

**MINISTRY OF
AGRICULTURE AND
RURAL DEVELOPMENT**

No. 22/2021/TT-BNNPTNT

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

Hanoi, December 29, 2021

CIRCULAR

**PROVIDING FOR LIST OF MAJOR FOREST TREE SPECIES; RECOGNITION OF FOREST
TREE CULTIVARS AND CULTIVAR SOURCES**

Pursuant to the Government's Decree No. 15/2017/ND-CP dated February 17, 2017 defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development;

Pursuant to the Law on Forestry dated November 15, 2017;

Pursuant to the Government's Decree No. 27/2021/ND-CP dated March 25, 2021 on management of forest tree cultivars;

At the request of the Director General of the Vietnam Administration of Forestry;

The Minister of Agriculture and Rural Development hereby promulgates a Circular providing for list of major forest tree species; recognition of forest tree cultivars and cultivar sources.

Chapter I

GENERAL

Article 1. Scope

This Circular provides for list of major forest tree species; recognition of forest tree cultivars and cultivar sources.

Article 2. Regulated entities

This Circular applies to organizations and individuals whose activities involve the regulations set out in Article 1 of this Circular.

Article 3. Definitions

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

1. “*forest trees*” mean timber tree species and non-timber forest products which are planted on special-use forest, protection forest and production forest land and are scattered.
2. “*forest tree cultivar sources*” mean places that provide propagating materials, including selected forest stands, transformed cultivar stands, planted cultivar stands, cultivar gardens, plus trees, original ortets and hedge orchards.
3. “*selected forest stand*” means a selected natural forest or selected planted forest that has not yet been affected by silvicultural techniques or recognized to provide propagating materials.
4. “*transformed cultivar stand*” means a selected natural forest or selected planted forest which has been affected by silvicultural techniques as prescribed and recognized to provide propagating materials.
5. “*planted cultivar stand*” means a stand that is not planted according to a planting plan, is planted with seedlings grown from seeds collected from plus trees and recognized to provide propagating materials.
6. “*cultivar garden*” means a garden that is planted according to a certain planting plan, from clones (clonal cultivar garden) or seeds of plus trees (sexual cultivar garden) that have been selected and recognized to provide propagating materials.
7. “*plus trees*” mean trees that are selected from natural forests, planted forests, transformed cultivar stands, cultivar stands, cultivar gardens scattered trees and are recognized to provide propagating materials.
8. “*original ortets*” mean trees that are assessed and recognized in a population of a forest tree cultivar to provide vegetative propagating materials.
9. “*hedge orchard*” means an orchard that is planted with clonal cultivars propagated from original ortets or vegetatively propagated from original cultivars to provide materials for producing clonal cultivars.
10. “*trial planting*” means the planting, monitoring and assessment of yield, quality and resistance of trial cultivars to pests or adverse conditions.
11. “*fast-growing species*” mean those that reach an average annual diameter growth of at least 02 cm/year or average yield of at least 15 m³/ha/year in a business cycle.
12. “*slow-growing species*” mean those that reach an average annual diameter growth of less than 02 cm/year or average yield of less than 15 m³/ha/year in a business cycle.
13. “*forest ecological zone*” means an area with characteristics in terms of climate (rainfall, temperature), topography, geomorphology, soil and typical forest vegetation; is divided into 08 ecological zones specified in Appendix I promulgated together with this Circular.

Chapter II

MAJOR FOREST TREE SPECIES; RECOGNITION AND INVALIDATION OF DECISIONS ON RECOGNITION OF FOREST TREE CULTIVARS AND CULTIVAR SOURCES

Section 1. MAJOR FOREST TREE SPECIES

Article 4. Criteria applied to major forest tree species

1. There are cultivars or cultivar sources that have been recognized and served forest planting demands and purposes.
2. There are 500 ha or more of planted forests at at least 02 forest ecological zones.

Article 5. List of major forest tree species

1. The list of major forest tree species is promulgated together with the Appendix II hereof.
2. Addition to or removal from the list of major forest tree species may be required in the following cases:
 - a) The addition to the list may be made if there is a new tree species that satisfies the regulation specified in clause 4 Article 3 of the Government's Decree No. 27/2021/ND-CP dated March 25, 2021 (hereinafter referred to as "the Decree No. 27/2021/ND-CP") and the criteria specified in Article 4 of this Circular.
 - b) The removal of a tree species from the list may be required if such tree species no longer satisfies the regulation specified in clause 4 Article 3 the Decree No. 27/2021/ND-CP and one of the criteria specified in Article 4 of this Circular.
3. The Vietnam Administration of Forestry shall request the Minister of Agriculture and Rural Development to consider adding or removing species to or from the list of major forest tree species as specified in clause 2 of this Article.

Section 2. RECOGNITION AND INVALIDATION OF DECISIONS ON RECOGNITION OF FOREST TREE CULTIVARS

Article 6. Criteria for recognition of a forest tree cultivar

Criteria for recognition of a forest tree cultivar:

1. The cultivar has undergone a test as specified in Article 13 of the Decree No. 27/2021/ND-CP or a trial as specified in Article 7 of this Circular.

2. The testing or trial result shows that the cultivar has satisfied national standard for recognized cultivars or the cultivar produces yield higher than or equal to and has quality better than or equal to the cultivar of the same species or recognized species planted in the forest ecological zone.

Article 7. Forest tree cultivar planting trial

1. Cultivars undergoing a trial: indigenous and endemic cultivars; recognized forest tree cultivars that have undergone a trial in another forest ecological zone; forest tree cultivars that have been imported for the first time and produce high yield and have high quality in the exporting country, have clear origin and are relevant to local ecological conditions.

2. The planting trial area is from 02 ha to 10 ha.

3. Planting trial method shall comply with national standard for planting trial. If a national standard is not available, the internal standard shall apply.

4. The fast-growing species and slow-growing species trial shall be assessed 36 months and 72 months respectively after they are planted. The trial of non-timber forest tree species that have products shall be assessed during the period over which the 02 successive crops are harvested.

Article 8. Procedures for recognition of forest tree cultivars

1. The Vietnam Administration of Forestry shall recognize forest tree cultivars.

2. An application for recognition of forest tree cultivar includes:

a) An original application form (Form No. 01 in the Appendix III hereof);

b) An original report on forest tree cultivar test or forest tree cultivar planting trial results (Form No. 02 in the Appendix III hereof);

c) Copies of documents about imported cultivar, including information about its yield, quality, ecological conditions of the planting area or trial area in the exporting country.

3. Applicants shall submit the application by post or through public postal services or online.

4. Procedures:

a) Any organization or individual that wishes to apply for recognition of a forest tree cultivar shall submit an application specified in clause 2 of this Article to the Vietnam Administration of Forestry. If the application is unsatisfactory, within 03 working days from the receipt of the application, the Vietnam Administration of Forestry shall directly instruct or instruct the applicant in writing to complete the application and the reasons shall be stated;

b) Within 15 working days from the receipt of the satisfactory application, the Vietnam Administration of Forestry shall establish an appraisal council to appraise the application, carry out a site inspection and prepare an appraisal record and appraisal report. Contents and methods of the inspection shall comply with national standard for recognized forest tree cultivar. Operating regulations of the appraisal council shall be promulgated by the Vietnam Administration of Forestry;

c) Within 03 working days from the receipt of the appraisal record and appraisal report, the Director General of the Vietnam Administration of Forestry shall decide to recognize the forest tree cultivar according to the Form No. 03 in the Appendix III and Section A in the Appendix IV hereof, issue the decision on recognition of the forest tree cultivar to the applicant and publish the decision on its web portal or respond and provide explanation in writing in case of rejection of the application.

Article 9. Invalidation of decisions on recognition of forest tree cultivars

1. A decision on recognition of forest tree cultivar shall be invalidated in the following cases:

a) The forest tree cultivar is degraded or its yield or quality is reduced or it suffers severe pest damage or disease, thereby failing to satisfy the national standard for recognized forest tree cultivars;

b) The forest tree cultivar no longer produces propagating materials.

2. Within 20 working days from the date of discovering or being informed that the forest tree cultivar falls into one of the cases specified in clause 1 of this Article, the Vietnam Administration of Forestry shall carry out an inspection and verification and decide to invalidate the decision on recognition of forest tree cultivar according to the Form No. 03 in the Appendix III and Section A in the Appendix IV hereof, publish the invalidation decision on its web portal or notify the organization or individual in writing if the decision on recognition of forest tree cultivar is not invalidated.

Section 3. RECOGNITION AND INVALIDATION OF DECISIONS ON RECOGNITION OF FOREST TREE CULTIVAR SOURCES

Article 10. Criteria for recognition of a forest tree cultivar source

1. A forest tree cultivar source may be recognized if the requirements of the national standard for recognized cultivars are satisfied. If a national standard is not available, the internal standard shall apply.

2. Forest tree cultivar sources to be recognized include selected forest stands; transformed cultivar stands; planted cultivar stands; cultivar gardens; hedge orchards; plus trees from which cultivar materials for cultivar production are taken to serve forest planting; original ortets from which cuttings, grafts and bud unions are taken.

Plus trees shall not be recognized to take cultivar materials to form cultivar stands, cultivar gardens; plus trees and original ortets shall not be recognized to restore cultivars.

Article 11. Procedures for recognition of forest tree cultivar sources

1. The Forest Protection Sub-department or Forestry Sub-department shall recognize forest tree cultivar sources within its province. If a Forest Protection Sub-department or Forestry Sub-department is not available, the power to recognize forest tree cultivar sources shall be decided by the Department of Agriculture and Rural Development (hereinafter referred to as “local competent authority”).

2. An application for recognition of a forest tree cultivar source includes:

- a) An original application form (Form No. 04 in the Appendix III hereof);
- b) An original technical report on forest tree cultivar source test (Form No. 05 in the Appendix III hereof).

3. Applicants shall submit the application by post or through public postal services or online.

4. Procedures:

a) Any organization or individual that wishes to apply for recognition of a forest tree cultivar source shall submit an application specified in clause 2 of this Article to the local competent authority. If the application is unsatisfactory, within 03 working days from the receipt of the application, the local competent authority shall directly instruct or instruct the applicant in writing to complete the application and the reasons shall be stated;

b) Within 15 working days from the receipt of the satisfactory application, the local competent authority shall establish an appraisal council to appraise the application, carry out a site inspection, prepare an appraisal record and appraisal report. Contents and methods of the inspection shall comply with national standard for recognized forest tree cultivar sources. Operating regulations of the appraisal council shall be promulgated by the local competent authority;

c) Within 03 working days from the receipt of the appraisal record and appraisal report, the head of the local competent authority shall decide to recognize the forest tree cultivar source according to the Form No. 06 in the Appendix III and Section B in the Appendix IV hereof, issue the decision on recognition of the forest tree cultivar source to the applicant and publish the decision on the web portal of the Forest Protection Sub-department or Forestry Sub-department or respond and provide explanation in writing in case of rejection of the application.

5. A decision on recognition of a forest tree cultivar source remains valid for:

- a) 15 years, regarding the cultivar garden;

- b) 07 years, regarding the planted cultivar stand;
- c) 05 years, regarding the transformed cultivar stand and selected forest stand;
- d) 03 years, regarding the hedge orchard that provides cuttings of fast-growing species;
- dd) 10 years, regarding the plus tree;
- e) 10 years, regarding the original ortet and hedge orchard having slow-growing timber tree species and non-timber forest trees from which cuttings, grafts and bud unions are taken.

6. If wishing to keep using a forest tree cultivar source, it shall be re-assessed and re-recognized. Procedures for re-recognition and validity of the decision on re-recognition of forest tree cultivar source shall comply with clauses 1 to 5 of this Article. It is not permitted to re-recognize hedge orchards that provide cuttings of fast-growing species.

Article 12. Invalidation of decisions on recognition of forest tree cultivar sources

1. A decision on recognition of a forest tree cultivar source shall be invalidated in the following cases:

- a) The forest tree cultivar source is degraded or its yield or quality is reduced, thereby failing to satisfy the national standard for recognized forest tree cultivar sources;
- b) The forest tree cultivar source no longer exists or is destroyed due to a natural disaster or disease; the forest tree cultivar source is taken from the forest tree cultivar for which the recognition decision has been invalidated.

2. Within 20 working days from the date of discovering or being informed that the forest tree cultivar source falls into one of the cases specified in clause 1 of this Article, the local competent authority shall carry out an inspection and verification and decide to invalidate the decision on recognition of forest tree cultivar source according to the Form No. 06 in the Appendix III and Section B in the Appendix IV hereof; publish the invalidation decision on the web portals of the Forest Protection Sub-department or Forestry Sub-department and Department of Agriculture and Rural Development; notify the organization or individual in writing if the decision on recognition of forest tree cultivar source is not invalidated.

Chapter III

IMPLEMENTATION

Article 13. Responsibility for implementation

1. The Vietnam Administration of Forestry shall:

a) Regularly review, consolidate, update and publish lists of forest tree cultivars and cultivar sources that have been recognized or have their recognition decisions invalidated on its web portal;

b) Inspect the management of forest tree cultivars production and trading by local governments as prescribed by law;

c) Handle complaints and denunciations about and impose penalties for violations against regulations on management of forest tree cultivar production and trading nationwide within its power.

2. Departments of Agriculture and Rural Development of provinces and central-affiliated cities shall:

a) Provide guidelines for effective management, exploitation and use of recognized forest tree cultivars and cultivar sources;

b) Provide instructions for application of standards for forest tree cultivars;

c) Regularly review, consolidate, update and publish the list of forest tree cultivar sources that have been recognized or have their recognition decisions invalidated on their web portals; notify the Vietnam Administration of Forestry of recognition or invalidation of decisions on recognition of forest tree cultivar sources after such decisions are promulgated;

d) Inspect, handle complaints and denunciations about and impose penalties for violations against regulations on the management of forest tree cultivar production and trading within their provinces as prescribed by law;

dd) Before December 31, submit to the Vietnam Administration of Forestry a report on production, trading and use of forest tree cultivars within their provinces (including area of planted forests by each type of tree species).

3. Organizations and individuals shall:

a) Comply with regulations of law on forest tree cultivars during their production and trading, ensuring quality of forest tree cultivars as prescribed;

b) Facilitate the inspection and imposition of penalties by competent authorities as prescribed by law.

Article 14. Transitional clause

1. Any forest tree cultivar source recognized by a competent authority before the effective date of this Circular shall continue to be used until its expiry specified in the recognition decision.

2. Where an application for recognition of forest tree cultivar or forest tree cultivar source has been submitted before the effective date of this Circular but the forest tree cultivar or forest tree cultivar source has not yet been recognized, such application shall be processed as prescribed in this Circular.

Article 15. Effect

1. This Circular comes into force from February 12, 2022.
2. This Circular supersedes the Circular No. 30/2018/TT-BNNPTNT dated November 16, 2018 of the Minister of Agriculture and Rural Development.
3. In the cases where any of the documents or national standards referred to in this Circular is amended or replaced, the newest one shall prevail.
4. Difficulties that arise during the implementation of this Circular should be promptly reported to the Ministry of Agriculture and Rural Development for consideration./.

**PP. THE MINISTER
THE DEPUTY MINISTER**

Le Quoc Doanh

*This translation is made by **THƯ VIỆN PHÁP LUẬT**, Ho Chi Minh City, Vietnam and for reference purposes only. Its copyright is owned by **THƯ VIỆN PHÁP LUẬT** and protected under Clause 2, Article 14 of the Law on Intellectual Property. Your comments are always welcomed*