PRECIOUS SPECIES regulated by the laws of Vietnam include:

a) GROUP I includes species that have special or high scientific, environmental or economic values, and whose population in the wild are very limited, being on the critical edge of extinction. These species are prohibited from being exploited and used for commercial purpose.

b) GROUP II includes wild animal and plant species that have scientific, environmental or economic values, and whose population in the wild are very limited and are on the edge of extinction. These species are restricted from being exploited and used for commercial purpose.

7- SPECIMEN of wild animals and plants (hereinafter called SPECIMEN) means alive or dead individual animals or plants, or any parts or derivatives that demonstrate that they originated from wild animals and plants.

8- COMMERCIAL PURPOSE means any exchange of goods and services as well as trade promotion activities that involves the taking of any specimens of wild animals and plants for gaining benefit.

9- NON COMMERCIAL PURPOSE means any exchange activity or transporting service of specimens of wild animals and plants for purposes that are for diplomacy, scientific research, or exchange between zoological and botanic gardens; non-commercial exhibitions, non-profit circus performances; or exchange or return of specimens between CITES Management Authorities from different countries.

10- INTRODUCTION FROM THE SEA means any activities to bring specimens of wild animals and plants listed in CITES appendices that are taken from a marine environment not under the jurisdiction of any state.

11- RE-EXPORT OF SPECIMENS means the export of any specimens that have previously been imported into the country.

12- CONTROLLED ENVIRONMENT means an environment that is managed by humans for the purpose of selectively producing specimens of pure-bred or cross-bred species of wild
animals or plants in order to prevent the animals, plants, egg, gamete, zygote, seeds, germ, genes or diseases from entering or leaving that environment.

13- REARING OPERATION means the place where young wild animals from the wild or their eggs are reared and incubated in a controlled environment.

14- CAPTIVE BREEDING ENVIRONMENT means the place where specimens of wild animals are bred to produce a next generation of offspring in a controlled environment.

15- ARTIFICIAL PROPAGATION OPERATION means place, where specimens of plants taken from the wild are grown by humans from seeds, zygotes, germs, cuttings, or other method in a controlled environment.

16- REPRODUCTIVE ROOT means the reproduction of a new generation from a primary animal individual. The exploitation of the reproductive root should not affect the species existence in the wild.

17- F1 are offspring of specimens born in a controlled environment in which the mother or the father is exploited from the wild or a zygote formed from the wild.

18- F2, or individuals of the next generation are offspring born in a controlled environment by a parent couple born in a control environment.

19- INDIVIDUAL OR HOUSEHOLD TOOLS originated from wild animals and plants are specimens that belong to the legal individual or household effects.

20- SOUVERNIR SPECIMENS are specimens that belong to individuals or households that are procured outside the permanent country of the specimens’ owner. Live specimens cannot be called souvenirs.

21- HUNTING SPECIMENS are specimens gained from illegal hunting activities.

22- PRE-CONVENTION SPECIMENS are specimens recorded in the Appendixes of the CITES Convention that had been obtained before being put in the Appendixes. One of the following must pre-date the addition to the CITES Appendixes:
   a) The specimens are taken out of their own living place.
   b) The specimens are born in a controlled environment.
   c) The owner has the legal ownership over the specimens.

23- PARTY STATE means those countries where CITES regulations are in effect.

CHAPTER TWO

STIPULATIONS ON EXPORTS, IMPORTS, RE-EXPORT AND INTRODUCTIONS FROM THE SEA OF SPECIMENS OF WILD ANIMALS AND PLANTS

Article 3. Regulations on conditions for exports, imports, re-exports and introductions from the sea of wild animals and plants listed in CITES Appendixes.

1- Exports, imports, re-exports and introductions from the sea of specimens listed in CITES Appendix I for commercial purposes are prohibited.

2- CITES permit and certificate regulated in terms No. 1, 2, 3 of Article 15 in this Decree are required for
   a) Import, export, or re-export of specimens regulated in Appendix I of CITES for a non-commercial purpose, specimens regulated in Appendix II and III of CITES, and pre-convention specimens.
   b) Introduction from the sea of specimens regulated in Appendix I of CITES for non-commercial purpose, and of specimens regulated in Appendix II of CITES.

3- Specimens which belong to individuals and households are exempted from CITES permit and certificate once the following conditions are satisfied:
   a) Specimens are used for non-commercial purpose.
b) Specimens are carried while moving between countries as personal property or household utensil.

c) The number of specimens does not exceed the regulation of CITES, which are applicable to some wild animals and plants.

**Article 4: Regulations on conditions for the exports, imports, re-exports of specimens of captive breeding, rearing and cross-breeding operation regulated in Appendixes of CITES**

1- CITES permit and certificate are required as regulated in terms No. 1, 2, 3 of Article 15 in this Decree for exporting, importing and re-exporting specimens regulated in Appendixes of CITES that are originated from breeding, rearing and cross-breeding.

2- Export of specimens regulated in Appendix I of CITES that are originated from breeding, rearing and cross-breeding shall require the following conditions:
   a) Specimens of animals from F2 generation onwards, bred in farms that registered in term No. 1 of Article 11 in this Decree
   b) Specimens of wild plants from artificial propagation operations registered in term No.1, Article 11 of this Decree.
   c) Specimens need to be marked under CITES Vietnam guidance.

3 - Exports of specimens originated listed in Appendix II and III of CITES and originated from captive breeding, rearing and artificial propagation operations shall require the satisfaction of one the following conditions:
   a) For animals resulting from captive breeding: Specimens of animals are from the F1 generation onwards, born in registered farms as regulated in term No.2 of this Decree.
   b) For animals reared on farms: Specimens are from registered rearing farms as regulated in term No.2 of Article 11 in this Decree.
   c) For artificial plant specimens: Plant specimens from artificial propagation operations registered in the second term of Article 11 in this Decree.

**Article 5. Regulations on conditions for export of rare, endangered and precious specimens from the wild as regulated by the laws of Vietnam and not listed in Appendixes of CITES**

1- Exports for commercial purpose of endangered, rare and precious wildlife specimens and of Group I specimens, regulated by the laws of Vietnam on management of wild animals and plants, is forbidden.

2- Export permit needs to be obtained for export of rare, endangered and precious wildlife specimens for non-commercial purpose in accordance with term No. 4 of Article 15 in this Decree; of rare, endangered and precious wild plant specimens of Group I-A for non-commercial purpose; of specimens (except wood) of rare, endangered and precious wild plants of Group II-A.

3- Exports of wood products shall follow the Decision No.12/2006/ND-CP dated January 23, 2006 on the implementation of Trade Law on purchasing and selling international goods and authorizing activities on purchasing, selling, processing and transiting of goods to a foreign country.

**Article 6: Regulations on conditions on export of rare, endangered and precious specimens that are listed the laws of Vietnam and that originated from rearing and artificial propagation operations, regulated under CITES.**

1. Exports of rare, endangered and precious specimens that are protected under the law of Vietnam and that originate from breeding, rearing and artificial propagation shall only be undertaken with permits regulated in term No.4 of Article 15 in this Decree.

2. Exports of rare, endangered and precious specimens listed in Group I under the regulation of the laws of Vietnam, which originated from breeding, rearing and artificial propagation shall require satisfaction of the following conditions:
a) Specimens are of F2 generation onwards born in captive farms and regulated in term No.2 of Article 12 in this Decree.
b) Specimens are wild plant from artificial propagation registered in term No.3 of Article 12 in this Decree.
c) Specimens shall be required to be marked under the guidance of Vietnam CITES Management Authority.

3. Exports of rare, endangered and precious wild animal and plant specimens listed under Group II, under the laws of Vietnam, originated from the breeding, rearing and artificial propagation shall require the satisfaction of the following conditions:
   a) For specimens of breeding animals, specimens are of animals of F1 generation onwards born in a captive farm and registered under the regulation of term 2 of Article 12 in this Decree.
   b) For specimens of rearing animals, specimens are of animals from a rearing farm and registered under the regulation of term No. 2 of Article 12 in this Decree.
   c) For specimens of artificially propagated plants, specimens are of plants from artificial propagation operations and are registered under term No. 3 of Article 12 in this Decree.

Article 7: Regulations and conditions on exports, re-exports of specimens that are not regulated in Article 3, 4, 5 and 6 of this Decree

The Vietnam CITES Management Authority grants permits for specimens that are not regulated in Article 3, 4, 5 and 6 of this Decree when needed and to meet the demand of the import country. The permit shall be required to follow regulations in term No.4 of Article 15 in this Decree.

Article 8: Transit of specimens of live wildlife

Transit of wildlife specimens over the territory of the Socialist Republic of Vietnam must be approved by CITES Vietnam Management Authority in a written document regulated in Article 20 of this Decree. Quarantine regulations need to be carried out in accordance with Vietnam’s law on customs.

CHAPTER III

BREEDING, REARING AND ARTIFICIAL PROPAGATION OF RARE, ENDANGERED AND PRECIOUS WILD ANIMALS AND PLANTS

Article 9: Responsibility for management of breeding, rearing and artificial propagating activities of rare, endangered, wild animals and plants

1. Belonging to provinces and central cities, Forest Protection Department (hereinafter called provincial Forest Protection Department) shall be responsible for managing and confirming the production capabilities of captive breeding, rearing farms and artificial propagation operations of rare, endangered and precious animals and plants (except aquatic species) regulated in this Decree. The Ministry of Agriculture and Rural Development shall appoint a professional management agency to carry out this task in case there is not any Forest Protection Department in the locality.

2. Provincial and central aquatic resource protection agencies shall be responsible for managing and confirming the production capabilities of captive, rearing farms and artificial propagation operations. A professional management service on aquatic resources shall take over the mission in case there is no aquatic resource management agency in the locality.

Article 10. Regulations and conditions on captive, rearing farm and artificial propagation operations of wild animals and plants regulated in Appendixes of CITES

1. The breeding and rearing farms of animals shall require the satisfaction of the following conditions:
   a) Cages and farms need to be built in compliance with the characteristics of the farmed species and their production capabilities.
b) Registration for breeding farms shall ensure that the animals have been confirmed to by the Vietnam CITES Scientific Agency in a written document to have the ability to give birth continuously through many generations in a controlled environment.

c) Registration for rearing farms of animals shall require a written document from the Vietnam CITES Scientific Agency stating that the activity does not affect the species’ conservation in the wild.

d) Hygiene and safety conditions for human and environment under the state regulations need to be ensured.

e) Organizations, households and individuals that exploit offspring and eggs from the wild to breed and incubate for commercial purposes need to be explicitly permitted by a management agency regulated in Article No.9 in this Decree.

Article 11: Regulations on registration on the breeding, rearing and artificial propagation operations of wild animals and plants registered in Appendixes of CITES

1. The breeding farms and artificial propagation operations of wild animals and plants regulated in Appendix I of CITES shall register with the Vietnam CITES Management Authority and have their registration profile reviewed and approved by the CITES Secretariat. The registration profile form of captive farms and artificial propagation operations regulated in Sub-appendixes of 3-A and 3-B is enclosed with this Decree. CITES Management Authority shall authorize the management board registered in Term No.1 and 2 and Article 9 of this Decree to receive and assess the registered profile form.

2. Breeding, rearing and artificial propagation operations of wild animals and plants registered in Appendix II and III of CITES shall register with provincial Forest Protection Department. Registration shall be made with a professional management agency appointed by the Ministry of Agriculture and Rural Development in case that there is no Forest Protection Department available. For aquatic species, registration shall be made with the provincial and central-belonging aquatic resource protection agencies and in the case that an aquatic professional protection agency is not available in the locality, the professional management service on aquatic products. The registration profile form for breeding, rearing and artificial propagation operations regulated in sub-appendix 4-A and 4-B is enclosed with this Decree. The agencies responsible for receiving registration of breeding, rearing and artificial propagation operations regulated in this article shall be responsible for reporting to the Vietnam CITES Management Authority about the situation of registration of breeding, rearing and artificial propagation operations in the locality.

3. Deadline for granting certification paper on registration of breeding, rearing and artificial propagation operation:

a) For breeding farms, artificial propagation operations of wild animals and plants registered in Appendix I of CITES,

- not more than 15 working days after the registration documents for breeding farm, artificial propagation of wild animals and plants registered in Appendix I of CITES are submitted. The management agency regulated in terms No. 1 and 2 of Article No. 9 in this Decree shall complete the assessment of the registration documents and send the evaluated application to CITES Management Authority. The assessment agency shall inform the reasons for refusal to organizations, individuals and households registering for breeding, rearing and artificial propagation operations in case that the documents are rejected.

- not more than 15 working days after receiving the evaluated registration documents, CITES Management Authority shall review and send registration documents to CITES Secretary Board for reviewing and approving. The Authority shall communicate the reason of refusal to the document assessment agency as well as to organizations, households and individuals that registered their breeding and artificial propagation operations.

- not more than five working days after receiving the approval from CITES Secretariat, the Vietnam CITES Management Authority shall grant registration permit to registered breeding farms and artificial propagation operations. The registration certification form for breeding and artificial propagation operation registered in sub-appendix 5 is enclosed with this Decree. CITES Management Board shall inform the management agency regulated in term No.1 and 2 of Article 9 in this Decree on the registration result of the registration of breeding farm and artificial propagation operation.

b) For breeding, rearing and artificial propagation operations of wild animals and plants registered in Appendix II and III of CITES, the agency, receiving registration documents and registered in sub-
appendixes of 4-A and 4-B enclosed with this Decree, shall conduct assessment and grant certification, of registration for breeding, rearing farms and artificial propagation operations regulated in sub-appendix No.5 enclosed with this Decree, within 15 working days after all registration documents are received. A sample of certification of registration for breeding, rearing farms and artificial propagation operations regulated in sub-appendix No.5 is enclosed with this Decree. Reasons for refusal of receiving the documents shall be conveyed to organizations, households or individuals who registered for the activities.

Article 12: Regulations on conditions and registration for breeding, rearing farms and artificial propagation operations of wild, rare, endangered, and precious animals and plants under the laws of Vietnam and not in appendixes of CITES

1. Breeding, rearing farms of wild, rare, and endangered animals under the laws of Vietnam shall require satisfaction of conditions regulated in term No.1 of Article 10 in this Decree.

2. Breeding, rearing farms of wild, rare and endangered wild animals under the laws of Vietnam shall require registration with the professional management agency appointed by the Ministry of Agriculture and Rural Development. For aquatic species, registration shall be made with the provincial and central cities’ aquatic resource protection agencies, or professional management service on aquatics in the case that there is not an aquatic resource protection agency at the locality. Documents for registration of breeding farm is regulated in sub-appendix of 3-B (for wild animals of Group 1B); documents for registration of breeding and rearing farms is regulated in sub-appendix of 4-B (for wild animals of Group 2B) enclosed with this Decree.

3. Artificial propagation operation of wild, rare, endangered plants:
   a) For timber bearing trees, registration for forest planting shall be made with Forest Protection Department under the laws on forest protection and development.
   b) For non-timber bearing trees, registration shall be made with the provincial Forest Protection Department, or professional management agency appointed by the Ministry of Agriculture and Rural Development in the case that there is not a forest protection agency in the locality. The registration document regulated in sub-appendixes of 3-A (for wild plant of Group 1A) and 4-A (for wild plant of Group IIA) is enclosed with this Decree.

Chapter IV
THE VIETNAM CITES MANAGEMENT AND SCIENTIFIC AUTHORITY

Article 13: The Vietnam CITES management authority

1. The Ministry of Agriculture and Rural Development shall be responsible to the Government on activities of Vietnam CITES Management Authority established by the Ministry with a Director, Vice Directors and a permanent office (called the Vietnam CITES Office) located in the National Forest Protection Department together with other Vietnam CITES Office branches in the center and the south of Vietnam. The Vietnam CITES Management Agency uses a separate seal.

   Vietnam CITES Office has different units dealing with law enforcement, propagation, training, certification granting, management of breeding, rearing farms and artificial propagation operations and international relations.

2. Vietnam CITES undertakes the following tasks:
   a) To carry out on behalf of the government of the Socialist Republic of Vietnam the rights and responsibilities of a CITES member country.
   b) To chair and coordinate with CITES Scientific Authority and relevant organizations and agencies in the implementation of CITES in Vietnam.
   c) To organize information and propagation activities in order to raise the awareness on CITES.
   d) To propose the adjustment of and supplementation to the list wild animals and plants regulated in CITES appendixes.
   d) To announce the list of wild animals and plants regulated in the revised CITES Convention appendix after meeting of member countries.
e) To grant and withdraw CITES certificates and permits, export and import permits of specimens of wild, rare and endangered wild animals and plants regulated in Article 15 of this Decree.

g) Registration with the CITES Convention Secretary Board on breeding farms and artificial propagation operations of wild animals and plants is regulated in Appendix I of CITES Convention on fulfillment of export conditions.

h) Examination of breeding, rearing farms and artificial propagation operations for commercial purpose; imports, exports, re-exports and introduction from the sea as well as transit of specimens of wild, rare and endangered animals and plants shall be undertaken as regulated in this Decree.

j) Instructions for settlement of specimens confiscated as regulated in the laws of Vietnam and CITES convention are regulated in CITES convention appendices.

k) Cooperation with concerned parties for professional training and guidance for management agencies, organizations, households and individuals is regulated in CITES Convention and the laws of Vietnam.

3. The Vietnam CITES Management Authority has the right to carry out examination of activities including export, import, re-export and transit of specimens of wild, rare and endangered animals and plants in terminals, railway stations, seaports and border gate areas.

4. The State shall ensure the budget for activities of Vietnam CITES Management Authority to encourage organizations, households and individuals domestically and abroad to support activities of Vietnam CITES Management Authority.

Article 14: The Vietnam CITES Scientific Authority

1. Institute of Ecological and Biological Resources under Vietnam Institute of Scientific and Technologies, Institute of Forestry Science of Vietnam under the Ministry of Agriculture and Rural Development, Aquatic Research Institute under the Ministry of Aquatic Ministry and Centre for Resources, and Centre for Resources, and Environment Studies under the National University of Hanoi all belong to the Vietnam CITES Scientific Authority.

2. Vietnam CITES Scientific Authority:

To provide scientific consultation to the Vietnam CITES Management Authority and relevant management authorities on the following issues:

- The distribution area; population status; levels of rare, endangered and precious wild animals and plants in the wild.

- Issuance of CITES permit and certification on export, import, re-export, introduction from the sea and transit of wild, rare, endangered and precious animals and plants regulated in Article 15 of this Decree.

- Identification of scientific names of species of animals and plants, and technical specifications of specimens of wild animals and plants.

- Centre for rescuing and taking care of rare specimens and suitable living environment to release confiscated wild animals into.

- Breeding, rearing farms and artificial propagation operations for release of wild animals and plants, assessment of projects on breeding, rearing and artificial planting of wild animals and plants.

Chapter V

PERMITS AND CERTIFICATES

Article 15: Permits and certifications

1. CITES permit regulated in sub-appendix of 2-A, and enclosed with this Decree is applied for specimens regulated in CITES Convention Appendixes. CITES permit needs to be recorded with sufficient information, stamped and sealed from the Vietnam CITES Management Authority.

2. CITES permit to export souvenir specimens regulated in sub-appendix 2-B enclosed with this Decree is applied for souvenir specimens regulated in appendixes of CITES Convention. CITES certificate for export of souvenir specimens shall require sufficient information, signatures, full names of owners of farms and artificial propagation operations.
3. Pre-convention certificate regulated in sub-appendixes of 2-C enclosed with this Decree is applied for pre-convention specimens.

4. The permit regulated in sub-appendix of 2-D and enclosed with this Decree is applied for specimens of wild, rare, endangered and precious animals and plants regulated under the laws of Vietnam. Permits shall be filled with sufficient information, signed by the Vietnam CITES Management Authority.

**Article 16: Permit and certificate granting procedures are as follows:**

1. The Vietnam CITES Management Authority shall grant permits and certificates within 10 working days after receiving sufficient documents. The CITES Management Authority shall inform organizations, households and individuals that request for the certification of permits and certificates of the reasons for refusal of submitted documents.

2. Maximum effective period of export and re-export permit and certificate is 6 months, and 12 months for import permit.

3. At least one original permit and a certificate shall be required for each shipment of export, import, re-export. Export, import permit and/or certificate shall be presented when exporting and importing specimens or upon request of the authoritative agency.

4. Any counterfeiting, adjusting, transferring activities of permits and certificates will result in said documents rendered void.

5. The Vietnam CITES Management Authority shall withdraw certificates and permits in the following cases:
   a) Permits and certificates are granted illegitimately.
   b) Permits and certificates are not used for intended purpose.
   c) Organizations, households and individuals, having been granted certificates and permits, violate CITES and laws of Vietnam.
   d) In the case that the permits and certificates expire, organizations, households and individuals shall return them to the Vietnam CITES Management Authority within 10 days.

6. The Vietnam CITES Management Authority is responsible for printing, granting certificates and permits as regulated in Article 15 of this Decree.

**Article 17. Documents needed for exporting and re-exporting of specimens**

1. Exporting and re-exporting of specimens for commercial purpose
   a) Proposal letter for permit and certificate granting shall follow Appendix 1 of this Decree.
   b) Documents to prove that specimens have legitimate origin as regulated in the current law

2. Export and re-export of specimens for non-commercial purpose
   a) Exporting, re-exporting of specimens for scientific and diplomatic purposes shall require:
      - Proposal letter for permit and certificate granting shall follow the Appendix 1 of this Decree
      - The agreement about cooperation on scientific research or written documents attesting to diplomatic purpose signed by the authoritative agency.
      - Document proving that the specimens are legal under the current regulation.
      - Copy of import permit granted by the CITES Management Authority of the import country for specimens regulated in Appendix I of CITES Convention.
   b) Export, re-export of specimen for exhibition, circus performance for non-commercial purpose shall require:
      - Proposal letter for CITES permit and certificate granting under Appendix 1 enclosed in this Decree
      - Decision for exhibition participation and circus performance abroad of an authoritative agency.
      - Document to prove that the specimens have legitimate origin or copy of import permit (for re-import purpose)
      - Copy of import permit granted by CITES Management Authority to specimens regulated in Appendix I of CITES.
3. Exporting and re-exporting of hunting specimens shall require:

- Proposal letter for CITES permit and certificate enclosed in Appendix 1 of this Decree
- Document proving that the specimens have legitimate origin under the current regulation or copy of permits and certificates of hunted specimens granted by the authoritative state agency.

4. Exporting and re-exporting of pre-convention specimens shall require:

- Proposal letter of CITES permit and certification is enclosed in Appendix 1 of this Decree.
- Document proving that the pre-convention specimen or copy of CITES import permit (for re-export case)

**Article 18. Permit and certificate of importing specimens require the satisfaction of the following conditions**

1. Importing specimens for commercial purpose

a) Letter of proposal for permit, certificate granting shall follow Appendix 1 of this Decree

b) Copy of CITES export permit granted by CITES Management Authority of the exporting country for specimens listed in Appendixes of CITES

c) The following papers are required for importing wild and alive animals and plants:

- Breeding, keeping and care condition certification of the provincial Forest Protection or the professional management agency under the Ministry of Agriculture and Rural Development where there is no forest protection agency. For aquatic species, certification from the provincial or central city aquatic resource protection agency or, where there is none available, the local aquatic professional management.

- Certification from the Vietnam CITES Scientific Authority that the specimens do not cause harm to the environment as well as to domestic animals and plants, in the case that the animal and plant species are imported for the first time into Vietnam.

2. Importing specimens for non-commercial purpose

a) Importing specimens for scientific and diplomatic purpose:

- Proposal letter of permit and certificate granting is recorded in Appendix 1 of this Decree

- Agreement on scientific research program or letter of certification on diplomatic presents approved by CITES Management Authority for specimens regulated in Appendixes II and III of CITES.

b) Import of specimens for exhibition and circus performance for non-commercial purpose

- Letter of proposal for permit, certificate granting is enclosed in Appendix 1 of this Decree

- Letter of invitation for exhibition participation or circus performance of the authoritative agency

- Copy of CITES export permit for specimens regulated in Appendixes II and III of CITES

3. Import of hunted specimens

- Letter of proposal for CITES permit under Appendix 1 of this Decree

- Copy of CITES export permit or certificate of hunted specimens granted by the authoritative agency of the export country.

4. Export of pre-convention specimens

- Letter of proposal of permit and certificate granting is enclosed in Appendix 1 of this Decree

- Documents to prove that the pre-convention specimens or copy of permit and certificate granted from the export country.

**Article 19. Document on permit certification for specimens introduced from the sea regulated in Appendixes I, II of CITES**

1. Letter of proposal for permit certification is enclosed in Appendix 1 of this Decree

2. Approval documents of the central aquatic resource protection agency

3. The following papers are required in the case that the specimens are live wild animals and plants:
a) Certification of fulfillment of requirements on keeping and care from the provincial/central city aquatic resource protection agency or the local professional aquatic protection in case there is no aquatic resource protection agency in the locality.

b) Certification from the Vietnam CITES Scientific Authority that the import of those specimens do not cause any harmful effects on the conservation of domestic animals and plants in the case that animals and plants are imported for the first time into the country.

Article 20. Proposal documents on the transit of specimens of live animals

1. Letter of proposal on transit of specimens, enclosed in Appendix 1 of this Decree
2. Copy of export permit, certificate of the authoritative agency of the export country
3. Copy of the transit agreement

Article 21. CITES permit granting on exporting of souvenir specimens

1. The breeding, rearing farms and artificial propagation operations shall directly grant CITES export certificates of souvenir specimens to CITES Management Authority and to customers after the following requirements are met:
   a) Specimens are produced by a breeding and/or a rearing farm and/or an artificial propagation operation.
   b) The code is granted by the authoritative agency regulated in Article 11 of this Decree
   c) Produced souvenir specimens shall be registered with the Vietnam CITES Management Authority on code, symbol, and trade names.
2. The CITES permit to export the souvenir specimens shall only be granted to comprehensive products in souvenir shops. Each CITES export permit only allows 4 specimens to be granted to customers.
3. The Vietnam CITES Management Authority shall be responsible for printing, issuing CITES export permit to breeding, rearing farms or artificial propagation operations in need of it.
4. The breeding, rearing farms and artificial propagation operations shall abide by all introduction and examination of the Vietnam CITES Management Authority and the management agency regulated in Article No.9 of this Decree and be subject to the law on management and usage of CITES export permit regulated in this Decree.

Article 22. Application for pre-convention specimen permit shall include:

1. Letter of proposal for pre-convention specimen, enclosed in Appendix No.1 of this Decree.
2. Letter to prove the legitimacy origin of the specimens (purchasing receipts, exploitation and import permits)

Article 23. Responsibilities of organizations, households, and individuals that are granted with CITES permits, certificates, permits to export rare, endangered and precious wild animals and plants regulated by the laws of Vietnam

1. To provide sufficient information to the Vietnam CITES Management Authority and be responsible for the legitimacy of the documents to the specimens.
2. Be subject to the laws on management and usage of permits and certificates, carrying out perfectly current regulations of the laws of Vietnam on export and import of goods.
3. Payment for expenses to print permits and certificates and expenses to mark, assess and classify of specimens.

Article 24. Regulations on responsibilities of relevant agencies in supervising the import and export of wild animals

1. When the customs procedures are carried out, the border gate custom office shall carry out procedures for export, import and re-export of specimens defining the quantity of practical specimens for export, import, re-export of the permits or certificates regulated in Article 15 of this Decree. Number signs and dates of the permits and certificates shall be written down on customs registration papers;
copies of certified permits and certificates in each quarter in the first week of each following quarter shall be sent to CITES Management Authority.

2. Functional agencies regulated in term No.1 of Article 25 of this Decree shall be responsible for providing information to the Vietnam CITES Management Authority on violations relating to the export, import, re-export, transit, and introduction from the sea of animals and plants regulated in term No.1 of Article 1 in this Decree.

Chapter VI
Investigation, examination and settlement of violations

Article 25. Investigation, examination and settlement of violations

1. Forest Protection Department, customs, public security, border guard, tax, market management, animal and plant quarantine, aquatic resource and environment protection shall be responsible for inspecting, examining and dealing with law violations on exports, imports, re-exports, transits and introductions from the sea as well as breeding, rearing and artificial propagation of specimens regulated in term No.1 of Article 1 in this Decree within their powers and responsibilities.

2. Specimens regulated in Appendix I of CITES shall be treated the same as specimens of wild, rare, endangered animals and plants in Group I as regulated by the laws of Vietnam. Samples of wild animals and plants regulated in Appendixes II and III of CITES shall be treated as specimens of endangered, rare and precious animals and plants in Group II regulated by the laws of Vietnam. Regulations of CITES shall be applied in case CITES regulations on settlement of violations of specimens of wild animals and plants in Appendixes of the Convention are different from other regulations of the laws of Vietnam.

3. Organizations, households and individuals violating regulations on exports, imports, re-exports, transit and introduction from the sea regulated in this Decree shall be subject to administrative violation punishments meanwhile individuals shall be subject to criminal responsibilities regulated by the law.

Article 26. Settlement of specimens

1. The temporary keeping of live animals while settlement decisions are pending must ensure the security for people and good care and management of the animals.

2. Where specimens are certified by quarantine agencies as being infected by diseases that could spread into dangerous epidemic, humane destruction shall be imposed. The destruction shall comply with existing stipulation of the laws on veterinary and plant quarantine.

3. Settlement of confiscated specimens

a) Director of CITES Management Authority shall review and decide the return of the specimens to the original country of the specimens as regulated in Appendixes of CITES on certification of original country.

b) For violated specimens in other cases including what is regulated in point a) of this article or in the case that customs offices and professional agencies discover the capturing, confiscating of specimens and violated exhibits at border gates or border lines (on land and on sea): If the specimens are accepted by the original country but there is no ensuring a place to storing them, responsibility goes to the Forest Protection Department or the closest animal and plant quarantine agency for settlement as regulated in the current law of Vietnam, meeting regulations of CITES.

Chapter VII
Implementation terms

Article 27. Instruction and implementation responsibilities

1. The Ministry of Agriculture and Rural Development and Ministry of Fisheries, within their power and responsibilities, shall guide and inspect the implementation of this Decree.
2. Ministers, Heads of ministerial agencies, Heads of agencies under the Government, Chairmen of People’s Committees of provinces and centrally-run cities shall, within their power and responsibility, organize implementation of this Decree.

Article 28. Implementation effectiveness

1. This Decree takes effect 15 days after the date of being posted on state gazette.

2. This Decree replaces Decree No.11/2002/NĐ-CP dated January 22 on management of exports, imports and transit of wild animals and plants.

On behalf of the Government

PRIME MINISTER

(Signed)

Nguyen Tan Dung

Receivers:

- Central Party Secretariat
- Prime Minister and Deputy Prime Ministers
- Ministries, ministerial Agencies and agencies under government
- People’s Council, People’s Committees of provinces and state cities
- Central Office and Committees of Party
- The State President’s Office
- The National Council and Committees of the National Assembly.
- National Assembly Office
- People’s Supreme Court
- People’s Supreme Investigation Agency
- The Central Agency of organizations
- The National Administrative Institute
- The government office, professional departments
- The government’s website, steering committee No.122.
- Speaker of the Prime Minister
- Belonging department, committee and units
- Gazette
- Recorded at office
Appendix 1: Letter of request for permit, certificate grantification

The Socialist Republic of Vietnam
Independence – Freedom – Happiness

Letter of request for permit, certificate grantification
Attn: The Vietnam CITES Management Authority

1. Names of organizations/individuals asking for permit
   - Organization: Fullname of the organization in Vietnamese and transaction name in English (if available)
   - Individual: Full name registered in Identity Card/Passport

2. Address:
   - Organization: Address of headquarter, No. and date of business registration.
   - Individual: Indentity card/Passport, date and place of issue

3. Request content:

4. Species names:
   - Scientific name (Latin name):
   - Common name (English, Vietnamese)
   - Quantity (in words: ..... ):       Unit (individual, kg, species, number...):
   - Target of CITES permit and certificate grantification

5. Species origin:

6. Detailed description (size, status, type of product …):

7. Name and address of the export and import organization, individuals in English and Vietnamese (if available)

8. Time and schedule for export and import

9. Import and import gate (clearly define the name of the bordergate and the country)

10. Enclosed receipts:

    Date

    Signature

    (Organization: name and position of the representative and sealer)

    (Individual: clearly define names)
### Phụ biên 2-A: CITES permit sample

#### CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

<table>
<thead>
<tr>
<th>Original: Bằng ghiéc</th>
<th>EXPORT/ Xuất khẩu</th>
<th>RE-EXPORT/ T, j Xuất khẩu</th>
<th>IMPORT/ Nhập khẩu</th>
<th>OTHER/ Khác</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Importer (name and address)</th>
<th>4. Exporter/Re-exporter (name and address)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5a. Country of import</td>
<td>5b. Country of import</td>
</tr>
<tr>
<td>CITES PERMIT NO/ GIÊY PhĐp CITES ®é</td>
<td>GIÊY PhĐp CITES ®é</td>
</tr>
</tbody>
</table>

- **2. Valid until/ Cã giảm triợn**: 
  - 5a. Country of import (nhµ n hµp k hÈu (tª n vµ ®Þa chØ))

<table>
<thead>
<tr>
<th>5. Special conditions/ C, c êôoa kôôô âôô</th>
</tr>
</thead>
<tbody>
<tr>
<td>For live animals, this permit or certificate is only valid if the transport conditions conform to the Guidelines for transport of Live Animals or, in the case of air transport to the IATA Live Animals Regulations.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>6. Name, address, national seal/stamp and country of Management Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOREST PROTECTION DEPARTMENT MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT</td>
</tr>
<tr>
<td>HANOI - VIETNAM</td>
</tr>
</tbody>
</table>

| 7. Scientific name (genus and species) and common name of animal or plant |
| 8. Description of specimens, including identifying marks or numbers (agencies if live) |

<table>
<thead>
<tr>
<th>9. Appendix No.</th>
<th>10. Appendix No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>And source</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>11. Quantity</th>
<th>11a. Total exported Quota</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Including unit)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit No.</td>
<td>Certificate no.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>13. This permit is issued by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>GEĐy phĐp B îç cçfîôôí</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>14. Export endorsement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Ngay</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Place/ ChØ p</th>
<th>Date Ngay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Security stamp, signature and official seal</td>
<td>Date Ngay</td>
</tr>
</tbody>
</table>

- **Country in which the specimens were taken from the wild, bred in captivity of artificially propagated (only in case of re-export) **
- **Only for specimens of Appendix I species bred in captivity of artificially propagated for commercial purposes**

**CITES PERMIT NO/ GIÊY PhĐp CITES ®é**
Sub-appendix 2-B: CITES permit sample for

**SOUVENIR EXPORT CERTIFICATE**

| TT No. | Mô tả mẫu vật  
*Description of Specimens* | Tên khoa học  
*Scientific Name:* | Nguyên và Phụ lục  
*Source & Appendix* | Số lượng  
*Quantity* |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Chữ ký và họ tên của chủ Trại: _____________________________
Signature and full Name of the Operation Owner

Ngày: __________/___________/ 200

Date

Lưu ý:

Important note:

- Chứng chỉ này chỉ được cấp tối đa cho mỗi khách hàng 4 đơn vị cho mỗi loại mẫu vật
  
  This certificate is only valid for up to 4 items per customer

- Nếu cần thêm thông tin về giấy phép này xin liên hệ với:

  For further information or clarification on this certificate, please contact

  CITES Management Authority of Vietnam
  2 Ngoc Ha Street, Hanoi
  Tel: (84 4) 733 5676
  Fax: (84 4) 733 5685
  Email: cites_vn.kl@mard.gov.vn
Appendix 2-C: Pre-convention certificate

CHỨNG CHỈ MẪU VẬT TIÈN CÔNG ƯỚC

PRE-CONVENTION CERTIFICATE

Cấp cho:  
Issuing for:  

Số CMND/Hộ chiếu.  Ngày cấp  Noi cấp  
Identity card No.  Issuing date  Issuing place

Tên loài:  
Name of species:  
(Tên khoa học/tên thông thường):  
(Scientific name/common name):

Mô tả mẫu vật  
Description of specimen

Số đánh dấu  
Marking No.

Nguyen và Phu lục
Source & Appendix

Số lượng
Quantity

Ngày có mẫu vật
Date of acquisition

Giấy tờ hợp pháp
Legal document

Noi cấp/Place                 Ngày cấp/Date         Chữ ký, dấu của Cơ quan quản lý
CITES

/Signature and official seal
### Phữ biếu 2-D: Permit sample

<table>
<thead>
<tr>
<th>Giện phĐp/Permit</th>
<th>No/ Sè</th>
<th>KL - NC</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOREST PROTECTION DEPARTMENT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MINISTRY OF AGRICULTURE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AND RURAL DEVELOPMENT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HANOI - VIETNAM</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Exporter/Re-exporter (name and address)</th>
<th>Nhµ xuÊ t khÈu/T¸ i xuÊ t khÈu (tª n vµ ® Þa chØ)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Importer (name and address)</td>
<td>Nhµ nhËp khÈu (tª n vµ ® Þa chØ)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Country of import/ Nhµ lônhïp khÈu</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Purpose of the transaction (see reverse)</th>
<th>Môc ®Ých giao dÞch (xem mÆt sau)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Common name of animal or plant and scientific name</th>
<th>(Tªn khoa häc, tª n th«ng th- êng cña l oµi  ® éng vËt, thùc vËt)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td></td>
</tr>
</tbody>
</table>

This permit is issued by:

<table>
<thead>
<tr>
<th>Giềy phĐp/Permit No/ sè</th>
<th>KL - NC</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Place/NœlØp</th>
<th>Date/Nøg</th>
<th>Signature and official seal</th>
</tr>
</thead>
</table>

Export endorsement:

<table>
<thead>
<tr>
<th>Block/ Ls</th>
<th>Quantity/ Sè - l ng</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td></td>
</tr>
<tr>
<td>B</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>Port of Export/ C¶ng xuÊt</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Official stamp and title</th>
<th>Chøc danh vµ ® ãng dÊu</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valid until/Cã gi¸ trÞ ®Õn</td>
<td>1000</td>
</tr>
</tbody>
</table>
Appendix 3-A: Registration sample for artificial propagation operations of wild plants regulated in Appendix I of CITES and Group I as regulated by the laws of Vietnam

Artificial propagation operations shall submit letter of request and enclosed documents to authoritative agency regulated in Article 11 and 12 of this Decree with the following information:

1. Name and address of the operation
2. Name and address of the owner or the representative
   I.D/Passport No.                     Date of issue                     Place of issue
3. Artificial propagation registration species (scientific name and normal name)
4. The number of plant species registered for artificial propagation
5. Description on the seed of the artificial propagation species (materials to prove that the seed is exploited or imported legitimately)
6. Artificial propagation method description
7. Description on infrastructure
8. The productivity of the previous, current and coming years
9. Certificate showing that the specimens do not bring any diseases or do not cause any harmful effects to other economic activities of the nation for artificial propagation operations of species that do not live in Vietnam
10. Other information requested by CITES to plant species regulated in CITES Appendix I
Sub-appendix 3-B: Registration sample for breeding farms of wild animals registered in Appendix I of CITES and Group I regulated in Vietnam law

Breeding farms shall have letters of proposals and enclosed documents for the authoritative agency regulated in Article 11 and 12 in this Decree with the following information:

1. Name and address of the farm owner
2. Name of the owner or the representative
   I.D/Passprt No. Date of issue Place of issue
3. Name of the breeding species registered (scientific name, common name)
4. Detailed information on the number and age of male, female individuals in the breeding group
5. Documents to prove that the breeding animals have legitimate origin as the current regulations or their import origins in compliance with CITES and the laws of the nation
6. If the F1 generation has just been produced: Documents to prove that it is managed and operated under a method previously applied by another farm that has been recognized to have produced an F2 generation
7. The productivities of the previous, current, and coming years
8. Product types (alive animals, skins, bones, blood, other parts and derivatives)
9. Detailed description of methods for marking specimens (using card, electronic transmitter, scab cutting) in order to define the breeding root, next generations and types of export products
10. Description of the farm’s infrastructure: area, farming technology, food provision, veterinary capability, environmental hygiene, information storing method
11. Breeding farms of species that do not live in Vietnam shall prove that they are originated from pre-convention specimens or being caught in the country where they live in compliance with regulations of the Convention and the laws of that nation.
12. Breeding farms of species that do not live in Vietnam shall present the certification paper stating that the specimens do not bring any disease or do not cause any harmful effects to other economic operations of the country.
13. Other information requested by CITES for animal species regulated in Appendix I of CITES
Appendix 4-A: Registration sample for artificial propagation operations of wild plants regulated in Appendix II, III of CITES and Group II regulated by the laws of Vietnam

Artificial propagation operations shall send letter of proposal and enclosed documents to the authoritative agency regulated in Article 11 and 12 in this Decree with the following information:

1. Name and address of the operation

2. Name of the farm owner or the representative

I.D/Passport No.                   Date of issue                  Place of issue

3. Artificial propagation registration species (scientific name and common name)

4. Description of the number of seeds legitimately exploited from the wild

5. Description on the infrastructure condition as well as planting method

6. Annual productivities in the previous, current and coming years
Appendix 4-B:

Registration sample for breeding farms of wild animals and plants regulated in Appendix II, III of CITES and Group II regulated by the laws of Vietnam

Breeding farms shall send letter of proposal and enclosed documents to the authoritative agency regulated in Article 11 and 12 in this Decree with the following information:

1. Name and address of the farm owner
2. Name of the farm owner or representative
   I.D/Passport No.     Date of issue       Place of issue
3. Breeding registration species (scientific name and common name)
4. Detailed information on the quantity and ages of female and male individuals in the breeding group
5. Documents to prove that those individuals are legitimately caught as current regulations or the import shall require the satisfaction of CITES regulations and the laws of the country are required
6. Information on the annual average motality of captive animals and reasons
7. Annual productivities in previous, current, and coming years
8. Demand assessment table and specimen provision sources for improvement of breeding seeds in order to develop gene sources
9. Export product type (alive animal, skin, bone, blood, other parts or derivatives)
10. Description of the farm infrastructure: area, farming technology, food provision, veterinary capabilities, environment hygiene, and methods for storing information
Appendix 5: Certificate sample for breeding, rearing, and artificial propagating

NAME OF THE AUTHORITY

THE SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

…………, DATE……

CERTIFICATE FOR REGISTRATION OF BREEDING, REARING FARMS AND ARTIFICIAL PROPAGATION OPERATIONS OF WILD ANIMALS AND PLANTS

Address:

Code (granted by the registration agency)

Scientific name/Normal name of breeding and normal species (if many species are bred or planted, separated list shall be enclosed)

Certification of the above-mentioned breeding farm/artificial propagation operations registered as regulated in Decree No….. on management of export, import, re-export, introduction from the sea, transit, breeding, rearing, and artificial propagating of rare, endangered and precious wild animals and plants.

Position of the signer

(Signature, seal)

(Name of the signer)