

No. 16/2017/QH14

Hanoi, November 15, 2017

## LAW ON FORESTRY

*Pursuant to the Constitution of the Socialist Republic of Vietnam;*

*The National Assembly promulgates a Law on Forestry.*

### Chapter I

#### GENERAL PROVISIONS

##### Article 1. Scope

This Law deals with management, protection, development and use of forests; forest products processing and trade.

##### Article 2. Definitions

For the purposes of this Law, the terms below shall be construed as follows:

1. “forestry” is the economy and technology including management, protection, development and use of forests; forest products processing and trade.
2. “forestry operations” include one or some activities related to management, protection, development and use of forests; forest products processing and trade.
3. “forest” is an ecosystem including forest flora and fauna, fungi, microorganisms, forestland and other environmental factors in which the main component is one or some species of trees, bamboo or arecaceae whose height is determined according to the flora of the soil or rocky mountain, submerged land, sandy land or other typical flora; with inter-regional area of at least 0.3 ha; canopy of at least 0.1.
4. “canopy” is the portion of coverage of forest crowns vertically on a unit of forest area expressed in tenths.
5. “forest cover percentage” is the percentage of forest area over total natural land area in a particular geographic area.
6. “natural forest” means a forest that is available in nature or restored by natural regeneration or regeneration with additional afforestation.

7. “planted forest” means a forest that is newly planted on non-forested land, improved, replanted or regenerated after harvesting by human.
8. “holy forest” is a forest that is associated with beliefs or customs of a forest-dependent community.
9. “forest owner” may be an organization, household, individual or community that is allocated or leased out a forest by the State; allocated or leased out land for afforestation, forest regeneration or development; receives transfer of the forest, receives the forest as a gift or inherits the forest according to regulations of law.
10. “planted production forest ownership” includes the right to own, the right to use and discretion of the forest owner towards plants, animals and other property in the forest invested by the forest owner during the allocation/lease term of afforestation.
11. “forest use rights” means the rights of the forest owner to utilize the forest and enjoy benefits arising therefrom.
12. “forest value” is the total value of components of the forest ecosystem and forest environment values at a given time and on particular forest area.
13. “value of forest use rights” is the total value of money in forest use rights at a given time and on particular forest area.
14. “endangered/rare forest plant and animal species” are forest plant and animal species of special economic, scientific, medical, ecological, landscape and environmental values. Such species are only a few in nature or under threat of extinction.
15. “specimens of forest plant and animal species” are living or dead forest plants, animals, eggs, larvae, parts or derivatives thereof.
16. “forest product” means a product that is utilized from the forest including forest plants, animals and other forest organisms consisting of timbers, non-timber forest products, rattan and bamboo products after being processed.
17. “document on forest products” means an official paper or book that provides information about forest products retained at a forest products factory or store and used in the course of utilization, sale, export, import, transport, processing or storage of forest products.
18. “legal timber” means timber or timber products that is used, traded or produced under regulations of Vietnam law.
19. “sustainable forest management” is a method of forest management that ensures the achievement of forest protection and development objectives without declining values and enhancing the forest value, improving livelihoods, protecting the environment and contributing to maintain the national security.

20. “certificate of sustainable forest management” is a document that recognizes certain forest area satisfying criteria for sustainable forest management.
21. “forest leased out by the State” means an act of the State deciding to transfer forest use rights to an organization, household or individual that wishes to use the forest under a forest lease agreement.
22. “hiring forest environment” means that an organization or individual negotiates with a forest owner to use the forest environment for a certain period of time through a forestland lease contract in accordance with the law.
23. “forest environment services” are activities that provide value for the use of the forest environment.
24. “community” is a Vietnamese community living in the same village, hamlet, or residential area and having the same customs.
25. “buffer zone” is a forest area, land area or water surface area close to the boundary of a reserve forest which serves to prevent or reduce negative impacts on the reserve forest.
26. “strictly protected sub-zone of the reserve forest” means an area that is fully preserved in a national park, natural reserve or species – habitat reserve.
27. “ecological restoration sub-zone of the reserve forest” of a special-use forest is an area where it is strictly managed and protected so that the forest may restore natural ecosystems of the national park, natural reserve or species – habitat reserve.
28. “service and administrative sub-zone of the reserve forest” is a regular operating area of the reserve forest management unit, research and experiment institution, area providing tourism, hospitality or entertainment services combined with construction works to manage services of the national park, natural reserve or species – habitat reserve.
29. “closing of the natural forest” means an act of stopping the utilization of timbers from the natural forest for a certain period of time under a decision made by a competent state authority.
30. “opening of the natural forest” means permission to continue using timbers from the natural forest under a decision made by a competent state authority.
31. “forest degradation” is a decline in the forest ecosystems resulting in reduction in the function of the forest.

### **Article 3. Rules for forestry operations**

1. Manage forest area and quality sustainably to ensure the harmony with targets for socio-economic development, national security, biodiversity conservation, to enhance the forest canopy and forest service value and preparedness to climate change.

2. Have private sectors involved in forestry operations in order to ensure the compliance of the state interests with interests of forest owners and entities involving in forestry operations.
3. Ensure connection of chains from forest protection, development and use to forest products processing and trade to enhance the forest value.
4. Ensure publicity, transparency and participation of organizations, households, individuals and communities involving in forestry operations.
5. Comply with international agreements related to forestry to which the Socialist Republic of Vietnam is a signatory; or conform to other international agreements to which the Socialist Republic of Vietnam is a signatory unless otherwise stated herein or if legislative documents have not specified.

#### **Article 4. Forestry policies of the State**

1. The State shall develop investment policies and mobilized private sectors to involve in forestry operations in compliance with socio-economic development and national security policies.
2. The State shall ensure resources for management, protection and development of reserve forests and protection forests.
3. The State shall protect legitimate rights and interests of organizations, households, individuals and communities involving in forestry operations.
4. The State shall organize and assist the management, protection and development of production forests; forestry varieties, forest restoration and forestation; research and apply science, high and state-of-the-art technology; provide training for personnel; provide forest environmental services; large-scale timber forestation, conversion from small-scale timber to large-scale timber forestation; infrastructure; sustainable forest management; forest products processing and trade; international cooperation in forestry.
5. The State shall encourage combined forestry-agricultural-fishery production; organic forestry production; and provide planted production forest insurance.
6. The State shall allocate forest and land to ethnic minority people and communities whose income mainly comes from forests for combined forestry-agricultural-fishery production; facilitate cooperation in forest protection and development with forest owners and benefit sharing arising from forests; facilitate practice in culture and beliefs associated with forests according to the Government' regulations.

#### **Article 5. Forest classification**

1. According to their primary use purposes, natural and planted forests shall be divided into three following types:

- a) Reserve forests;
- b) Protection forests;
- c) Production forests.

2. Reserve forests shall be mostly used to conserve natural forest ecosystems, genetic resources of forest organisms, carry out scientific research and preserve historical - cultural relics, beliefs, places of scenic beauty associated with ecotourism; hospitality and entertainment except for strictly protected sub-zones of reserve forests; and provide forest environmental services including:

- a) National parks;
- b) Natural reserves;
- c) Species – habitat reserves;
- d) Landscape protection areas including forests used for preserving historical - cultural relics and places of scenic beauty; belief forests; forests protecting environment of urban areas, industrial parks, export-processing zones, economic zones and high-tech zones;
- dd) Forests used for scientific research or experiment purposes; national botanical gardens; national forest nurseries.

3. Protection forests shall be mainly used to protect water resources and soil, prevent erosion/landslides/floods, combat desertification, limit disasters, regulate climate, contribute to protect the environment and national security associated with ecotourism, hospitality and entertainment; provide forest environmental services; and are classified according to their importance including:

- a) Watershed protection forests; forests protecting water resources for communities; bordering protection forests;
- b) Wind/sand shielding protection forests; protection forests for tide shielding or sea encroachment prevention.

4. Production forests shall be primarily used for provision of forest products; combined forestry-agricultural-fishery production and trade; ecotourism, hospitality and entertainment; and provision of forest entertainment services.

5. The Government shall specify criteria for forest determination and classification and regulations on forest management.

6. The Minister of Agriculture and Rural Development shall specify criteria for determining the importance of protection forests.

## **Article 6. Forest boundary delimitation**

1. Forests shall have boundaries delimited clearly on sites and maps with documents on forest management. The forest boundary delimitation system shall ensure consistency among subzones, plots and pieces of forests throughout the country.
2. The Minister of Agriculture and Rural Development shall specify this Article.

## **Article 7. Forest ownership**

1. The State shall be the owner representative of public forests including:
  - a) Natural forests;
  - b) Planted forests invested by the State;
  - c) Planted forests appropriated or given by the State, or whose forest ownership is transferred in accordance with regulations of law.
2. Organizations, households, individuals and communities shall own planted production forests consisting of:
  - a) Their own forests;
  - b) Forests that are received from transfer, gifting or inheritance from other owners.

## **Article 8. Forest owners**

Forest owners include:

1. Reserve forest and protection forest management units.
2. Business entities including enterprises, cooperatives, cooperative unions and other business entities that are established and operating in accordance with regulations of law, except for the owners stated in Clause 7 this Article.
3. Authorities that are affiliated to the People's Armed Forces and allocated forests (hereinafter referred to as "armed force authorities").
4. Science and technology institutions; vocational education and training centers in forestry.
5. Domestic households and individuals.
6. Communities.

7. Foreign-invested enterprises whose land is leased out by the State for forest production planting.

### **Article 9. Prohibited acts**

1. Illegally felling, deforesting, exploiting or encroaching forests.
2. Illegally discharging sewage or bringing toxic chemicals, explosives, flammable substances, tools or vehicles into forests; grazing cattle or livestock in strictly protected sub-zones of reserve forests or newly planted forests.
3. Illegally hunting, shooting, catching, caging, slaughtering, transporting or trading in forest animals; illegally collecting specimens of forest plant or animal species.
4. Destroying forest resources, ecosystems or works used for forest protection and development.
5. Violating regulations on fire safety in forests; prevention and elimination of organisms harmful to forests; management of harmful allochthonous species; provision of forest environmental services.
6. Storing, trading in, transporting, processing, advertising, displaying, exporting, importing, temporarily importing, temporarily exporting or transiting forest products against regulations of Vietnam law and international agreements to which the Socialist Republic of Vietnam is a signatory.
7. Exploiting natural resources, mineral resources or forest environment; building, digging, damming, stopping natural flows or other activities against regulations of law that lead to change in the natural landscape structure of forest ecosystems.
8. Illegally allocating, leasing out or appropriating forests, converting types of forests, repurposing of forests; illegally exploiting or transporting forest products; illegally changing forest area, transferring, inheriting, gifting, mortgaging or contributing capital with the value of forest use rights or planted production forest ownership; discriminating against religions, beliefs or genders when allocating or leasing out forests.
9. Illegally using materials for forest products processing.

## **Chapter II**

### **FORESTRY PLANNING**

#### **Article 10. Rules and bases for preparing forestry planning**

1. The forestry planning shall be made in accordance with rules of law on planning and the following rules:

- a) The forest planning shall be suitable for the overall national planning, national land use planning, national forestry development strategy and national strategy on biodiversity;
  - b) The forest planning shall ensure the sustainable forest management; harvest and use of forests associated with conservation of national resources, enhancement of economic value of forests and cultural - historical value; environmental safety, preparedness to climate change and improvement of people's livelihood;
  - c) Natural forests shall be included in the planning of reserve forests, protection forests and production forests;
  - d) The forest planning shall ensure participation of organizations, households, individuals and communities; ensure publicity, transparency and sexual equality;
  - dd) Contents of forestry stated in the provincial and national forestry planning shall ensure consistency.
2. The forestry planning shall be made in accordance with bases of law on planning and the following bases:
- a) The national forest planning shall be based on the overall national planning, national land use planning and national forestry development strategy;
  - b) Contents of forestry stated in the provincial and national forestry planning shall ensure consistency;
  - c) The forestry planning shall be based on natural and socio-economic conditions and national or local resources.

#### **Article 11. Periods and contents of forestry planning**

- 1. The period of national forestry planning shall be 10 years with an orientation from 30 to 50 years.
- 2. Forestry planning contents shall be in compliance with regulations law on planning including:
  - a) Collecting, analyzing and assessing data on natural and socio-economic conditions and actual state of forest resources; relevant policies and development orientation and planning; assessing development resources and problems need to be solved;
  - b) Assessing the implementation of previous forest planning on forest management, protection and development; forest products processing and trade; investment in science and technology and workforce;
  - c) Forecasting forest products demand and market, forest environmental services, effect of climate change, scientific and technical advances and technological advances applied to forestry;

d) Studying cases and connection of industries; determining requirements for socio-economic development of forestry;

dd) Determining points of view and development goals of forestry;

e) Sustainable development orientation of reserve forests, protection forests and production forests;

g) Development orientation of forestry infrastructure;

h) Development orientation of the market, material supplying areas and processing of forest products;

i) Solutions to and resources for implementing the planning.

## **Article 12. Preparation, comments, assessment, approval and adjustment of national forest planning**

1. Responsibilities of organizations preparing national forest planning:

a) The Ministry of Agriculture and Rural Development shall prepare the national forest planning;

b) Ministries, ministerial authorities and People's Committees of provinces shall cooperate with the Ministry of Agriculture and Rural Development in preparing the national forestry planning.

2. Comments on the national forest planning shall be collected as follows:

a) The Ministry of Agriculture and Rural Development shall collect comments from relevant state authorities, organizations, households, individuals and communities; consolidate, select and explain comments on the national forestry planning;

b) Comments on the national forestry planning shall be collected publicly through websites and mass media; sending comments in writing; organizing conferences or workshops;

c) The time limit for collecting comments shall be 60 days from the day on which a competent state authority makes a decision on collection of comments.

3. Assessment of the national forest planning:

a) The Prime Minister shall set up an assessment council responsible for the national forest planning;

b) The Ministry of Agriculture and Rural Development shall be the standing authority of the assessment council of the national forest planning;

- c) The assessment council shall carry out assessment of the national forestry planning and send results thereof to the Ministry of Agriculture and Rural Development. The Ministry of Agriculture and Rural Development shall acknowledge and explain assessment contents;
- d) Assessment contents shall include the compliance with the overall national planning, national forestry development strategy and national land use planning; actual situations, resources, demand and capability of using forests to satisfy requirements for sustainable development; socio-economic and environmental efficiency; and feasibility of the planning.
4. The Prime Minister shall approve the national forestry planning submitted by the Minister of Agriculture and Rural Development.
5. Adjustment of the national forest planning:
- a) The national forest planning shall be adjusted if any change in the national overall planning, national land use planning or national forestry development strategy makes a big change in the forest planning contents mentioned in Clause 2 Article 11 herein;
- b) The adjustment of the national forest planning shall be assessed and approved in accordance with the provisions of Clause 3 and Clause 4 this Article.
6. Preparation, comments, assessment, approval and adjustment of the national forest planning shall comply with provisions stated herein and regulations of law on planning.

### **Article 13. Provision of forestry planning preparation consulting services**

1. Authorities preparing forest planning shall select qualified consulting service providers in compliance with regulations of law on bidding.
2. Consulting service providers shall have juridical person status and adequate qualifications in accordance with the Government's regulations.

## **Chapter III**

### **FOREST MANAGEMENT**

#### **Section 1. FOREST ALLOCATION, LEASE, REPURPOSING OR APPROPRIATION AND CONVERSION OF FOREST TYPES**

##### **Article 14. Rules for forest allocation, lease, repurposing and appropriation**

1. Forest allocation, lease, repurposing and appropriation shall be in compliance with the national forestry planning, land use planning and forest area of provinces.
2. Natural forests shall not be repurposed, except for important national projects, projects for national security purposes or other urgent projects approved by the Government.

3. Disputed forest area shall not be allocated or leased out.
4. Forest owners shall not be entitled to lease out natural or planted forest area invested by the State to other organizations, households or individuals.
5. Forest and land allocation, lease, repurposing and appropriation shall ensure consistency.
6. Forest allocation or lease terms and limits shall be consistent with land allocation or lease terms and limits.
7. Forest allocation, lease, repurposing and appropriation shall ensure publicity and transparency with participation of local people; no discrimination against religions, beliefs or genders when allocating or leasing out forests.
8. Forest allocation, lease, repurposing and appropriation shall respect living space and customs of the communities; give priority to ethnic minority people, households, individuals and communities having traditional customs, culture or beliefs associated with forests and having local community rules in compliance with regulations of law.

#### **Article 15. Bases for forest allocation, lease and repurposing**

1. Plans for forest allocation, lease or repurposing of People's Committees of districts adopted by People's Committees of provinces; annual land use plans of districts approved by competent state authorities.
2. Forest or land area planned for afforestation.
3. Demand for using forests stated in investment projects of organizations or in enquiry forms of forest allocation, lease or repurposing of households, individuals or communities.
4. Capability to manage forest sustainably by organizations, households, individuals or communities.

#### **Article 16. Forest allocation**

1. The State shall allocate levy-free reserve forests to the following entities:
  - a) Reserve forest management units of national parks; natural reserves; species – habitat reserves; landscape protection areas including forests used for preserving historical - cultural relics and places of scenic beauty; forests protecting environment of urban areas, industrial parks, export-processing zones, economic zones and high-tech zones; national forest nurseries; or national botanical gardens;
  - b) Science and technology institutions or vocational education and training centers in forestry of forests used for scientific research or experiment purposes or national botanical gardens;

c) Protection forest management units, business entities, armed force authorities of landscape protection areas including forests used for preserving historical - cultural relics and places of scenic beauty; forests protecting environment of urban areas, industrial parks, export-processing zones, economic zones and high-tech zones alternate with allocated forest area;

d) Communities having belief forests managed and used traditionally;

dd) Domestic business entities, science and technology institutions or vocational education and training centers in forestry having national forest nurseries alternate with allocated forest area.

2. The State shall allocate levy-free protection forests to the following entities:

a) Protection forest management units or armed force authorities of watershed or bordering protection forests; wind or sand shielding protection forests; protection forests for tide shielding or sea encroachment prevention;

b) Business entities having protection forests alternate with their production forest area;

c) Households or individuals legally residing in the districts where protection forests are located having watershed protection forests; wind or sand shielding protection forests; protection forests for tide shielding or sea encroachment prevention;

d) Communities legally residing in the communes where protection forests are located having watershed protection forests; wind or sand shielding protection forests; protection forests for tide shielding or sea encroachment prevention; or forests protecting their water resources.

3. The State shall allocate levy-free production forests to the following entities:

a) Households, individuals or communities legally residing in the communes where forests are located; armed force authorities;

b) Reserve forest management units or protection forest management units of production forests alternate with reserve forest/protection forest area allocated to them.

### **Article 17. Production forest for lease**

The State shall lease out natural production forests or planted production forests with lump-sum or annual rent to business entities, households or individuals for forestry production; combined forestry-agricultural-fishery production; or trade in ecotourism, hospitality or entertainment.

### **Article 18. Conversion of forest types**

1. Conversion from a forest type to another shall satisfy the following requirements:

a) The conversion is suitable for forestry planning;

- b) The conversion meets criteria for forest classification;
- c) The plan for conversion of forest types is available.

2. Power to convert types of forests:

- a) The Prime Minister shall decide to convert types of forests that the Prime Minister established at the request of the Ministry of Agriculture and Rural Development;
- b) The People's Committee of province shall decide to convert types of forests not mentioned in Point a this Clause after People's Council thereof makes a decision on conversion of forest types.

**Article 19. Requirements for forest repurposing**

- 1. Forest repurposing shall be in compliance with the national forestry planning, land use plans and planning.
- 2. Competent state authorities shall make decisions on forest repurposing.
- 3. Forest repurposing shall have investment projects approved by competent state authorities.
- 4. There shall be replacement afforestation plans approved by competent state authorities after payment for replacement afforestation is fully made.

**Article 20. Power to make decisions on forest repurposing**

- 1. The National Assembly shall make decisions on repurposing of reserve forests, watershed protection forests, bordering protection forests of at least 50 ha; wind/sand shielding protection forests and tide shielding/sea encroachment prevention forests of at least 500 ha; production forests of at least 1,000 ha.
- 2. The Prime Minister shall make decisions on repurposing of reserve forests of under 50 ha; watershed protection forests or bordering protection forests of from 20 ha to under 50 ha; wind/sand shielding protection forests and tide shielding/sea encroachment prevention forests of from 20 ha to under 500 ha; production forests of from 50 ha to under 1,000 ha.
- 3. People's Councils of provinces shall make decisions on repurposing of watershed protection forests, bordering protection forests, wind/sand shielding protection forests and tide shielding/sea encroachment prevention of under 20 ha; production forests under 50 ha; forests protecting water resources of communities.

**Article 21. Replacement afforestation when forests are repurposed**

- 1. A project manager whose land is allocated or rented and repurposing the forest shall plant a replacement forest equal to the area of the repurposed forest if it is a planted forest or increasing threefold the area of the repurposed forest if it is a natural forest.

2. The project manager mentioned in Clause 1 this Article shall develop the replacement afforestation plan to request the People's Committee of province for approval if he/she plants the forest or pay an amount to the forest protection and development fund of the province if he/she does not plant the forest.

3. The amount paid to the forest protection and development fund of the province shall be the replacement afforestation area stated in Clause 1 this Article multiplied by the unit price per ha decided by the People's Committee of province; People's Committee of province shall decide to use the amount paid to such fund to carry out replacement afforestation in the province.

4. If the People's Committee of province fails to arrange area used for replacement afforestation within 12 months from the day on which the project manager make full payment to the forest protection and development fund of the province, the amount of replacement afforestation shall be transferred to the national forest protection and development fund in order to organize replacement afforestation in another province.

5. The Minister of Agriculture and Rural Development shall specify contents, procedures and time limit for implementing replacement afforestation mentioned in this Article.

## **Article 22. Forest appropriation**

1. The State shall appropriate the forest in the cases where:

a) The forest owner uses the forest for improper purposes, does not fulfill state obligations intentionally or commits serious violations against regulations of law on forestry;

b) The forest owner fails to carry out forest protection and development after 12 consecutive months from the day on which the forest is allocated or leased out, except for force majeure events confirmed by a competent state authority;

c) The forest owner voluntarily returns the forest;

d) The term of the forest allocated or leased out by the State expires without any extension;

dd) The forest is allocated or leased ultra vires or to a wrong subject;

e) The forest owner is an individual who dies without any heir;

g) Other cases of forestland appropriation prescribed in the Land Law.

2. The forest owner shall be entitled to receive compensation when the State appropriates the forest for national security purposes; socio-economic development for national and public interests; allocates or leases out the forest ultra vires or to a wrong subject.

## **Article 23. Power to allocate, lease out, repurpose or appropriate forests**

1. Power of People's Committees of provinces:

- a) Allocate, lease out forests to, repurpose or appropriate forests of organizations;
- b) Lease out land to foreign-invested enterprises for forest production planting in Vietnam.

2. Power of People's Committees of districts:

- a) Allocate, lease out forests to, repurpose or appropriate forests of households and individuals;
- b) Allocate forests to, repurpose or appropriate forests of communities.

3. If the appropriated forest area include the subjects mentioned in Point a Clause 1 and Clause 2 this Article, People's Committees of provinces shall make decisions on forest appropriation or authorize People's Committees of districts to make decisions thereon.

4. The Government shall specify forest allocation, lease, repurposing, appropriation and conversion of forest types.

## **Section 2. FOREST MANAGEMENT**

### **Article 24. Rules for forestry management**

- 1. The State shall allocate, lease out, manage and protect forests and make sure that forest area is possessed.
- 2. Forest owners shall manage forests sustainably; manage, protect, develop and use forests in accordance with forest management regulations.

### **Article 25. Power to establish reserve forests and protection forests**

- 1. The Prime Minister shall decide to establish reserve forests and protection forests that are of national or inter-provincial importance.
- 2. People's Committees of provinces shall make decisions on establishing reserve forests and protection forests in other provinces that are not mentioned in Clause 1 this Article.
- 3. Reserve forests and protection forests shall be established according to forest management regulations.

### **Article 26. Reserve forest and protection forest management**

- 1. Reserve forest management:

a) Reserve forest management units shall be established to manage national parks, species – habitat reserves or landscape protection areas provided that area of each park/reserve/area is at least 3,000 ha.

Each province shall set up a reserve forest management unit if the province has one or some natural reserves, species – habitat reserves or landscape protection areas provided that area of each reserve/area is under 3,000 ha;

b) Organizations provided with forests used for scientific research or experiment purposes, national botanical gardens or national forest nurseries shall manage their own forests.

2. Protection forest management:

a) Protection forest management units shall be established to manage watershed or bordering protection forests provided that area of each forest is at least 5,000 ha; or wind/sand shielding protection forests or protection forests for tide shielding/sea encroachment prevention provided that area of each forest is at least 3,000 ha;

b) Other protection forests not mentioned in Point a this Clause shall be managed by business entities, households, individuals, communities or armed force authorities in provinces.

3. Reserve forests and protection forests shall be managed under forest management regulations.

### **Section 3. SUSTAINABLE FOREST MANAGEMENT**

#### **Article 27. Sustainable forest management plans**

1. Responsibilities of developing and implementing sustainable forest management plans:

a) Sustainable forest management plans shall be developed and implemented by forest owners;

b) Forest owners that are households, individuals, communities or associated household and individuals are encouraged to develop and implement sustainable forest management plans.

2. Basic contents of the sustainable forest management plan applied to reserve forests include:

a) Assessment of natural and socio-economic conditions and national security; actual state of forest ecosystems, biodiversity, genetic resources of organisms, historical-cultural relics and landscapes;

b) Identification of sustainable forest management goal and scope;

c) Determining forest area in degraded functional areas to be rehabilitated and conserved;

d) Determination of forest management, protection, conservation, development and use;

dd) Solutions to and implementation of the plan.

3. Basic contents of the sustainable forest management plan applied to protection forests include:

a) Assessment of natural and socio-economic conditions and national security; actual state of forest resources;

b) Identification of sustainable forest management goal and scope;

c) Determining the protection of forests;

d) Determination of forest management, protection, development and use;

dd) Solutions to and implementation of the plan.

4. Basic contents of the sustainable forest management plan applied to production forests include:

a) Assessment of natural and socio-economic conditions; actual state of forest resources; productivity and income; assessment of markets affecting operation of forest owners;

b) Identification of sustainable forest management goal and scope;

c) Determination of forest products management, protection, development, use and trade;

d) Solutions to and implementation of the plan.

5. The Minister of Agriculture and Rural Development shall specify contents of sustainable forest management plans and procedures for developing and adopting such plans.

#### **Article 28. Certificates of sustainable forest management**

1. Certificates of sustainable forest management shall be issued to forest owners on the voluntary principle.

2. Forest owners shall be granted certificates of domestic or international sustainable forest management when they make sustainable forest management plans and satisfy criteria for sustainable forest management.

3. Organizations responsible for assessing and granting certificates of sustainable forest management in Vietnam shall comply with regulations of Vietnam law.

4. The Minister of Agriculture and Rural Development shall specify criteria for sustainable forest management.

#### **Section 4. OPENING AND CLOSING OF NATURAL FORESTS**

### **Article 29. Rules for opening and closing of natural forests**

1. Ensure sustainable forest management and conserve forest resources and biodiversity.
2. Ensure publicity and transparency.
3. Ensure legitimate rights and interests of relevant authorities when opening or closing natural forests.

### **Article 30. Cases where natural forests are opened or closed**

1. The natural forest shall be closed if:
  - a) Deforestation or illegal forest exploitation becomes complicated or has risks of declining forest resources seriously;
  - b) The poor natural forest needs to be restored; biodiversity and protection function of the forest degrade significantly.
2. Natural forests shall be opened after the problems mentioned in Clause 1 this Article have been solved.
3. Opening and closing of natural forests shall comply with forest management regulations.

### **Article 31. Power, procedures and publishing of decisions on opening and closing natural forests**

1. The Prime Minister shall decide to open or close natural resources throughout the country or across multiple provinces/central-affiliated cities.
2. Chairpersons of People's Committees of provinces shall decide to open or close natural forests located at their provinces after People's Councils thereof have adopted plans for opening or closing of natural forests.
3. Decisions on opening or closing natural forests shall be publicly available.
4. Procedures for opening and closing of natural forests shall comply with forest management regulations.

### **Article 32. Responsibility of the State when closing natural forests**

1. The State shall provide funding for natural production forest protection and development when natural forests are closed.

2. The Ministry of Agriculture and Rural Development shall direct and cooperate with the Ministry of Finance in requesting the Prime Minister to consider assisting forest owners when natural forests are closed according to the Prime Minister's decision.

3. People's Committees of provinces shall request People's Councils thereof to consider assisting forest owners when natural forests are closed according to decision of Chairpersons of People's Committees of provinces.

## **Section 5. INVESTIGATION, STOCKTAKING, DEVELOPMENT INSPECTION OF FORESTS AND FOREST DATABASE**

### **Article 33. Forest investigation**

1. Contents of forest investigation:

- a) Forest investigation and classification; ranking importance of protection forests;
- b) Investigating and assessing forest quality and forest development potential;
- c) Investigating and assessing forest loss and degradation;
- d) Investigating and assessing forest biodiversity;
- dd) Developing and maintaining the forest development supervision system;
- e) Assessing the greenhouse gas emission reduction due to finding solutions to limit forest loss and degradation, manage forests sustainably, conserve and increase forest carbon reserves.

2. Forest investigation shall be carried out as follows:

- a) The Ministry of Agriculture and Rural Development shall implement and publish national forest investigation results every 5 years and according to each topic; direct implementation of provincial forest investigation;
- b) People's Committees of provinces shall carry out forest investigation in their provinces and publish its results.

3. The Minister of Agriculture and Rural Development shall specify contents of forest investigation; methods and procedures for forest investigation.

### **Article 34. Forest stocktaking**

1. Forest stocktaking shall be done under orders of local authorities associated with specific forest managers nationwide to determine real area, forest reserves or land whose forests have not been planned for forestry; revise database on forests and non-forested land.

2. Basic contents of forest stocktaking:

a) Consolidating and processing information about forest resources;

b) Doing stocktaking of forest area and reserves of pieces of forest;

c) Doing stocktaking of forest area and reserves of forest owners;

d) Doing stocktaking of total forest area and reserves according to administrative levels;

dd) Making documents on management of pieces, plots or subzones of forests, forest owners and administrative authorities.

e) Publishing of forest stocktaking results.

3. Forest stocktaking shall be done every 10 years in accordance with the time for doing land stocktaking.

4. Forest owners shall do forest stocktaking and facilitate forestry authorities of provinces to carry out inspections if forest owners are organizations; or facilitate forestry authorities of districts if forest owners are households/individuals/communities; declare forest stocktaking figures according to specimens and take responsibility for their declaration.

5. Forestry authorities shall provide guidelines for and assist in techniques and carry out inspections and supervision of forest stocktaking; provide forest owners with funding for making forest stocktaking if they are households/individuals/communities.

6. The Minister of Agriculture and Rural Development shall specify contents of forest stocktaking; methods and procedures for making forest stocktaking.

### **Article 35. Inspection of forest development**

1. Inspection of forest development shall be conducted every year in order to have a thorough grasp of area of types of forests or non-forested land; variation in area of forest types serving forest management, protection and development.

2. A piece of forest shall be the base unit to inspect forest development, gathered according to each forest plot or subzone of each forest owner and consolidated in communes/districts/provinces or nationwide.

3. The Minister of Agriculture and Rural Development shall specify this Article.

### **Article 36. Forest database**

1. Forest database is an organized set of data on forests that is developed, updated and maintained to satisfy the needs of using information serving forest management, protection and development and other managing requirements; and is a part of the forestry information system.

2. Forest database includes:

a) Data on legislative documents related to forests;

b) Data on forest management, protection, development and use; conservation of nature, endangered/rare species, scientific research related to forests;

c) Data on forest investigation, stocktaking, development and results of greenhouse gas emission reduction related to forests;

d) Other data relevant to forests.

3. The Ministry of Agriculture and Rural Development shall ensure consistency of development and management of forest database across the country.

## **Chapter IV**

### **FOREST PROTECTION**

#### **Article 37. Forest ecosystem protection**

State authorities, organizations, households, individuals and communities directly affecting forest ecosystems or forest organism growth and development shall conform to provisions stated herein and regulations of law on environmental safety, biodiversity protection, protection and quarantine of plants and animals and other regulations of relevant law.

#### **Article 38. Protection of forest plants and animals**

1. Endangered and rare species of forest plants and animals shall be listed to be managed and protected.

2. The Government shall make the list and develop policies on management and protection of endangered and rare species of forest plants and animals; procedures for using endangered/rare/wild species of forest plants and animals provided in Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

3. The Minister of Agriculture and Rural Development shall specify procedures for using timber and non-timber forest products and forest animals, apart from the provision of Clause 2 this Article.

#### **Article 39. Forest fire safety**

1. Forest owners shall make and implement fire safety plans; follow instructions given and inspections carried out by competent state authorities.
2. In case of being permitted to build a fire in or close to forests to clear off hills or fields to prepare land for afforestation, or to build a fire before the dry season or to use flame for other purposes, persons building fires shall impose fire safety measures.
3. Organizations, households and individuals that build or conduct activities in or close to forests shall comply with regulations on fire safety; and take fire safety measures proposed by forest owners.
4. In case of outbreak of forest fires, forest owners shall promptly put out fires and immediately report them to relevant authorities or entities; overcome fire damage and report it to competent state authorities. State authorities and relevant entities shall cooperate in extinguishing forest fires promptly.
5. In the cases where a forest fire breaks out in a vast area threatening to cause disaster that leads to an emergency, the forest fire fighting shall conform to regulations of law on emergencies.
6. Forest rangers shall take charge and cooperate with fire police in providing guidelines for forest owners to develop fire safety plans.
7. The Government shall specify this Article.

#### **Article 40. Prevention and elimination of forest pests**

1. Prevention and elimination of forest pests; feeding or grazing animals in forests shall abide by provisions stated herein and regulations of law on biodiversity, protection and quarantine of plants and animals.
2. Forest owners shall take measures to prevent and eliminate forest pests; immediately inform nearest plant or animal protection and quarantine authorities of any pests in the allocated/leased forest areas are found; impose bio-forestry or biological measures for prevention and elimination of forest pests.
3. The Ministry of Agriculture and Rural Development shall forecast epidemics; direct preventive and remedial measures for forest pests.
4. People's Committees shall organize and direct preventive and remedial measures for forest pests in their local areas to make sure that forest pests will not spread to other areas.

#### **Article 41. Forces responsible for protecting forests of forest owners**

1. Reserve forest management units and protection forest management units of the area where forest rangers are not available; state-owned enterprises, organizations not affiliated to armed

forces whose forests and forestland are allocated or leased out by the State shall be entitled to organize forces responsible for protecting forests.

2. Forces responsible for protecting forests shall:

a) Carry out patrols and inspections of protecting forests and forestland that are planned for forestry;

b) Take preventive measures for fire safety;

c) Impose preventive measures for violations against regulations on forest management, protection and development; have the rights to use combat gear in accordance with regulations of law.

3. Forest owners shall directly manage and direct activities of forces responsible for protecting forests; ensure policies for forces responsible for protecting forests.

4. The Government shall specify this Article.

#### **Article 42. Inspection of forest products origins**

1. Inspection of forest products origins include inspection of documents on forest products, inspection of forest products in the course of harvesting, transporting, processing, trading, exporting, importing, transplanting and storing forest products.

2. Inspection of forest products origins shall be carried out according to plans or on an ad hoc basis if any violation is found.

3. Forest rangers shall take charge and cooperate with Vietnamese police and army, militias, market surveillance authorities, customs and relevant organizations and authorities in taking preventive measures, conducting inspections, detecting and taking actions against violations within their competence.

4. Vietnamese police and army, militias, market surveillance authorities, customs, judicial authorities and relevant organizations and authorities shall cooperate with forest rangers carrying out their functions, tasks and power within their competence.

5. The Minister of Agriculture and Rural Development shall specify documents on legal forest products and procedures for management of forest products origins.

#### **Article 43. Forest protection responsibilities of the entire people**

1. State authorities, organizations, households, individuals and communities shall protect forests in compliance with provisions stated herein and regulations of law on fire and environmental safety, biodiversity protection, protection and quarantine of plants and animals and other regulations of relevant law.

2. Organizations, households, individuals and communities shall promptly inform competent state authorities or forest owners of forest fires, forest pests and violations against regulations on forest management and protection; comply with personnel and vehicle mobilization of competent state authorities in case of forest fires.

## **Chapter V**

### **FOREST DEVELOPMENT**

#### **Article 44. Development of varieties of forest plants**

1. Establish the national forest seedling network to store genetic resources and supply sustainably high quality varieties.
2. Develop and upgrade seedling forests, forest nurseries, budwood orchards; only produce or trade in recognized varieties, varieties resources and materials in case of primary trees.
3. Improve genetic quality, select and reproduce new varieties with high productivity, high quality and good resistance in order to satisfy requirements for trading in forest products and adapt to climate change.
4. Conduct research and apply science and technology advances in selecting, reproducing and propagating highly productive and high quality forest plant varieties; enhance capacity of varieties management, reproduction execution and supply; raise awareness of people, authorities and organizations of forestry plant varieties.
5. The Minister of Agriculture and Rural Development shall specify the list of primary plant varieties; procedures for recognizing varieties, varieties resources and materials.

#### **Article 45. Bio-forestry measures**

1. Bio-forestry measures consist of:
  - a) Localizing and promoting natural forest reproduction or additional planting;
  - b) Nurturing and enriching forests;
  - c) Regenerating natural forests;
  - d) Planting new forests, replanting forests and nurturing planted forests.
2. The Minister of Agriculture and Rural Development shall specify this Article.

#### **Article 46. Reserve forest development**

1. In case of national parks, natural reserves and species - habitat reserves:

- a) Maintain natural structures of forests and ensure natural development of forests in strictly protected sub-zones of reserve forests;
- b) Restore natural structures of forests; impose measures for combining natural regeneration and enrichment of forests, plant native trees in ecological restoration sub-zones of reserve forests and service and administrative sub-zones of reserve forests;
- c) Rescue, conserve and develop species of organisms.

2. In case of landscape protection areas:

- a) Maintain available forest area;
- b) Apply techniques to afforestation, localize and promote natural forest regeneration and enrichment to improve forest quality.

3. Forests used for scientific research or experiment purposes shall be protected and developed in accordance with scientific research tasks decided by forest owners or competent state authorities.

4. National seedling forests shall be maintained and developed according to plans adopted by competent state authorities.

5. National botanical gardens shall collect, select, store and plant native trees associated with scientific research, education and training in environment and tourism.

#### **Article 47. Protection forest development**

1. Watershed and bordering protection forests shall be developed as concentrated forests or inter-areas; maintain and form forest structures to ensure forest protection functions.

2. In case of watershed or bordering protection forests and forests protecting community water resources:

- a) Protect and combine localization and promotion of natural forest regeneration with forest enrichment;
- b) Plant forests located on vacant land or unable to be naturally regenerated into forests; plant mixture of multiple native trees, multi-purpose trees and non-timber forestry products.

3. In case of wind/sand shielding protection forests; forests for tide shielding or sea encroachment prevention:

- a) Establish forest belts in compliance with natural conditions in each area;

b) Apply afforestation methods with deep-rooted tree species, especially native plants that are able to grow in and adapt to harsh conditions; plant additional trees in areas where criteria for afforestation are not satisfied.

#### **Article 48. Production forest development**

1. Maintain available natural production forests; restore natural forests in area that has been used but fails to meet forest criteria; only reform natural forests located in area that is unable to restore.
2. Form concentrated forest areas, apply modern biotechnology and intensive forestry techniques to improve planted forest productivity and provide materials for forest products processing industry.
3. Stimulate afforestation of mixed-species or non-timber forest products; combine planting fast-growing small trees with planting long-term large trees; convert from small timber forests into large ones (if possible).

#### **Article 49. Transplant of forest plants and breeding of forest animals**

1. Organizations and individuals transplanting and reproducing forest plants and breeding forest animals that are endangered or rare, forest plants or animals on the list of the CITES Appendices or ordinary forest animals shall satisfy requirements for legal varieties/breeds, farms ensuring safety for human and livestock, environmental and epidemic safety not having adverse influence on species population conservation in natural environment.
2. The Government shall specify requirements, procedures and power to license transplanting and reproduction of forest plants and breeding of forest animals that are endangered or rare, forest plants or animals on the list of the CITES Appendices and ordinary forest animals.

#### **Article 50. Scattered afforestation**

1. Scattered tree planting means planting trees beyond forest area in order to increase green space, create landscapes, protect the environment associated with timber or wood supply and tourist services.
2. Central and local authorities and organizations shall disseminate and raise people's awareness of planting scattered trees; organize planting, management and protection of scattered trees in urban/rural areas and industrial parks.
3. The State shall formulate policies on varieties supply and provide guidance on planting techniques of scattered trees.

#### **Article 51. Infrastructure serving forest protection and development**

1. Forestry route system including roads for exporting/transporting forest products, patrolling roads for forest protection; warehouses or forest products yards.
2. Works for preventing and eliminating forest pests, rescue, protection and development of forest plants and animals.
3. Forest fire safety works including fire barriers, forest guard towers, observation stations and forest fire forecasts; canals, ditches, reservoirs and dams for fire safety.
4. Forest protection stations; signs, warning signs, forest boundary markers, subzones, plots and pieces of forests.
5. Other essential infrastructure serving forest protection and development.

## **Chapter VI**

### **USE OF FORESTS**

#### **Section 1. Use of reserve forests**

##### **Article 52. Use of forest products in reserve forests**

1. National parks, natural reserves and species - habitat reserves shall:
  - a) Not use forest products in strictly protected sub-zones of reserve forests; not carry out secondary mining of dead timber trees or broken trees in ecological restoration sub-zones of reserve forests;
  - b) Be entitled to secondary mining of dead timber trees, broken trees and fungi in service or administrative subzones of reserve forests;
  - c) Be eligible to take advantage of timbers, wood, non-timber forest plants and fungi within scope of ground clearance for building works approved by competent state authorities.
  - d) Have the rights to collect specimens of forest plants, animals, fungi and organism genetic resources in accordance with science and technology tasks after obtaining approval from competent state authorities.
2. Landscape protection forests shall:
  - a) Be eligible to take advantage of timbers, wood, non-timber forest plants and fungi in the course of implementing bio-forestry methods to conserve, renovate or restore ecosystems, landscapes, culture or history and within the scope of ground clearance for construction of works after obtaining approval from competent state authorities;

b) Have the rights to collect specimens of forest plants, animals, fungi and organism genetic resources in accordance with science and technology tasks after obtaining approval from competent state authorities;

c) Belief forests shall be entitled to secondary mining of dead timber trees, broken trees, forest plants, fungi and non-timber forest products; use timbers for public purposes approved by competent state authorities.

3. Forests used for scientific research or experimental purposes shall:

a) Be eligible to use forest products in accordance with science and technology tasks after getting approval from competent state authorities;

b) Be entitled to take advantage of timbers, wood, non-timber forest plants and fungi in the course of adjusting groups to forests, nurturing forests and applying other bio-forestry methods; secondary mining of timbers, wood and forest plants within scope of ground clearance for construction of works adopted by competent state authorities;

c) Have the rights to use and collect species of forest plants, animals, fungi, microorganisms, specimens of forest plants, animals and genetic resources serving scientific research and technological development.

4. National botanical gardens and national seedling forests shall:

a) Be eligible to use seedling materials;

b) Be entitled to take advantage of timbers, wood, non-timber forest plants and fungi in the course of adjusting groups to forests, nurturing forests and applying other bio-forestry methods; secondary mining of timbers, wood, forest plants and fungi within scope of ground clearance for construction of works adopted by competent state authorities; secondary mining of dead timber trees and broken trees.

5. Use of forest products in reserve forests shall comply with provisions stated herein and forest management regulations.

### **Article 53. Scientific research, training, practice activities, ecotourism, hospitality and entertainment in reserve forests**

1. Scientific research, training, practice activities, ecotourism, hospitality and entertainment in reserve forests shall conform to forest management regulations and other regulations of relevant law. Provision of hospitality and entertainment activities shall be banned in strictly protected sub-zones of reserve forests.

2. Forest owners shall conceive projects on ecotourism, hospitality or entertainment in reserve forests to request competent state authorities for approval.

3. Entities invested in ecotourism, hospitality or entertainment activities shall set up projects in compliance with regulations of relevant law and projects on ecotourism, hospitality or entertainment.

4. Forest owners shall organize, cooperate, associate or lease out forest environment to entities so as to trade in ecotourism, hospitality or entertainment in reserve forests provided that conservation of natural ecosystems, biodiversity, environmental landscapes and other functions of forests are not affected.

5. Procedures for developing, assessing and approving projects on ecotourism, hospitality or entertainment and managing construction works serving ecotourism, hospitality or entertainment in reserve forests shall conform to forest management regulations and other regulations of relevant law.

#### **Article 54. Living stabilization of people residing in reserve forests and buffer zones of reserve forests**

1. People are not allowed to migrate to reserve forests from other places.

2. Reserve forest management units shall assign forest protection and development to local households, individuals or communities. According to particular conditions, reserve forest management units shall cooperate with local authorities in planning migration or relocation projects to request competent state authorities for approval.

3. Reserve forest management units having ecological restoration sub-zones of reserve forests shall assign, cooperate or associate with local households, individuals or communities in protecting and developing forests.

4. In the cases where residential land or production land of households, individuals or communities alternate in reserve forests are not included in reserve forest planning, households, individuals or communities shall be entitled to continue using in accordance with land use planning adopted by competent state authorities and sustainable forest management plans of forest owners.

5. Reserve forest management units shall develop buffer zone programs or projects; run buffer zone programs or projects with participation of local communities; cooperate with local authorities in reviewing and making management plans for residential land or production land alternate in reserve forests and send them to competent state authorities for approval.

6. Local organizations, households, individuals, communities or organizations operating in buffer zones shall be eligible to supervise, implement and cooperate in managing buffer zone programs or projects.

7. Living stabilization of people residing in reserve forests and buffer zones of reserve forests shall be implemented according to forest management regulations.

## **Section 2. USE OF PROTECTION FORESTS**

### **Article 55. Use of forest products in protection forests**

1. Natural protection forests shall be entitled to use dead timber trees, broken trees, diseased trees or trees standing in places where forest density are higher than prescribed density.
2. Natural protection forests shall use non-timber forest products as follows:
  - a) Use bamboos, bamboo shoots and fungi in protection forests when protection requirements are fulfilled;
  - b) Use non-timber forest products that do not affect capability of forest protection.
3. In case of planted protection forests:
  - a) It is permitted to use supportive trees, trim or prune forests when planted trees have a density higher than prescribed density;
  - b) It is allowed to use primary trees when they reach usage standards by mode of selective harvest or clear-cut harvest in given forest strips or forest areas;
  - c) After using, forest owners shall regenerate or replant forests in the next season and continue to manage and protect them.
4. Use of forest products in reserve forests shall comply with provisions stated herein and forest management regulations.

### **Article 56. Scientific research, training, practice activities, ecotourism, hospitality and entertainment in protection forests**

1. Scientific research, training and practice activities in protection forests shall conform to forest management regulations and other regulations of relevant law.
2. Forest owners shall conceive projects on ecotourism, hospitality or entertainment in protection forests and send them to competent state authorities for approval.
3. Entities invested in ecotourism, hospitality or entertainment activities shall set up projects in compliance with regulations of relevant law and projects on ecotourism, hospitality or entertainment.
4. Forest owners shall organize, cooperate, associate or lease out forest environment to entities so as to trade in ecotourism, hospitality or entertainment in forests provided that conservation of natural ecosystems, biodiversity, environmental landscapes and other functions of forests are not affected.

5. Procedures for developing, assessing and approving projects on ecotourism, hospitality or entertainment and forestland area used for construction works serving ecotourism, hospitality or entertainment in protection forests shall conform to forest management regulations and other regulations of relevant law.

#### **Article 57. Combined forestry-agricultural-fishery production in protection forests**

1. It is allowed to plant alternately agricultural plants and non-timber forest products; raise and plant aquatic products under forest canopies provided that capability of forest protection is not affected.

2. It is allowed to use non-forested land for combined agricultural-forestry production provided that capability of forest protection is not affected.

3. Combined forestry-agricultural-fishery production in protection forests shall comply with forest management regulations and other regulations of relevant law.

### **Section 3. USE OF PRODUCTION FORESTS**

#### **Article 58. Use of forest products in natural production forests**

1. Requirements for using forest products in natural production forests:

a) Forest owners that are organizations shall prepare sustainable forest management plans adopted by competent state authorities;

b) Forest owners that are households/individuals/communities using timbers shall have requests approved by People's Committees of districts.

2. Use of forest products in natural production forests shall comply with provisions stated herein and forest management regulations.

#### **Article 59. Use of forest products in planted production forests**

1. Forest owners shall decide to use their own planted forests.

2. If planted forests are funded by the state budget, forest owners shall make applications for using forest products to request competent state authorities to approve for decided funding.

3. Use of forest products in planted production forests shall comply with provisions stated herein and forest management regulations.

#### **Article 60. Combined forestry-agricultural-fishery production, scientific research, training, practice activities, trade in ecotourism, hospitality and entertainment in protection forests**

1. It is allowed to plant alternately agricultural plants and non-timber forest products; raise and plant aquatic products under forest canopies provided that capability of forest protection is not affected.
2. It is allowed to use non-forested land for combined agricultural-forestry production provided that the land is not degraded, polluted or repurposed.
3. It is permitted to combine trading in ecotourism, hospitality and entertainment with scientific research, training and practice activities.
4. Organization, cooperation, joint venture, association or lease out forests or forest environment to entities shall be in compliance with the rights to trade in ecotourism, hospitality or entertainment of forest owners.
5. Works serving ecotourism, hospitality or entertainment shall be permitted.
6. The activities mentioned in this Article shall conform to forest management regulations and other regulations of relevant law.

#### **Section 4. FOREST ENVIRONMENTAL SERVICES**

##### **Article 61. Forest environmental services**

1. Land protection, erosion and sedimentation limit of lakebeds, river beds and stream beds.
2. Regulating and maintaining water resources for production and social life.
3. Absorbing and storing carbon of forests; reducing greenhouse gas emission by limiting forest loss and degradation; sustainable forest management and green growth.
4. Protecting and maintaining natural landscape beauty, conserving biodiversity of forest ecosystems for trading in tourism services.
5. Providing spawning grounds, food sources, natural breeding stock, water resources from forests and environmental elements and forest ecosystems for aquaculture.

##### **Article 62. Rules for forest environmental service payment**

1. Forest environmental services shall be paid when the criteria mentioned in Clause 3 Article 2 herein are satisfied and one or some of the forest environmental services stated in Article 61 herein are provided.
2. Users of forest environmental services shall pay relevant charges to their forest environmental service providers.
3. Charges for forest environmental safety services shall be paid directly or indirectly.

4. Charges for forest environmental services shall be added to prime costs of goods or services of users.

5. Forest environmental services shall ensure publicity, democracy, objectivity and equality; compliance with Vietnam law and international agreements to which the Socialist Republic of Vietnam is a signatory.

### **Article 63. Providers, users, options for methods of payment and management of forest environmental services**

1. Providers (payees) of forest environmental services include:

- a) The forest owners mentioned in Article 8 herein;
- b) Organizations, households, individuals and communities that have been hired to protect and develop forests under agreements concluded with forest owners that are organizations established by the State;
- c) People's Committees of communes and other organizations that the State assigns to manage forests.

2. Users (payers) of forest environmental services include:

- a) Hydroelectric producers that have to pay service charges for land protection, erosion or sedimentation limit of lakebeds/river beds/stream beds, regulating and maintaining water resources used for hydroelectric production;
- b) Clean water suppliers that have to pay service charges for regulating and maintaining water resources used for clean water production;
- c) Industrial producers that have to pay service charges for regulating and maintaining water resources used for industrial production;
- d) Entities trading in ecotourism, hospitality or entertainment services that have to pay services charges for protecting and maintaining natural landscape beauty and conserving biodiversity of forest ecosystems;
- dd) Producers or traders causing massive green gas emission that have to pay service charges for absorbing and storing carbon in forests;
- e) Producers of aquatic products that have to pay service charges for providing spawning grounds, food sources, natural breeding stock, water resources, environmental elements and forest ecosystems for aquaculture.
- g) Other payers prescribed in regulations of law.

3. Options for methods of payment for forest environmental services:

- a) The user of forest environmental services shall make payment directly to the provider;
- b) The user of forest environmental services shall make payment to the provider by transferring the payment amount to the forest protection and development fund;
- c) The State encourages making directly payment in all cases if both the provider and the user of forest environmental services reach an agreement on the basis of the payment amount regulated by the Government.

4. Management and use of forest environmental service charges:

- a) Determine the total revenue earned from forest environmental services;
- b) Identify the payment amount of forest environmental services;
- c) Identify payees of forest environmental services;
- d) Identify options for methods of payment for forest environmental services;
- dd) Make revenue and spending plans for forest environmental services;
- e) Determine the cases where forest environmental service charges are remitted;
- g) Make payment for forest environmental service charges;
- h) Inspect and supervise management and use of forest environmental service charges;

5. The Government shall specify providers and users, options for methods of payment, payment amount for forest environmental services, adjustment and remission of payment amount therefor; manage and use revenue earned from forest environmental services.

#### **Article 64. Rights and obligations of users of forest environmental services**

1. The user of forest environmental services shall have the following rights:

- a) Receive notification of implementation and results of forest protection and development within the forest area where forest environmental services are provided; notification of area, quality and status of the forest at the place where forest environmental services are provided;
- b) Receive notification of results of payment for forest environmental services from the forest protection and development fund transferred to the provider;

c) Participate in the process of making plans, organize implementation, carry out inspection, supervision and commissioning of forest protection and development results within the forest area where forest environmental services are provided;

d) Request a competent state authority to consider adjusting charges for forest environmental services if the provider fails to ensure the agreed forest area or degrade the forest quality or status that the user has made payment for.

2. The user of forest environmental services shall fulfill the following obligations:

a) Conclude the agreement and declare the payable amount of forest environmental services transferred to the forest protection and development fund;

b) Make payment for forest environmental services in full and on schedule according to the agreement to the forest owner in case of direct payment or to the forest protection and development fund in case of indirect payment.

### **Article 65. Rights and obligations of providers of forest environmental services**

1. The provider of forest environmental services shall have the following rights:

a) Request the payment for forest environmental services mentioned in Clause 3 Article 63 herein;

b) Receive information about the value of forest environmental services;

c) Take part in developing plans and preparing documents serving making of payment, inspect the payment process carried out by the state authority and the forest protection and development fund.

2. The provider of forest environmental services shall fulfill the following obligations:

a) The provider shall make sure that the area where forest environmental services are provided is protected and developed under planning and management plans for each type of forests adopted by a competent state authority;

b) The provider that is an organization/household/individual/community and has been hired to protect and develop the forest shall make sure that the area used for providing forest environmental services is protected and developed under the agreement concluded with the forest owner;

c) The provider that is an organization established by the State shall manage and use the amount received in compliance with regulations of law.

## **Chapter VII**

## **FOREST PRODUCTS PROCESSING AND TRADE**

### **Section 1. FOREST PRODUCTS PROCESSING**

#### **Article 66. Policies on development of forest products processing**

1. Policies on development of forest products processing include:

- a) Assisting enterprises in cooperation, joint venture or association with forest owners to produce materials, managing forests sustainably, consuming products, applying high/state-of-the-art/new science and technology and solutions to green growth and increase in value added;
- b) Giving priority to supporting industry development in forest products processing;
- c) Assisting provision of personnel training in forest products processing.

2. The policies on development of forest products processing mentioned in Clause 1 this Article shall be carried out in accordance with the Government's regulations.

#### **Article 67. Processing of specimens of forest plant and animal species**

1. Processors of specimens of forest plant and animal species shall comply with provisions of this Law; regulations of law on investment, enterprises, environmental protection, protection and quarantine of plants and animals, goods quality, food safety and conform to regulations of the CITES.

2. Processing of specimens of endangered/rare/wild species of forest plants and animals provided in the CITES Appendices shall satisfy the following requirements:

- a) Specimens legally derive from nurseries or farms;
- b) Specimens legally derive from natural use;
- c) Specimens are confiscated under regulations of law.

3. Processing of specimens of other forest plant and animal species shall ensure legal origins.

#### **Article 68. Rights and obligations of forest products processors**

1. The processor of forest products shall have the following rights:

- a) Produce forest products that are not banned by the State;
- b) Have legitimate rights and interests guaranteed by the State; be assisted in production and processing lines; implement the policies stated in Article 66 herein and regulations of law on investment and enterprises in rural areas, especially remote and isolated areas.

2. The processor of forest products shall fulfill the following obligations:

- a) Comply with regulations of law on investment, enterprises, environmental protection, labor, finance; regulations on legal documents on forest products and inspect origins of forest products;
- b) Process specimens of forest plant and animal species in compliance with the provision of Article 67 herein;
- c) Facilitate management and inspection carried out by a competent state authority in the production process.

#### **Article 69. National timber legality assurance system**

1. The State shall develop and operate the national timber legality assurance system; issue criteria, power, procedures for classification of enterprises using, transporting, consuming, processing and exporting timbers or timber products.
2. The Government shall specify this Article.

### **Section 2. TRADE IN FOREST PRODUCTS**

#### **Article 70. Policies on development of forest products market**

1. Policies on development of forest products processing shall be implemented as follows:
  - a) Entities cooperating, associating, purchasing or consuming forest products shall be provided with credit incentives;
  - b) The State shall assist development of brands, promote trade, develop market and provide information about domestic and global markets.
2. The policies on development of forest products market mentioned in Clause 1 this Article shall be carried out in accordance with the Government's regulations.

#### **Article 71. Rights and obligations of forest products traders**

1. The trader of forest products shall have the following rights:
  - a) Trade in forest products that are not banned by the State;
  - b) Have legitimate rights and interests guaranteed by the State; be assisted in business lines; implement the policies stated in Article 70 herein and regulations of law on investment and enterprises in rural areas, especially remote and isolated areas.
2. The trader of forest products shall have the following rights:

- a) Comply with regulations of law on investment, enterprises, environmental protection, labor, finance; regulations on legal documents on forest products and inspect origins of forest products;
- b) Facilitate management and inspection carried out by a competent state authority in the business process.

## **Article 72. Trading management of forest products and trading in specimens of forest plant and animal species**

### 1. Trading management of forest products includes:

- a) Market forecast and development orientation of forest products processing in each period;
- b) Negotiating international agreements on trade, opening the market of forest products and mutual recognition on legal timbers and criteria for sustainable forest management;
- c) Issuance of licenses for or certificates of eligible exported/imported forest products that is suitable for international agreements to which the Socialist Republic of Vietnam is a signatory;
- d) Export, import, temporary import, temporary export or transit of specimens of forest plant and animal species for commercial purposes shall comply with regulations of Vietnam law and the CITES;
- dd) Domestic trade in forest products shall conform to regulations on legal documents on forest products and inspection of origins thereof;
- e) The Government shall specify this Article.

### 2. Trade in specimens of forest plant and animal species:

- a) Trade in specimens of endangered/rare/wild species of forest plants and animals provided in the CITES Appendices shall ensure origins and management of from use, transplant, nurture to processing and consumption;
- b) The specimens of species stated in Point a this Clause shall be marked to identify legal origins in accordance with characteristics and categories of each specimen and ensure anti-falsification;
- c) The Minister of Agriculture and Rural Development shall specify procedures and documents on detecting origins and marking the specimens of species mentioned in Points a and b this Clause.

## **Chapter VIII**

### **RIGHTS AND OBLIGATIONS OF FOREST OWNERS**

#### **Section 1. GENERAL RIGHTS AND OBLIGATIONS OF FOREST OWNERS**

### **Article 73. General rights of forest owners**

The forest owner shall have the following rights:

1. Have forest use rights or planted production forest ownership recognized by a competent state authority.
2. Enjoy increase in forest products from the natural/planted reserve forest or protection forest that he/she invests in.
3. Use the forest during the forest allocation/lease term and forestland allocation/lease term in accordance with provisions stated herein and regulations of law on land.
4. Receive forest environmental services and enjoy benefits arising therefrom.
5. Receive guidance on techniques and other assistance to protect and develop the forest, conserve forest biodiversity; enjoy benefits arising from construction works serving forest protection and development invested by the State.
6. Have compensation provided by the State for the forest value or assets that he/she invests in or develops legally from the day on which the decision on forest appropriation is given.
7. Have funding provided by the State if his/her production forest is damaged by a natural disaster.
8. Cooperate and associate with both domestic and international organizations and individuals in forest protection and development.
9. Have other legitimate rights and interests.

### **Article 74. General obligations of forest owners**

The forest owner shall fulfill the following obligations:

1. Manage, protect, develop and use the forest sustainably in compliance with forest management regulations, provisions stated herein and other regulations of relevant law.
2. Comply with regulations on inspection of forest development.
3. Return the forest that the State appropriates according to provisions stated herein.
4. Conserve forest biodiversity, forest plants and animals.
5. Ensure forest fire safety; prevent and eliminate forest pests.

6. Facilitate management, inspection or actions against violations carried out by a competent state authority.

7. Fulfill financial obligations and other obligations.

## **Section 2. RIGHTS AND OBLIGATIONS OF FOREST OWNERS THAT ARE RESERVE/PROTECTION FOREST MANAGEMENT UNITS**

### **Article 75. Rights and obligations of reserve forest management units**

1. The reserve forest management unit shall have the following rights:

a) The rights mentioned in Article 73 herein;

b) Enjoy the investment policies on reserve forest protection and development mentioned in Article 94 herein;

c) Use forest products in the reserve forest stated in Article 52, natural production forest stated in Article 58 or planted production forest stated in Article 59 herein;

d) Lease out the forest environment; cooperate in or associate with trade in ecotourism, hospitality or entertainment, except for strictly protected sub-zones of the reserve forest according to the sustainable forest management plan adopted by the competent state authority;

dd) Carry out activities related to science and technology, provide training, practice activities and international cooperation.

2. The reserve forest management unit shall fulfill the following obligations:

a) The obligations mentioned in Article 74 herein;

b) Prepare and submit sustainable forest management plans to a competent state authority for approval and implement approved plans;

c) Assist the community in the buffer zone in people's living improvement and socio-economic development mentioned in Article 54 herein;

d) Assign forest protection and development to local households, individuals or communities through an agreement according to the Government's regulations.

### **Article 76. Rights and obligations of protection forest management units**

1. The protection forest management unit shall have the following rights:

a) The rights mentioned in Article 73 and Point dd Clause 1 Article 75 herein;

b) Lease out the forest environment; cooperate in or associate with trade in ecotourism, hospitality or entertainment according to the sustainable forest management plan adopted by the competent state authority;

c) Enjoy the investment policies on protection and development of protection/reserve forests mentioned in Article 94 herein;

d) Use forest products in the reserve forest that is the landscape protection area stated in Article 52, protection forest stated in Article 55, natural production forest stated in Article 58 or planted production forest stated in Article 59 herein;

2. The protection forest management unit shall fulfill the following obligations:

a) The obligations mentioned in Article 74 herein;

b) Prepare and submit sustainable forest management plans to a competent state authority for approval and implement approved plans;

c) Assign forest protection and development to local households, individuals or communities through an agreement according to the Government's regulations.

### **Section 3. RIGHTS AND OBLIGATIONS OF FOREST OWNERS THAT ARE BUSINESS ENTITIES**

#### **Article 77. Rights and obligations of business entities that the State allocates national seedling forests alternate with allocated forest area**

1. The business entity that the State allocates a national seedling forest alternate with allocated forest area shall have the following rights:

a) The rights mentioned in Article 73 herein;

b) Have funding provided by the State in order to maintain and develop the seedling forest according to plans adopted by a competent state authority;

c) Use forest products in the national seedling forest mentioned in Article 52 herein;

d) Sell products to earn profit and manage or use such profit in accordance with regulations of law on finance.

2. The business entity that the State allocates the national seedling forest alternate with allocated forest area shall fulfill the following obligations:

a) The obligations mentioned in Article 74 herein;

b) Develop and implement plans for maintaining and developing the seedling forest adopted by a competent state authority.

**Article 78. Rights and obligations of business entities that the State allocates protection forests or reserve forests that are landscape protection areas**

1. The business entity that the State allocates the protection forest or reserve forest that is a landscape protection area shall have the following rights:

- a) The rights mentioned in Article 73 herein;
- b) Enjoy the investment policies on protection and development of protection/reserve forests mentioned in Article 94 herein;
- c) Use forest products in the reserve forest that is the landscape protection area stated in Article 52 or protection forest stated in Article 55 herein;
- d) Lease out the forest environment; cooperate in or associate with investment in ecotourism, hospitality or entertainment; combined forestry-agricultural-fishery production according to sustainable forest management plans adopted by the competent state authority.

2. The business entity that the State allocates the protection forest or reserve forest that is a landscape protection area shall fulfill the following obligations:

- a) The obligations mentioned in Article 74 herein;
- b) Prepare and submit sustainable forest management plans to a competent state authority for approval and implement approved plans;
- c) Assign forest protection and development to local households, individuals or communities through an agreement according to the Government's regulations.

**Article 79. Rights and obligations of business entities whose production forests are leased out by the State**

1. The business entity whose production forest is leased out by the State shall have the following rights:

- a) The rights mentioned in Article 73 herein;
- b) Enjoy benefits arising from the forest in compliance with the forest lease agreement;
- c) Own plants, livestock and other property in the forest y;
- d) Use forest products in the natural production forest stated in Article 58 or planted production forest stated in Article 59 herein.

2. The business entity whose production forest is leased out by the State shall fulfill the following obligations:

- a) The obligations mentioned in Article 74 herein;
- b) Prepare and submit sustainable forest management plans to a competent state authority for approval and implement approved plans.

**Article 80. Rights and obligations of business entities whose forestland is allocated/leased out by the State**

1. The business entity whose land is allocated by the State to plant the protection forest by state budget shall have the following rights and obligations:

- a) Exercise the rights and fulfill the obligations mentioned in Articles 73 and 74 herein;
- b) Organize afforestation according to the designed estimate approved by an authority in charge of sources of capital;
- c) Use forest products in the protection forest stated in Article 55 herein or enjoy benefits arising from the forest according to policies of the State.

2. The business entity whose land is allocated by the State to plant the protection forest by its investment shall have the following rights and obligations:

- a) Exercise the rights and fulfill the obligations mentioned in Articles 73 and 74 herein;
- b) Own alternate plants, livestock and other property on protection forestland;
- c) Use forest products in the protection forest mentioned in Article 55 herein;

3. The business entity whose land is leased out by the State to plant the production forest by its investment shall have the following rights and obligations:

- a) Exercise the rights and fulfill the obligations mentioned in Articles 73 and 74 herein;
- b) Own plants, livestock and other property on forestland;
- c) Use forest products in the planted production forest mentioned in Article 59 herein;
- d) Transfer or lease out the planted production forest; put up the forest as a collateral or contribute capital by the value of the planted production forest;

**Section 4. RIGHTS AND OBLIGATIONS OF FOREST OWNERS THAT ARE HOUSEHOLDS, INDIVIDUALS OR COMMUNITIES**

**Article 81. Rights and obligations of households and individuals whose protection forests are allocated by the State**

1. The household or individual whose protection forest is allocated by the State shall have the following rights:

- a) The rights mentioned in Article 73 herein;
- b) Have funding for forest protection and development provided by the State;
- c) Use forest products in the protection forest stated in Article 55 herein or enjoy benefits arising from the forest according to policies of the State;
- d) Transfer allocated forest area to another household or individual in the same commune/ward/town; or transfer forest use rights to an heir if the forest owner is an individual.

2. The household and individual whose protection forest is allocated by the State shall fulfill the obligations mentioned in Article 74 herein.

**Article 82. Rights and obligations of households and individuals whose production forests are allocated by the State**

1. The household or individual whose production forest is allocated by the State shall have the following rights:

- a) The rights mentioned in Article 73 herein;
- b) Use forest products in the natural production forest stated in Article 58 herein and enjoy benefits arising from the forest according to policies of the State.
- c) Use forest products in the planted production forest stated in Article 59 herein; enjoy benefits arising from the forest according to policies of the State; own plants, livestock and other property on the planted forest invested by the household/individual;
- d) Transfer allocated forest area to another household or individual in the same commune/ward/town; or transfer forest use rights to an heir if the forest owner is an individual.

2. The household and individual whose production forest is allocated by the State shall fulfill the obligations mentioned in Article 74 herein.

**Article 83. Rights and obligations of households and individuals whose production forests are leased out by the State**

1. The household or individual whose production forest is leased out by the State shall have the following rights:

- a) The rights mentioned in Article 73 herein;
  - b) Enjoy benefits arising from the forest according to the forest lease agreement; own plants, livestock and other property on the planted forest invested by the household/individual;
  - c) Use forest products in the natural production forest stated in Article 58 or planted production forest stated in Article 59 herein;
  - d) Transfer forest use rights to an heir if the forest owner is an individual.
2. The household and individual whose production forest is leased out by the State shall fulfill the obligations mentioned in Article 74 herein.

**Article 84. Rights and obligations of households and individuals that the State allocates land for planting production forests and protection forests**

1. The household or individual that the State allocates land for planting the production/protection forest shall have the following rights:
- a) The rights mentioned in Article 73 herein;
  - b) Own plants, livestock and other property on production forestland invested by the household/individual;
  - c) Own alternate plants, livestock and other property on protection forestland invested by the household/individual;
  - d) Use forest products in the protection forest stated in Article 55 or planted production forest stated in Article 59 herein;
  - dd) Enjoy benefits arising from the forest if forest planting is funded by state budget;
  - e) Transfer, gift or lease out the planted production forest; put up the forest as a collateral or contribute capital by the value of the planted production forest;
  - g) Transfer the planted production forest ownership or forest use rights to an heir if the forest owner is an individual.
2. The household and individual whose land is allocated by the State for planting the production/protection forest shall fulfill the obligations mentioned in Article 74 herein.

**Article 85. Rights and obligations of households and individuals that the State leases out land for planting production forests**

1. The household or individual that the State leases out land for planting production forests shall have the following rights:

- a) The rights mentioned in Article 73 herein;
- b) Own plants, livestock and other property on forestland; use forest products in the planted production forest stated in Article 59 herein;
- c) Transfer, gift or lease out the planted production forest; put up the forest as a collateral or contribute capital by the value of the planted production forest during the land lease term; transfer the forest ownership to an heir if the forest owner is an individual.

2. The household and individual that the State leases out land for planting the production forest shall fulfill the obligations mentioned in Article 74 herein.

**Article 86. Rights and obligations of communities whose holy forests, protection forests or production forests are allocated by the State**

1. The community shall have the following rights:

- a) The rights mentioned in Article 73 herein;
- b) Have funding for reserved/protection forest protection and development provided by the State;
- c) Receive instructions on combined forestry-agricultural-fishery production, cultivation under the forest canopy or grazing cattle in accordance with forest management regulations; receive assistance in forest economic development or forest recovery by planting native trees;
- d) Use forest products in the reserve forest that is holy forest stated in Article 52, protection forest stated in Article 55, natural production forest stated in Article 58 or planted production forest stated in Article 59 herein; obtain benefits arising from the forest according to policies of the State; own plants, livestock or other property on forestland invested by the community.

2. The community shall fulfill the following obligations:

- a) The obligations mentioned in Article 74 herein;
- b) Complete and comply with local community rules for forest protection and development in conformity with provisions stated herein and other regulations of relevant law;
- c) Maintain allocated forest area;
- d) Not separate the forest to any member in the community;
- dd) Not transfer, gift or lease out forest use rights; put up the forest as a collateral or contribute capital by the value of forest use rights.

**Section 5. RIGHTS AND OBLIGATIONS OF FOREST OWNERS THAT ARE ARMED FORCE AUTHORITIES; SCIENCE AND TECHNOLOGY INSTITUTIONS,**

## **VOCATIONAL EDUCATION AND TRAINING CENTERS; FOREIGN-INVESTED ENTERPRISES**

### **Article 87. Rights and obligations of armed force authorities that the State allocates reserve forests that are landscape protection areas, protection forests or production forests**

1. The armed force authority shall have the following rights:

- a) The rights mentioned in Article 73 herein;
- b) Have funding for reserved/protection forest protection and development provided by the State;
- c) Use forest products in the reserve forest that is the landscape protection area stated in Article 52, protection forest stated in Article 55, natural production forest stated in Article 58 or planted production forest stated in Article 59 herein.

2. The armed force authority shall fulfill the following obligations:

- a) The obligations mentioned in Article 74 herein;
- b) Maintain allocated forest area;
- c) Not transfer, gift or lease out forest use rights; put up the forest as a collateral or contribute capital by the value of forest use rights.

### **Article 88. Rights and obligations of science and technology institutions, vocational education and training centers in forestry that the State allocates forests for scientific research or experiment purposes; national botanical gardens; national seedling forests**

1. The science and technology institution or vocational education and training center in forestry shall have the following rights:

- a) The rights mentioned in Article 73 herein;
- b) Use forest products in the forest used for scientific research or experiment purposes; national botanical garden; national seedling forest stated in Article 52 herein;
- c) Cooperate and associate with both domestic and international organizations and individuals in performing scientific and technological tasks;
- d) Sell the planted forest, seedlings and other forest products in accordance with forest management regulations.

2. The science and technology institution or vocational education and training center in forestry shall fulfill the following obligations:

- a) The obligations mentioned in Article 74 herein;
- b) Not transfer, gift or lease out forest use rights; put up the forest as a collateral or contribute capital by the value of forest use rights;
- c) Perform scientific and technological tasks; provide vocational education and training in forestry.

**Article 89. Rights and obligations of foreign-invested enterprises whose land is leased out by the State for planting production forests**

1. The foreign-invested enterprise shall have the following rights:
  - a) The rights mentioned in Article 73 herein;
  - b) Own plants, livestock and other property on leased land invested by the enterprise;
  - c) Use forest products in the planted production forest mentioned in Article 59 herein.
2. The foreign-invested enterprise shall fulfill the obligations stated in Article 74 herein.

**Chapter IX**

**FOREST VALUATION, INVESTMENT AND FINANCIAL RESOURCES IN FORESTRY**

**Section 1. FOREST VALUATION**

**Article 90. Forest valuation**

1. Forest valuation includes activities related to determination of the total value of the forest.
2. Rules for forest valuation:
  - a) The forest valuation shall be suitable for the value of forest products and value of forest environmental services provided on the market at the time for valuation;
  - b) The forest valuation shall be suited to each type of forest and associate with regulations on forest use rights, profitability and profit earned from forests;
  - c) The forest valuation shall ensure publicity, transparency and logic.
3. The Minister of Agriculture and Rural Development shall specify methods of forest valuation; price brackets of public production forests, protection forests and reserve forests.
4. People's Committees of provinces shall decide the forest price brackets for their provinces.

### **Article 91. Cases where forests are evaluated**

1. The State allocates forests, organizes auctions of forest use rights or forests for lease; calculates the forest value when making payment for forest environmental services.
2. The State appropriates or liquidates forests; determines the value of stake; carries out equitization of state-owned enterprises or state divestment.
3. Compensation is determined when there are violations causing damage to forests; damage caused by natural disasters, forest fires and other damage to forests; the value of forests serving settlement of forest-related disputes is identified.
4. Tax, fees and charges related to forests are determined.
5. Other cases at the request of competent state authorities.

## **Section 2. INVESTMENT AND FINANCIAL RESOURCES IN FORESTRY**

### **Article 92. Financial resources in forestry**

Financial resources in forestry may derive from:

1. State budget.
2. Investment, contribution, assistance or sponsorship by domestic and international entities.
3. Profit earned from use of forest products; forest or forestland for lease.
4. Profit earned from payment for replacement afforestation when forests are repurposed.
5. Profit earned from provision and lease of forest environmental services.
6. Credit capital by domestic and international credit institutions.
7. Other financial resources prescribed in regulations of law.

### **Article 93. Forestry-related activities to which state budget applies**

1. According to requirements for forestry management and development and capability of state budget, the Government shall specify activities to which state budget applies.
2. Preparation, implementation, audit, settlement and supervision of state budget provided for forestry shall comply with regulations of law on state budget.

### **Article 94. Investment policies on forest protection and development**

1. The State shall carry out investment policies on:

a) Reserve/protection forest protection and development;

b) Protecting and rescuing endangered/rare forest plants and animals;

c) Research and application of scientific research results, technology development and providing training for personnel responsible for state management of forestry;

d) Research and development zones and high-tech zones;

dd) Vehicles and equipment used for forest protection; monitoring and warning threat of forest fires; development of forest fire safety works; prevention and elimination of forest pests;

e) Construction, upgrading and renovation of infrastructure serving reserve/protection forest protection and development;

2. The State shall assist investment policies on:

a) Transfer of high and state-of-the-art technology, forestry encouragement and issuance of certificates of sustainable forest management;

b) Infrastructure development associated with investment in development and trade in production forests under the value chain;

c) Cooperation in and association with forest protection and development of ethnic minority groups and communities associated with programs of socio-economic development and new rural area development;

d) Provision of training and refresher courses for personnel of forest owners;

dd) Promoting investment, developing markets and trade in forest-related activities; enhancing international cooperation in forestry.

3. The State shall carry out investment incentive policies on:

a) Developing production forests on vacant land or mountains;

b) Large tree afforestation and conversion from planting small trees into large ones; non-timber forest products development;

c) Regenerating natural forests;

d) Development of high-tech varieties of forest plants.

4. The Government shall specify this Article.

## **Article 95. Forest protection and development funds**

1. Forest protection and development fund is a non-state budget fund that is organized and operating in the form of a public service provider and established by a competent state authority.

2. Operating rules of the forest protection and development fund:

a) Non-profit operation;

b) Assisting in programs, projects or non-profit activities related to forest protection and development that the state budget has not invested in or satisfied investment requirements only;

c) Ensuring publicity, transparency and effectiveness; management and use the fund for proper purposes and in accordance with regulations of law.

3. Forest protection and development funds shall be organized as follows:

a) The Vietnam forest protection and development fund shall be set up by the Minister of Agriculture and Rural Development;

b) Forest protection and development funds in provinces shall be established by People's Committees of provinces.

4. Financial resources for the forest protection and development fund derive from:

a) Sponsorship, voluntary contribution, authorized capital by domestic and international entities;

b) Payment for forest environmental service charges;

c) Profit earned from replacement afforestation when forests are repurposed;

d) Other legal non-state budget financial resources.

5. Every year, the Minister of Agriculture and Rural Development shall report the Prime Minister on management and use of the Vietnam forest protection and development fund; People's Committees of provinces shall report the Minister of Agriculture and Rural Development on management and use of forest protection and development funds in their provinces.

6. The Government shall specify tasks, organizational structures, financial resources, mechanisms for management and use financial resources of forest protection and development funds.

## **Chapter X**

### **SCIENCE AND TECHNOLOGY AND INTERNATIONAL COOPERATION IN FORESTRY**

## **Article 96. Science and technology in forestry**

1. High and state-of-the-art technology shall apply to the following activities:
  - a) Investigation, stocktaking and monitoring of forest development;
  - b) Forest fire safety; prevention and elimination of forest pests.
  - c) Selection, transplant or propagation of trees and non-timber forest products;
  - d) Intensive forest planting for providing large timbers, native tree planting, multi-species plantation; modernization of procedures for planting, nurturing and use of forests;
  - dd) Forest regeneration and improvement of poor quality natural forests;
  - e) Use, transport, processing and storage of forest products;
  - g) Supporting industries in forest products processing.
2. Research on forest ecosystems and value of forest environmental services.
3. Research on solutions to conservation of forest biodiversity and preparedness to climate change.
4. Research on reforming models of forestry production in accordance with the value chain and associated with sustainable forest management; sustainably combined forestry-agricultural-fishery models.
5. Transfer of technology and research results in forestry to forestry production, trade and management.
6. Developing and completing national standards and technical regulations on forestry.

## **Article 97. Science and technology policies on forestry**

1. The State shall provide priority mechanisms and policies for scientific research and technology development in compliance with growth and development cycles of forests and application of science and technology advances to forestry.
2. The State shall give priority to science and technology activities mentioned in Points a, b, c and dd Clause 1, Clauses 2, 3 and 6 Article 96 herein.
3. The State shall encourage and facilitate implementation of science and technology activities mentioned in Points d, e and g Clause 1, Clauses 4 and 5 Article 96 herein.

## **Article 98. International cooperation in forestry**

1. The Socialist Republic of Vietnam shall carry out international cooperation in forestry with countries, territories and international organization on the basis of equality, mutual benefits, respect for independence, sovereignty and law of each party and international law.
2. The Ministry of Agriculture and Rural Development shall take charge and cooperate with relevant ministries and ministerial authorities in proposing conclusion of international agreements on forestry; act as the focal point and national representative to exercise rights and fulfill obligations applying to members of the CITES, the United Nations Convention to Combat Desertification (UNCCD) and other international agreements related to forestry.

#### **Article 99. International cooperation policies on forestry**

1. It is recommended to cooperate with countries, territories, foreign organizations and individuals in assisting targets of sustainable forest development, commitments to environmental safety, preparedness to climate change and other international commitments to which the Socialist Republic of Vietnam is a signatory.
2. Domestic organizations and individuals are encouraged to cooperate with international ones in forest protection and development, forest products processing and trade, enhancing capacity and efficiency of state management of forestry in conformity with regulations of Vietnam law and international law.
3. Foreign organizations and individuals and overseas Vietnamese shall be assisted in provision of training for personnel, scientific research, transfer of technology in forest protection and development, nature conservation, forest products processing and trade in Vietnam; developing and using properly and effectively resources of international cooperation and preparedness to climate change.
4. It is recommended to cooperate with bordering countries in resolving effectively forest fires, smokes, response to illegal trade in timbers and specimens of wild plant and animal species and nature conservation.
5. The Government shall promulgate international cooperation policies on forestry in accordance with specific requirements.

### **Chapter XI**

#### **STATE MANAGEMENT OF FORESTRY AND FOREST RANGERS**

##### **Section 1. STATE MANAGEMENT OF FORESTRY**

#### **Article 100. Rules for organizing state management system of forestry management**

1. The state management system of forestry shall be organized systematically and suitable for requirements for performing state management tasks of forestry.

2. Forestry authorities shall be organized in both central and provincial levels; forestry management tasks in districts shall be organized according to the Government's regulations.

3. Tasks and power shall be clearly assigned and not be overlapped with management function; and shall ensure publicity and transparency.

**Article 101. State management responsibilities for forestry of Government, ministries and ministerial authorities**

1. The Government shall ensure consistency of state management of forestry throughout the country.

2. The Ministry of Agriculture and Rural Development shall act as the focal point to assist the Government in state management of forestry and:

a) issue within their power or request competent state authorities to issue and implement strategies, planning, plans, policies or legislative documents on forestry;

b) develop national standards and issue national technical regulations or economic – technical norms for forestry;

c) direct, instruct and inspect implementation of forest management regulations, policies on management and protection of species of endangered/rare forest plants and animals;

d) request the Prime Minister to establish protection forests or reserve forests that are of national or inter-provincial importance;

dd) direct professional skills and qualifications of forest rangers consistently;

e) take charge and cooperate with ministries and ministerial authorities relevant to forest management and protection; protection of forest ecosystems and biodiversity;

g) instruct and inspect forest investigation or stocktaking, keep track of forest development and prepare documents on forest management; develop and manage forest database;

h) ensure fire safety; prevent and eliminate forest pests;

i) develop systems of national seedling forests and national botanical gardens;

k) manage payment for forest environmental service charges;

l) manage issuance of certificates of sustainable forest management and forest valuation;

m) manage forest products processing and trade in accordance with regulations of law;

- n) conduct scientific research and apply high, state-of-the-art and new technology in forestry; provide training and refresher courses for forest personnel;
- o) provide information and raise people's awareness of forestry; disseminate and educate law on forestry;
- p) act as a focal point of international cooperation in forestry;
- q) carry out inspection, take actions against violations and settle complaints related to forestry.

3. The Ministry of National Defense, Ministry of Public Security, Ministry of Natural Resources and Environment, ministries and ministerial authorities shall cooperate with the Ministry of Agriculture and Rural Development in carrying out state management of forestry within their competence.

### **Article 102. State management responsibilities for forestry of People's Committees**

#### 1. Responsibilities of People's Committees of provinces:

- a) Issue within their power or request competent state authorities to issue legislative documents on forestry, make decisions on sustainable forestry development programs or projects in their provinces;
- b) Implement legislative documents on forestry, forestry development strategy, national forestry planning, forestry development programs/projects/plans in their provinces;
- c) Classify forests and demarcate types of forests within their competence;
- d) Allocate, lease out, repurpose or appropriate forests of organizations; organize replacement afforestation;
- dd) Pursue investigation, do forest stocktaking and inspect forest development;
- e) Update forest database and prepare documents on forest management;
- g) Protect forests; conserve forest biodiversity; forest fire safety; prevent and eliminate forest pests; develop and use forests; forest products processing on the market;
- h) Decide forest price brackets for their provinces;
- i) Conduct research and apply advanced science technology to forestry in their provinces;
- k) Disseminate and educate law on forestry in their provinces;
- l) Mobilize forces, materials, vehicles and equipment of organizations, households and individuals in their provinces to respond to forest fire emergencies within their competence;

m) Carry out inspections and take actions against violations; settle complaints related to forestry.

## 2. Responsibilities of People's Committees of districts:

a) Issue within their power or request competent state authorities to issue legislative documents on forestry, make decisions on sustainable forestry development programs or projects in their districts;

b) Implement legislative documents on forestry and sustainable forestry development programs or projects;

c) Classify forests and demarcate types of forests;

d) Allocate, lease out, repurpose or appropriate forest of households, individuals and communities; prepare documents on forest management; organize replacement afforestation;

dd) Pursue investigation, do forest stocktaking and inspect forest development;

e) Manage and protect forests, conserve forest biodiversity and ensure forest fires safety;

g) Disseminate and educate law on forestry;

h) Direct People's Committees of communes to conceive projects on land/forest allocation for forest area that has not been allocated or leased out;

i) Carry out inspections and take actions against violations; settle complaints related to forestry in their districts.

## 3. Responsibilities of People's Committees of communes:

a) Issue within their power or request competent state authorities to issue legislative documents on forestry; make decisions on sustainable forestry development programs or projects, combined forestry-agricultural-fishery production, shifting cultivation and apply to their communes;

b) Manage forest area and boundaries; verify applications for land allocation/lease submitted by organizations, households, individuals and communities;

c) Manage and protect forest area that the State has not allocated or leased out;

d) Do forest stocktaking in their communes;

dd) Instruct communities to develop and comply with local community rules on forest protection and development in their communes in compliance with regulations of law;

e) Carry out fire safety activities; respond to violations against regulations of forestry; take actions against violations, settle complaints related to forestry in their communes.

4. Chairpersons of People's Committees shall take responsibilities for any forest fires, deforestation or forest loss caused by violations against regulations of law on forest management or protection under their management.

## **Section 2. FOREST RANGERS**

### **Article 103. Functions of forest rangers**

Forest rangers are organizations that are responsible for managing and protecting forests and ensuring compliance with regulations of law on forestry; and play a role as forces specialized in fire safety.

### **Article 104. Responsibilities and rights of forest rangers**

#### 1. Responsibilities of forest rangers:

a) Develop programs or plans for forest protection, response to violations against regulations of law on forestry and fire safety;

b) Protect reserve forests and protection forests; cooperate with relevant authorities in protecting public forests that have not been allocated or leased out;

c) Warn or forecast risks of forest fires; organize forest fire safety forces and inspect annual forest development;

d) Take preventive measures, inspect, supervise and take actions against violations against regulations of law on forest protection and use and forest products transport, trade, storage and processing.

dd) Instruct forest owners to make and implement forest fire safety plans; provide refresher courses in forest protection and forest fire safety for forest owners;

e) Disseminate and raise people's awareness of forest protection and development; organize the public to protect their local forests;

g) Perform other tasks assigned by competent state authorities.

#### 2. Rights of forest rangers:

a) Request relevant authorities or entities to provide information or documents serving their duties performance;

b) Impose penalties for administrative violations and take preventive measures therefor; file an appeal or investigate violations against regulations of law on forest;

c) Use dedicated instruments or equipment, weapons, combat gear and uniforms in compliance with regulations of law.

3. The Government shall specify this Article.

#### **Article 105. Organization of forest rangers**

1. Forest rangers shall be organized in central and provincial levels.

2. Forest rangers shall be organized in district level on the basis of requirements and tasks of forest management and protection in order to ensure compliance with regulations of law on forestry, forest fire safety, forest development or use, forest products processing and trade in their districts.

3. Forest rangers working for national parks, natural reserves, species - habitat reserves, watershed protection forests, wind/sand shielding protection forests, protection forests for tide shielding or sea encroachment prevention under central or provincial forest rangers shall be organized on the basis of requirements and tasks of forest management and protection.

4. The Government shall specify this Article.

#### **Article 106. Equipment ensuring operation and policies for forest rangers**

1. Equipment ensuring operation of forest rangers shall be as follows:

a) Forest rangers shall be provided with weapons, combat gear, technical professional equipment dedicated equipment for patrolling and protecting forests and ensuring forest fire safety;

b) Forest rangers shall be provided with consistent uniforms, badges, grades, flags and certificates of forest ranger.

2. Policies for forest rangers:

a) Forest rangers shall be entitled to receive salary based on grades; seniority allowance, preferential allowance and other allowance regulated by law;

b) Forest rangers that have been injured or sacrificed in the performance of their duties shall be recognized and enjoy policies same as those for war invalids and martyrs in accordance with regulations of law on incentives to people with meritorious services to the revolution.

3. The Government shall specify this Article.

### **Chapter XII**

#### **IMPLEMENTATION PROVISIONS**

## **Article 107. Effect**

1. This Law comes into force from January 01, 2019.
2. The Law on Forest protection and development No. 29/2004/QH11 shall be invalidated from the effective date of this Law.

## **Article 108. Transitional provisions**

1. The forest owner whose land has been allocated or leased out by the State before the effective date of this Law shall be entitled to continue using the land until the land use/lease term expires, except for the provisions of Clause 2 this Article.
2. The forest owner that is an organization and the State has allocated land to before the effective date of this Law shall be entitled to continue using the land until the land use term expires; fulfill rights and obligations mentioned in Points a, c and d Clause 1 and Clause 2 Article 79 herein.
3. The repurposed project that has been approved but the ground has not been cleared before the effective date of this Law shall be planted with the replacement forest mentioned in Article 21 herein.
4. People's Committees of provinces shall review available natural forest area to add to the planning of reserve forests, protection forests or production forests within 12 months from the effective date of this Law.

*This Law is adopted on November 15, 2017 by the 14<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 4<sup>th</sup> session.*

**CHAIRWOMAN OF THE NATIONAL  
ASSEMBLY**

**Nguyen Thi Kim Ngan**

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