

**THE GOVERNMENT**

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**SOCIALIST REPUBLIC OF VIET NAM**

**Independence-Freedom-Happiness**

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No.: 84/2021/ND-CP

*Hanoi, September 22, 2021*

**DECREE**

AMENDMENTS TO GOVERNMENT'S DECREE NO. 06/2019/ND-CP DATED JANUARY 22, 2019 ON MANAGEMENT OF ENDANGERED, RARE AND PRECIOUS SPECIES OF FOREST FAUNA AND FLORA AND OBSERVATION OF CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

*Pursuant to the Law on Government Organization dated June 19, 2015 and the Law on Amendments to the Law on Government Organization and the Law on Local Government Organization dated November 22, 2019;*

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

*Pursuant to the Law on Fisheries dated November 21, 2017;*

*At the request of the Minister of Agriculture and Rural Development;*

*The Government promulgates a Decree providing amendments to the Government's Decree No. 06/2019/ND-CP dated January 22, 2019 on management of endangered, rare and precious species of forest fauna and flora and observation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).*

**Article 1. Amendments to Government's Decree No. 06/2019/ND-CP dated January 22, 2019**

1. Clause 6 Article 3 is amended as follows:

*“6. derivative of an animal or plant means any form of substances extracted from that animal or plant, including blood, fluids, bile and fat of animal or resin, essential oil and concentrates of plant.”*

2. Clause 11 Article 3 is amended as follows:

*“11. for non-commercial purpose means any activities serving foreign affairs, scientific research, preservation breeding, ornamental breeding, salvage, exchange among zoos, arboreta and*

museums; exhibitions; circus performance; exchange and return of specimens among CITES management authorities".

3. Clause 18 Article 3 is amended as follows:

“18. *ranching* means the rearing in a controlled environment of animals taken as juveniles, eggs and embryos from the wild.”

4. Clause 29 is added to Article 3 as follows:

“29. *wild animals and plants* means animals and plants that live or grow in natural or artificial habitats or those reared or grown in controlled environments but they are not considered as domestic animals as defined in the Law on Husbandry, and are one of the following species:

a) Endangered, precious and rare species of fauna and flora prioritized for protection;

b) Endangered, precious and rare species of forest fauna and flora;

c) Endangered species of wild fauna and flora in CITES Appendices;

d) Normal species of forest fauna;

dd) Other terrestrial animals in the class of aves, mammalian, reptilian or amphibian, except certain species in the lists announced by the Ministry of Agriculture and Rural Development in cooperation with the Ministry of Natural Resources and Environment and relevant agencies.”

5. Clause 3 Article 9 is abrogated.

6. Clause 1 Article 14 is amended as follows:

“1. There are rearing/raising plans made using Form No. 04, Form No. 05, Form No. 06 and Form No. 07 in Appendix enclosed with this Decree.”

7. Clause 4 Article 14 is amended as follows:

“4. The raising facility must prepare logbooks of raised or grown animals or plants using Form No. 16 or Form No. 17 in Appendix enclosed with this Decree; submit periodic reports and bear the supervision of CITES Management Authority of Vietnam, and provincial fisheries authorities, forestry authorities and environment authorities”.

8. Point c Clause 1 Article 15 is amended as follows:

“c) Wild animals in CITES Appendices in the class of mammalian, aves or reptilian which are first registered for rearing at the facility must be subject to a certification granted by CITES Scientific Authority of Vietnam that the captive breeding or ranching of such animals shall not adversely influence the existence of species of domestic animals and other relevant species in the natural environment according to the following procedures:

Within 02 working days from the receipt of the application for code of raising facility, the code issuing authority as prescribed in this Decree shall send the written request for certification to CITES Scientific Authority of Vietnam.

Within 15 working days from the receipt of the written request from the code issuing authority, CITES Scientific Authority of Vietnam shall give a certification that whether or not the captive breeding or ranching of such animals adversely influences the existence of species of domestic animals and other relevant species in the natural environment.”

9. Clause 3 Article 15 is amended as follows:

“3. The raising facility must prepare logbooks of raised or grown animals or plants using Form No. 16 or Form No. 17 in Appendix enclosed with this Decree; submit periodic reports and bear the supervision of CITES Management Authority of Vietnam, and provincial fisheries authorities, forestry authorities and environment authorities”.

10. Clause 2 Article 16 is amended as follows:

“2. Form of code of the raising facility is stipulated in Form No. 08 (Code of raising facility) in the Appendix enclosed with this Decree.”

11. Point c Clause 2 Article 19 is amended as follows:

“c) The quantity does not exceed the one stipulated in CITES. CITES Management Authority of Vietnam shall assume responsibility to translate and announce according to CITES.”

12. Point b Clause 1 Article 20 is amended as follows:

“b) Specimens of exported animals of F2 hybrid or subsequent generations were born in raising facilities granted codes according to Article 17 of this Decree.”

13. Point c Clause 1 Article 20 is amended as follows:

“c) Specimens of exported plants are generated from raising facilities granted codes according to Article 17 of this Decree.”

14. Point b Clause 2 Article 20 is amended as follows:

“b) Specimens of exported animals of F1 hybrid were born in the raising facilities granted code according to Article 18 of this Decree.”

15. Point c Clause 2 Article 20 is amended as follows:

“c) Specimens of exported plants included in Appendix II and Appendix III of CITES are generated from raising facilities granted codes according to Article 18 of this Decree.”

16. Clause 1 Article 22 is amended as follows:

“1. CITES permit as prescribed in Form No. 09 in the Appendix enclosed with this Decree shall be used for exporting, importing, re-exporting, introduction from the sea of specimens of endangered species of wild fauna and flora in CITES Appendices; exporting specimens of endangered, precious and rare species of forest fauna and flora. CITES permit must include adequate information, bears CITES stamp or is encoded, signed and bears the seal of CITES Management Authority of Vietnam.”

17. Point c Clause 2 Article 25 is amended as follows:

“c) In case of import of alive specimens of wild fauna for raising, in addition to the required documents specified in Points a, b of this Clause, the conditions set out in Clause 2 Article 14 or Point b Clause 1 Article 15 of this Decree must be satisfied.”

18. Point b Clause 3 Article 25 is amended as follows:

“b) Within 08 working days from the receipt of the valid application, CITES Management Authority of Vietnam shall consider issuing the permit. If opinions from CITES Scientific Authority of Vietnam or other relevant authorities of the exporting country are required, CITES Management Authority of Vietnam shall organize the collection of opinions from such authorities provided that the permit must be issued within a maximum period of 22 working days.

If the application is invalid, within 03 working days from the receipt of the application, CITES Management Authority of Vietnam shall give a notification to the applicant.”

19. Clause 3 Article 28 is amended as follows:

“3. The applicant shall retain the originals of relevant documents as prescribed in Article 23, Article 24, Article 25, Article 26 and Article 27 of this Decree for 05 years from the application submission date and present them at the request of competent authorities.”

20. Point a Clause 3 Article 32 is amended as follows:

“a) If the relevant entity returns specimens to the country of origin or refuses to receive the import shipment, CITES Management Authority of Vietnam shall consider issuing a permit to re-export specimens to the exporting country in accordance with the provisions of CITES and the law of Vietnam.

Within 30 working days from the day on which CITES Management Authority of Vietnam notifies CITES Management Authority of the country of origin in writing of the violating specimens, if CITES Management Authority of the country of origin refuses to receive returned specimens or gives no response or fails to fulfill its obligations as prescribed in CITES, such specimens shall be handled in accordance with regulations of the law on management of public property and the following rules:

Specimens in Appendix I of CITES shall be only used for scientific research, environmental education exhibition, training, drills, law enforcement or stored or destructed in accordance with regulations of law.

Specimens in Appendix II or III of CITES may be sold at auction for non-commercial purposes.”

21. Clause 5 is added to Article 40 as follows:

“5. Policies for management and raising of wild animals specified in Point dd Clause 29 Article 3 of this Decree shall be same as those for normal forest animals.”

22. The list of endangered, precious and rare species of forest fauna and flora enclosed with the Decree No. 06/2019/ND-CP is replaced with the list of endangered, precious and rare species of forest fauna and flora in Appendix I enclosed with this Decree.

23. Form No. 08 (Code of raising facility), Form No. 09 (Specimen of CITES permit), Form No. 04 and Form No. 06 (Raising plan) enclosed with the Decree No. 06/2019/ND-CP are respectively replaced with Form of code of raising facility in Appendix II, Specimen of CITES permit in Appendix III, and Specimen of raising plan in Appendix IV enclosed with this Decree.

## **Article 2. Effect**

This Decree comes into force from November 30, 2021.

## **Article 3. Transition**

1. Applications for code of raising facility which have been submitted before the effective date of this Decree but are not yet processed by competent authorities shall be processed in accordance with the provisions of Decree No. 06/2019/ND-CP.

2. The owners of the raising facilities that are required to apply for code of raising facility as prescribed in this Decree shall, within 06 months from the effective date of this Decree, submit applications for code of raising facility to competent authorities as prescribed in Decree No. 06/2019/ND-CP.

#### **Article 4. Responsibility for implementation**

1. The Ministry of Agriculture and Rural Development shall play the leading role and cooperate with the Ministry of Natural Resources and Environment and relevant authorities in announcing the List of species of wild fauna as prescribed in Point dd Clause 29 Article 3 of Decree No. 06/2019/ND-CP by November 30, 2021, and periodically reviewing and amending the list every 3 years or when necessary.

2. Ministers, heads of ministerial agencies, heads of Governmental agencies, Chairpersons of People's Committees of provinces and central-affiliated cities and relevant agencies, organizations and individuals shall be responsible for the implementation of this Decree./.

**ON BEHALF OF THE GOVERNMENT  
PP. PRIME MINISTER  
DEPUTY PRIME MINISTER**

**Le Van Thanh**