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AGRI 334
FORETS 25
DEVGEN 123
ENV 497
RELEX 619
JUR 330
PROBA 15
UD 148
COASI 174

PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2018) 514 final ANNEX
Subject:	ANNEX to the Proposal for a COUNCIL DECISION on the signing, on behalf of the Union, of the Voluntary Partnership Agreement between the European Union and the Socialist Republic of Viet Nam on forest law enforcement, governance and trade

Delegations will find attached document COM(2018) 514 final ANNEX.

Encl.: COM(2018) 514 final ANNEX

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EUROPEAN
COMMISSION

Brussels, 3.7.2018
COM(2018) 514 final

ANNEX

ANNEX

to the

COUNCIL DECISION

on the signing, on behalf of the Union, of the Voluntary Partnership Agreement between the European Union and the Socialist Republic of Viet Nam on forest law enforcement, governance and trade

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VOLUNTARY PARTNERSHIP AGREEMENT
BETWEEN THE EUROPEAN UNION
AND THE SOCIALIST REPUBLIC OF VIET NAM
ON FOREST LAW ENFORCEMENT,
GOVERNANCE AND TRADE

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THE EUROPEAN UNION, hereinafter referred to as “the Union”,

and

THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIET NAM, hereinafter referred to as “Viet Nam”,

hereinafter referred to together as “the Parties”,

CONSIDERING the Communication from the European Commission to the Council of the European Union and to the European Parliament on an EU Action Plan for Forest Law Enforcement, Governance and Trade (FLEGT) as a first step towards tackling the urgent issue of illegal logging and associated trade;

REAFFIRMING the importance of the principles and commitments set out in the Declaration on the United Nations 2030 Agenda for Sustainable Development of 2015, in particular the commitment to achieve sustainable development in its three dimensions – economic, social and environmental – in a balanced and integrated manner;

RECALLING in this respect the Sustainable Development Goals and targets, in particular the target (15.2) to promote, by 2020, the implementation of sustainable management of all types of forests, halt deforestation, restore degraded forests and substantially increase afforestation and reforestation globally;

AWARE of the importance of the principles set out in the 1992 Rio Declaration on Environment and Development in the context of securing sustainable forest management and, in particular, of Principle 10 concerning the importance of public awareness and participation in environmental issues and of Principle 22 concerning the vital role of indigenous people and other local communities in environmental management and development;

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REAFFIRMING the importance attached by the Parties to the principles and rules which govern the multilateral trading systems, in particular the rights and obligations laid down in the General Agreement on Tariffs and Trade (GATT) 1994 and in other multilateral agreements listed in Annex IA to the Marrakesh Agreement of 15 April 1994 establishing the World Trade Organization (WTO), and the need to apply them in a transparent and non-discriminatory manner;

HAVING REGARD to the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) and, in particular, the requirement that CITES export permits issued by the Parties to CITES for specimens of species listed in Appendix I, II or III to CITES be granted only under certain conditions, including that such specimens were not obtained in breach of the relevant laws for the protection of fauna and flora;

RECALLING the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Viet Nam, of the other part, signed in Brussels on 27 June 2012;

RECALLING the recent conclusion of negotiations for a Free Trade Agreement between the European Union and the Socialist Republic of Viet Nam, and in particular the commitments therein related to sustainable forest management and trade in forest products;

RECOGNISING efforts by the Government of Viet Nam to promote good forestry governance, law enforcement and the trade in legal timber, including through the Viet Nam Timber Legality Assurance System ("VNTLAS"), which will be developed through a multi-stakeholder process in accordance with the principles of good governance, credibility and representativeness;

RECOGNISING that the implementation of this Agreement will reinforce sustainable forest management and contribute to combating climate change through reduced emissions from deforestation and forest degradation and the role of conservation, sustainable management of forest and enhancement of forest carbon stocks (REDD+);

RECOGNISING that stakeholders have a crucial role to play in the implementation of this Agreement and that it is therefore essential that effective mechanisms for their contribution to the enforcement of the VNTLAS are in place;

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RECOGNISING that the publication of information is essential to improve governance and that the provision of information to stakeholders should therefore be central to this Agreement in order to facilitate the implementation and monitoring of systems, increase transparency, and thus improve stakeholder and consumer confidence, as well as to ensure accountability of the Parties;

RESOLVED that the Parties shall seek to minimise any adverse impacts on local communities and poor people which may arise as a direct consequence of implementing this Agreement;

REAFFIRMING the principles of mutual respect, sovereignty, equality and non-discrimination and recognising the benefits to the Parties arising from this Agreement;

AFFIRMING that, in accordance with the Law on Treaties No. 108/2016/QH13 dated 9 April 2016 of Viet Nam, this Agreement shall be approved by the Government of the Socialist Republic of Viet Nam, thereby expressing the consent of the Socialist Republic of Viet Nam to be bound by this Agreement;

PURSUANT to the respective laws and regulations of the Parties,

HEREBY AGREE AS FOLLOWS:

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ARTICLE 1

Objective

1. The objective of this Agreement, consistent with the Parties' common commitment to the sustainable management of all types of forest, is to provide a legal framework aimed at ensuring that all imports into the Union from Viet Nam of timber and timber products covered by this Agreement have been legally produced and, in doing so, to promote trade in timber products that are from sustainably managed forests and harvested in accordance with the domestic legislation in the country of harvest.

2. This Agreement also provides a basis for dialogue and cooperation between the Parties to facilitate and promote the full implementation of this Agreement and enhance forest law enforcement and governance.

ARTICLE 2

Definitions

For the purposes of this Agreement, the following definitions shall apply:

(a) "import into the Union" means the release for free circulation into the Union within the meaning of Article 201 of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code of timber products which cannot be classified as "goods of a non-commercial nature" as defined in point 21 of Article 1 of Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code;

(b) "export" means the physical leaving or taking out of timber products from any part of the geographical territory of Viet Nam, except for timber products in transit through Viet Nam;

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(c) “timber products in transit” means any timber products originating from a third country which enter the territory of Viet Nam under customs control and leave it in the same form whilst retaining their country of origin;

(d) “timber products” means the products listed in Annex I;

(e) “HS code” means a four- or six-digit code as set out in the nomenclature of the Harmonized Commodity Description and Coding System established by the International Convention on the Harmonized Commodity Description and Coding System of the World Customs Organization;

(f) “FLEGT licence” means a Vietnamese legal document which confirms that a shipment of timber products intended for export to the Union has been legally produced and verified in accordance with the criteria laid down in this Agreement. A FLEGT licence may be in paper or electronic form;

(g) “Licensing Authority” means the authority designated by Viet Nam to issue and validate FLEGT licences;

(h) “competent authorities” means the authorities designated by the Member States of the Union to receive, accept and verify FLEGT licences;

(i) “shipment” means a quantity of timber products covered by a FLEGT licence that is sent by a consignor or a shipper from Viet Nam and is presented for release for free circulation at a customs office in the Union;

(j) “legally produced timber” (hereinafter also referred to as “legal timber”) means timber products harvested or imported and produced in accordance with the legislation of Viet Nam set out in Annex II and other relevant provisions of this Agreement; and, in the case of imported timber, it means timber products harvested, produced and exported in accordance with the relevant legislation of the country of harvest and the procedures described in Annex V;

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(k) "release for free circulation" means a Union customs procedure which confers the customs status of Union goods on goods which are not from the Union (in accordance with Regulation (EU) No 952/2013), entailing the collection of any import duties due; the collection, as appropriate, of other charges; the application of commercial policy measures and prohibitions and restrictions; and the completion of other formalities laid down in respect of the importation of goods;

(l) "verification of verifiers" means the process of checking the legality, validity and conformity of verifiers on the basis of documentary and/or physical checks by the verification entities in accordance with the regulations set out in the Legality Definition in Annex II.

ARTICLE 3

FLEGT licensing scheme

1. A forest law enforcement, governance and trade (FLEGT) licensing scheme is hereby established between the Parties. It establishes a set of procedures and requirements aimed at verifying and attesting, by means of FLEGT licences, that timber products shipped to the Union were legally produced. In accordance with Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community and this Agreement, the Union shall accept such shipments from Viet Nam for import into the Union only if they are covered by FLEGT licences.

2. The FLEGT licensing scheme shall apply to the timber products listed in Annex I.

3. The Parties agree to take all measures necessary to implement the FLEGT licensing scheme.

ARTICLE 4

Licensing Authority

1. Viet Nam shall designate the FLEGT Licensing Authority and notify its contact details to the European Commission. Both Parties shall make that information available to the public.

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2. The Licensing Authority shall verify that timber products have been legally produced in accordance with the legislation identified in Annex II. The Licensing Authority shall issue FLEGT licences covering shipments of timber products that are legally produced in Viet Nam for export to the Union.

3. The Licensing Authority shall not issue FLEGT licences for any shipment of timber products that has not been legally produced in accordance with the Vietnamese legislation specified in Annex II or, in the case of imported timber, timber products that have not been harvested, produced or exported in accordance with the legislation of the country of harvest and of the country of production.

4. The Licensing Authority shall maintain and make publicly available its procedures for issuing FLEGT licences. It shall also maintain records of all shipments covered by FLEGT licences, consistent with national legislation concerning data protection, and shall provide such records for the purposes of the independent evaluation referred to in Article 10, while respecting the confidentiality of exporters' proprietary information.

ARTICLE 5

Competent authorities

1. The European Commission shall inform Viet Nam of the contact details of the competent authorities designated by the Member States of the Union. Both Parties shall make that information available to the public.

2. The competent authorities shall verify that each shipment is covered by a valid FLEGT licence before releasing that shipment for free circulation in the Union. The release of the shipment may be suspended and the shipment may be held if there are doubts regarding the validity of the FLEGT licence.

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3. The competent authorities shall maintain and publish annually a record of FLEGT licences received.

4. The competent authorities shall grant persons or bodies designated by Viet Nam as Independent Evaluator in accordance with Article 10 access to the relevant documents and data, in accordance with their national legislation on data protection.

5. The competent authorities shall not perform the action described in paragraph 2 in the case of a shipment of timber products derived from species listed in the Appendices to CITES, as these are covered by the provisions for verification set out in Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein.

ARTICLE 6

FLEGT licences

1. FLEGT licences shall be issued by the Licensing Authority as a means of attesting that timber products have been legally produced.

2. FLEGT licences shall be provided on a form written in English and Vietnamese. The form shall be completed in English.

3. The Parties may, by agreement, establish electronic systems for issuing, sending and receiving FLEGT licences.

4. The technical specifications and the procedure for issuing FLEGT licences are set out in Annex IV.

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ARTICLE 7

Definition of "legally produced timber"

For the purposes of this Agreement, a definition of "legally produced timber" is given in point (j) of Article 2 and specified in Annex II. That Annex describes Vietnamese legislation that must be complied with in order for timber products to be covered by a FLEGT licence. That Annex also includes documentation containing the principles, criteria, indicators and verifiers serving to prove compliance with such legislation.

ARTICLE 8

Verification of legally produced timber

1. Viet Nam shall establish and implement a Viet Nam Timber Legality Assurance System ("VNTLAS") to verify that timber and timber products have been legally produced and to ensure that only shipments verified as such are exported to the Union. The VNTLAS shall include compliance checks and procedures to ensure that timber of illegal or unknown origin does not enter the supply chain.

2. The system for verifying that shipments of timber products have been legally produced is set out in Annex V.

ARTICLE 9

Release of shipments covered by a FLEGT licence

1. The procedures governing the release for free circulation in the Union of shipments covered by a FLEGT licence are described in Annex III.

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2. Where the competent authorities have reasonable grounds to suspect that a licence is not valid or authentic or does not conform to the shipment it purports to cover, the competent authority concerned may apply procedures described in Annex III.

3. Where persistent disagreements or difficulties arise in consultations concerning FLEGT licences, the matter may be referred to the Joint Implementation Committee established pursuant to Article 18.

ARTICLE 10

Independent evaluation

1. The purpose of the independent evaluation is to assess the implementation, effectiveness and credibility of the VNTLAS and the FLEGT licensing scheme, as set out in Annex VI.

2. Viet Nam, in consultation with the Union, shall engage the services of the Independent Evaluator to implement the tasks set out in Annex VI.

3. The Independent Evaluator shall be a body with no conflict of interest resulting from an organisational or commercial relationship with:

(a) the Union or with the Vietnamese forestry sector regulatory authorities;

(b) the Licensing Authority, or anybody given the responsibility of verifying the legality of timber production; or

(c) any operator exercising a commercial activity in its forestry sector.

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4. The Independent Evaluator shall operate in accordance with a documented management structure, and with published policies, methods and procedures that correspond to internationally accepted best practices.

5. The Independent Evaluator shall refer complaints arising from its work to the Joint Implementation Committee established pursuant to Article 18.

6. The Independent Evaluator shall submit its observations to the Parties in reports in accordance with the procedure described in Annex VI. Reports by the Independent Evaluator shall be published in accordance with the procedure set out in Annex VIII.

7. The Parties shall facilitate the work of the Independent Evaluator, ensuring in particular that it has access to the territory of each Party and to the information necessary for the performance of its functions. In accordance with their respective national legislation on data protection, the Parties may nonetheless refuse to disclose information that they are not permitted to communicate.

ARTICLE 11

Irregularities

The Parties shall inform each other in accordance with Article 20 if they suspect or have found evidence of any circumvention or irregularity in the FLEGT licensing scheme, including in relation to the following:

(a) circumvention of trade, including by redirection of trade from Viet Nam to the Union via a third country, where there is reason to believe that this is done with the intention of avoiding licensing;

(b) FLEGT licences covering timber products which contain timber from third countries that is suspected of being illegally produced; or

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(c) fraud in obtaining or using FLEGT licences.

ARTICLE 12

Date of operation of the FLEGT licensing scheme

1. The Parties shall notify each other through the Joint Implementation Committee established pursuant to Article 18 when they consider that they have made the necessary preparations for the FLEGT licensing scheme to become fully operational.

2. The Parties shall, through the Joint Implementation Committee, commission an independent assessment of the FLEGT licensing scheme on the basis of the criteria set out in Annex VII. The assessment shall determine whether the VNTLAS underpinning the FLEGT licensing scheme as described in Annex V adequately fulfils its functions.

3. On the basis of the recommendations of the Joint Implementation Committee, the Parties shall agree on a date on which the FLEGT licensing scheme will start operating.

4. The Parties shall notify each other in writing of this date.

ARTICLE 13

Application of the VNTLAS and other measures

1. Using the VNTLAS, Viet Nam shall verify the legality of timber products exported to non-Union markets and timber products sold on domestic markets, and shall verify the legality of imported timber products using the system developed for implementing this Agreement.

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2. In support of the application of VNTLAS, the Union shall encourage the use of the system with respect to trade in other international markets and with third countries.

3. The Union shall implement measures to prevent the placing on the Union market of illegally harvested timber and products derived therefrom in accordance with its applicable legislation.

ARTICLE 14

Supporting measures

1. The provision of any resources necessary for measures to support the implementation of this Agreement shall be determined in the context of the programming exercises of the Union and its Member States for cooperation with Viet Nam.

2. Viet Nam shall ensure that its capacity to implement this Agreement is strengthened.

3. The Parties shall ensure that activities associated with the implementation of this Agreement are coordinated with existing and future development programmes and initiatives.

ARTICLE 15

Stakeholder involvement in the implementation of this Agreement

1. Viet Nam shall include relevant stakeholders in the implementation of this Agreement.

2. Viet Nam shall ensure that the implementation and monitoring of this Agreement are done in a transparent manner together with relevant stakeholders, including NGOs, forest associations, enterprises, trade unions, local communities and people living in the forest areas.

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3. Viet Nam shall ensure that a mechanism is in place to monitor the implementation of this Agreement, involving representatives of relevant Government agencies and other relevant stakeholders.

4. Viet Nam shall hold regular consultations with stakeholders on the implementation of this Agreement and in that regard promote appropriate consultation strategies, modalities and programmes.

5. The Union shall hold regular consultations with stakeholders on the implementation of this Agreement, taking into account its obligations under the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters of 1998 (the Aarhus Convention).

ARTICLE 16

Social safeguards

1. In order to minimise possible adverse effects of this Agreement, the Parties agree to assess the impacts on ethnic minorities and local communities concerned and on their way of life, as well as on households and the timber industry.

2. The Parties shall monitor the impacts of this Agreement as described in paragraph 1 while taking reasonable steps to mitigate any adverse effects. The Parties may agree on additional measures to address any adverse effects.

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ARTICLE 17

Market incentives

Taking into account its international obligations, the Union shall promote a favourable position in the Union market for the timber products covered by this Agreement. Such efforts shall include in particular measures to support:

(a) public and private procurement policies that recognise a supply of and ensure a market for legally harvested timber products; and

(b) a more favourable perception of FLEGT-licensed products on the Union market.

ARTICLE 18

Joint Implementation Committee

1. The Parties shall establish a Joint Implementation Committee (JIC) to facilitate the management, monitoring and review of this Agreement. The JIC shall also facilitate dialogue and exchanges of information between the Parties.

2. The JIC shall be established within three months of the entry into force of this Agreement. Each Party shall designate its representatives to the JIC. The JIC shall make its decisions by consensus. The JIC shall be co-chaired by senior officials designated by each Party.

3. The JIC shall establish its rules of procedure.

4. The JIC shall meet at least twice a year in the first two years and once per year thereafter, on a date and with an agenda agreed in advance by the Parties. Additional meetings may be convened at the request of either of the Parties.

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5. The JIC shall ensure that its work is transparent and that information about its work and decisions are made available to the public.

6. The JIC shall publish a joint annual report. The details and content to be included in that report are given in Annex VIII.

7. The specific functions and tasks of the JIC are described in Annex IX.

ARTICLE 19

Reporting and public disclosure of information

1. The Parties commit to regularly make available to the public information related to the implementation and monitoring of this Agreement.

2. The Parties shall make information listed in Annex VIII publicly available in accordance with the mechanisms described in that Annex. The Parties shall endeavour to provide the various stakeholders associated with the forestry sector with reliable, relevant and up-to-date information.

3. In accordance with their respective legislation, the Parties agree not to disclose confidential information exchanged under this Agreement. Neither Party shall disclose to the public, nor permit its authorities to disclose, information exchanged under this Agreement concerning trade secrets or confidential commercial information.

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ARTICLE 20

Communication on implementation

1. The representatives of the Parties responsible for official communications concerning the implementation of this Agreement shall be:

(a) for Viet Nam: the Vice Minister, Ministry of Agriculture and Rural Development;

(b) for the Union: the Head of the Delegation of the Union in Viet Nam.

2. The Parties shall communicate to each other in a timely manner the information necessary for implementing this Agreement, including changes as regards the representatives mentioned in paragraph 1.

ARTICLE 21

Territorial application

This Agreement shall apply to the territory in which the Treaty on the Functioning of the European Union is applied under the conditions laid down in that Treaty, on the one hand, and to the territory of Viet Nam, on the other.

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ARTICLE 22

Settlement of disputes

1. The Parties shall seek to resolve any dispute concerning the application or interpretation of this Agreement through prompt consultations.

2. If a dispute has not been settled by means of consultations within 120 days of the date of the initial request for consultations, the dispute may be referred to the JIC, which shall endeavour to settle it. The JIC shall be provided with all relevant information for an in-depth examination of the situation with a view to finding an acceptable solution. To this end, the JIC shall be required to examine all possibilities for maintaining the effective implementation of this Agreement.

3. In the event that the JIC is unable to settle the dispute, the Parties shall jointly seek the good offices of, or request mediation by, a third party.

4. If it is not possible to settle the dispute in accordance with paragraph 3, either Party may notify the other of the appointment of an arbitrator; the other Party shall then appoint a second arbitrator within 30 calendar days of the appointment of the first arbitrator. The Parties shall jointly appoint a third arbitrator within 60 days of the appointment of the second arbitrator.

5. The arbitrators' decisions shall be taken by majority vote within six months of the third arbitrator being appointed.

6. The award shall be binding on the Parties and shall be without appeal.

7. The JIC shall establish the working procedures for arbitration.

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ARTICLE 23

Suspension

1. A Party wishing to suspend this Agreement shall notify the other Party in writing of its intention to do so. The matter shall subsequently be discussed between the Parties, taking into consideration relevant stakeholders' views.

2. Either Party may suspend the application of this Agreement in the event that the other Party:

(a) fails to fulfil its obligations under this Agreement;

(b) fails to maintain the regulatory and administrative measures and means required to implement this Agreement; or

(c) acts in a way that poses significant risks to the environment, health, safety or security of the people of either the Union or Viet Nam.

The decision on suspension and the reasons for that decision shall be notified and sent to the other Party in writing.

3. The conditions of this Agreement shall cease to apply 30 calendar days after notice as referred to in the second subparagraph of paragraph 2 is given.

4. Application of this Agreement shall resume 30 calendar days after the Party that has suspended its application informs the other Party that the reasons for the suspension no longer apply.

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ARTICLE 24

Amendments

1. A Party wishing to amend this Agreement shall submit a proposal at least three months before the next meeting of the JIC. The JIC shall discuss the proposal and, if consensus is reached, shall make a recommendation. If the Parties agree with the recommendation, they shall approve it in accordance with their respective internal procedures.

2. Any amendment approved by the Parties in accordance with paragraph 1 shall enter into force on the first day of the month following the date on which the Parties notify each other of the completion of the procedures necessary for this purpose.

3. The JIC may adopt amendments to the Annexes to this Agreement.

4. Notification of any amendment shall be made to the Secretary-General of the Council of the European Union and to the Minister for Foreign Affairs of the Socialist Republic of Viet Nam through diplomatic channels.

ARTICLE 25

Entry into force, duration and termination

1. This Agreement shall enter into force on the first day of the month following the date on which the Parties notify each other in writing of the completion of their respective procedures necessary for this purpose.

2. Notifications referred to in this Article shall be made to the Secretary-General of the Council of the European Union and to the Minister for Foreign Affairs of the Socialist Republic of Viet Nam through diplomatic channels.

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3. This Agreement shall remain in force for a period of five years. It shall be automatically extended for consecutive periods of five years, unless a Party renounces the extension by notifying the other Party in writing at least 12 months before this Agreement expires.

4. Either Party may terminate this Agreement by notifying the other Party in writing. This Agreement shall cease to apply 12 months after the date of receipt of such notification.

ARTICLE 26

Annexes

The Annexes to this Agreement shall form an integral part thereof.

ARTICLE 27

Authentic texts

This Agreement shall be drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Vietnamese languages, each text being equally authentic.

In the case of divergence of interpretation, the English text shall prevail.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Agreement.

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DONE at …,

For the European Union

For the Government
of the Socialist Republic of Viet Nam

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LIST OF ANNEXES

ANNEX I: Product coverage: the harmonised commodity codes for timber and timber products covered under the FLEGT licensing scheme

ANNEX II: Viet Nam Timber Legality Definition

ANNEX III: Conditions governing the release for free circulation in the Union of timber products exported from Viet Nam and covered by a FLEGT licence

ANNEX IV: FLEGT licensing scheme

ANNEX V: Viet Nam Timber Legality Assurance System (VNTLAS)

ANNEX VI: Terms of reference for the independent evaluation

ANNEX VII: Criteria for assessment of the operational readiness of the Viet Nam Timber Legality Assurance System

ANNEX VIII: Public disclosure of information

ANNEX IX: Functions of the Joint Implementation Committee

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ANNEX I

PRODUCT COVERAGE:

THE HARMONISED COMMODITY CODES FOR TIMBER AND TIMBER PRODUCTS

COVERED UNDER THE FLEGT LICENSING SCHEME

The list in this Annex refers to the Harmonized Commodity Description and Coding System established by the International Convention on the Harmonized Commodity Description and Coding System of the World Customs Organization.

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HS codes	Description
CHAPTER 44	Wood and articles of wood; wood charcoal
Ex. 4401	Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms (not from bamboo nor rattan).
4403	Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared
4406	Railway or tramway sleepers (cross-ties) of wood

HS codes	Description
4407	Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or end-jointed, of a thickness exceeding 6 mm.
Ex. 4408	Sheets for veneering (including those obtained by slicing laminated wood), for plywood or for similar laminated wood and other wood, sawn lengthwise, sliced or peeled, whether or not planed, sanded, spliced or end-jointed, of a thickness not exceeding 6 mm (not from bamboo nor rattan).
Ex. 4409	Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges, ends or faces, whether or not planed, sanded or end-jointed (not from bamboo nor rattan).
Ex. 4410	Particle board, oriented strand board (OSB) and similar board (for example, waferboard) of wood or other ligneous materials, whether or not agglomerated with resins or other organic binding substances (not from bamboo nor rattan).
Ex. 4411	Fibreboard of wood or other ligneous materials, whether or not bonded with resins or other organic substances (not from bamboo nor rattan).
Ex. 4412	Plywood, veneered panels and similar laminated wood (not from bamboo nor rattan).
Ex. 441300	Densified wood, in blocks, plates, strips or profile shapes (not from bamboo nor rattan).
Ex. 441400	Wooden frames for paintings, photographs, mirrors or similar objects (not from bamboo nor rattan).

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HS codes	Description
Ex. 4415	Packing cases, boxes, crates, drums and similar packings, of wood; cable-drums of wood; pallets, box pallets and other load boards, of wood; pallet collars of wood (not from bamboo nor rattan).
Ex. 4416	Casks, barrels, vats, tubs and other coopers' products and parts thereof, of wood, including staves (not from bamboo nor rattan).
Ex. 4418	Builders' joinery and carpentry of wood, including cellular wood panels, assembled flooring panels, shingles and shakes (not from bamboo nor rattan).
CHAPTER 94	Furniture; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings
940330	--Wooden furniture of a kind used in offices.
940340	--Wooden furniture of a kind used in kitchens.
940350	--Wooden furniture of a kind used in the bedroom.
940360	Other wooden furniture.

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ANNEX II

VIET NAM TIMBER LEGALITY DEFINITION

INTRODUCTION

The Legality Definition ("LD") sets out principles, criteria, indicators and verifiers for legal timber according to the laws and regulations of Viet Nam. The LD shall be updated as and when required during the implementation of this Agreement in accordance with the provisions of Article 24 of this Agreement. The LD forms an integral part of the Viet Nam Timber Legality Assurance System ("VNTLAS") described in Annex V.

This Annex has been developed by a multi-sector working group through a comprehensive consultation process with government agencies, industry associations, enterprises, civil society, households, individuals and local communities. The forms of consultation have included stakeholder workshops, online and written comments and contributions by organisations and individuals on drafts of the LD.

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Vietnamese legal documents referred to in Appendices 1A and 1B to this Annex include laws and ordinances of the National Assembly, decrees of the Government, decisions of the Prime Minister, decisions of ministries and circulars of ministries which are publicly disclosed.

STRUCTURE AND CONTENT OF THE LEGALITY DEFINITION MATRIX

The LD is developed for two target groups, namely Organisations and Households, as defined in Section 2.2.1 of Annex V, to reflect compliance requirements of various regulations that apply to those two target groups and to design a clear, specific and feasible VNTLAS as described in Annex V.

The LD for Organisations is set out in Appendix 1A to this Annex and the LD for Households is set out in Appendix 1B to this Annex.

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The LD is divided into seven principles, as follows:

1. Organisations

– Principle I: Harvesting of domestic timber complies with regulations on land use rights, forest use rights, management, environment and society.

– Principle II: Compliance with regulations on handling confiscated timber.

– Principle III: Compliance with regulations on importing timber.

– Principle IV: Compliance with regulations on timber transportation and trade.

– Principle V: Compliance with regulations on timber processing.

– Principle VI: Compliance with regulations on customs procedures for export.

– Principle VII: Compliance with regulations on tax and employees.

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2. Households

– Principle I: Harvesting of domestic timber complies with regulations on land use rights, forest use rights, management, environment and society.

– Principle II: Compliance with regulations on handling confiscated timber.

– Principle III: Compliance with regulations on importing timber.

– Principle IV: Compliance with regulations on timber transportation and trade.

– Principle V: Compliance with regulations on timber processing.

– Principle VI: Compliance with regulations on customs procedures for export.

– Principle VII: Compliance with taxation regulations.

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The LD for Organisations and the LD for Households consist of seven principles; however, under some principles the number of criteria, indicators and verifiers varies. In general, some of the regulations that apply to Households are simpler than those for Organisations. The most significant differences are reflected in Principle I, IV and VII, as follows:

– Under Principle I (Harvesting of domestic timber complies with regulations on land use rights, forest use rights, management, environment and society), both the LD for Organisations and the LD for Households include eight criteria; however, some of the criteria vary between the two categories. The LD for Organisations includes Criterion 1 (Compliance with regulations on main harvesting of natural forest timber), but that Criterion is not applicable to Households. The LD for Households includes Criterion 7 (Compliance with regulations on harvesting timber from plantations in home gardens, farms and dispersed trees), but that Criterion is not applicable to Organisations (described further below).

– Under Principle IV (Compliance with regulations on timber transportation and trade), the LD for Organisations includes 10 criteria and the LD for Households includes seven criteria. The additional criteria under the LD for Organisations, which are not applicable to Households, relate to compliance with regulations on business registration, and internal transportation of timber and timber products within a province and between provinces.

– Under Principle VII, the LD for Organisations covers compliance with regulations on tax and employees (three criteria), while the LD for Households covers compliance with taxation regulations (one criterion). This reflects difference in the regulations on labour applied to Households as compared to Organisations.

In the LD and under the VNTLAS, there is a distinction between static and dynamic verifiers as defined in Section 4.1 of Annex V. Static verifiers (denoted “S” in the LD matrix) relate to the establishment and operations of Organisations and Households, including but not limited to verifiers such as business registration, forest land use rights, taxation and environmental and labour regulation. Dynamic verifiers (denoted “D” in the LD matrix) relate to batches of timber in the supply chain, including but not limited to verifiers such as timber packing lists and sales invoices, included in the timber product dossier at each stage of the supply chain.

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EXPLANATION OF ELEMENTS OF THE LEGALITY DEFINITION

1. Explanation of verifiers for land use rights and forest use rights

The Government of Viet Nam aims to ensure that conducive conditions are created whereby domestic timber growers can produce and sell their products. The LD therefore sets out a comprehensive and inclusive framework of verifiers on land use rights and forest use rights as described under Principle I. The number of verifiers varies according to the category of user (Organisations or Households) and the category of forest (criterion). In order to determine legal land use rights, Organisations and Households only need one of the verifiers which are specified in Principle I of the LD.

The main reason for including several verifiers for land use rights and forest use rights is the evolution of the land policy of Viet Nam in different periods. Verifiers on land use rights and forest use rights introduced under previous regulations may still be valid according to the Land Law of 2013.

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Land use rights certificates (red book certificates) were first introduced through the Land Law of 1993. Since 1993, the issuance of land use rights certificates has been progressively extended to all land users and all categories of land throughout the country. That process is still underway and there are some circumstances in which legal forest land users have not yet been granted land use rights certificates. In this situation, a number of alternative verifiers may apply and can be used to demonstrate legal land use rights and legal forest use rights. Such alternative verifiers include: decisions on land allocation; decisions on forest allocation; decisions on forest land allocation; decisions on forest allocation combined with land allocation; decisions on land leasing; decisions on contracting forest land; forest registration books; and written confirmation from the Commune People's Committee.

According to the Land Law of 2013, in cases where Households do not have land use rights certificates, or any other documentary evidence of land use rights, certification by the Commune People's Committee that the land is currently used and is not subject to any dispute can be used as a verifier of legal land use.

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2. Harvesting timber from home gardens, farms and dispersed trees

The LD for Households does not include verifiers that regulate land use rights for trees harvested from home gardens, farms and dispersed trees, because those trees do not meet criteria of concentrated plantation forests, or are planted in areas that cannot be granted land use rights certificates, such as roadsides or canal banks.

When there is a need for harvesting, households submit, before exploitation, a report on the harvesting location, species and volume of timber harvested from their home gardens, farms and dispersed trees to the Commune People's Committee for monitoring and controlling. After exploitation, households prepare and self-certify their timber packing list.

3. Compliance with regulations on export

The procedure for FLEGT licensing for shipments of timber for export to markets of the Union takes place before customs procedures for export, as described in Annex IV. Therefore, Principle VI is used to classify Organisations under the Organisations Classification System as specified in Annex V.

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4. Definitions

In the context of this Agreement, the following terms are understood as follows:

Principle

A principle is an area of Vietnamese law and legislation that Organisations and Households have to comply with at each stage of the supply chain as indicated in this Annex and Annex V.

Criterion

A criterion is a legal requirement for Organisations and Households to implement in order to assure compliance with a principle.

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Indicator

An indicator is a specific measure, or set of measures, that Organisations and Households have to comply with to fulfil a criterion.

Verifier

A verifier is a piece of evidence to prove the fulfilment of an indicator and criterion.

Forest owner (forest title holder)

Forest owner refers to Organisations or Households that are assigned or leased forest land or forest by the Government for forestry-related production or business in accordance with the Law on Forest Protection and Development of 2004.

Harvesting design statement

The harvesting design statement is a document describing the basic situation of the harvesting area, harvesting techniques, harvesting and salvage volume, and categories and detailed tables on forest harvesting technical standards.

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Design unit

A design unit is an entity authorised by a competent agency with the mandate to design forest harvesting operations.

Main harvesting

Main harvesting of timber of natural forests refers to the logging of timber for economic purposes while ensuring the stable development and use of forest determined in the scheme for sustainable forest management in accordance with the current regulations of Viet Nam. Main harvesting in natural forests is not applied to Households.

Tree marking list

The tree marking list is a document recording the name and size of the trees that can be felled in the harvesting design area.

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Report on harvesting location and volume of harvested timber products

The report on harvesting location and volume of harvested timber products lists information on the harvested area and the harvested volume according to different categories of domestic timber source, including natural forest, planted forest, rubber wood and scattered trees.

Forest product packing list ("packing list")

The forest product packing list is a mandatory document in the timber product dossier at each stage of the timber supply chain from the point of harvest or import to the point of export, including timber trade, entry and exit of each processing or storage sites, or transportation by one vehicle. A packing list is subject to check and verification/approval at each stage by the relevant entities.

The packing list for forest products in circulation includes information on the name and type of timber products, unit of measurement, form of the forest products, quantity and volume of forest products at the end of each page indicating the total quantity.

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List of anticipated timber to be harvested

The list of anticipated timber to be harvested includes information on the location, species and quantity (volume and diameter) of products to be harvested.

Entry and exit books

Entry and exit books are used to record the entry to and exit from the facilities of forest products of the harvesting, processing and trading Organisations.

Unprocessed timber products

Unprocessed timber products are those not impacted by tools or equipment of any kind after being harvested, imported and handled (if confiscated) and still in their original shape and parameters.

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Salvage harvesting and salvage collection

Salvage harvesting of timber means the harvesting of timber during the implementation of silvicultural measures, scientific research and site clearance for projects involving conversion of forest use purposes.

Salvage collection of timber means the collection of fallen or dead trees due to natural disaster; burnt, rotten or dry timber; and branches of timber remaining in forest.

Legal timber product dossier (“timber product dossier”)

The legal timber product dossier is a set of records related to timber products which are prepared, stored in the timber-product-producing and -trading Organisations and Households and circulated together with timber products in the process of harvesting, trading, transporting, processing, storing and exporting.

Production forest

Production forests are forests used mainly for the production and sale of timber and non-timber forest products, in combination with environmental protection.

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Protection forest

Protection forests are forests used mainly for the protection of water sources and soil, the prevention of erosion and desertification, the restriction of natural disasters, climate regulation and environmental protection.

Special-use forest

Special-use forests are forests used mainly for nature conservation, the preservation of standard specimens of the national ecosystems and forest biological gene sources, scientific research, the protection of historical and cultural relics and landscape preservation for recreation and tourism purposes, in combination with environmental protection.

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Appendix 1A

LEGALITY DEFINITION FOR ORGANISATIONS

PRINCIPLE I: HARVESTING OF DOMESTIC TIMBER COMPLIES WITH REGULATIONS ON LAND USE RIGHTS, FOREST USE RIGHTS, MANAGEMENT, ENVIRONMENT AND SOCIETY (ORGANISATIONS)			
Principle Criterion Indicators	Verifiers	Type of verifier S=static D=dynamic	Legal references for verifiers
Criterion 1: Compliance with regulations on main harvesting of natural forest timber			
Indicator 1.1: Compliance with legal regulations on land use right and forest use right – one of the following documents is required:			
	1.1.1. Decision on land allocation (prior to 15/10/1993);	S	No specific legislation prior to 1993 on land allocation
	1.1.2. Decision on forest allocation (from 15/10/1993 to 1/7/2004);	S	Articles 5, 13 and 14, Decree 02. CP; Articles 16 and 17, Decree No. 163/1999/ND-CP

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	1.1.3. Land use right certificate (from 15/10/1993 to date);	S	Articles 48, 49 and 51, Land Law 2003; Article 102, Land Law 2013
	1.1.4. Decision on land allocation (from 15/10/1993 to date);	S	Articles 32, 33 and 34, Land Law 2003; Articles 53, 54 and 55, Land Law 2013
	1.1.5. Decision on land leasing (from 15/10/1993 to date);	S	Article 35, Land Law 2003; Article 56, Land Law 2013
	1.1.6. Decision on forest allocation together with land allocation, land leasing (from 2011 to date);	S	Articles 5, 9 and 11, Circular 07/2011/TTLT-BNNPTNT-BTNMT
	1.1.7. Decision on forest allocation.	S	Section II, Circular 38/2007/TT-BNN
Indicator 1.2: Having legal status harvesting forest – one of the following documents is required:			
	1.2.1. Business registration certificate;	S	Articles 28 and 29, Enterprise Law 2014
	1.2.2. Investment registration certificate (for foreign investors or enterprise in which 51 % of charter capital is held by foreign investors);	S	Article 36, Investment Law 2014
	1.2.3. Business registration certificate (for enterprise operating in industry parks, export processing zones);	S	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005; Article 74, Investment Law 2014

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Indicator 1.3: Having approved Sustainable Forest Management Plan – the following document is required:			
	1.3.1. Decision on approving Sustainable Forest Management Plan.	S	Article 11, Circular No. 38/2014/TT-BNNPTNT
Indicator 1.4: Compliance with regulations on archiving harvesting documents – all the following documents are required:			
	1.4.1. Harvesting design statement;	S	Article 22, Circular No. 87/2009/TT-BNNPTNT
	1.4.2. Map of harvesting area;	S	Article 21, Circular No. 87/2009/TT-BNNPTNT
	1.4.3. List of tree marked for harvesting;	S	Article 14, Circular No. 87/2009/TT-BNNPTNT
	1.4.4. Minutes on appraising harvesting design in the field;	S	Article 24, Circular No. 87/2009/TT-BNNPTNT
	1.4.5. Decision on approving harvesting design;	S	Article 25, Circular No. 87/2009/TT-BNNPTNT
	1.4.6. Harvesting permit;	S	Article 4, Circular No. 21/2016/TT-BNNPTNT
	1.4.7. Minutes of acceptance of harvested timber.	D	Article 4, Circular No. 21/2016/TT-BNNPTNT

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Indicator 1.5: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm, forest hammer marks must be placed on the timber products – the following documents are required:			
	1.5.1. Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT
	1.5.2. Packing list.	D	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT
Indicator 1.6: Timber harvested not subject to forest hammer marking as required in Indicator 1.5 – the following document is required:			
	1.6.1. Packing list of timber.	D	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT
Indicator 1.7: Harvesting forest complies with regulations on environmental protection – one of the following documents is required:			
	1.7.1. Decision on approving environmental impact assessment report for projects harvesting in natural production forest involving clear-cut harvesting in concentration area at least 50 ha in size;	S	Article 12, Decree 18/2015/ND-CP

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	1.7.2. Environmental protection plan for projects harvesting in natural production forest involving clear-cut harvesting in concentration area less than 50 ha in size.	S	Article 18, Decree 18/2015/ND-CP
Criterion 2: Compliance with regulations on main harvesting, salvage harvesting and salvage collection from planted protection forests			
Indicator 2.1: Compliance with legal regulations on land use right and forest use right – one of the following documents is required:			
	2.1.1. Decision on land allocation (prior to 15/10/1993);	S	No specific legislation prior to 1993 on land allocation
	2.1.2. Decision on forest allocation (from 15/10/1993 to 1/7/2004);	S	Articles 5, 13 and 14, Decree No. 02. CP; Articles 9, 12 and 17, Decree No. 163/1999/ND-CP
	2.1.3. Land use right certificate (from 15/10/1993 to date);	S	Articles 48, 49 and 51, Land Law 2003; Article 102, Land Law 2013
	2.1.4. Decision on land allocation (from 15/10/1993 to date);	S	Articles 32, 33, 34 and 35, Land Law 2003; Articles 53, 54 and 55, Land Law 2013
	2.1.5. Decision on land leasing (from 15/10/1993 to date);	S	Article 35, Land Law 2003; Article 56, Land Law 2013

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	2.1.6. Decision on forest allocation together with land allocation, land leasing (from 2011 to date);	S	Articles 5, 9 and 11, Circular 07/2011/TTLT-BNNPTNT-BTNMT
	2.1.7. Decision on forest allocation;	S	Section II Circular No. 38/2007/TT-BNN
Indicator 2.2: Having legal status for harvesting forest – one of the following documents is required:			
	2.2.1. Business registration certificate;	S	Articles 28 and 29, Enterprise Law 2014
	2.2.2. Investment registration certificate (for foreign investors or enterprises in which 51 % of charter capital is held by foreign investors);	S	Article 36, Investment Law 2014
	2.2.3. Business registration certificate (for enterprise operating in industry parks, export processing zones).	S	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005, Article 74, Investment Law 2014
Indicator 2.3: Harvesting forest complies with regulations on environmental protection – one of the following documents is required:			
	2.3.1. Decision on approving environmental impact assessment report for projects on clear-cut harvesting for concentrated harvesting area of 200ha or more;	S	Article 12, Decree No. 18/2015/ND-CP

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	2.3.2. Environmental protection plan for projects on clear-cut harvesting for concentrated harvesting area less than 200ha.	S	Article 18, Decree No. 18/2015/ND-CP
Indicator 2.4: Compliance with regulations on archiving harvesting documents – all the following documents are required:			
	2.4.1. Harvesting design statement;	S	Article 6, Circular No. 21/2016/TT-BNNPTNT; Article 9, Circular 01/2012/TT-BNNPTNT
	2.4.2. Map of harvesting area;	S	Article 6, Circular No. 21/2016/TT-BNNPTNT; Article 9, Circular 01/2012/TT-BNNPTNT
	2.4.3. Harvesting permit.	S	Article 6, Circular No. 21/2016/TT-BNNPTNT; Article 9, Circular 01/2012/TT-BNNPTNT
Indicator 2.5:For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species forest hammer marks must be placed in compliance with regulations – the following documents are required:			
	2.5.1. Minutes on placing forest hammer marks;	D	Articles 7 and 8, Decision No 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
	2.5.2. Packing list.	D	Articles 7 and 8, Decision No 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT

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Indicator 2.6: Timber harvested not subject to forest hammer marks as required in Indicator 2.5 – the following document is required:			
	2.6.1. Packing list.	D	Articles 7 and 8, Decision No.44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
Criterion 3: Compliance with regulations on main harvesting, salvage harvesting and salvage collection from planted production forests			
Indicator 3.1: Compliance with legal regulations on land use right and forest use right – one of the following documents is required:			
	3.1.1. Decision on land allocation (prior to 15/10/1993);	S	No specific legislation prior to 1993 on land allocation
	3.1.2. Land use right certificate (from 15/10/1993 to date);	S	Articles 48, 49 and 51, Land Law 2003; Article 102, Land Law 2013
	3.1.3. Decision on land allocation (from 15/10/1993 to date);	S	Articles 32, 33 and 34, Land Law 2003; Articles 53, 54 and 55, Land Law 2013
	3.1.4. Decision on land leasing (from 15/10/1993 to date);	S	Article 35, Land Law 2003; Article 56, Land Law 2013
	3.1.5. Decision on land allocation, forest allocation (from 15/10/1993 to 1/7/2004);	S	Articles 5, 13 and 14, Decree No. 02. CP; Articles 9, 12 and 17, Decree No. 163/1999/ND-CP
	3.1.6. Decision on land allocation, land leasing (from 2011 to date).	S	Articles 5, 9 and 11, Circular 07/2011/TTLT-BNNPTNT-BTNMT

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Indicator 3.2: Having legal status for harvesting forest – one of the following documents is required:			
	3.2.1. Business registration certificate;	S	Articles 28 and 29, Enterprise Law 2014
	3.2.2. Investment registration certificate (for foreign investors or enterprises in which 51 % of charter capital is held by foreign investors);	S	Article 36, Investment Law 2014
	3.2.3. Business registration certificate (for enterprise operating in industry parks, export processing zones).	S	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005, Article 74, Investment Law 2014
Indicator 3.3: Harvesting forest complies with legal regulations on environmental protection – one of the following documents is required:			
	3.3.1. Decision on approving environmental impact assessment report for projects on clear-cut harvesting for concentrated harvesting area of 200ha or more;	S	Article 12, Decree No. 18/2015/ND-CP
	3.3.2. Environmental protection plan for projects on clear-cut harvesting for concentrated harvesting area less than 200ha.	S	Article 18, Decree No. 18/2015/ND-CP

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Indicator 3.4: Compliance with regulations on archiving harvesting documents – the following document is required:			
	3.4.1. Report on harvesting location and volume of harvested timber products.	S	Article 6(1b), Circular No. 21/2016/TT-BNNPTN; Article 9, Circular No. 01/2012/TT-BNNPTNT
Indicator 3.5: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species forest hammer marks must be placed in compliance with regulations – the following documents are required:			
	3.5.1. Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
	3.5.2. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
Indicator 3.6: Timber harvested not subject to forest hammer marks as required in Indicator 3.5 – the following document is required:			
	3.6.1. Packing list.	D	Articles 7 and 8, Decision No.44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT

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Criterion 4: Compliance with regulations on salvage harvesting of natural forested areas converted from forest land use to other land uses.			
Indicator 4.1: Compliance with legal regulations on changing land use from forest use into other uses, environmental protection, site clearance – all the following documents are required:			
	4.1.1. Decision on approving Measure on compensation for site clearance, including maps of converted forest area, status of converted forest;	S	Article 29 Decree 23/2006/ND-CP; Article 8 Circular 21/2016/TT-BNNPTNT
	4.1.2. Decision on allowing forest land conversion to other land uses;	S	Article 3, Resolution 49; Article 29, Decree 23/2006/ND-CP
	4.1.3. Decision on approving environmental assessment report or environmental protection plan		
	4.1.3.1 Decision on approving environmental assessment report for projects that change purposes for forest utility: 5ha or more for protection forests, special use forests; 10ha or more for natural forests; 50ha or more for other types of forests;	S	Article 29, Decree 23/2006/ND-CP; Article 12, Decree No. 18/2015/ND-CP

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	4.1.3.2 Environmental protection plan for projects that change the purpose of land use of an area from forest use into other uses, for areas less than those specified in 4.1.3.	S	Article 18, Decree No. 18/2015/ND-CP
Indicator 4.2: Having legal status for harvesting forest – one of the following documents is required:			
	4.2.1. Business registration certificate;	S	Articles 28 and 29, Enterprises Law 2014
	4.2.2. Investment registration certificate (for foreign investors or enterprises in which 51 % of charter capital is held by foreign investors);	S	Article 36, Investment Law 2014
	4.2.3. Business registration certificate (for enterprise operating in industry parks, export processing zones).	S	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005, Article 74, Investment Law 2014
Indicator 4.3: Compliance with regulations on archiving harvesting documents – the following document is required:			
	4.3.1. List of anticipated timber to be harvested.	S	Article 8, Circular No. 21/2016/TT-BNNPTNT

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Indicator 4.4: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm, harvested in natural forests; and for round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species harvested in plantation forests forest hammer marks must be placed in compliance with regulations – the following documents are required:			
	4.4.1. Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT
	4.4.2. Packing list.	D	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT
Indicator 4.5: Timber harvested not subject to forest hammer marks as required in Indicator 4.4 – the following document is required:			
	4.5.1. Packing list.	D	Articles 7 and 8 Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT

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Criterion 5: Compliance with regulations on salvage harvesting of natural forest while implementing silvicultural measures scientific research and training			
Indicator 5.1: Compliance with legal regulations on land use right and forest use right – one of the following documents is required:			
	5.1.1. Decision on land allocation (prior to 15/10/1993);	S	No specific legislation prior to 1993 on land allocation
	5.1.2. Decision on land allocation, forest allocation (from 15/10/1993 to 1/7/2004);	S	Articles 5, 13 and 14, Decree No. 02. CP; Articles 9, 12 and 17, Decree No. 163/1999/ND-CP
	5.1.3. Land use right certificate (from 15/10/1993 to date);	S	Articles 48, 49 and 51, Land Law 2003; Article 102, Land Law 2013
	5.1.4. Decision on land allocation (from 15/10/1993 to date);	S	Articles 32, 33, 34 and 35, Land Law 2003; Articles 53, 54 and 55, Land Law 2013
	5.1.5. Decision on land leasing (from 15/10/1993 to date);	S	Article 35, Land Law 2003; Article 56, Land Law 2013
	5.1.6. Decision on forest allocation together with land allocation, land leasing (from 2011 to date);	S	Articles 5, 9 and 11, Circular 07/2011/TTLT-BNNPTNT-BTNMT
	5.1.7. Decision on forest allocation.	S	Section II Circular No. 38/2007/TT-BNN

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Indicator 5.2: Having legal status for harvesting forest – one of the following documents is required:			
	5.2.1. Business registration certificate;	S	Articles 28 and 29, Enterprise Law 2014
	5.2.2. Investment registration certificate (for foreign investors or enterprises in which 51 % of charter capital is held by foreign investors);	S	Article 36, Investment Law 2014
	5.2.3. Business registration certificate (for enterprise operating in industry parks, export processing zones).	S	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005, Article 74, Investment Law 2014
Indicator 5.3: Compliance with legal regulations prior to be permitted for salvage harvesting – one of the following documents is required:			
	5.3.1. Silviculture project;	S	Article 8, Circular No. 21/2016/TT-BNNPTNT
	5.3.2. Training plan;	S	Article 8, Circular No. 21/2016/TT-BNNPTNT
	5.3.3. Scientific research proposal.	S	Article 8, Circular No. 21/2016/TT-BNNPTNT
Indicator 5.4: Compliance with regulations on archiving harvesting documents – the following document is required:			
	5.4.1. List of anticipated timber to be harvested.	S	Article 8, Circular No. 21/2016/TT-BNNPTNT

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Indicator 5.5: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm, harvested in natural forests and for round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species harvested in plantation forests forest hammer marks must be placed in compliance with regulations – the following documents are required:			
	5.5.1. Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
	5.5.2. Packing list.	D	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT
Indicator 5.6: Timber harvested not subject to forest hammer marks as required in Indicator 5.5 – the following document is required:			
	5.6.1. Packing list.	D	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT

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Criterion 6: Compliance with regulations on salvage collection of stump, roots, branches in natural forests			
Indicator 6.1: Compliance with legal regulations on land use right and forest use right – one of the following documents is required:			
	6.1.1. Decision on land allocation (prior to 15/10/1993);	S	No specific legislation prior to 1993 on land allocation
	6.1.2. Decision on forest allocation (from 15/10/1993 to 1/7/2004);	S	Articles 5, 13 and 14, Decree No. 02. CP; Articles 9, 12 and 17, Decree No. 163/1999/ND-CP
	6.1.3. Land use right certificate (from 15/10/1993 to date);	S	Articles 48, 49 and 51, Land Law 2003; Article 102, Land Law 2013
	6.1.4. Decision on land allocation (from 15/10/1993 to date);	S	Articles 32, 33 and 34, Land Law 2003; Articles 53, 54 and 55, Land Law 2013
	6.1.5. Decision on land leasing (from 15/10/1993 to date);	S	Article 35, Land Law 2003; Article 56, Land Law 2013
	6.1.6. Decision on forest allocation together with land allocation and land leasing (from 2011 to date);	S	Articles 5, 9 and 11, Circular 07/2011/ TTLT-BNNPTNT-BTNMT
	6.1.7. Decision on forest allocation.	S	Section II Circular No. 38/2007/TT-BNN

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Indicator 6.2: Having legal status for harvesting forest – one of the following documents is required:			
	6.2.1. Business registration certificate;	S	Articles 28 and 29, Enterprise Law 2014
	6.2.2. Investment registration certificate (for foreign investors or enterprises in which 51 % of charter capital is held by foreign investors);	S	Article 36, Investment Law 2014
	6.2.3. Business registration certificate (for enterprise operating in industry parks, export processing zones).	S	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005, Article 74, Investment Law 2014
Indicator 6.3: Compliance with regulations on archiving harvesting documents – the following document is required:			
	6.3.1. List of anticipated timber to be harvested.	S	Article 9, Circular No. 21/2016/TT-BNNPTNT
Indicator 6.4: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm forest hammer marks must be placed in compliance with regulations – the following documents are required:			
	6.4.1. Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN
	6.4.2. Packing list.	D	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT

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Indicator 6.5: Timber harvested not subject to forest hammer marks as required in Indicator 6.4 – the following document is required:			
	6.5.1. Packing list.	D	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT
Criterion 7: Compliance with regulations on salvage collection of stump, roots, branches in plantation forests			
Indicator 7.1: Compliance with legal regulations on land use right and forest use right – one of the following documents is required:			
	7.1.1. Decision on land allocation (prior to 15/10/1993);	S	No specific legislation prior to 1993 on land allocation
	7.1.2. Land use right certificate (from 15/10/1993 to date);	S	Articles 48, 49 and 51, Land Law 2003; Article 102, Land Law 2013
	7.1.3. Decision on land allocation (from 15/10/1993 to date);	S	Articles 32, 33 and 34, Land Law 2003; Articles 53, 54 and 55, Land Law 2013
	7.1.4. Decision on land leasing (from 15/10/1993 to date);	S	Article 35, Land Law 2003; Article 56, Land Law 2013
Indicator 7.2. Having legal status for harvesting forest – one of the following documents is required:			
	7.2.1. Business registration certificate;	S	Articles 28 and 29, Enterprise Law 2014

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	7.2.2. Investment registration certificate (for foreign investors or enterprises in which 51 % of charter capital is held by foreign investor);	S	Article 36, Investment Law 2014
	7.2.3. Business registration certificate (for enterprise operating in industry parks, export processing zones).	S	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005, Article 74, Investment Law 2014
Indicator 7.3: Compliance with regulations on archiving harvesting documents – the following document is required:			
	7.3.1. Report on harvesting location and volume of harvested timber products.	S	Article 6, Circular No. 21/2016/TT-BNNPTNT
Indicator 7.4: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species forest hammer marks must be placed in compliance with regulations – the following documents are required:			
	7.4.1. Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT
	7.4.2. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT

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Indicator 7.5: Timber not subject to forest hammer marks as required in Indicator 7.4 – the following document is required:			
	7.5.1 Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT
Criterion 8: Compliance with regulations on harvesting rubber wood			
Indicator 8.1: Compliance with legal regulations on land use right and forest use right – one of the following documents is required:			
	8.1.1. Decision on land allocation (prior to 15/10/1993);	S	No specific legislation prior to 1993 on land allocation
	8.1.2. Land use right certificate (from 15/10/1993 to date);	S	Articles 48, 49 and 51, Land Law 2003; Article 102, Land Law 2013
	8.1.3. Decision on land allocation (from 15/10/1993 to date);	S	Articles 32, 33 and 34, Land Law 2003; Articles 53, 54 and 55, Land Law 2013
	8.1.4. Decision on land leasing (from 15/10/1993 to date);	S	Article 35, Land Law 2003; Article 56, Land Law 2013
	8.1.5. Decision on land allocation (from 15/10/1993 to 1/7/2004);	S	Articles 5, 13 and 14, Decree No. 02. CP; Articles 9, 12 and 17, Decree No. 163/1999/ND-CP

www.parlament.gv.at

	8.1.6. Decision on land allocation, land leasing (from 2011 to date);	S	Articles 5, 9 and 11, Circular 07/2011/TTLT-BNNPTNT-BTNMT
Indicator 8.2: Having legal status for harvesting forest – one of the following documents is required:			
	8.2.1. Business registration certificate;	S	Articles 28 and 29, Enterprise Law 2014
	8.2.2. Investment registration certificate (for foreign investors or enterprises in which 51 % of charter capital is held by foreign investors);	S	Article 36, Investment Law 2014
	8.2.3. Business registration certificate (for enterprise operating in industry parks, export processing zones).	S	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005, Article 74, Investment Law 2014
Indicator 8.3: Compliance with regulations on archiving harvesting documents – the following documents are required:			
	8.3.1. Report on harvesting location and volume of harvested timber products;	D	Article 7, Circular 21/2016/TT-BNNPTNT
	8.3.2. Packing list.	D	Article 5, Circular 01/2012/TT-BNNPTNT; Article 1, Circular 40/2012/TT-BNNPTNT

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PRINCIPLE II: COMPLIANCE WITH REGULATIONS ON HANDLING CONFISCATED TIMBER (ORGANISATIONS)			
Principle Criterion Indicators	Verifiers	Type of verifier S=static D=dynamic	Legal references for verifiers
Criterion 1. Compliance with regulation on archiving documents of handled confiscated timber			
Indicator 1.1: Compliance with regulations on handled confiscated timber – the following documents are required:			
	1.1.1. Sales contract / contract on purchase and sale of property put up for auction;	S	Article 35, Decree 17/2010/ND-CP
	1.1.2. Certificates of ownership or use right of auctioned property;	S	Article 46, Decree 17/2010/ND-CP
	1.1.3. Invoice as required by the Ministry of Finance;	D	Article 16, Circular No. 01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT
	1.1.4. Packing list.	D	Article 16, Circular No. 01/2012/TT-BNNPTNT

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Indicator 1.2: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm forest hammer marks must be placed on the timber products – the following document is required:			
	1.2.1. Minutes of placing forest hammer marks.	D	Articles 7 and 8, Decision No.44/2006/QD-BNN, Article 1, Decision 107/2007/QD-BNN

PRINCIPLE III: COMPLIANCE WITH REGULATIONS ON IMPORTING TIMBER (ORGANISATIONS)			
Principle Criterion Indicators	Verifiers	Type of verifier S=static D=dynamic	Legal references for verifiers
Criterion 1: Compliance with regulations on customs procedures			
Indicator 1.1: Compliance with legal regulations on custom procedures – the following documents are required:			
	1.1.1. Declaration for imported timber products;	D	Article 24, Customs Law 2014; Article 25, Decree 08/2015/ND-CP; Article 10, Circular 01/2012/TT-BNNPTNT; Article 16, Circular 38/2015/TT-BTC

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	1.1.2. Sales contract or equivalent;	D	to be issued by VN Government
	1.1.3. Trading invoice in the case of commercial transaction;	D	Article 16, Circular 38/2015/TT-BTC
	1.1.4. Bill of lading (or other shipping document of equivalent value in accordance with legal regulations);	D	Article 16, Circular 38/2015/TT-BTC
	1.1.5. Packing list of imported forest products.	D	Article 10, Circular 01/2012/BNNPTNT
	1.1.6. Depending on timber sources of imported timber, one of the following verifiers is required:		
	1.1.6.1. CITES permit of export country in the case of timber under Appendices I, II and III to CITES;	D	Decree 82/2006/ND-CP; Article 5, Decree 98/2011/ND-CP; Circular 04/2015/TT-BNNPTNT
	1.1.6.2. FLEGT licence;	D	to be issued by VN Government
	1.1.6.3. A self-declaration demonstrating due diligence on the legality of timber.	D	to be issued by VN Government

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	1.1.7. Depending on the risk category (as specified in Table 2 of Annex V), one of the following verifiers shall be attached to a self-declaration:		
	1.1.7.1. Voluntary certification or national certification schemes recognised by VNTLAS;	D	to be issued by VN Government
	1.1.7.2. Legal harvesting document in line with law and regulations of country of harvest (HS 4403, 4406, 4407);	D	to be issued by VN Government
	1.1.7.3. Alternative additional documentation demonstrating legality of timber in accordance with legislation of country of harvest (where the harvesting document is not required in the country of harvest for primary products, or importers cannot obtain harvesting document for complex products).	D	to be issued by VN Government
Criterion 2: Compliance with regulations on plant quarantine and forest hammer mark			
Indicator 2.1: Compliance with regulations on plant quarantine for timber and timber products – the following document is required:			
	2.1.1. Plant quarantine certificate for round timber, sawn timber, pallet, sawdust.	D	Article 1, Circular No. 30/2014/TT-BNNPTNT; Article 7, Circular 33/2014/TT-BNNPTNT

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Indicator 2.2: Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m must be marked with hammer marks or other special signs of exporting countries; otherwise, forest hammer marks must be placed in accordance with regulations – the following documents are required:			
	2.2.1.Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN
	2.2.2. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN

PRINCIPLE IV: COMPLIANCE WITH REGULATIONS ON TIMBER TRANSPORTATION AND TRADE (ORGANISATIONS)			
Principle Criterion Indicators	Verifiers	Type of verifier S=static D=dynamic	Legal references for verifiers
Criterion 1. Compliance with regulations on enterprises establishment			
Indicator 1.1: Obtained legal status – one of the following documents is required:			
	1.1.1. Business registration certificate;	S	Articles 28 and 29, Enterprise Law 2014
	1.1.2. Investment registration certificate (for foreign investors or enterprises in which 51 % of charter capital is held by foreign investors);	S	Article 36, Investment Law 2014

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	1.1.3. Business registration certificate (for enterprise operating in industry parks, export processing zones).	S	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005, Article 74, Investment Law 2014
Criterion 2. Compliance with regulations on transporting, trading unprocessed timber from main harvesting, salvaged harvesting and salvaged collection from domestic natural forests			
Indicator 2.1: Compliance with regulations on legal timber product dossier – the following documents are required:			
	2.1.1. Invoice as required by the Ministry of Finance (if purchasing timber from organisations);	D	Article 12, Circular 01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT
	2.1.2. Packing list.	D	Article 12, Circular 01/2012/TT-BNNPTNT
Indicator 2.2: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm forest hammer marks must be placed – the following documents are required:			
	2.2.1. Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision No.44/2006/QD-BNN
	2.2.2. Packing list.	D	Articles 7 and 8, Decision No.44/2006/QD-BNN

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Criteria 3. Compliance with regulations on transporting, trading unprocessed timber harvested from concentrated plantation forests, home gardens, farms, scattered trees			
Indicator 3.1: Compliance with regulations on legal timber product dossier – the following documents are required:			
	3.1.1. Invoice as required by the Ministry of Finance (if purchasing timber from organisations);	D	Article 13, Circular No.01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT
	3.1.2. Packing list.	D	Article 13, Circular No.01/2012/TT-BNNPTNT
Indicator 3.2: For timber from rare, precious and endangered timber species harvested in plantation forests, and round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm, forest hammer marks must be placed, - the following documents are required:			
	3.2.1. Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision No.44/2006/QD-BNN
	3.2.2. Packing list.	D	Article 13, Circular No.01/2012/TT-BNNPTNT
Criteria 4. Compliance with regulations on transporting, trading imported timber and timber products that are not domestically processed			
Indicator 4.1: Compliance with regulations on legal timber product dossier – the following documents are required:			
	4.1.1. Invoice as required by Ministry of Finance;	D	Article 14, Circular No.01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT
	4.1.2. Packing list.	D	Article 14, Circular No.01/2012/TT-BNNPTNT

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Indicator 4.2: Imported round timber with diameter of large end of >= 25cm and length >= 1m if there is no hammer mark or special signs of exporting countries, it must be placed with forest hammer marks – the following documents are required:			
	4.2.1. Minutes on placing forest hammer marks;	D	Articles 7 and 8, Decision No.44/2006/QD-BNN
	4.2.2. Packing list.	D	Articles 7 and 8, Decision No.44/2006/QD-BNN
Criteria 5. Compliance with regulations on transporting and trading unprocessed confiscated timber and timber products that have been handled			
Indicator 5.1: Compliance with regulations on legal timber product dossier – the following documents are required:			
	5.1.1. Invoice as required by Ministry of Finance (if purchasing timber from organisations);	D	Article 16, Circular No.01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT
	5.1.2. Packing list.	D	Article 16, Circular No.01/2012/TT-BNNPTNT
Indicator 5.2: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm forest hammer marks must be placed – the following documents are required:			
	5.2.1. Minutes on placing forest hammer marks;	D	Articles 7 and 8, Decision No.44/2006/QD-BNN
	5.2.2. Packing list.	D	Articles 7 and 8, Decision No.44/2006/QD-BNN

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Criteria 6. Compliance with regulations on transporting and trading of processed timber and timber products (including round timber cross-cutting) from natural timber, imported timber and handled confiscated timber			
Indicator 6.1: Compliance with regulations on legal timber product dossier – the following documents are required:			
	6.1.1 Invoice as required by Ministry of Finance (if purchasing timber from Organisations);	D	Article 17, Circular No.01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT
	6.1.2. Packing list.	D	Articles 17 and 26, Circular No.01/2012/TT-BNNPTNT
Indicator 6.2: Round timber with a large end diameter ≥ 25 cm and length ≥ 1m must be marked with forest hammer marks – the following documents are required:			
	6.2.1. Minutes on placing forest hammer marks made;	D	Articles 7 and 8, Decision No44/2006/QD-BNN
	6.2.2. Packing list.	D	Articles 7 and 8, Decision No44/2006/QD-BNN

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Criteria 7. Compliance with regulations on transporting and trading of processed timber and timber products (including round timber cross-cutting) from concentrated plantation forests, home gardens, scattered trees			
Indicator 7.1: Compliance with regulations on legal timber product dossier – the following documents are required:			
	7.1.1. Invoice as required by Ministry of Finance (if purchasing timber from Organisations);	D	Article 17, Circular No.01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT
	7.1.2. Packing list.	D	Article 17, Circular No.01/2012/TT-BNNPTNT
Indicator 7.2: Round timber with a large end diameter ≥ 25 cm and length ≥ 1m must be marked with forest hammer marks – the following documents are required:			
	7.2.1. Minutes on placing forest hammer marks;	D	Articles 7 and 8, Decision No44/2006/QD-BNN
	7.2.2. Packing list.	D	Articles 7 and 8, Decision No44/2006/QD-BNN
Criteria 8. Compliance with regulations on internal transportation of timber and timber products within a province			
Indicator 8.1: Compliance with regulations on legal timber product dossier – the following documents are required:			
	8.1.1.Internal delivery bill;	D	Article 18, Circular No.01/2012/TT-BNNPTNT
	8.1.2. Packing list.	D	Article 18, Circular No.01/2012/TT-BNNPTNT

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Indicator 8.2: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm, harvested in natural forests and for round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species harvested in plantation forests, forest hammer marks must be placed in compliance with regulations – the following documents are required:			
	8.2.1. Minutes on placing forest hammer marks;	D	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9 Circular 01/2012/TT-BNNPTNT
	8.2.2.Packing list.	D	Articles 7 and 8, Decision 44/2006/QD-BNN; Articles 7 and 9, Circular 01/2012/TT-BNNPTNT
Criteria 9. Compliance with regulations on internal transportation of timber and timber products between provinces			
Indicator 9.1: Compliance with regulations on legal timber product dossier – the following documents are required:			
	9.1.1. Internal delivery bill;	D	Article 18, Circular No.01/2012/TT-BNNPTNT
	9.1.2. Packing list.	D	Article 18, Circular No.01/2012/TT-BNNPTNT

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Indicator 9.2: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm, harvested in natural forests, and for round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species harvested in plantation forests, forest hammer marks must be placed in compliance with regulations – the following documents are required:			
	9.2.1. Minutes on placing forest hammer marks;	D	Articles 7 and 8, Decision No44/2006/QD-BNN; Articles 9, Circular No. 01/2012/TT-BNNPTNT
	9.2.2. Packing list.	D	Articles 7 and 9, Circular No. 01/2012/TT-BNNPTNT
Criterion 10. Compliance with regulations on timber product dossier for verification for export			
Indicator 10.1: Compliance with regulations on legal timber product dossier for verification for export – the following documents are required:			
	10.1.1. Sales contract or equivalent;	D	to be issued by VN Government
	10.1.2 Invoice as required by Ministry of Finance;	D	Article 2, Circular 40/2015/TT-BNNPTNT
	10.1.3. Packing list of forest products for export;	D	Article 5, Circular 01/2012/TT-BNNPTNT

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	10.1.4. One or more additional documents subject to specific stages of the supply chain of different timber sources (e.g. minutes of placing forest hammer marks) providing evidence of timber legality for such shipment.	D	Articles 7 and 8, Decision 44/2006/QD-BNN

PRINCIPLE V: COMPLIANCE WITH REGULATIONS ON TIMBER PROCESSING (ORGANISATIONS)			
Principle Criterion Indicators	Verifiers	Type of verifier S=static D=dynamic	Legal references for verifiers
Criterion 1: Compliance with regulations on enterprises establishment			
Indicator 1.1: Having legal status – one of the following documents is required:			
	1.1.1. Business registration certificate;	S	Article 28, Article 29 Enterprise Law 2014
	1.1.2. Investment registration certificate (for foreign investors or enterprises in which 51 % of charter capital is held by foreign investors);	S	Article 36, Investment Law 2014

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	1.1.3. Investment registration certificate (for enterprise operating in industry parks, export processing zones).	S	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005, Article 74, Investment Law 2014
Indicator 1.2: Processing of timber complies with regulations on environmental protection – one of the following documents is required:			
	1.2.1. Decision on approving environmental impact assessment report for processing facilities of timber and woodchips from natural forests with capacity of 3,000 m3 product/year or more;	S	Article 12, Decree No. 18/2015/ND-CP
	1.2.2. Decision on approving environmental impact assessment report for plywood processing facilities with capacity of 100,000 m3 product/year or more;	S	Article 12, Decree No. 18/2015/ND-CP
	1.2.3. Decision on approving the environmental impact assessment report for furniture-producing facilities with total area of warehouses, factories of 10,000 m2 or more;	S	Article 12, Decree No. 18/2015/ND-CP

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	1.2.4. Environmental protection plan by processing facilities for timber, plywood, particle board which are not subject to environmental impact assessment as regulated in Verifiers 1.2.1, 1.2.2 and 1.2.3 above.	S	Article 18, Decree No. 18/2015/ND-CP
Indicator 1.3: Compliance with regulations on fire prevention and firefighting – the following document is required:			
	1.3.1. Approved design on fire prevention and firefighting.	S	Article 15 and Annex 4, Decree 79/2014/ND-CP
Indicator 1.4: Compliance with regulation on making monitoring entry and exit books – the following document is required:			
	1.4.1. Monitoring entry and exit books.	S	Article 20, Circular 01/2012/TT-BNNPTNT
Criterion 2: Compliance with regulations on the legal origin of timber which are going to be processed			
Indicator 2.1: Compliance with regulation on legal timber dossier for timber self-harvested from organisation's forests – the following document is required:			
	2.1.1. Packing list.	D	Article 20, Circular No 01/2012/TT-BNNPTNT

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Indicator 2.2: Compliance with regulation on legal timber dossier for timber purchased from organisations – the following documents are required:			
	2.2.1. Invoice as required by the Ministry of Finance;	D	Article 20, Circular No 01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT
	2.2.2. Packing list.	D	Article 20, Circular No 01/2012/TT-BNNPTNT
Indicator 2.3: Compliance with regulation on legal timber dossier for timber purchased from households – the following document is required:			
	2.3.1. Packing list.	D	Article 20, Circular 01/2012/TT-BNNPTNT
Indicator 2.4: For round timber with a large end diameter ≥ 25cm and length of ≥ 1m harvested in natural forests and timber from rare, precious and endangered timber species harvested from plantation forests, imported timber without hammer marks or special signs of the exporting countries, and handled confiscated timber, forest hammer marks must be placed in compliance with regulations – the following documents are required:			
	2.4.1. Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No 01/2012/TT-BNNPTNT
	2.4.2. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No 01/2012/TT-BNNPTNT

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Indicator 2.5: For timber sawn or squared in forests and confiscated timber sawn which was handled but not further processed, having length of ≥ 1m, thickness of ≥ 5cm, width of ≥ 20 cm harvested in natural forests and timber from rare, precious and endangered timber species harvested from plantation forests forest hammer marks must be placed in compliance with regulations – the following documents are required:			
	2.5.1. Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT; Article 1, Decision 107/2007/QD-BNN
	2.5.2. Packing list.	D	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT; Article 1, Decision 107/2007/QD-BNN

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PRINCIPLE VI: COMPLIANCE WITH REGULATIONS ON CUSTOMS PROCEDURES FOR EXPORT (ORGANISATIONS)			
Principle Criterion Indicators	Verifiers	Type of verifier S=static D=dynamic	Legal references for verifiers
Criterion 1: Compliance with regulations on customs procedures			
Indicator 1.1: Compliance with regulations on legal export dossier – the following documents are required:			
	1.1.1. Customs clearance declaration for export timber products according to the applicable regulation (original);	D	Article 24, Law on Customs 2014, Article 25, Decree 08/2015/ND-CP, Article 16, Circular 38/2015/TT-BTC
	1.1.2. Sale contract or equivalent;	D	to be issued by VN Government
	1.1.3 Invoice as required by Ministry of Finance;	D	to be issued by VN Government
	1.1.4. Packing list of forest products for export;	D	Article 5, Circular 01/2012/TT-BNNPTNT
	1.1.5. Permit of CITES MA of Viet Nam for products made from timber under Appendix II to CITES;	D	Article 8, Circular 04/2015/TT-BNNPTNT, Article 16, Circular 38/2015/TT-BTC
	1.1.6. FLEGT licence for EU market.	D	to be issued by VN Government

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Criterion 2: Compliance with regulations on plant quarantine			
Indicator 2.1: Compliance with regulations on plant quarantine for timber and timber products – the following document is required:			
	2.1.1 Quarantine certificate for round timber, sawn timber, pallet, sawdust.	D	Articles 8 and 12, Decree 02/2007/ND-CP, Article 1, Circular 30/2014/TT-BNNPTNT, Article 10, Circular 33/2014/TT-BNNPTNT

PRINCIPLE VII: COMPLIANCE WITH REGULATIONS ON TAX AND EMPLOYEES (ORGANISATIONS)			
Principle Criterion Indicators	Verifiers	Type of Verifier S=Static D=Dynamic	Legal references for verifiers
Criterion 1: Compliance with regulations on tax			
Indicator 1.1: Compliance with regulations on tax declaration, registration and payment:			
	1.1.1. The organisation, person or business is not included in the public list of tax risk.	S	Article 70, Circular 156/2013/TT-BTC; Document 815/TCT-KK

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Criterion 2: Compliance with Labour Code			
Indicator 2.1: Labour contract between enterprises and employees:			
	2.1.1. Their names are included on the payroll of the organisations.	S	Article 15, 16, 17 Labour Code 2012
Indicator 2.2: Employees are members of the enterprise's trade union:			
	2.2.1. Their names are included in the list of payment for trade union fee.	S	Article 5, Trade Union Law 2012
Indicator 2.3: Implementing regulations on labour safety and labour hygiene:			
	2.3.1. Has labour hygiene plan made by the enterprise.	S	Article 148, Labour Code 2012

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Criterion 3: Compliance with Social Insurance Law and Health Insurance Law			
Indicator 3.1: Having social insurance books for employees whose labour contract duration is one month or more:			
	3.1.1. Public information on social insurance contribution.	S	Articles 2 and 21, Social Insurance Law 2014
Indicator 3.2: Having health insurance for employees whose labour contract duration is three months or more:			
	3.2.1. Payroll of the organisation to demonstrate the health insurance contribution.	S	Article 12, Health Insurance Law 2008; Article 1, Law on amending and supplementing a number of articles of the Health Insurance Law 2014
Indicator 3.3: Having unemployment insurance for employees whose contracts are for a full three months or more:			
	3.3.1. Payroll of the organisation to demonstrate the payment of monthly unemployment insurance.	S	Article 52, Law on Employment 2013

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Appendix 1B

LEGALITY DEFINITION FOR HOUSEHOLDS

PRINCIPLE I: HARVESTING OF DOMESTIC TIMBER COMPLIES WITH REGULATIONS ON LAND USE RIGHTS, FOREST USE RIGHTS, MANAGEMENT, ENVIRONMENT AND SOCIETY (HOUSEHOLDS)			
Criterion Indicators	Verifiers	Type of verifier S=static D=dynamic	Legal references for verifiers
Criterion 1: Compliance with regulations on main harvesting, salvage harvesting and salvage collection from planted protection forests			
Indicator 1.1: Compliance with legal regulations on land use right and forest use right – one of the following documents is required:			
	1.1.1. Decision on land allocation (prior to 15/10/1993);	S	No specific legislation prior to 1993 on land allocation
	1.1.2. Decision on land allocation, forest allocation (from 15/10/1993 to 1/7/2004);	S	Articles 5, 13 and 14, Decree No. 02/ND-CP; Articles 9, 12 and 17, Decree No. 163/1999/ND-CP

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	1.1.3. Land use right certificate (from 15/10/1993 to date);	S	Articles 48, 49 and 51, Land Law 2003; Articles 100 and 101, Land Law 2013
	1.1.4. Decision on land allocation (from 15/10/1993 to date);	S	Articles 32, 33 and 34, Land Law 2003; Articles 53, 54 and 55, Land Law 2013
	1.1.5. Decision on land leasing (from 15/10/1993 to date);	S	Article 35, Land Law 2003; Article 56, Land Law 2013
	1.1.6. Decision on forest allocation together with land allocation, land leasing (from 2011 to date);	S	Articles 5, 9 and 11, Circular 07/2011/TTLT-BNNPTNT-BTNMT
	1.1.7. Decision on forest allocation;	S	Section II, Circular No. 38/2007/TT-BNN
	1.1.8. Forestry book;	S	Articles 5, 13 and 14, Decree No. 02/ND-CP
	1.1.9. One of the types of papers on land use rights as stipulated in Article 100 Land Law 2013;	S	Article 100, Land Law 2013
	1.1.10. Confirmation of the Commune People's Committee that land is currently used and free to dispute subject to the cases regulated in Article 101 Land Law 2013;	S	Article 101, Land Law 2013
	1.1.11. Forest protection contracts with other holders.	S	Article 5, Decree 01/1995;Article 8, Decree 135/2005

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Indicator 1.2: Harvesting forest complies with regulations on environmental protection as required by laws – one of the following documents is required:			
	1.2.1. Decision on approving environmental impact assessment report for projects on clear-cut harvesting for concentrated harvesting area of 200ha or more;	S	Article 12, Decree No. 18/2015/ND-CP
	1.2.2. Environmental protection plan for projects on clear-cut harvesting for concentrated harvesting area less than 200ha.	S	Article 18, Decree No. 18/2015/ND-CP
Indicator 1.3: Compliance with regulations on archiving harvesting documents – the following documents are required:			
	1.3.1. Harvesting design statement;	S	Article 6, Circular No. 21/2016/TT-BNNPTNT; Article 9, Circular 01/2012/TT-NNPTNT
	1.3.2. Map of harvesting area;	S	Article 6, Circular No. 21/2016/TT-BNNPTNT; Article 9, Circular 01/2012/TT-NNPTNT
	1.3.3. Harvesting permit.	S	Article 6, Circular No. 21/2016/TT-BNNPTNT; Article 9, Circular 01/2012/TT-NNPTNT

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Indicator 1.4: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species, forest hammer marks must be placed in compliance with regulations – the following documents are required:			
	1.4.1. Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
	1.4.2. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
Indicator 1.5: Timber harvested not subject to place forest hammer marks as regulated in the Indicator 1.4 – the following document is required:			
	1.5.1. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
Criterion 2: Compliance with regulations on main harvesting, salvage harvesting and salvage collection from planted production forests			
Indicator 2.1: Compliance with legal regulations on land use right and forest use right – one of the following documents is required:			
	2.1.1. Decision on land allocation (prior to 15/10/1993);	S	No specific legislation prior to 1993 on land allocation
	2.1.2. Land use right certificate (from 15/10/1993 to date);	S	Articles 48, 49 and 51, Land Law 2003; Articles 100 and 101, Land Law 2013

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	2.1.3. Decision on land allocation (from 15/10/1993 to date);	S	Articles 32, 33 and 34, Land Law 2003; Articles 53, 54 and 55, Land Law 2013
	2.1.4. Decision on land leasing (from 15/10/1993 to date);	S	Article 35, Land Law 2003; Article 56, Land Law 2013
	2.1.5. Decision on land allocation, forest allocation (from 15/10/1993 to 1/7/2004);	S	Articles 5, 13 and 14, Decree No. 02/ND-CP; Articles 9, 12 and 17, Decree No. 163/1999/ND-CP
	2.1.6. Decision on land allocation, land leasing (from 2011 to date);	S	Articles 5, 9 and 11, Circular 07/2011/TTLT-BNNPTNT-BTNMT
	2.1.7. Forestry book;	S	Articles 5, 13 and 14, Decree No. 02/ND-CP
	2.1.8. One of the types of papers on land use rights as stipulated Article 100 Land Law 2013;	S	Article 100, Land Law 2013
	2.1.9. Confirmation of the Commune People's Committee that land is currently used and free to dispute subject to the cases regulated in Article 101 Land Law 2013;	S	Article 101, Land Law 2013
	2.1.10. Forest protection contracts with other holders.	S	Article 5, Decree 01/1995/ND-CP; Article 8, Decree 135/2005/ND-CP

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Indicator 2.2: Harvesting forest complies with regulations on environmental protection as required by laws – one of the following documents is required:			
	2.2.1. Decision on approving environmental impact assessment report for projects on clear-cut harvesting for concentrated harvesting area of 200ha or more;	S	Article 12, Decree No. 18/2015/ND-CP
	2.2.2. Environmental protection plan for projects on clear-cut harvesting for concentrated harvesting area less than 200ha.	S	Article 18, Decree No. 18/2015/ND-CP
Indicator 2.3: Compliance with regulations on archiving harvesting documents – the following document is required:			
	2.3.1. Report on harvesting location and volume.	S	Article 6, Circular No. 21/2016/TT-BNNPTNT; Article 9, Circular 01/2012/TT-NNPTNT;
Indicator 2.4: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species, forest hammer marks must be placed in compliance with regulations – the following documents are required:			
	2.4.1. Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
	2.4.2. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT

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Indicator 2.5: Timber harvested not subject to forest hammer marks as indicated in Indicator 2.4 – the following document is required:			
	2.5.1. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
Criterion 3: Compliance with regulations on salvage harvesting on natural forest areas converted from forest land use to other land uses			
Indicator 3.1: Compliance with legal regulations on changing land use from forest use into other uses, environmental protection, site clearance – all the following documents are required:			
	3.1.1. Decision on approving measure on compensation for site clearance, including maps of converted forest area, status of converted forest;	S	Article 29, Decree 23/2006/ND-CP; Article 8, Circular 21/2016/TT-BNNPTNT
	3.1.2. Decision on allowing forest land conversion to other land uses;	S	Article 3, Resolution 49; Article 29, Decree 23/2006/ND-CP
	3.1.3. Decision on approving environmental assessment report or environmental protection plan:		
	3.1.3.1 Decision on approving environmental assessment report for projects that change purposes of forest utility from 5ha or more for protection forests: from 10ha or more for natural forests; from 50ha or more for other types of forests;	S	Article 12, Decree No. 18/2015/ND-CP

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	3.1.3.2. Environmental protection plan for projects that change purposes of the area less than area as specified in 4.1.3.	S	Article 18, Decree No. 18/2015/ND-CP
Indicator 3.2: Compliance with regulations on archiving harvesting documents – the following document is required:			
	3.2.1. List of anticipated timber to be harvested.	S	Article 8, Circular No. 21/2016/TT-BNNPTNT
Indicator 3.3: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species forest hammer marks must be placed in compliance with regulations – the following documents are required:			
	3.3.1. Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
	3.3.2. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
Indicator 3.4: Timber harvested not subject to forest hammer marks as indicated in Indicator 3.3 – the following document is required:			
	3.4.1. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN ; Article 9, Circular No. 01/2012/TT-BNNPTNT;

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Criterion 4: Compliance with regulations on salvage harvesting of natural forest while implementing silvicultural measures, scientific research and trainings			
Indicator 4.1: Compliance with legal regulations on land use right and forest use right – one of the following documents is required:			
	4.1.1. Decision on land allocation (prior to 15/10/1993);	S	No specific legislation prior to 1993 on land allocation
	4.1.2. Decision on land allocation, forest allocation (from 15/10/1993 to 1/7/2004);	S	Articles 5, 13 and 14, Decree No. 02/ND-CP; Articles 9, 12 and 17, Decree No. 163/1999/ND-CP
	4.1.3. Land use right certificate (from 15/10/1993 to date);	S	Articles 48, 49 and 51, Land Law 2003; Articles 100 and 101, Land Law 2013
	4.1.4. Decision on land allocation (from 15/10/1993 to date);	S	Articles 32, 33 and 34, Land Law 2003; Articles 53, 54 and 55, Land Law 2013
	4.1.5. Decision on land leasing (from 15/10/1993 to date);	S	Article 35, Land Law 2003; Article 56, Land Law 2013
	4.1.6. Decision on forest allocation together with land allocation, land leasing (from 2011 to date);	S	Articles 5, 9 and 11, Circular 07/2011/TTLT-BNNPTNT-BTNMT
	4.1.7. Decision on forest allocation;	S	Section II, Circular No. 38/2007/TT-BNN

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	4.1.8. Forestry book;	S	Articles 5, 13 and 14, Decree No. 02/ND-CP
	4.1.9. One of the types of papers on land use rights as stipulated in Article 100 Land Law 2013;	S	Article 100, Land Law 2013
	4.1.10. Confirmation of the Commune People's Committee that land is currently used and free to dispute subject to the cases regulated in Article 101 Land Law 2013;	S	Article 101, Land Law 2013
	4.1.11. Forest protection contracts with other holders.	S	Article 5, Decree 01/1995; Article 8, Decree 135/2005
Indicator 4.2: Compliance with legal regulations prior to be permitted for salvage harvesting – one of the following documents is required:			
	4.2.1. Silviculture design dossier;	S	Article 8, Circular No. 21/2016/TT-BNNPTNT
	4.2.2. Training plan;	S	Article 8, Circular No. 21/2016/TT-BNNPTNT
	4.2.3. Scientific research proposal.	S	Article 8, Circular No. 21/2016/TT-BNNPTNT
Indicator 4.3: Compliance with regulations on archiving harvesting documents – the following document is required:			
	4.3.1. List of anticipated timber to be harvested.	S	Article 8, Circular No. 21/2016/TT-BNNPTNT

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Indicator 4.4: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm, forest hammer marks must be placed in compliance with regulations – the following documents are required:			
	4.4.1. Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
	4.4.2. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT;
Indicator 4.5: Timber harvested not subject to forest hammer marks as indicated in Indicator 4.4 – the following document is required:			
	4.5.1. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN ; Article 9, Circular No. 01/2012/TT-BNNPTNT;
Criterion 5: Compliance with regulations on salvage collection of stump, roots, branches in natural forests			
Indicator 5.1: Compliance with legal regulations on land use right and forest use right – one of the following documents is required:			
	5.1.1. Decision on land allocation (prior to 15/10/1993);	S	No specific legislation prior to 1993 on land allocation
	5.1.2. Decision on land allocation, forest allocation (from 15/10/1993 to 1/7/2004);	S	Articles 5, 13 and 14, Decree No. 02/ND-CP; Articles 9, 12 and 17, Decree No. 163/1999/ND-CP

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	5.1.3. Land use right certificate (from 15/10/1993 to date);	S	Articles 48, 49 and 51, Land Law 2003; Articles 100 and 101, Land Law 2013
	5.1.4. Decision on land allocation (from 15/10/1993 to date);	S	Articles 32, 33 and 34, Land Law 2003; Articles 53, 54 and 55, Land Law 2013
	5.1.5. Decision on land leasing (from 15/10/1993 to date);	S	Article 35, Land Law 2003; Article 56, Land Law 2013
	5.1.6. Decision on forest allocation together with land allocation, land leasing (from 2011 to date);	S	Articles 5, 9 and 11, Circular 07/2011/TTLT-BNNPTNT-BTNMT
	5.1.7. Decision on forest allocation;	S	Section II, Circular No. 38/2007/TT-BNN
	5.1.8. Forestry book;	S	Articles 5, 13 and 14, Decree No. 02/ND-CP
	5.1.9. One of the types of papers on land use rights as stipulated in Article 100 Land Law 2013;	S	Article 100, Land Law 2013
	5.1.10. Confirmation of the Commune People's Committee that land is currently used and free to dispute subject to the cases regulated in Article 101 Land Law 2013;	S	Article 101, Land Law 2013
	5.1.11. Forest protection contracts with other holders.	S	Article 5, Decree 01/1995;Article 8, Decree 135/2005

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Indicator 5.2: Compliance with regulations on archiving harvesting documents – the following document is required:			
	5.2.1. List of anticipated timber to be harvested.	S	Article 9, Circular No. 21/2016/TT-BNNPTNT; Article 9, Circular No. 01/2012/TT-BNNPTNT
Indicator 5.3: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm, forest hammer marks must be placed in compliance with regulations – the following documents are required:			
	5.3.1. Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
	5.3.2. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
Indicator 5.4: Timber not subject to forest hammer marks as indicated in Indicator 5.3 – the following document is required:			
	5.4.1. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT;

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Criterion 6: Compliance with regulations on salvage collection of stump, roots, branches in plantation forests			
Indicator 6.1: Compliance with legal regulations on land use right and forest use right – one of the following documents is required:			
	6.1.1. Decision on land allocation (prior to 15/10/1993);	S	No specific legislation prior to 1993 on land allocation
	6.1.2. Land use right certificate (from 15/10/1993 to date);	S	Articles 48, 49 and 51, Land Law 2003; Articles 100 and 101, Land Law 2013
	6.1.3. Decision on land allocation (from 15/10/1993 to date);	S	Articles 32, 33 and 34, Land Law 2003; Articles 53, 54 and 55, Land Law 2013
	6.1.4. Decision on land leasing (from 15/10/1993 to date);	S	Article 35, Land Law 2003; Article 56, Land Law 2013
	6.1.5. Decision on land allocation, forest allocation (from 15/10/1993 to 1/7/2004);	S	Articles 5, 13 and 14, Decree No. 02/ND-CP; Articles 9, 12 and 17, Decree No. 163/1999/ND-CP
	6.1.6. Decision on land allocation, land leasing (from 2011 to date);	S	Articles 5, 9 and 11, Circular 07/2011/TTLT-BNNPTNT-BTNMT
	6.1.7. Forestry book;	S	Articles 5, 13 and 14, Decree No. 02/ND-CP

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	6.1.8. One of the types of papers on land use rights as stipulated Article 100 Land Law 2013;	S	Article 100, Land Law 2013
	6.1.9. Confirmation of the Commune People's Committee that land is currently used and free to dispute subject to the cases regulated in Article 101 Land Law 2013;	S	Article 101, Land Law 2013
	6.1.10. Forest protection contracts with other holders.	S	Article 5, Decree 01/1995/ND-CP; Article 8, Decree 135/2005/ND-CP
Indicator 6.2: Compliance with regulations on archiving harvesting documents – the following document is required:			
	6.2.1. Report on harvesting location and volume.	S	Article 6, Circular No. 21/2016/TT-BNNPTNT
Indicator 6.3: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species, forest hammer marks must be placed in compliance with regulations – the following documents are required:			
	6.3.1. Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
	6.3.2. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT

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Indicator 6.4: Timber not subject to forest hammer marks as indicated in Indicator 7.3 – the following document is required:			
	6.4.1. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
Criterion 7: Compliance with regulations on harvesting timber from plantations in home gardens, farms and dispersed trees			
Indicator 7.1: Compliance with regulation on harvesting documents – the following document is required:			
	7.1.1. Report on harvesting location and volume.	S	Article 7, Circular No. 21/2016/TT-BNNPTNT; Article 9, Circular No. 01/2012/TT-BNNPTNT
Indicator 7.2. For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm, harvested from plantation forest and timber from rare, precious and endangered timber species forest hammer marks must be placed in accordance with regulations – the following documents are required:			
	7.2.1. Minutes on placing forest hammer marks;	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
	7.2.2. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT

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Indicator 7.3: Timber harvested are not subject to forest hammer marks as regulated in Indicator 7.2 – the following document is required:			
	7.3.1. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
Criterion 8: Compliance with regulations on harvesting rubber wood			
Indicator 8.1: Compliance with legal regulations on land use right and forest use right – one of the following documents is required:			
	8.1.1. Decision on land allocation (prior to 15/10/1993);	S	No specific legislation prior to 1993 on land allocation
	8.1.2. Land use right certificate (from 15/10/1993 to date);	S	Articles 48, 49 and 51, Land Law 2003; Articles 100 and 101, Land Law 2013
	8.1.3. Decision on land allocation (from 15/10/1993 to date);	S	Articles 32, 33 and 34, Land Law 2003; Articles 53, 54 and 55, Land Law 2013
	8.1.4. Decision on land leasing (from 15/10/1993 to date);	S	Article 35, Land Law 2003; Article 56, Land Law 2013
	8.1.5. One of the types of papers on land use rights as stipulated in Article 100 Land Law 2013;	S	Article 100, Land Law 2013

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	8.1.6. Confirmation of the Commune People's Committee that land is currently used and free to dispute subject to the cases regulated in Article 101 Land Law 2013;	S	Article 101, Land Law 2013
Indicator 8.2: Compliance with regulations on archiving harvesting documents – the following document is required:			
	8.2.1. Report on harvesting location and volume;	D	Article 7, Circular No. 21/2016/TT-BNNPTNT
	8.2.2. Packing list.	D	Article 5, Circular 01/2012/TT-BNNPTNT; Article 1, Circular 40/2012/TT-BNNPTNT

PRINCIPLE II: COMPLIANCE WITH REGULATIONS ON HANDLING CONFISCATED TIMBER (HOUSEHOLDS)			
Criterion Indicators	Verifiers	Type of verifier S=static D=dynamic	Legal references for verifiers
Criterion 1. Compliance with regulation on archiving documents of handled confiscated timber			
Indicator 1.1: Compliance with regulations on handled confiscated timber – the following documents are required:			
	1.1.1. Sales contract/Contract on purchase and sale of property put up for auction;	S	Article 35, Decree 17/2010/ND-CP

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	1.1.2. Certificates of ownership or use right of auctioned property;	S	Article 46, Decree 17/2010/ND-CP
	1.1.3. Invoice in compliance with regulation of Ministry of Finance;	D	Article 16, Circular No. 01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT
	1.1.4. Packing list.	D	Article 16, Circular No. 01/2012/TT-BNNPTNT;
Indicator 1.2: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm forest hammer marks must be placed on timber products – the following document is required:			
	1.2.1. Minutes of placing forest hammer marks.	D	Articles 7 and 8, Decision No.44/2006/QD-BNN, Article 1, Decision 107/2007/QD-BNN

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PRINCIPLE III: COMPLIANCE WITH REGULATIONS ON IMPORTING TIMBER (HOUSEHOLDS)			
Criterion Indicators	Verifiers	Type of verifier S=static D=dynamic	Legal references for verifiers
Criterion 1: Compliance with regulations on customs procedures			
Indicator 1.1: Compliance with legal regulations on custom procedures – the following documents are required:			
	1.1.1. Declaration for imported timber products;	D	Article 24, Customs Law 2014; Article 25, Decree 08/2015/ND-CP; Article 10, Circular 01/2012/TT-BNNPTNT; Article 16, Circular 38/2015/TT-BTC
	1.1.2. Sales contract or equivalent;	D	to be issued by VN Government
	1.1.3. Trading invoice in the case of commercial transaction;	D	Article 16, Circular 38/2015/TT-BTC
	1.1.4. Bill of lading (or other shipping document of equivalent value in accordance with legal regulations);	D	Article 16, Circular 38/2015/TT-BTC

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	1.1.5. Packing list of imported timber products.	D	Article 10, Circular 01/2012/BNNPTNT
	1.1.6. Depending on timber sources of imported timber, one of the following verifiers is required:		
	1.1.6.1. CITES permit of export country in the case of timber under Appendices I, II and III to CITES;	D	Decree 82/2006/ND-CP; Article 5, Decree 98/2011/ND-CP; Circular 04/2015/TT-BNNPTNT
	1.1.6.2. FLEGT licence;	D	to be issued by VN Government
	1.1.6.3. A Self-declaration demonstrating due diligence on the legality of timber.	D	to be issued by VN Government
	1.1.7. Depending on the risk category (as specified in Table 2 of Annex V), one of the following verifiers shall be attached to a Self-declaration:		
	1.1.7.1. Voluntary certification or national certification schemes recognised by VNTLAS;	D	to be issued by VN Government
	1.1.7.2. Legal harvesting document in line with law and regulations of country of harvest (HS 4403, 4406, 4407);	D	to be issued by VN Government

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	1.1.7.3. Alternative additional documentation demonstrating legality of timber in accordance with legislation of country of harvest (where the harvesting document is not required in the country of harvest for primary products, or importers cannot obtain harvesting document for complex products).	D	to be issued by VN Government
Criterion 2: Compliance with regulations on plant quarantine and forest hammer mark			
Indicator 2.1: Compliance with regulations on plant quarantine for timber and timber products – the following document is required:			
	2.1.1. Plant quarantine certificate for round timber, sawn timber, pallet, sawdust.	D	Article 1, Circular No. 30/2014/TT-BNNPTNT; Article 7, Circular 33/2014/TT-BNNPTNT
Indicator 2.2: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, hammer marks or other special signs of exporting countries must be placed; otherwise, forest hammer marks must be placed in accordance with regulations – the following documents are required:			
	2.2.1.Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN
	2.2.2. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN

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PRINCIPLE IV COMPLIANCE WITH REGULATIONS ON TIMBER TRANSPORTATION AND TRADE (HOUSEHOLDS)			
Criterion Indicators	Verifiers	Type of verifier S=static D=dynamic	Legal references for verifiers
Criterion 1. Compliance with regulations on transporting, trading unprocessed timber that are main harvesting, salvage harvesting and salvage collection from domestic natural forests			
Indicator 1.1: Compliance with regulations on legal timber product dossier – the following documents are required:			
	1.1.1. Invoice as required by the Ministry of Finance (in the case of purchasing timber from organisations);	D	Article 12, Circular 01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT
	1.1.2. Packing list.	D	Article 12, Circular 01/2012/TT-BNNPTNT
Indicator 1.2: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm forest hammer marks must be placed – the following documents are required:			
	1.2.1. Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision No.44/2006/QD-BNN
	1.2.2. Packing list.	D	Articles 7 and 8, Decision No.44/2006/QD-BNN

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Criteria 2. Compliance with regulations on transporting, trading unprocessed timber that are harvested from concentrated plantation forests, home gardens, farms, scattered trees			
Indicator 2.1: Compliance with regulations on legal timber product dossier – the following documents are required:			
	2.1.1. Invoice as required by the Ministry of Finance (if purchasing timber from organisations);	D	Article 13, Circular No.01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT
	2.1.2. Packing list.	D	Article 13, Circular No.01/2012/TT-BNNPTNT;
Indicator 2.2: For timber from rare, precious, and endangered timber species harvested in plantation forests, round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from, forest hammer marks must be placed – the following documents are required:			
	2.2.1. Minutes of placing forest hammer marks;	D	Articles 7 and 8, Decision No.44/2006/QD-BNN
	2.2.2. Packing list.	D	Articles 7 and 8, Decision No.44/2006/QD-BNN
Criterion 3: Compliance with regulations on transporting and trading imported timber and timber products that are not domestically processed			
Indicator 3.1: Compliance with regulations on legal timber product dossier – the following documents are required:			
	3.1.1. Invoice as required by Ministry of Finance;	D	Article 14, Circular No.01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT
	3.1.2. Packing list.	D	Article 14, Circular No.01/2012/TT-BNNPTNT;

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Indicator 3.2. For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m which is not marked with forest hammer marks or special sign of exporting countries Viet Nam forest hammer marks shall be placed – the following documents are required:			
	3.2.1. Minutes on placing forest hammer marks;	D	Articles 7 and 8, Decision No.44/2006/QD-BNN
	3.2.2. Packing list.	D	Articles 7 and 8, Decision No.44/2006/QD-BNN
Criterion 4: Compliance with regulations on transporting and trading unprocessed confiscated timber and timber products that have been handled			
Indicator 4.1: Compliance with regulations on legal timber product dossier – the following documents are required:			
	4.1.1. Invoice as required by Ministry of Finance (if purchasing timber from organisations);	D	Article 16, Circular No.01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT
	4.1.2. Packing list.	D	Article 16, Circular No.01/2012/TT-BNNPTNT;
Indicator 4.2: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm forest hammer marks must be placed – the following documents are required:			
	4.2.1. Minutes on placing forest hammer marks;	D	Articles 7 and 8, Decision No.44/2006/QD-BNN
	4.2.2. Packing list.	D	Articles 7 and 8, Decision No.44/2006/QD-BNN

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Criterion 5: Compliance with regulations on transporting and trading of processed timber and timber products (including round timber cross-cutting) from natural timber, imported timber and handled confiscated timber			
Indicator 5.1: Compliance with regulations on legal timber product dossier – the following documents are required:			
	5.1.1. Invoice as required by Ministry of Finance (if purchasing timber from Organisations);	D	Article 17, Circular 01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT
	5.1.2. Packing list.	D	Article 17, Circular 01/2012/TT-BNNPTNT
Indicator 5.2: Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m must be marked with forest hammer marks – the following documents are required:			
	5.2.1. Minutes on placing forest hammer marks made;	D	Articles 7 and 8, Decision No44/2006/QD-BNN
	5.2.2. Packing list.	D	Articles 7 and 8, Decision No44/2006/QD-BNN
Criterion 6: Compliance with regulations on transporting and trading of processed timber and timber products (including round timber cross-cutting) from concentrated plantation forests			
Indicator 6.1: Compliance with regulations on legal timber product dossier – the following documents are required:			
	6.1.1. Invoice as required by Ministry of Finance (if purchasing timber from Organisations);	D	Article 17, Circular 01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT
	6.1.2. Packing list.	D	Article 17, Circular 01/2012/TT-BNNPTNT

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Indicator 6.2. Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m must be marked with forest hammer marks – the following documents are required			
	6.2.1. Minutes on placing forest hammer marks;	D	Articles 7 and 8, Decision No44/2006/QD-BNN
	6.2.2. Packing list.	D	Articles 7 and 8, Decision No44/2006/QD-BNN
Criterion 7. Compliance with regulations on timber product dossier for verification for export			
Indicator 7.1: Compliance with regulations on legal timber product dossier for verification for export – the following documents are required:			
	7.1.1. Sales contract or equivalent;	D	to be issued by VN Government
	7.1.2 Trading invoice;	D	Circular No. 38/2015/TT-BTC
	7.1.3. Packing list of forest products for export;	D	Article 5, Circular 01/2012/TT-BNNPTNT
	7.1.4. One or more additional documents subject to specific stages of the supply chain of different timber sources (e.g. minutes of placing forest hammer marks) providing evidences on timber legality for such shipment.	D	

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PRINCIPLE V: COMPLIANCE WITH REGULATIONS ON TIMBER PROCESSING (HOUSEHOLDS)			
Criterion Indicators	Verifiers	Type of verifier S=static D=dynamic	Legal references for verifiers
Criterion 1. Compliance with regulations on timber processing facilities			
Indicator 1.1: Compliance with regulations on fire prevention and firefighting – the following document is required:			
	1.1.1. Approved design on fire prevention and firefighting.	S	Article 15 and Annex 4, Decree 79/2014/ND-CP
Indicator 1.2: Compliance with regulation on safety and hygiene – the following is required:			
	1.2.1. Rules on safety and hygiene are in place.	S	Labour Code 2012: Chapter IX, Clause 1 Article 137, Article 138, Labour Code 10/2012/QH 13
Criterion 2: Compliance with regulations on the legal origin of timber which are going to be processed			
Indicator 2.1: Compliance with regulations on legal timber dossier for timber harvested from forests of Households – the following document is required:			
	2.1.1. Packing list.	D	Article 20, Circular No 01/2012/TT-BNNPTNT

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Indicator 2.2: Compliance with regulations on legal timber dossier for timber purchased from Organisations – the following documents are required:			
	2.2.1. Invoice as regulated by Ministry of Finance;	D	Article 20, Circular No. 01/2012/TT-BNNPTNT; Article 1, Circular No. 40/2015/TT-BNNPTNT
	2.2.2. Packing list.	D	Article 20, Circular No. 01/2012/TT-BNNPTNT, Article 1, Circular 40/2015/TT-BNNPTNT
Indicator 2.3: Compliance with regulations on legal timber dossier for timber purchased from Households – the following document is required:			
	2.3.1. Packing list.	D	Article 20, Circular 01/2012/TT-BNNPTNT
Indicator 2.4: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m harvested in natural forests and timber from rare, precious and endangered timber species harvested in plantation forests, imported timber without forest hammer marks or special signs of exporting countries, and handled confiscated timber forest hammer marks must be placed – the following documents are required:			
	2.4.1. Minutes on placing forest hammer marks;	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT
	2.4.2. Packing list.	D	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT

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PRINCIPLE VI: COMPLIANCE WITH REGULATIONS ON CUSTOMS PROCEDURES FOR EXPORT (HOUSEHOLDS)			
Criterion Indicators	Verifiers	Type of verifier S=static D=dynamic	Legal references for verifiers
Criterion 1: Compliance with regulations on customs procedures			
Indicator 1.1: Compliance with regulations on legal export dossier – the following documents are required:			
	1.1.1. Customs clearance declaration for export timber products according to the applicable regulation (original);	D	Article 24, Customs Law 2014; Article 25, Decree 08/2015/ND-CP; Article 16, Circular No. 38/2015/TT-BTC
	1.1.2. Sales contract or equivalent;	D	To be issued by Viet Nam Government
	1.1.3. Trading invoice (if export tax is imposed on the exported timber and timber products)	D	To be issued by Viet Nam Government
	1.1.4. Packing list;	D	Article 5, Circular 01/2012/TT-BNNPTNT
	1.1.5. Permit of CITES MA of Viet Nam for products made from timber which must be licensed under CITES;	D	Article 8, Circular 04/2015/TT-BNNPTNT; Article 16, Circular No. 38/2015/TT-BTC
	1.1.6. FLEGT licence for EU market.	D	to be issued by VN Government

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Criterion 2: Compliance with regulations on plant quarantine			
Indicator 2.1: Compliance with regulations on plant quarantine for timber and timber products – the following document is required:			
	2.1.1. Quarantine certificate for round timber, sawn timber, Pallet, sawdust.	D	Article 1, Circular No. 30/2014/TT-BNNPTNT; Article 10, Circular 33/2014/TT-BNNPTNT
PRINCIPLE VII: COMPLIANCE WITH TAXATION REGULATIONS (HOUSEHOLDS)			
Criterion Indicators	Verifiers	Type of verifier S=static D=dynamic	Legal references for verifiers
Criterion 1: Compliance with regulations on tax			
Indicator 1.1: Compliance with regulations on tax declaration, registration and payment:			
	1.1.1. Organisations or persons, or business is not included in the public list of tax risk.	S	Article 70, Circular 156/2013/TT-BTC; Document 815/TCT-KK

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ANNEX III

CONDITIONS GOVERNING THE RELEASE
FOR FREE CIRCULATION IN THE UNION
OF TIMBER PRODUCTS EXPORTED FROM VIET NAM
AND COVERED BY A FLEGT LICENCE

I. Lodging of the licence

1. The licence shall be lodged with the competent authority of the Member State of the Union in which the shipment covered by that licence is declared for release for free circulation. This may be done electronically or by other expeditious means.

2. The competent authorities referred to in point 1 shall, in accordance with the applicable national procedures, inform the customs authorities as soon as a licence has been accepted.

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II. Checks concerning the validity of licence documentation

1. Paper licences shall conform to the model described in Annex IV. Any licence that does not meet the requirements and specifications set out in Annex IV shall be invalid.

2. A licence shall be considered void if it is lodged on a date later than the expiry date indicated in the licence.

3. Any erasures from or alterations to a licence shall not be accepted unless such erasures or alterations have been validated by the Licensing Authority.

4. Extension of the validity of a licence shall not be accepted unless that extension has been validated by the Licensing Authority.

5. A duplicate or replacement licence shall not be accepted unless it has been issued and validated by the Licensing Authority.

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III. Requests for additional information

1. In the case of doubt concerning the validity or authenticity of a licence, a duplicate or a replacement licence, the competent authorities may request additional information from the Licensing Authority.

2. A copy of the licence, the duplicate or the replacement licence in question may be forwarded together with the request.

3. If necessary, the Licensing Authority shall withdraw the licence and issue a corrected copy, which shall be authenticated with the stamped endorsement "Duplicate" and forwarded to the competent authority.

IV. Verification of the conformity of the licence with the shipment

1. If further verification of the shipment is considered necessary before the competent authorities can decide whether a licence can be accepted, checks may be carried out to establish whether the shipment in question conforms to the information provided in the licence and to the records relating to the relevant licence which are held by the Licensing Authority.

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2. Where the volume or weight of the timber products contained in the shipment presented for release for free circulation does not deviate by more than 10 % from the volume or weight indicated in the corresponding licence, the shipment shall be considered to conform to the information provided in the licence as far as volume or weight is concerned.

3. In the case of doubt about whether the shipment conforms with the FLEGT licence, the competent authority concerned may seek further clarification from the Licensing Authority.

4. The Licensing Authority may request the competent authority to send a copy of the licence or the replacement in question.

5. If necessary, the Licensing Authority shall withdraw the licence and issue a corrected copy, which shall be authenticated with the stamped endorsement "Duplicate" and forwarded to the competent authority.

6. If the competent authority receives no answer within 21 calendar days of the request for further clarification, the competent authority shall not accept the licence and shall act in accordance with the applicable legislation and procedures.

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7. A licence shall not be accepted if it has been established, where necessary after provision of additional information in accordance with Section III or a further investigation in accordance with this Section, that the licence does not correspond to the shipment.

V. Verification prior to the arrival of the shipment

1. A licence may be lodged before the arrival of the shipment it covers.

2. A licence shall be accepted if it meets all the requirements set out in Annex IV and no further verification in accordance with Sections III and IV of this Annex is deemed necessary.

VI. Other matters

1. Costs incurred while the verification is being completed shall be borne by the importer, except where the applicable legislation and procedures of the Member State of the Union concerned determine otherwise.

2. Where persistent disagreements or difficulties arise from the verification of FLEGT licences, the matter may be referred to the Joint Implementation Committee.

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VII. Release for free circulation

1. In box 44 of the Single Administrative Document on which the customs declaration for release for free circulation is made, reference shall be made to the number of the licence that covers the timber products subject to the declaration.

2. Where the customs declaration is made by computerised means, the reference shall be provided in the appropriate box.

3. Timber products shall be released for free circulation only after completion of the procedures described in this Annex.

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ANNEX IV

FLEGT LICENSING SCHEME

1. General requirements and provisions for FLEGT licences

1.1. Any shipment of timber and timber products (hereinafter referred to as "timber products") included in Annex I to this Agreement exported from Viet Nam to the market of the Union is required to have a FLEGT licence. In accordance with Regulation (EC) No 2173/2005 and this Agreement, the Union shall accept such shipments from Viet Nam for import into the Union only if they are covered by FLEGT licences.

1.2. In accordance with point (f) of Article 2 of this Agreement, a FLEGT licence is a document issued by the Licensing Authority for a shipment of legally produced timber to be exported to the Union that is verified in accordance with the criteria and procedures laid down in this Agreement.

1.3. A FLEGT licence shall be issued for a single shipment of a single exporter to a single point of entry into the Union. One single FLEGT licence should not be declared to more than one customs office in the Union.

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1.4. A FLEGT licence shall be issued before customs clearance in Viet Nam.

1.5. A FLEGT licence may be in paper or electronic form. The licence form shall be made available by the Licensing Authority in English and Vietnamese, and the required information shall be provided in English. Both paper-based and electronic licences shall contain all information specified in the form and in accordance with the notes for guidance set out in the Appendix to this Annex.

1.6. For complex shipments for which it may not be possible to include all required information referred to in Template 1 in the Appendix, an authorised attachment (additional goods description attached to the FLEGT licence) including qualitative and quantitative information related to the description of the shipment, as specified in Template 2 in the Appendix, must be added to the licence. In that case, the corresponding boxes in the licence shall not include information on the shipment but reference to the authorised attachment.

1.7. In the future, in addition to FLEGT licensing for timber products exported to the Union market, Viet Nam may consider the application of a licensing scheme based on the VNTLAS for all export markets.

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2. Technical specifications with regard to paper-based FLEGT licences

2.1. Paper-based licences shall conform to the form set out in the Appendix.

2.2. The paper size shall be standard A4.

2.3. A FLEGT licence shall be completed in typescript or by computerised means.

2.4. The stamps of the Licensing Authority shall be applied by means of a stamp. However, an embossment or perforation may be substituted for the Licensing Authority stamp.

2.5. The Licensing Authority shall use a tamper-proof method to ensure the authenticity of the FLEGT licence and to record the quantity allocated in such a way as to make it impossible to insert figures or references.

2.6. The form shall not contain any erasures or alterations, unless those erasures or alterations have been authenticated by the stamp and signature of the Licensing Authority.

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3. Copies of FLEGT licences

3.1. The Licensing Authority shall issue a single original FLEGT licence to the licence applicant, who shall send it to the importer.

3.2. The importer shall lodge the original FLEGT licence with the competent authority of the Member State of the Union in which the shipment covered by that licence is declared for release for free circulation.

3.3. Electronic copies of the FLEGT licence will also be provided to the relevant Union customs authority and the competent authority.

3.4. The Licensing Authority shall retain for its records and for possible future verification of licences issued an electronic copy of each FLEGT licence. A system shall be in place to ensure that the electronic database and the copies of the licences archived therein have legal value in accordance with provisions of the Law on E-transactions No. 51/2005/QH11.

3.5. The release for free circulation of the shipment within the Union is subject to the provisions set out in Annex III.

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4. Licensing requirements for timber subject to the provisions of CITES

4.1. Timber subject to the provisions of CITES, or products containing such timber that enter the supply chain in Viet Nam, are subject to the same VNTLAS verification as other timber.

4.2. Before export, the CITES Management Authority of Viet Nam shall ensure that timber subject to the provisions of CITES or products containing such timber meet all VNTLAS requirements.

4.3. The CITES Management Authority of Viet Nam shall issue CITES permits for shipments into the Union containing only timber that is subject to the provisions of CITES or products containing such timber. Such timber products shall be exempted from the requirement to obtain a FLEGT licence.

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5. Licensing procedures

5.1. Licensing Authority

The Licensing Authority shall be the CITES Management Authority of Viet Nam.

The Licensing Authority is responsible for storing relevant data and information on the issuance of FLEGT licences and for information exchange between Viet Nam and the competent authorities in Member States of the Union as well as other competent Vietnamese authorities or licensees on FLEGT licence-related issues.

The detailed requirements and procedures for the issuance, extension of the validity, withdrawal, replacement and management of FLEGT licences shall be regulated by the Government of Viet Nam by means of legislation after the signing of this Agreement. The FLEGT licensing procedures shall be made public.

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The Government of Viet Nam shall provide the Union and its Member States with authenticated sample licences, specimens of stamps of the Licensing Authority, and signatures of the authorised officers.

The Licensing Authority shall establish systems to receive both hard-copy and electronic licence registrations in order to respond to the capacity and location of export operators. The FLEGT licensing system will be progressively linked to the National Single Window system of Viet Nam as conditions allow for development of the systems.

In line with the definition of "goods of a non-commercial nature" included in point 21 of Article 1 of Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013, samples and demonstration products for commercial purposes are subject to the FLEGT licensing scheme when exported to the Union market.

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5.2. Timber product dossier for FLEGT licensing

The timber product dossier for FLEGT licensing for exporters consists of the following five elements:

1. FLEGT licence application;
2. sales contract or equivalent;
3. timber packing list;
4. invoice as required by the Ministry of Finance;
5. one or more additional documents subject to specific stages of the supply chain of different timber sources (e.g. minutes of placing forest hammer marks) providing evidence of timber legality for such shipment as defined in Appendix 2 to Annex V.

The content of the timber product dossier for FLEGT licensing, including any specific requirements for samples and demonstration products, shall be specified in the regulation on FLEGT licensing to be issued by the Government of Viet Nam after the signing of this Agreement.

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5.3. Licensing steps

The licensing steps are illustrated in Figure 1.

Step 1: Application receipt

The applicant exporting timber to the Union submits the timber product dossier for FLEGT licensing to the Licensing Authority for each export shipment. The content of the dossier is specified in Section 2.1.

Step 2: Application review

The Licensing Authority shall conduct the following steps:

(a) In the case of Organisations, confirm the risk category status in the Organisation Classification System (OCS) database, as set out in Annex V, in order to ensure the accuracy of the risk category declared by the exporter in the timber export dossier and that the packing list has been duly certified in line with the risk category status of the Organisation.

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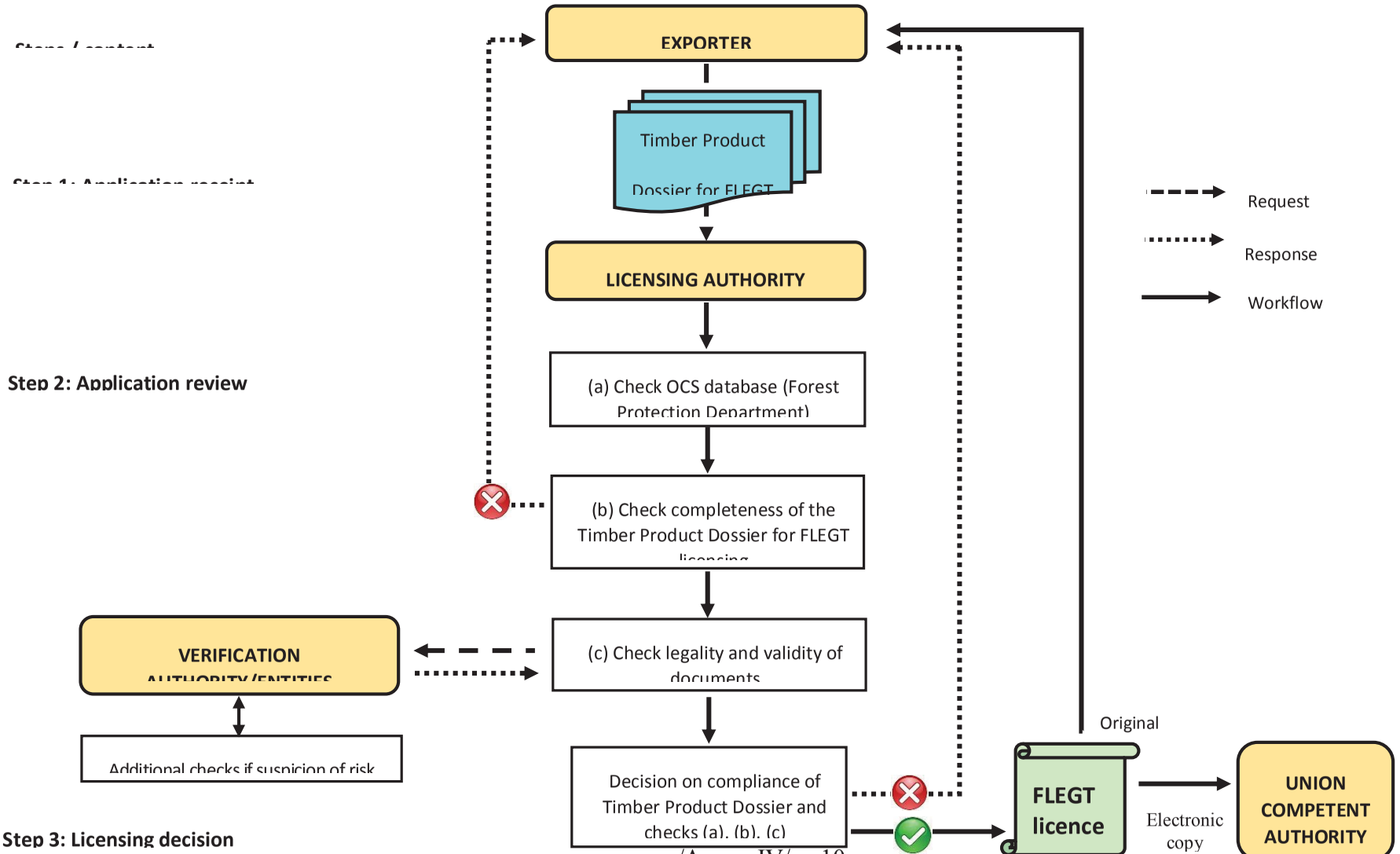
Figure 1: FLEGT licensing procedure



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(b) Check the completeness of the submitted timber product dossier for FLEGT licensing of Organisations and Households according to requirements as described in Section 2.1. In cases where the documentation is not complete, the Licensing Authority shall not process the timber product dossier. The Licensing Authority shall inform the exporter about any additional information or documentation that may be required.

(c) Check the legality and validity of documents included in the timber product dossier for FLEGT licensing. In the case of suspicion of risk, the Licensing Authority shall coordinate with the Verification Authority and other verification entities for further checks and clarification of the legality of the shipment.

Step 3: Licensing decision

In cases where the timber product dossier is deemed compliant with VNTLAS requirements, the Licensing Authority shall issue the FLEGT licence for the shipment.

In cases where the timber product dossier is not compliant with VNTLAS requirements, the Licensing Authority shall reject the FLEGT licence application for the shipment and shall take action in line with applicable legislation in the case of any detected violation.

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6. Validity, withdrawal and replacement of FLEGT licences

6.1. Validity and extension of validity of FLEGT licences

A FLEGT licence shall be valid from the date on which it is issued.

The period of validity of a FLEGT licence shall not exceed six months. The date of expiry shall be indicated on the licence.

After the date of expiry of the licence, the validity of the licence may be extended once for another period of a maximum of two months by the Licensing Authority. In cases where an extension of the validity of the licence is required, applicants shall submit a written request to the Licensing Authority together with any explanation on the request to extend the validity of the licence. Upon such extension, the Licensing Authority shall insert and validate the new expiry date in the licence.

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6.2. Withdrawal of FLEGT licences

The FLEGT licence shall be withdrawn in the following situations:

— any violation of the exporter related to the shipment is identified after the licence has been issued;

— the FLEGT licence expires without the export of timber products having taken place and without the request for an extension of the validity of the licence;

— the exporter voluntarily returns the licence.

6.3. Replacement of FLEGT licences

A FLEGT licence may be replaced in the following situations:

— the FLEGT licence is lost, stolen or destroyed;

— the FLEGT licence contains mistakes by the Licensing Authority;

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In the event of loss, theft or destruction of the original FLEGT licence, the licensee or the licensee's authorised representative may apply to the Licensing Authority for a replacement. Together with the application, the licensee or the licensee's authorised representative shall provide an explanation for the loss, theft or destruction of the original licence.

The replacement shall contain the information and entries that appeared on the licence it replaces, including the licence number, and shall bear the stamped endorsement "Replacement Licence".

In the event that the lost or stolen licence is retrieved, it shall not be used and shall be returned to the Licensing Authority.

For licences containing mistakes by the Licensing Authority, the Licensing Authority shall withdraw the FLEGT licence and issue a corrected licence, which shall be authenticated with the stamped endorsement "Duplicate" and forwarded to the competent authority.

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The replacement original licence and any copies for the Union customs authority and the competent authority shall contain the information included in the original licence, including the original licence number and the date of issue of the replaced licence.

6.4. FLEGT licence re-application

A new FLEGT licence shall be requested by the exporter whenever there is a change in the timber product, HS code, species or number of units, or any deviation in the weight and/or volume of the shipment by more than 10 % in comparison with the FLEGT licence.

7. Management of violations related to FLEGT licensing

In the event of (a) any violation or fraudulent information related to the timber product dossier for FLEGT licensing, or (b) counterfeiting, altering or modifying information in the licence or infringement of the licensing regulations, administrative or legal measures shall apply according to the level of violation, in accordance with Vietnamese law and regulations.

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8. Responsibility of the Licensing Authority

— The FLEGT licence shall be issued to the exporter in line with relevant provisions of this Agreement.

— In any case concerning the extension of the validity, withdrawal or replacement of the FLEGT licence, the Licensing Authority shall inform the competent authority concerned.

— The Licensing Authority is responsible for responding to any questions from the competent authorities, as well as other authorities of Viet Nam, if there is doubt concerning the authenticity and validity of any licence, and providing additional information and clarification as requested.

— The Licensing Authority shall manage a licensing database for the applications received, including FLEGT licences issued and applications rejected.

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Appendix

FLEGT LICENCE FORM

Template 1: FLEGT licence form

European Union **FLEGT**

1 ORIGINAL	**1. Issuing authority/**Cơ quan cấp phép: **Name, address/**Tên, địa chỉ:	**2. Importer/**Tổ chức, cá nhân nhập khẩu: **Name, address/**Tên, địa chỉ:	
	3. FLEGT licence number / Số giấy phép FLEGT:	**4. Date of expiry (DD/MM/YYYY) /** Ngày hết hạn:	
	5. Country of export / Nước xuất khẩu:	**7. Means of transport/Vận chuyển**:	
	6. ISO code / Mã ISO:		
	8. Licensee / Tổ chức, cá nhân được cấp giấy phép: **Name, address /** Tên, địa chỉ:		
1	**9. Commercial description of the timber products/**Mô tả tên hàng hoá**:**	**10. HS heading/** Mã HS và mô tả mã HS:	
	11. Common and scientific names / Tên thông thường và khoa học:	**12. Countries of harvest /** Quốc gia khai thác:	**13. ISO code of countries of harvest /** Mã ISO của quốc gia khai thác:
	14. Volume (m^3) / Khối lượng lô hàng (m3):	**15. Net weight (kg) /** Trọng lượng thực (kg)	**16. Number of units /** Đơn vị tính khác:
	17. Distinguishing marks (if any) / Ký hiệu nhận diện (nếu có)		
	18. Signature and stamp of issuing authority / Chữ ký và con dấu của Cơ quan cấp phép: **Place /** Nơi cấp **Signature and stamp of issuing authority** (Tem bảo đảm, chữ ký và đóng dấu)		

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Date (DD/MM/YYYY) / Ngày cấp

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Template 2: Form for the authorised attachment

No	**Commercial description of the timber products** / Mô tả hàng hóa	**HS heading**	**Common and scientific name** / Tên khoa học của gỗ nguyên liệu	**Countries of harvest** / Quốc gia khai thác	**ISO code of country of harvest**	**Volume (m^3)**	**Net weight (kg)**	**Number of units**

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Place	Date (DD/MM/YY)	Security stamp, signature and official seal

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Notes for guidance on FLEGT licence

General:

— Complete in capitals.

— ISO codes, where indicated, refer to the international standard two-letter code for any country.

— Box 2 is for use by the Vietnamese authorities only

Box	Specification	Meaning
1	Issuing authority	Indicate the full name and address of the licensing authority
2	Information for use by Viet Nam	Indicate the full name and address of the importer
3	FLEGT licence number	Indicate clearly the licence number in the required format
4	Date of expiry	Indicate clearly the expiry date of licence
5	Country of export	This refers to the partner country from where the timber products were exported to the EU.
6	ISO code	Indicate the two-letter code for the partner country referred to in Box 5.

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Box	Specification	Meaning
7	Means of transport	Indicate the means of transport at the point of export.
8	Licensee	Indicate the name and address of the exporter.
9	Commercial description of timber products	Indicate the commercial description of the timber product(s).
10	HS heading and description	Give the four-digit or the six-digit commodity code established pursuant to the Harmonised Commodity Description and Coding System.
11	Common and scientific names	Indicate the common and scientific names of the species of timber used in the product. Where more than one species is included in a composite product, use a separate line. May be omitted for a composite product or component that contains multiple species whose identity has been lost (e.g. particle board).
12	Countries of harvest	Indicate the countries where the species of timber referred to in Box 10 was harvested. For a composite product, include for all sources of wood used. May be omitted for a composite product or component that contains multiple species whose identity has been lost (e.g. particle board).

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Box	Specification	Meaning
13	ISO code	Indicate the ISO code of the countries referred to in box 12. May be omitted for a composite product or component that contains multiple species whose identity has been lost (e.g. particle board).
14	Volume	Give the overall volume in m3. May be omitted unless the information referred to in box 15 has been omitted.
15	Net weight	Give the overall weight in kg. This is defined as the net mass of the timber products without immediate containers or any packaging, other than bearers, spacers, stickers etc. May be omitted unless the information referred to in box 14 has been omitted.
16	Number of units	Indicate the number of units, where a manufactured product is best quantified in this way. May be omitted.
17	Distinguishing marks	Indicate any distinguishing marks where appropriate (e.g. lot number, bill of lading number). May be omitted.
18	Signature and stamp of issuing authority	The box shall be signed by the authorised official and stamped with the official stamp of the licensing authority. The place and data shall also be indicated.

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ANNEX V

VIET NAM TIMBER LEGALITY ASSURANCE SYSTEM
(VNTLAS)

TABLE OF CONTENTS

1. INTRODUCTION

2. APPLICATION SCOPE

2.1 Timber sources

2.1.1 Timber sources controlled by the VNTLAS

2.1.2 Timber in transit

2.2 Scope of control

2.2.1 Definition of Organisations and Households

2.2.2 Definition of government agencies

2.2.3 Definition of Verification Authority and verification entities

2.3 Recognition by the VNTLAS of voluntary certification and national certification schemes

www.parlament.gv.at

3. LEGALITY DEFINITION

3.1 Structure and content of the Legality Definition

4. DEVELOPMENT, VERIFICATION AND APPROVAL OF VERIFIERS AT ALL STAGES OF THE SUPPLY CHAIN

4.1 Definition of verifiers

4.1.1 Static verifiers

4.1.2 Dynamic verifiers

4.2 Development of verifiers

4.3 Verification and approval/certification of verifiers

4.4 Responsibilities of relevant actors

4.4.1 Responsibilities of Organisations

4.4.2 Responsibilities of Households

4.4.3 Responsibilities of government agencies

5. ORGANISATION CLASSIFICATION SYSTEM AND RISK-BASED VERIFICATION

5.1 Purpose of Organisation Classification System

5.2 Criteria and risk categories

www.parlament.gv.at

5.3 Implementation of the Organisation Classification System

5.3.1 Self-assessment and appraisal procedures and frequency

5.3.2 Classification results

5.4 Responsibilities of relevant actors

5.4.1 Responsibilities of Organisations

5.4.2 Responsibilities of government agencies

6. SUPPLY CHAIN CONTROL

6.1 Overview

6.2 Critical control points in the VNTLAS supply chain

6.3 Verification of timber sources entering the VNTLAS

6.3.1 Timber from main harvesting of domestic natural forest (critical control point 1a)

6.3.2 Timber from planted production and protection forests (critical control points 1c and 1d)

6.3.3 Timber from salvage harvesting and salvage collection (critical control points 1b, 1c and 1d)

6.3.4 Timber from home gardens, farms and dispersed trees (critical control point 1e(2))

6.3.5 Rubber wood from domestic sources (critical control points 1e(1) and 1e(2))

6.3.6 Handled confiscated timber (critical control point 1f)

www.parlament.gv.at

6.3.7 Imported timber (critical control point 1g)

6.3.7.1 Due diligence and self-declaration requirements for importers

6.3.7.2 Handling of violations

6.3.7.3 Customs risk assessment system

6.3.7.4 Species risk categories

6.3.7.5 Risk associated with geographic origin of imported timber

6.3.7.6 Risk-based control and management of imported timber

6.4 Verification of timber at stages in the VNTLAS supply chain

6.5 Supply chain reporting requirements

6.6 Responsibilities of relevant actors

6.6.1 Responsibilities of Organisations and Households

6.6.2 Responsibilities of government agencies

7. VERIFICATION FOR EXPORT

7.1 General principles for verification for export

7.1.1 Verification for export for Category 1 Organisations

7.1.2 Verification for export for Category 2 Organisations

7.1.3 Verification for export for Households/individuals

7.2 Suspicion of risk and physical checks

www.parlament.gv.at

8. FLEGT LICENSING

9. INTERNAL INSPECTION, COMPLAINTS AND FEEDBACK MECHANISMS

9.1 Internal inspection

9.2 Complaints, denunciations and feedback mechanisms

10. INDEPENDENT EVALUATION

11. MANAGEMENT OF VIOLATIONS

11.1 Management of violations

11.2 Record of violations

11.2.1 Database of violations of the Law on Forest Protection and Development

11.2.2 Databases of violations of other government agencies

12. DATA MANAGEMENT AND STORAGE

12.1 VNTLAS databases

12.2 Data-management and storage responsibilities

12.2.1 Responsibilities of Organisations and Households

12.2.2 Responsibilities of the Provincial FPD

12.2.3 Responsibilities of other local government agencies

12.2.4 Responsibilities of the Central FPD

www.parlament.gv.at

12.2.5 Responsibilities of the Licensing Authority

12.2.6 Responsibilities of other central government agencies

13. INSTITUTIONAL DEVELOPMENT FOR VNTLAS IMPLEMENTATION

14. JOINT IMPLEMENTATION COMMITTEE

APPENDIX 1A Development, verification and approval of legality verifiers for Organisations

APPENDIX 1B Development, verification and approval of legality verifiers for Households

APPENDIX 2 Supply chain control

APPENDIX 3 Standard form for self-declaration

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Acronyms

EU	European Union
FPD	Forest Protection Department
M/GTC	General Department of Customs (under Ministry of Finance)
MOF/GDT	General Department of Tax (under Ministry of Finance)
LD	Legality Definition
MARD	Ministry of Agriculture and Rural Development
MOF	Ministry of Finance
MOIT	Ministry of Industry and Trade
MOLISA	Ministry of Labour, Invalids and Social Affairs
MONRE	Ministry of Natural Resources and Environment
MPI	Ministry of Planning and Investment
OCS	Organisation Classification System
VPA	Voluntary Partnership Agreement
VNFOREST	Viet Nam Administration of Forestry
VNTLAS	Viet Nam Timber Legality Assurance System

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1. INTRODUCTION

The Viet Nam Timber Legality Assurance System ("VNTLAS") aims to ensure that timber and timber products as described in Annex I (hereinafter referred to as "timber") are legal. Timber exported to the European Union (hereinafter referred to as "the Union") are subject to specific provisions for FLEGT licensing as described in Annex IV.

The VNTLAS is based on regulations relevant to each step of the timber supply chain, including harvesting, import, transportation, processing, trade and exports of timber.

The VNTLAS is based on the national legislation in force, together with regulations introduced to implement this Agreement, which includes the participation of ministries, sectors, localities, and private-sector and civil-society organisations relevant to forestry and the trade of timber.

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The VNTLAS consists of seven system elements, as follows:

1. Timber Legality Definition (LD): Organisations and Households;

2. Development, verification and approval of verifiers at all stages of supply chains;

3. Organisation Classification System (OCS) and risk-based verification;

4. Supply chain control;

5. FLEGT licensing;

6. Internal inspection, complaints and feedback mechanisms;

7. Independent evaluation.

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This Annex describes the key content of the aforementioned system elements and how, in principle, the VNTLAS shall work in practice. Other Annexes and Appendices to this Annex also provide additional information on the system functionalities.

This Annex has the following Appendices:

– Appendix 1A (Development, verification and approval of legality verifiers for Organisations);

– Appendix 1B (Development, verification and approval of legality verifiers for Households)

– Appendix 2 (Supply chain control);

– Appendix 3 (Standard form for self-declaration).

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2. APPLICATION SCOPE

2.1 Timber sources

2.1.1 Timber sources controlled by the VNTLAS

The following timber sources are controlled by the VNTLAS:

– Timber from domestic natural forests – defined as timber from main harvesting, salvage harvesting and salvage collection from domestic natural forest as defined and regulated by law.

– Timber from domestic concentrated plantation forests – defined as timber from main harvesting, salvage harvesting and salvage collection from concentrated plantation forests, including both planted protection forest and planted production forest, having an area of 0.5 hectares or more and a forest strip of at least 20 metres long and three tree rows or more.

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– Timber from home gardens, farms and dispersed trees – defined as timber exploited from trees outside planned areas for forest land and concentrated plantations, including trees around the house and garden, on roadsides, embankments and field-sides, and around temples and pagodas.

– Rubber wood – defined as rubber wood from harvesting from domestic rubber plantations on both agriculture and forest land.

– Confiscated timber – defined as timber impounded as a result of either administrative violations or criminal violations, which is handled as state assets by the Vietnamese competent authorities and thereafter put under auction as required by law.

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– Imported timber – defined as all timber, including rubber wood, brought into the territory of Viet Nam from foreign countries, or to special zones in the territory of Viet Nam which are regarded as exclusive customs zones, according to provisions of the law. In the VNTLAS, a distinction is made between primary and complex timber products impacting on the requirement for documentation to be provided to demonstrate the legality of imported timber. Primary products include both logs and sawn timber under the HS codes 4403, 4406 and 4407. Complex products include timber products under all the other HS codes of Chapter 44 and Chapter 94.

Details on the verification of timber sources entering the VNTLAS are given in Section 6.3.

2.1.2 Timber in transit

Timber in transit is not included in the VNTLAS.

"Timber products in transit" means any timber products originating from a third country, which enter the territory of Viet Nam under customs control and leave it in the same form whilst retaining their country of origin.

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Transit timber remains segregated from timber entering the VNTLAS supply chain and is under customs supervision from the entry point into Viet Nam until exit from Viet Nam unprocessed according to the laws and regulations of Viet Nam. Transit timber is not subject to VNTLAS legality verification and is not covered by the FLEGT licensing scheme.

2.2 Scope of control

The scope of control of the VNTLAS applies to:

– all timber sources listed under Section 2.1.1 of this Annex;

– all timber product categories listed under Annex I;

– all operators (Organisations and Households) in the timber supply chain.

All principles, criteria, indicators and verifiers included in the LD for Organisations and Households are part of the VNTLAS.

Figure 1 illustrates the relationship between the seven main elements of the VNTLAS.

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The VNTLAS is a national system that applies to (a) all Organisations and Households and (b) all domestic and export timber markets, to which the following system elements apply:

1. Timber Legality Definition, as specified in Section 3 of this Annex and in Annex II;

2. Development, verification and approval of verifiers at all stages of supply chains, as specified in Section 4 of this Annex;

3. Organisation Classification System (OCS) and risk-based verification, as specified in Section 5 of this Annex;

4. Supply chain control, as specified in Sections 6 and 7 of this Annex and Appendix 2 thereto;

5. FLEGT licensing, as specified in Section 8 of this Annex and in Annex IV;

6. Internal inspection, complaints and feedback mechanisms, as specified in Section 9 of this Annex;

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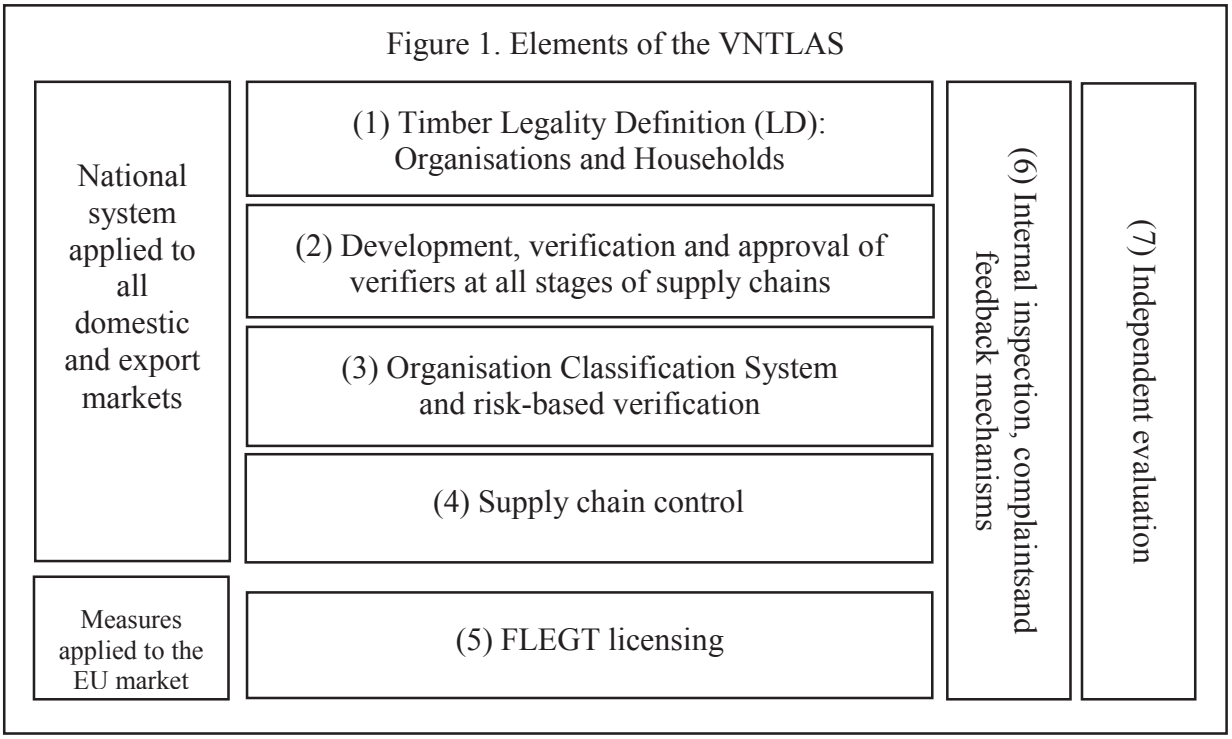
7. Independent evaluation, as specified in Section 10 of this Annex and in Annex VI.

System element 5 applies to timber exports to the Union market only.

System elements 6 and 7 cover all stages of supply chains up to and including the point of FLEGT licensing (system elements 1 to 5).

Figure 1. Elements of the VNTLAS



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2.2.1 Definition of Organisations and Households

Organisations subject to the VNTLAS include forestry companies, state forest enterprises, protection forest management boards, special-use forest management boards, and cooperatives and enterprises involved at any stage of the supply chain and that have business registration.

Households subject to the VNTLAS include domestic households, individuals, village communities and all other entities not belonging to the Organisations category above. Household businesses employing more than 10 labourers on a regular basis are required to register as enterprises and are considered to be Organisations in the application of the VNTLAS.

2.2.2 Definition of government agencies

In the context of this Agreement, government agencies include several ministries and sectors at central level, technical departments under the Provincial and District Peoples Committee and Commune People's Committees which are involved in the implementation of the VNTLAS, as identified in Appendices 1A and 1B to this Annex and summarised in Table 1.

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2.2.3 Definition of the Verification Authority and verification entities

In the context of this Agreement, the Verification Authority comprises the Forest Protection agencies at all levels, namely the Central Forest Protection Department (Central FPD) under the Viet Nam Administration of Forestry (VNFOREST) under the Ministry of Agriculture and Rural Development (MARD), and the Provincial Forest Protection Department (Provincial FPD), including provincial and district offices of the FPD (hereinafter referred to as the "local FPD").

Verification entities are government agencies and local government authorities, or other units, agencies or individuals according to government regulation, that have responsibility for the development, verification and approval of verifiers under their area of jurisdiction as identified in Appendices 1A and 1B to this Annex and summarised in Table 1.

2.3 Recognition by the VNTLAS of voluntary certification and national certification schemes

A voluntary certification scheme is a market-based non-regulatory mechanism subject to third-party evaluation.

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A national certification scheme is a voluntary or regulatory mechanism based on a defined set of criteria subject to government assessment and monitoring.

Recognised voluntary certification and national certification schemes are taken into account as a supplementary verifier for the risk-based verification of timber imports as specified in Section 6.3.7. Imported timber with a FLEGT licence or CITES permit are automatically recognised as legal as specified in Section 6.3.7.

Viet Nam shall assess voluntary certification and national certification schemes according to VNTLAS requirements and decide on a list of certification schemes, which shall be shared with the Joint Implementation Committee (JIC) for information.

The assessment of voluntary certification and national certification schemes shall be conducted on the basis of a methodology approved by both parties in the JIC and the methodology shall be ready before the joint assessment of the VNTLAS (Annex VII). The list of recognised schemes may also be re-assessed, updated and brought to the attention of the JIC during implementation.

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3. LEGALITY DEFINITION

The Legality Definition (LD) sets out the core requirements of legislation applicable to timber in Viet Nam as presented in Annex II to this Agreement.

The LD is based on existing laws and legislation in place and has been developed through consultation with government, private-sector and civil-society stakeholders in Viet Nam.

After ratification of this Agreement, Viet Nam shall notify the Union of any changes pertaining to verifiers or legal references in the LD through the JIC, and the JIC shall examine the extent of the changes and the impacts on the LD at least every second year during implementation of this Agreement as specified in Annex IX.

Viet Nam shall make public all relevant legislation referred to in the LD and any amendments thereto, as specified in Annex VIII.

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3.1 Structure and content of the Legality Definition

The LD is divided into two parts: one for Organisations and one for Households, in order to cater for: (i) differences in the regulations that apply to these two target groups; (ii) differences in the size of investment and the scope and arrangement of their activities; and (iii) assuring compatibility of the LD for these two groups and making the VNTLAS clear, specific and implementable.

The differences between the LD for Organisations and the LD for Households are specified further in the introduction to Annex II.

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Each part of the LD consists of seven principles, with each principle divided into criteria, indicators and verifiers:

– Principle I: Harvesting of domestic timber complies with regulations on land use rights, forest use rights, management, environment and society;

– Principle II: Compliance with regulations on handling confiscated timber;

– Principle III: Compliance with regulations on importing timber;

– Principle IV: Compliance with regulations on timber transportation and trade;

– Principle V: Compliance with regulations on timber processing;

– Principle VI: Compliance with regulations on customs procedures for export;

– Principle VII (Organisations): Compliance with regulations on tax and employees;

– Principle VII (Households): Compliance with taxation regulations.

To comply with the LD, Organisations and Households shall comply with all the applicable indicators under the seven principles enforced by the Verification Authority and verification entities as defined under Section 2.2.3 and Table 1.

The compliance of the indicators is assessed on the basis of the applicable corresponding verifiers.

For an indicator to be compliant, all the relevant verifiers must be checked and conform.

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Table 1. Government agencies responsible for the development, verification and approval of verifiers under the VNTLAS

Principle and types of verifiers	Responsible agencies
PRINCIPLE I: HARVESTING OF DOMESTIC TIMBER COMPLIES WITH REGULATIONS ON LAND USE RIGHTS, FOREST USE RIGHTS, MANAGEMENT, ENVIRONMENT AND SOCIETY	
Land use rights and forest use rights	Province, District and Commune Peoples Committee; Department of Natural Resources and Environment; Department of Agriculture and Rural Development
Business/enterprise registration	Department of Planning and Investment; management boards of industry parks / export processing zones
Sustainable forest management	Department of Agriculture and Rural Development
Environmental regulation	Province, District and Commune Peoples Committee; Department of Natural Resources and Environment
Conversion of forest land use to other uses	Province and District Peoples Committee
Supply chain control	Forest Protection agencies; Commune Peoples Committee

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Principle and types of verifiers	Responsible agencies
PRINCIPLE II: COMPLIANCE WITH REGULATIONS ON HANDLING CONFISCATED TIMBER	
Handling and auction of confiscated assets	Ministry of Finance; Province and District Peoples Committee
Supply chain control	Forest Protection agencies
PRINCIPLE III: COMPLIANCE WITH REGULATIONS ON IMPORTING TIMBER	
Customs procedures and regulation	Ministry of Finance / General Department of Customs; border customs authorities
CITES permits	CITES Management Authority
Plant quarantine	Department of Agriculture and Rural Development; border customs authorities
Supply chain control	Forest Protection agencies
Import – export timber trade regulation	Ministry of Industry and Trade
PRINCIPLE IV: COMPLIANCE WITH REGULATIONS ON TIMBER TRANSPORTATION AND TRADE	
Business/enterprise registration	Department of Planning and Investment; management boards of industry parks / export processing zones
Supply chain control	Forest Protection agencies; Commune Peoples Committee
Domestic timber trade regulation	Ministry of Industry and Trade

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Principle and types of verifiers	Responsible agencies
PRINCIPLE V: COMPLIANCE WITH REGULATIONS ON TIMBER PROCESSING	
Business/enterprise registration	Department of Planning and Investment; management boards of industry parks / export processing zones
Environmental regulation	Province, District and Commune Peoples Committee; Department of Natural Resources and Environment
Fire prevention and fire fighting	Province fire police
Supply chain control	Forest Protection agencies
Processing industry regulation	Ministry of Industry and Trade
PRINCIPLE VI COMPLIANCE WITH REGULATIONS ON CUSTOMS PROCEDURES FOR EXPORT	
Customs procedures and regulation	Ministry of Finance / General Department of Customs; border customs authorities
CITES permits	CITES Management Authority
Plant quarantine	Department of Agriculture and Rural Development; border customs authorities
Supply chain control	Forest Protection agencies
Import – export timber trade regulation	Ministry of Industry and Trade

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Principle and types of verifiers	Responsible agencies
PRINCIPLE VII (ORGANISATIONS): COMPLIANCE WITH REGULATIONS ON TAX AND EMPLOYEES PRINCIPLE VII (HOUSEHOLDS): COMPLIANCE WITH TAXATION REGULATIONS	
Tax regulation	Ministry of Finance / General Department of Taxation; Province Department of Taxation
Labour, health and safety regulation	Department of Labour, Invalids and Social Affairs; Work place Unions of the General Confederation of Labour
Social insurance	Viet Nam Social Insurance

4. DEVELOPMENT, VERIFICATION AND APPROVAL OF VERIFIERS AT ALL STAGES OF SUPPLY CHAINS

4.1 Definition of verifiers

Verifiers are documents referred to in Annex II that are used for Organisations and Households to demonstrate legal compliance with the corresponding indicator. For clarifying verification methodologies applied under the VNTLAS, a distinction is made between “static” and “dynamic” verifiers, as identified for each verifier in Annex II.

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4.1.1 Static verifiers

Static verifiers, as referred to in the LD, are used to verify the legal compliance of the establishment and operations of Organisations and Households in timber harvesting, processing, transportation and trade.

Static verifiers:

– are developed and approved on a one-time basis and may be renewed on a periodic basis;

– are verified and approved by the verification entities for each verifier on a periodic basis as required by law;

– are used as a criterion as a part of the regular OCS assessment;

– are made available if needed to support the exercise of ensuring the accuracy of the information and the legality of all timber when sourcing timber domestically;

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– include but are not limited to verifiers such as business registration, forest land use rights, and tax, labour and environment regulations.

4.1.2 Dynamic verifiers

Dynamic verifiers, as referred to in the LD, are used to verify the legal compliance of timber origin and timber in circulation at each stage of the supply chain. Dynamic verifiers are assessed by the Verification Authority and other responsible verification entities through the regular and frequent control process in the timber supply chain and in the OCS assessment for Organisations.

Dynamic verifiers:

– are developed and approved to demonstrate the legal compliance of individual batches of timber;

– are made available if needed to support the exercise of due diligence and are used to verify the legality of individual batches of timber in the VNTLAS supply chain;

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– include but are not limited to verifiers such as timber packing lists and invoices as regulated by Ministry of Finance for Organisations which are included in the timber product dossier at each critical control point in the supply chain;

– are (i) verified and approved by the Verification Authority and other responsible verification entities based on frequency in accordance with the regulations applicable for each verifier and (ii) assessed systematically as part of (a) the OCS, (b) the supply chain controls and (c) verification for export.

The static and dynamic verifiers as identified in Annex II may be modified, supplemented or replaced. Annex II shall be updated and supplemented in accordance with Article 24 of this Agreement.

4.2 Development of verifiers

The development of verifiers is the preparation of a document or dossier of documents by Organisations and Households, or by verification entities, in accordance with Vietnamese laws and regulations as set out in Annex II and in Appendices 1A and 1B to this Annex.

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According to the legal requirements stated in Annex II, verifiers can be developed by Organisations and Households involved in the timber supply chain or by verification entities for each stage of the timber supply chain.

The responsible entities in charge of developing verifiers are defined in the "Prepared by" column of Appendices 1A and 1B to this Annex.

4.3 Verification and approval/certification of verifiers

The verification and approval of verifiers is conducted as described below.

Verification of verifiers is the process of checking the legality, validity and conformity of verifiers based on documentary and/or physical checks by the verification entities according to regulations as set out in Annex II.

The approval of verifiers by verification entities is the recognition of the compliance of each verifier according to regulations as set out in Annex II and Appendices 1A and 1B to this Annex.

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The term of certification of verifiers is used for approval of the packing list.

The responsible entities in charge of verifying and approving verifiers are defined in the "Approved or certified by" column of Appendices 1A and 1B to this Annex. The responsible entities in charge of checking each verifier are defined in the "Checked by" column of Appendices 1A and 1B to this Annex.

4.4 Responsibilities of relevant actors

4.4.1 Responsibilities of Organisations

1. Organisations shall take responsibility for the accuracy of the information and the legality of all timber sources, including timber from domestic sources. For imported timber, Organisations shall exercise due diligence as specified in Section 6.3.7.

2. Organisations are responsible for the development, verification and approval of verifiers or requiring verification entities to develop, verify and approve the verifiers for each timber purchase according to each point of the supply chain.

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3. When purchasing timber from any source, Organisations shall check and keep records of the verifiers of legality of the purchased timber.

4. Checks by Organisations entail ascertaining the validity, authenticity and conformity of the timber product dossier, including correlation with the timber, to ensure that the sourced timber is from legal sources. In the case of any suspicion of risk of illegal timber, the Organisations shall not purchase the timber.

5. Organisations shall assess if the timber supplier conducts the checking and documentation of verifiers for legality of the purchased timber.

The appraisal and verification of Organisations in the OCS as specified in Section 5 shall review whether Organisations have adequately checked and documented verifiers of legality of the purchased timber.

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4.4.2 Responsibilities of Households

1. Households shall take responsibility for the accuracy of the information and the legality of all timber sources, including timber from domestic sources. For imported timber, Households shall exercise due diligence as specified in Section 6.3.7.

2. Households shall take responsibility for development, verification and approval of verifiers or requiring verification entities to develop, verify and approve the verifiers for each timber purchase according to each point of the supply chain.

3. When purchasing timber from any source, Households shall check and keep records of the verifiers of legality of the purchased timber.

4. Checks by Households entail ascertaining the validity, authenticity and conformity of the timber product dossier, including correlation with the timber, to ensure that the sourced timber is from a legal source. In the case of any suspicion of risk of illegal timber, the Households shall not purchase the timber.

5. Households shall assess if the timber supplier conducts the checking and documentation of verifiers for legality of the purchased timber.

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4.4.3 Responsibilities of government agencies

The responsibilities of government agencies in the development, verification and approval of verifiers are specified in Appendices 1A and 1B to this Annex and summarised in Table 1.

5. ORGANISATION CLASSIFICATION SYSTEM AND RISK-BASED VERIFICATION

5.1 Purpose of the Organisation Classification System

The Organisation Classification System (OCS) is an integral component of the risk-based verification under the VNTLAS.

The purpose of the OCS is to:

(i) assess the risk level of all Organisations under the VNTLAS with regard to their compliance with VNTLAS requirements in order to apply appropriate verification measures in an effective, efficient and timely manner;

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(ii) assess the legal compliance of Organisations with respect to static and dynamic verifiers as specified in the LD; and

(iii) reduce administrative procedures and to facilitate the production and business activities of Organisations and to encourage Organisations to comply with the law.

The OCS shall apply to all Organisations in the VNTLAS supply chain.

5.2 Criteria and risk categories

Organisations are classified based on the following criteria:

1. compliance with dynamic / supply chain control verifiers to ensure that only legal timber enters the supply chain (as defined in Section 4.1);

2. fulfilment of supply chain control declaration and reporting requirements (as described in Section 6.5);

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3. compliance with static verifiers (as defined in Section 4.1);

4. record of violations (as described in Section 11).

Viet Nam shall consider how voluntary certification schemes, voluntary due diligence and chain-of-custody systems recognised under the VNTLAS can be integrated into the OCS methodology.

On the basis of these criteria, Organisations are classified into two risk categories:

– Category 1 (compliant): Organisations that meet the criteria;

– Category 2 (non-compliant): Organisations that do not fully meet the criteria or newly established Organisations.

The application of the criteria to the two risk categories is explained in Table 2.

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Table 2. Minimum criteria and risk categories in the OCS

Criteria	Organisations Risk Category and minimum criteria for acceptance	
	Category 1	Category 2
1. Compliance with dynamic / supply chain control verifiers to ensure that only legal timber enters the supply chain	Fully compliant	Any non-compliance
2. Fulfilment of supply chain declaration and reporting requirements	Fully compliant	Failure to submit declarations and reports according to legal requirement
3. Compliance with static verifiers	Fully compliant	Non-compliance
4. Record of violations and sanctions	No record of violations and sanctions	Any record of violations and sanctions
5. Other criteria		Newly established Organisations

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5.3 Implementation of the Organisation Classification System

The OCS shall be operated on a continuous basis through self-assessment by Organisations and appraisal and verification by the Provincial FPD or other entities authorised by the Government.

The Government of Viet Nam shall issue legislation guiding the VNTLAS implementation, including the OCS. Regulations, criteria, procedures, frequencies, methodology and responsibilities of relevant actors shall be elaborated in the VNTLAS implementation guidelines.

The OCS procedure, methodology and responsibilities are described in Figure 2.

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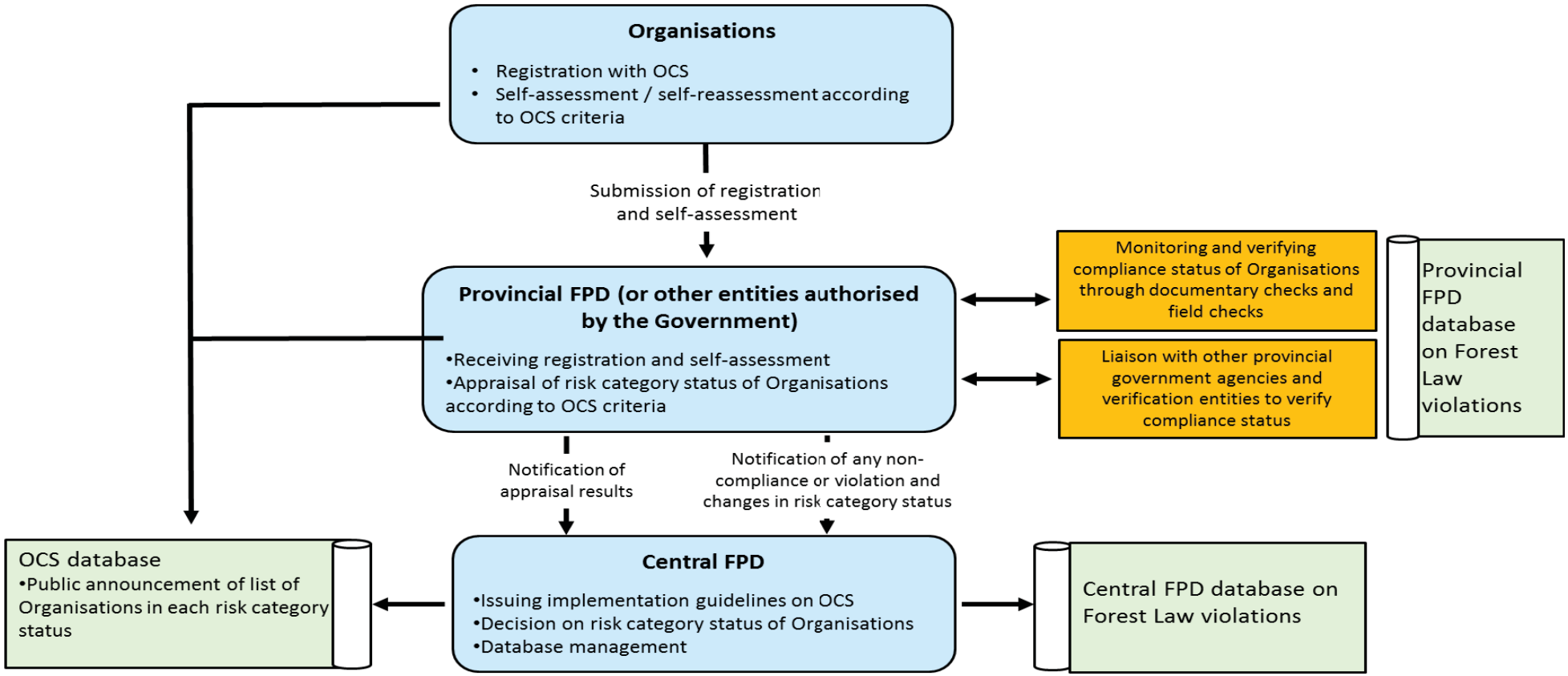
Figure 2. OCS procedure, methodology and responsibilities



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5.3.1 Self-assessment and appraisal procedure and frequency

After receiving the self-assessment conducted by Organisations, the Provincial FPD or other entities authorised by the government shall appraise the self-assessment through documentary and/or field checks according to criteria 1 to 4 in Section 5.2 and Table 2, including for static and dynamic verifiers, information on cases of non-compliance from other provincial government agencies and verification entities. Information on the compliance of Organisations with regulations on customs procedures for import and export shall be used in the OCS assessment in line with Principles 3 and 6 of the LD in Annex II.

The frequency of the OCS procedure includes: (i) periodic Organisation classification; and (ii) irregular Organisation classification subject to the detection of any non-compliance or violations by government agencies. The self-assessment and appraisal procedure and frequency are specified in Table 3.

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Table 3. Self-assessment and appraisal procedure and frequency/timescale under the OCS

Procedure		Frequency/Timescale
1. Periodic Organisation classification	Registration with the OCS system	All Organisations in the VNTLAS supply chain must register with the OCS.
	Self-assessment / self-reassessment by Organisations	- First self-assessment conducted by Organisation after registration with OCS. - Second self-assessment conducted for both Category 1 and 2 within one year of the first classification decision. - Third and following assessments: + For Category 1 OCS: every two years. + For Category 2 OCS: every year.
	Appraisal of self-assessment by the Provincial FPD or other entities authorised by the government and notification of appraisal results to the Central FPD	Appraisal (after receiving self-assessment of Organisations) to be carried out within a specified period of time to be determined in future OCS legislation.

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Procedure		Frequency/Timescale
	Decision and announcement of classification result by the Central FPD	Decision (after receiving appraisal results) to be announced within a specified period of time to be determined in future OCS legislation.
2. Irregular Organisation classification	Where Organisations are subject to any administrative or criminal non-compliance and violations	The Central FPD shall automatically reclassify Category 1 to Category 2 and announce the reclassification results.

5.3.2 Classification results

Public announcements on those Organisations falling into each risk category shall be regularly updated on the OCS database managed by the Central FPD as specified in Section 12 of this Annex and in Annex VIII.

Once registered with the OCS, Organisations shall be able to access their information and decisions on risk categorisation on the OCS database. Based on the OCS risk categories, Organisations shall prepare the corresponding timber product dossier for export, as described in Section 7 of this Annex and in Annex IV.

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The OCS and the customs risk assessment system are two separate but complementary systems with different data coverage. The customs authority of Viet Nam and the FPD shall regularly exchange information on the respective risk classification of Organisations. Whenever a change in the risk classification of Organisations takes place, this shall be notified between the two agencies and be taken into due consideration.

5.4 Responsibilities of relevant actors

5.4.1 Responsibilities of Organisations

All Organisations in the supply chain are responsible for registering with the OCS and submitting self-assessment according to the specified criteria to the Provincial FPD or other entities authorised by the Government for appraisal.

Organisations shall conduct periodic self-reassessment as described in Table 3 and submit the self-reassessment to the Provincial FPD or other entities authorised by the Government for appraisal.

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5.4.2 Responsibilities of government agencies

The Government of Viet Nam assigns overall responsibility for the organisation classification system and risk-based verification to the Central FPD and the Provincial FPD.

The Central FPD has responsibility for:

– preparing implementation guidelines on the OCS based on regulations issued by the government;

– creating and managing the centralised Organisations classification and OCS database;

– managing the centralised database of violations of the Law on Forest Protection and Development;

– deciding on the risk-category status of Organisations based on the appraisal results notified by the Provincial FPD or other entities authorised by the government;

– publicising and updating the list of Organisations in each risk category on the FPD website.

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The Provincial FPD or other entities authorised by the government has responsibility for:

– receiving the self-assessment of Organisations registering into the system and appraising the self-assessment;

– reassessing the classification status of Organisations as specified in Table 3 of this Annex;

– monitoring the compliance of Organisations with the classification criteria in a timely manner through documentary and field checks to detect any non-compliance and to propose to the Central FPD any change in the category status of Organisations from Category 1 to Category 2;

– liaising with other provincial government agencies and verification entities to verify the compliance status of Organisations;

– reporting the results of the appraisal to the Central FPD for decision and public announcement by the Central FPD;

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– reporting to the Central FPD any cases of non-compliance by Organisations in the assessment period, which shall be managed and maintained in the Organisation classification and OCS database by the Central FPD.

6. SUPPLY CHAIN CONTROL

6.1 Overview

Supply chain control aims to prevent the entrance of illegal timber or unverified timber into the VNTLAS supply chain. To achieve this overarching goal, the supply chain control system ensures that:

(a) all Organisations involved in any stages of the timber supply chain are registered in the OCS;

(b) all Organisations in the timber supply chain registered in the OCS report to the Forest Protection agencies according to legal requirements;

(c) supply chain reports are compiled and reconciled by Forest Protection agencies to identify any suspicious timber flow;

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(d) systematic, random and ad hoc physical checks by the Forest Protection agencies ensure that timber is consistent with the content of the corresponding documentation as declared by Organisations and Households, including in terms of (i) number of items, (ii) volume, and (iii) class of timber and/or species, at all stages of the supply chain;

(e) identified suspicious timber flows are investigated by the Forest Protection agencies;

(f) supply chain control is based on the documents required in the timber product dossier at each stage of the supply chain, as specified in Appendix 2.

(g) Compliance with supply chain control verifiers and supply chain reporting requirements are criteria under the OCS as specified in Section 5 and Table 2 of this Annex.

Appendix 2 specifies requirements for reliable management of information associated with the timber product dossier at the different critical points of the supply chain.

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6.2 Critical control points in the VNTLAS supply chain

Critical control points in the VNTLAS supply chain relate to

(i) the verification of timber sources entering the VNTLAS (as described in Section 6.3); and

(ii) stages in the supply chain from the point of harvest or import to the point of export.

The six critical control points in the supply chain under the VNTLAS are as follows:

1. Timber sources entering the VNTLAS:

1a. Timber from main harvesting of domestic natural forest (Organisations);

1b. Timber from salvage harvesting and salvage collection of domestic natural forest (Organisations and Households);

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1c. Timber from main harvesting, salvage harvesting and salvage collection of planted protection forests (Organisations and Households);

1d. Timber from main harvesting, salvage harvesting and salvage collection of planted production forests (Organisations and Households);

1e(1). Rubber wood (Organisations);

1e(2). Rubber wood; timber from home gardens, farms and dispersed trees (Households);

1f. Handled confiscated timber (Organisations and Households);

1g. Imported timber (Organisations and Households).

2. First transport and trade transaction of timber products.

3. Second transport and trade transaction of timber products.

4. Any subsequent transportation and trade of products (n).

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5. Processing site.

6. Export.

6.3 Verification of timber sources entering the VNTLAS

As specified under Section 2.1, all timber entering the VNTLAS is subject to specific regulations pertaining to the specific sources of timber. The verifiers for these timber sources entering the VNTLAS are specified in the LD and in Appendices 1A and 1B to this Annex.

Critical control points are established within the VNTLAS for all timber sources entering the system, as described in Section 6.2 and in Appendix 2.

Appendix 2 provides a detailed list of documents to be archived by Organisations and Households and the local FPD at each critical control point of the supply chain. Organisations should make those documents available to the Provincial FPD or other entities authorised by the Government during the OCS appraisal.

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6.3.1 Timber from main harvesting of domestic natural forest (critical control point 1a)

Viet Nam maintains strict control over the management and harvesting of timber from domestic natural forest. Timber from main harvesting from domestic natural forest entering the VNTLAS is required to come from forest with approved Sustainable Forest Management Plans in addition to other specific environmental and supply chain controls as described under Criterion 1 of Principle I in Annex II (Organisations).

6.3.2 Timber from planted production and protection forests (critical control points 1c and 1d)

The policy of the Government of Viet Nam is to encourage the development of plantation forest, in support of which favourable conditions are applied for timber growers (Organisations and Households) from the decision of land allocation or leasing to the time of planting to harvesting, transportation and trade of timber.

Legal requirements apply to timber from concentrated plantations depending on different forest categories, including planted protection forests and planted production forests, as specified in Criteria 2 and 3 of Principle I in Annex II (Organisations and Households).

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6.3.3 Timber from salvage harvesting and salvage collection (critical control points 1b, 1c and 1d)

Salvage harvesting from natural forest when converting land use from forest use into other uses requires measures on compensation for site clearance approved by the Vietnamese competent authority. Criterion 4 under Principle I in Annex II (Organisations and Households) regulates the legal basis for the decision on land use change, the approval of measures on compensation for site clearance, and the approval of the environmental impact assessment.

Salvage timber may come from salvage harvesting and salvage collection from natural forest or concentrated plantation forest.

Salvage harvesting of timber means the harvesting of timber during the implementation of silvicultural measures, scientific research and site clearance of projects upon conversion of forest use purposes. Salvage collection of timber means the collection of fallen or dead trees due to natural disaster; burnt, rotten or dry timber; and branches of timber remaining in forest.

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Regulations for salvage harvesting and collection are specified in Criteria 2 to 7 of Principle I in Annex II (Organisations and Households), including the following:

– Criteria 2 and 3: Compliance with regulations on salvage harvesting and salvage collection from planted protection forest and planted production forest.

– Criterion 4: Compliance with regulations on salvaging harvesting on natural forested areas converted from forest land use to other land uses.

– Criterion 5: Compliance with regulations on salvage harvesting of natural forest while implementing silvicultural measures, scientific research and training.

– Criterion 6: Compliance with regulations on salvage collection of stumps, roots, branches in natural forests.

– Criterion 7: Compliance with regulations on salvage collection of stumps, roots, branches in plantation forests.

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6.3.4 Timber from home gardens, farms and dispersed trees (critical control point 1e(2))

VNTLAS requirements related to the harvesting of timber from home gardens, farms and dispersed trees only apply to Households, and are specified in Criterion 7 under Principle I in Annex II (Households). The harvesting of timber from this source is described in Annex II.

6.3.5 Rubber wood from domestic sources (critical control points 1e(1) and 1e(2))

Rubber trees in Viet Nam are considered to be a multi-purpose industrial crop and are planted and harvested from both agricultural and forest land. For rubber wood and products manufactured from rubber wood that are harvested from any domestic sources entering the VNTLAS, it is necessary to present a timber product dossier that demonstrates legal origin, in line with the requirements set out under Principle I in Annex II (Criterion 8 for Organisations and Criterion 8 for Households).

Imported rubber wood is considered to be imported timber and is subject to the provisions under Section 6.3.7.

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6.3.6 Handled confiscated timber (critical control point 1f)

Confiscated timber, as a State asset, is handled and managed in accordance with the law and regulations of Viet Nam. Handled confiscated timber is allowed to enter the VNTLAS supply chain and is eligible for FLEGT licensing on the condition that the steps for handling confiscated timber described below have been followed.

– Step 1: Decisions on handling the administrative violations or handling the evidence of violation by State agencies with jurisdiction for confiscation of violated forest products, together with written minutes of treating the violation and a list of confiscated products.

– Step 2. Preparation by local forest rangers of a list of the confiscated forest products (with hammer marks for round timber with diameter of ≥ 25 cm and length ≥ 1m).

– Step 3: Establishment of asset-valuation council to determine the starting price for auction of confiscated evidence/assets, with the starting price complying with provisions of the law on the enforcement of civil judgments.

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– Step 4: Contract for asset auction: authorisation of asset auction by the professional auction centre or auction business (for material evidence of administrative violations authorised by central or provincial authorities); or authorisation of asset auction by the district council (for material evidence of administrative violations authorised by the district authorities);

– Step 5. Publicisation of the auction event.

– Step 6. Registration of auction participants.

– Step 7. Organisation of the auction.

– Step 8. Contract for the purchase of auctioned assets.

– Step 9. Payment for purchase of the assets, delivery of the assets.

– Step 10. Issuance of certificates of ownership of auctioned assets.

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Confiscated timber is legally allowed to enter the VNTLAS and the supply chain on evidence of a contract for the purchase of auctioned assets, a certificate of ownership and utilisation rights of auctioned assets, a VAT Invoice and a packing list of auctioned forest products, as described under Principle II in Annex II (Organisations and Households).

Data on the quantity and type of confiscated timber at (a) the point of confiscation and (b) post-auction are recorded in the FPD database on violations of the Law on Forest Protection and Development as described Section 11 of this Annex, and monitored and checked throughout the supply chain by the Forest Protection Agencies.

6.3.7 Imported timber (critical control point 1g)

The control and management of imported timber to Viet Nam is subject to legislation and regulations described in Principle III in Annex II (Organisations and Households) and the following three risk-based verification filters and measures shall apply:

1. Customs risk assessment system;

2. Species risk categories;

3. Risk associated with geographic origin of timber.

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The use of the above three filters shall determine:

(a) the need for additional dossier checks and additional physical checks; and

(b) the need for additional documentation to demonstrate the legality of imported timber.

The procedures for the control and management of timber imported to Viet Nam are shown in Figure 3 of this Annex.

The need for additional physical checks and additional documentation to demonstrate the legality of imported timber is specified in Table 4 of this Annex.

One of the following three alternative ways to demonstrate the legality of imported timber is required:

1. a valid FLEGT licence or equivalent export licence covering the entire shipment from an exporting country which has concluded a VPA with the Union and has an operational FLEGT licensing system in place;

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2. a valid CITES permit covering the entire shipment; or

3. a self-declaration demonstrating due diligence and additional documentation according to the risk-category status of the imported timber as specified in Table 4 of this Annex.

The controls described in this Section apply to all customs declarants including Organisations and individuals as defined by Viet Nam customs regulations, and Organisations and Households as defined under the VNTLAS.

6.3.7.1 Due diligence and self-declaration requirements for importers

In addition to the verification activities carried out by verification entities, importers shall take responsibility for the legality of imported timber in accordance with the relevant legislation of the country of harvest. For this purpose, they shall exercise due diligence over the legal origin of imported timber, which covers collection of information, risk assessment and mitigation of any risk identified. Importers shall be required to obtain information, and additional documentation on the legality of timber in the country of harvest, independent of the type of product (primary or complex) or length of the supply chain.

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"Relevant legislation" means the legislation in force in the country of harvest covering the following matters:

– Rights to harvest: granting of rights to harvest timber, including compliance with legislation and procedures on forest land allocation and forest use and land use rights.

– Forestry activities: compliance with legal requirements regarding forest management and timber processing, including compliance with relevant environmental and labour legislation.

– Taxation and fees: compliance with legal requirements on taxes, royalties and fees directly related to timber harvesting and timber trade.

– Trade and customs: compliance with legal requirements on trading and customs procedures.

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The due diligence shall be documented through a self-declaration as specified in the template provided in Appendix 3. The self-declaration shall be required for all imported timber shipments without a CITES permit, or FLEGT licence or equivalent export licence covering the entire shipment from an exporting country which has concluded a VPA with the Union and has an operational FLEGT licensing system in place. The self-declaration shall be submitted together with applicable customs documentation.

The self-declaration includes:

(a) a description of the shipment;

(b) identification of potential risk related to the legality of the shipment in accordance with the relevant legislation in the country of harvest;

(c) mitigation measures for any identified potential risk related to the legal origin;

(d) a list of and any attached additional documentation as evidence of legal origin as indicated in Table 4.

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When required, additional documentation to be included in the self-declaration shall consist of at least one of the three following elements:

1. voluntary certification or national certification schemes recognised by the VNTLAS;

2. harvesting document in accordance with the legislation of the country of harvest corresponding to the imported shipment for primary products;

3. alternative additional documentation demonstrating the legality of the timber in accordance with the legislation of the country of harvest, where the harvesting document is not required for primary products in the country of harvest, or where the importers cannot obtain the harvesting document for complex products.

Regarding the alternative additional documentation requirements, Viet Nam shall develop specific implementation guidelines to implement this Agreement.

On suspicion of risk, the verification entities shall carry out additional checks on the legality of the imported shipment. The importer may use the information from due diligence to demonstrate the legality of the imported shipment.

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Viet Nam shall issue legislation requiring importers to conduct due diligence as indicated in this Section. In the event of non-compliance with such legislation, adequate, proportionate and dissuasive administrative or criminal sanctions shall be imposed in accordance with the applicable legislation of Viet Nam.

6.3.7.2 Handling of violations

In the case of detection of illegal timber imports by the customs authority or any other agencies, the relevant Vietnamese competent authority under its area of jurisdiction or in coordination with law enforcement agencies shall handle the violation, including the rejection or seizure of the shipment in line with the laws and regulations of Viet Nam.

In the case of detection of illegal timber imports, the agency which has detected the illegal timber imported shall coordinate with other relevant agencies and shall notify the FPD of the detected violation. The FPD shall update the database on violations of the Law on Forest Protection and Development in accordance with Section 11.2.1 of this Annex.

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6.3.7.3 Customs risk assessment system

According to applicable customs legislation of Viet Nam, the classification of levels of risk incurred from import and export shall be carried out on the basis of the degree of the customs declarant's compliance with the law.

In the process of risk-level classification, the customs authorities shall consider related factors including but not limited to: the customs declarants' compliance with customs and tax regulations; the frequency, nature and severity of any violations; the nature of the commodities; the origin of imports and exports; the route and mode of transportation; and other factors relating to import and export.

The customs authorities shall evaluate and classify risks imposed on customs declarants and import and export shipments according to different levels (red, yellow and green) in order to apply proper measures for customs examination, supervision and inspection.

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– Red (high risk): the customs authority shall conduct physical checks at the border gate. All shipments in the red customs category shall be physically checked. The specific percentage of the checking within each shipment is from 5 % to 100 % of the volume of the shipment and depends on the decision by the head of the customs post.

– Yellow (medium risk): the customs authority shall conduct dossier checks of the shipment. If necessary, the customs authority shall conduct physical checks of the shipment.

– Green (no risk): the customs authority shall allow automatic clearance based on the customs declaration. If necessary, the customs authority shall conduct physical checks of the shipment.

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Customs inspection may be conducted at the border gate or through post-customs clearance procedures according to the level of risk. Post-customs clearance can be applied to import shipments including timber. In line with customs legislation, the customs authority shall apply risk management methods to decide on the scope, contents and method of post-clearance inspection of the imported shipment. Post-clearance inspection of the customs dossiers and goods granted clearance shall be carried out within five years of the registration date of the customs declaration.

Close coordination is maintained between the customs authorities and Forest Protection agency in the control and check of timber imports, including both border-gate and post-customs clearance checks on a regular/systematic basis and in addressing cases of suspicion of risk.

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6.3.7.4 Species risk categories

Importers shall be required to declare the species name (including the scientific name and the common name) in the importation process. In the case of any doubt on the species declaration, inspection shall be conducted by the competent Vietnamese technical authority to confirm species identification.

Imported timber species shall be classified into two groups – high-risk and low-risk – based on the following criteria:

– High-risk species are defined as: those listed in Appendices I, II and III to CITES; critically endangered, precious, and rare species in Group IA and IIA according to legislation of Viet Nam on controlled timber species; and species illegally traded according to the FPD database of violations of the Law on Forest Protection and Development and the database of the customs authority of Viet Nam.

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The Joint Implementation Committee (JIC) shall consider additional species which are at risk of being endangered in the country of harvest or illegally traded, as officially proposed by Viet Nam or the Union to the JIC, or based on information from the United Nations Organisation for Drugs and Crimes (UNODC), Interpol, the CITES Secretariat or the World Customs Organization (WCO), for inclusion on the list of high-risk species.

Species which are imported into Viet Nam for the first time shall be considered to be high-risk unless otherwise decided by the JIC.

Complex timber products that combine both high-risk and low-risk species shall be treated as high-risk.

– Low-risk species are defined as those not belonging to the above category.

The applied criteria and methodology shall result in a list of high-risk species that shall be reviewed, supplemented and adjusted during the implementation of this Agreement and decided by the JIC during its meetings.

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Based on the decision of the JIC, the Ministry of Agriculture and Rural Development shall issue legislation presenting the list of high-risk species. That legislation shall be updated periodically as required according to the decision of the JIC. The customs authorities shall take into account that legislation to change their procedures regarding the obligation of importers to provide additional documentation for timber import as defined in Table 4 of this Annex.

6.3.7.5 Risk associated with geographic origin of imported timber

Information on legal requirements for timber export in the country of origin shall be taken into account in the risk-based approach to assess the legal origin of imported timber.

The risk associated with geographic origin of imported timber shall be considered in the control and management of timber imported to Viet Nam.

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A country shall be considered low-risk if:

(a) it has an operative timber legality assurance system in place for issuing FLEGT licences; or

(b) it has a binding national regulatory framework on due diligence for timber legality covering the whole supply chain up to the country of harvest, recognised by Viet Nam as meeting the VNTLAS criteria; or

(c) the indicator for effectiveness of government according to the World Bank Worldwide Governance Indicators (WGIs) is 0 or above, a regulatory system for CITES implementation is rated I-level as announced by the CITES Secretariat, and one of the two following conditions is met:

(i) Viet Nam has a bilateral agreement on timber legality with that country, recognised by Viet Nam as meeting the VNTLAS criteria, and that agreement has been published, or

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(ii) that country has a national regulatory timber certification schemes recognised by Viet Nam as meeting the VNTLAS criteria.

The applied criteria and methodology shall result in a list of low-risk countries and territories that shall be reviewed, supplemented and adjusted during implementation of this Agreement and brought to the attention of the JIC during its meetings.

The Ministry of Agriculture and Rural Development shall issue legislation presenting the list of low-risk countries. That legislation shall be updated periodically as required according to the decision of the JIC. The customs authorities shall take into account this legislation to change their procedures regarding the obligations of importers to provide additional documentation for timber import as defined in Table 4 of this Annex.

6.3.7.6 Risk-based control and management of imported timber

According to the criteria for risk management described above, timber imported into Viet Nam is controlled and managed by the customs authorities as described in the Figure 3.

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The customs authorities shall carry out systematic documentary checks for imported timber on the basis of the applicable customs documentation, and:

(a) a self-declaration, including any relevant additional documentation, or

(b) a valid CITES permit or

(c) a valid FLEGT licence.

The risk-based control and management of timber imports to Viet Nam is set out in Table 4.

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Table 4. Risk-based control and management of timber imported to Viet Nam without FLEGT licence or CITES permit

No	Risk status of the shipment		Verification measures based on the risk status of the shipment
	Species risk category	Geographic origin risk category	Additional documentation
1	Low	Low	No
2	Low	High	Yes
3	High	Low	Yes
4	High	High	Yes

The customs authorities shall, in addition, carry out physical checks on the basis of the customs risk assessment categories. The level of physical checks is determined according to the decision of the customs authority. The customs authority shall decide to apply physical checks if necessary on the shipments belonging to the green and yellow categories.

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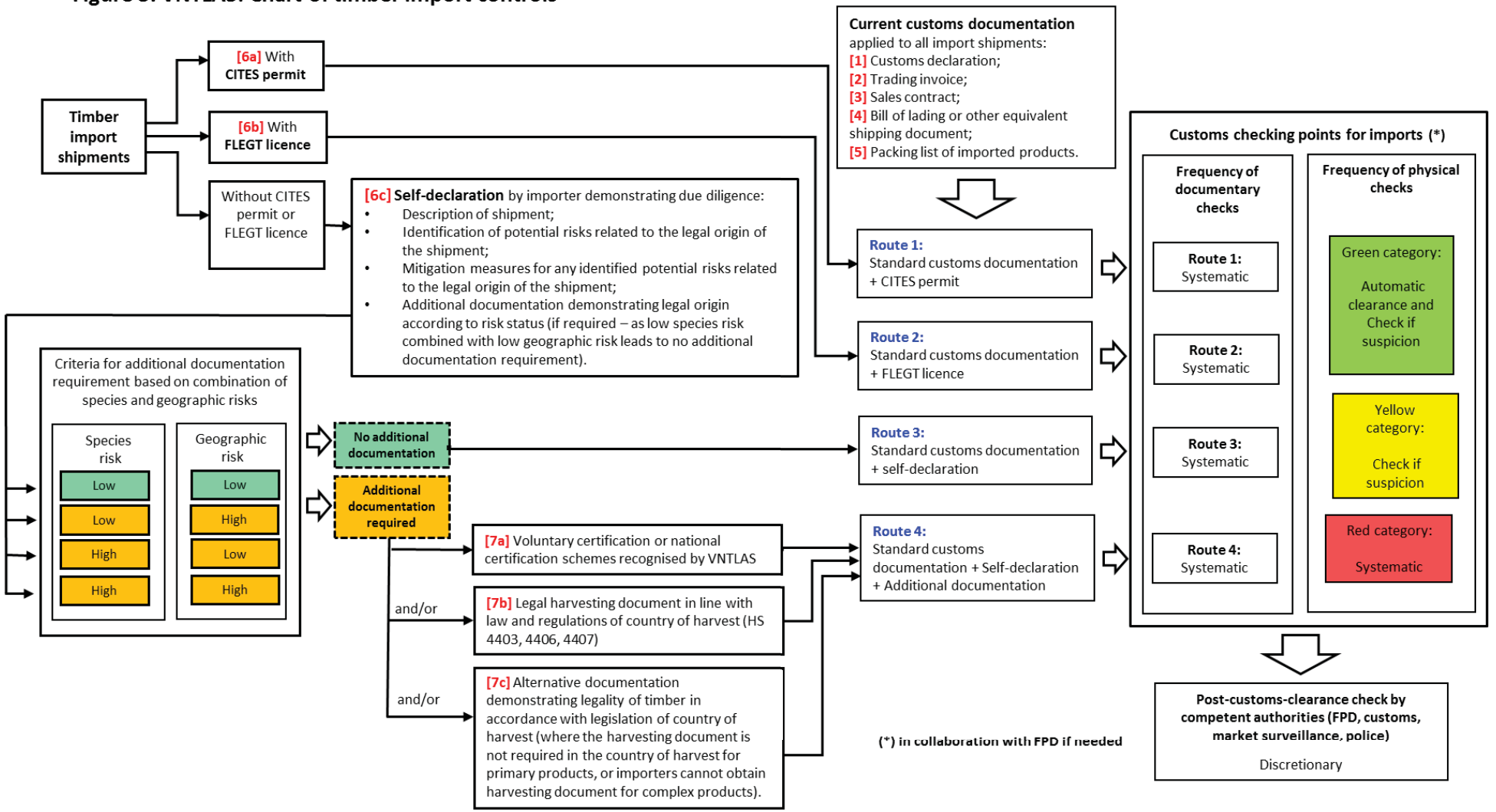
Figure 3. VNTLAS: Chart of timber import controls



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6.4 Verification of timber at stages in the VNTLAS supply chain

Timber is subject to verification at the stages of the entry of timber into the VNTLAS (critical control point 1), transportation and trade transactions (critical control points 2, 3 and 4 (n)), the processing sites, including input and output monitoring (critical control point 5) and export (critical control point 6). Verification of timber at those stages in the supply chain can include:

– checking and certification of the timber product dossier in accordance with Appendices 1A and 1B to this Annex;

– verification of information in input and output monitoring books of Organisations in accordance with Appendices 1A and 1B to this Annex;

– systematic, random and ad hoc physical inspections in accordance with Section 6.5.2;

– review of the archived documents of Organisations during OCS appraisal in accordance with Section 5.3;

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– review of the checks and documenting of verifiers of legality of purchased timber as conducted by Organisations in accordance with Section 4.4.1.

6.5 Supply chain reporting requirements

All Organisations are responsible for submitting regular reports on supply chain in line with the legal requirements, as follows:

(a) Organisations involved in timber harvesting must submit monthly reports to the Forest Protection Agency;

(b) Organisations involved in timber processing and trade must submit quarterly reports to the Forest Protection Agency.

(c) Organisations involved in the supply chain must maintain input and output monitoring books, the information from which is aggregated on monthly basis.

Requirements for the composition and archiving of the timber product dossier at critical control points in supply chain are specified in Appendix 2.

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Consolidated reports are developed by Forest Protection agency at all levels according to periodicity defined by current regulations and the reconciliation requirements in Section 6.6.2.

Further details on the management and storage of supply chain information are set out in Section 12.

6.6 Responsibilities of relevant actors

6.6.1 Responsibilities of Organisations and Households

Organisations and Households shall take responsibility when sourcing timber to ensure that only legal timber enters the supply chain, including when sourcing timber domestically, and shall exercise due diligence when sourcing imported timber, as specified in Section 4.4.

Organisations and Households are responsible for documenting and reporting timber inputs and outputs, complying with reporting requirements to the relevant government agencies as stipulated by the legislation and regulations, in order to allow for volume-based reconciliation and identification of suspicious timber flows as stipulated in Section 6.6.2. Those responsibilities are specified in Appendix 2.

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6.6.2 Responsibilities of government agencies

The timber supply chain control system is conducted by a number of government agencies, of which the local Forest Protection Agencies have the main responsibility for conducting checks at each stage of the supply chain and archiving documents, as specified in Appendix 2.

The responsibility of Forest Protection Agencies for supply chain control includes:

(a) reception, entry and archiving of supply chain declarations by Organisations and Households.

(b) systematic, random and ad hoc physical inspections, in particular on the basis of the analyses of supply chain data.

(c) analysis of data to provide for volume-based reconciliations between:

(i) quantitative data at different stages of the supply chain as identified in Section 6.2;

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(ii) quantitative data of suppliers and buyers;

(iii) data declared by Organisations and Households and the physical batch of timber;

(iv) input and output analysis at processing sites;

(v) Organisations and Households in the context of investigations of suspicious timber flows.

(d) verification and endorsement of information in input and output monitoring books of Organisations handling timber from domestic natural forests.

(e) inspection of input and output monitoring books of Organisations as part of systematic inspection and ad hoc inspection on suspicion of risk.

The above reconciliation functions are carried out at each stage of the supply chain in accordance with existing procedures as well as data-collection and management systems, to be revised or developed before the FLEGT licensing regime is operational.

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Supply chain control is conducted according to a plan including systematic and random checks. Ad hoc checks are conducted on identifying or receiving any information on any sign of violation by Organisations and Households.

At each stage of the supply chain, the checks by the Forest Protection Agency include the following elements:

(a) conformity between the timber product dossier and actual timber;

(b) archiving of the timber product dossier;

(c) examination of other verifiers relevant to different categories of timber at each stage of the supply chain for Households and Organisations;

(d) on identification of suspicious timber flows, checking conformity between suppliers and buyers.

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The responsibility of the customs authority for the control of transit timber includes:

(a) reception, entry and archiving of customs dossiers by traders.

(b) systematic, random and ad hoc documentary and physical inspections, in particular on the basis of the customs risk assessment system.

(c) carrying out and providing data for volume-based reconciliations between points of entry and exit of transit timber.

The management of violations of supply chain control is described further in Section 11.

7. VERIFICATION FOR EXPORT

7.1 General principles for the verification for export

Verification for export aims at assessing whether a shipment of timber to be exported is fully compliant with all VNTLAS requirements.

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The level of verification for export for Organisations is based on the OCS and risk-based verification as described in Section 5 and Table 2 above. Different levels of verification apply to each Organisation risk category, as well as to Households, as follows:

– Category 1 Organisations: No additional verification.

– Category 2 Organisations: Documentary checks and physical checks on all shipments. Physical checks shall be carried out on a minimum of 20 % of the volume of each shipment of the Organisation.

– Households: Documentary checks and physical checks on all shipments. Physical checks shall be carried out on a minimum of 20 % of the volume of each shipment of the Household.

Timber is subject to verification at every stage of the supply chain prior to exporting. At the exporting stage, exporters (Organisations and Households) shall prepare and submit the Timber Export Dossier.

The verification of the Timber Export Dossier shall apply to both Organisations and Households as described below and in Figures 4 and 5 of this Annex.

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7.1.1 Verification for export for Category 1 Organisations

The sequence of preparation and verification of the Timber Export Dossier for Category 1 Organisations shall include the following steps:

– Step 1: Organisations shall measure and calculate the volume of each type of timber for preparation of the timber packing list, then self-certify the packing list.

– Step 2: Organisations shall issue invoices as regulated by the Ministry of Finance in accordance with the timber packing list.

– Step 3: Organisations shall prepare the timber export dossier, including:

(i) the sales contract or equivalent,

(ii) invoices as required by the Ministry of Finance,

(iii) the timber packing list, and

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(iv) one or more additional documents subject to specific stages of the supply chain of different timber sources (e.g. minutes of placing forest hammer marks) providing evidence of timber legality for such shipment as defined in Appendix 2.

– Step 4: Organisations shall perform export procedures:

(a) Where timber is exported to non-Union markets: Organisations shall submit the Timber Export Dossier and applicable customs documents to the border customs authorities for exporting timber, as specified in Principle VI in Annex II (Organisations).

(b) Where timber is exported to the Union market: Organisations shall submit the Timber Export Dossier together with FLEGT licence application to the Licensing Authority for issuance of FLEGT licence, then submit the Timber Export Dossier, FLEGT licence and applicable customs documents to the border customs authorities for exporting timber, as specified in Principle VI in Annex II (Organisations).

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For non-Union markets, upon receipt of the Timber Export Dossier from the exporter, the customs authorities shall check the OCS database to ensure the accuracy of the risk category declared by the exporter in the Timber Export Dossier and that the timber packing list has been duly certified in line with the risk-category status of the Organisation.

For the Union market, the FLEGT Licensing Authority shall check the risk category declared by the exporter in the Timber Export Dossier prior to the issuance of FLEGT licence, and the customs authorities shall ensure that a valid FLEGT licence is submitted.

The customs authorities, in cooperation with verification entities, shall perform checks in the case of suspicion and based on the customs risk category.

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Figure 4. Verification for export – Category 1 Organisations

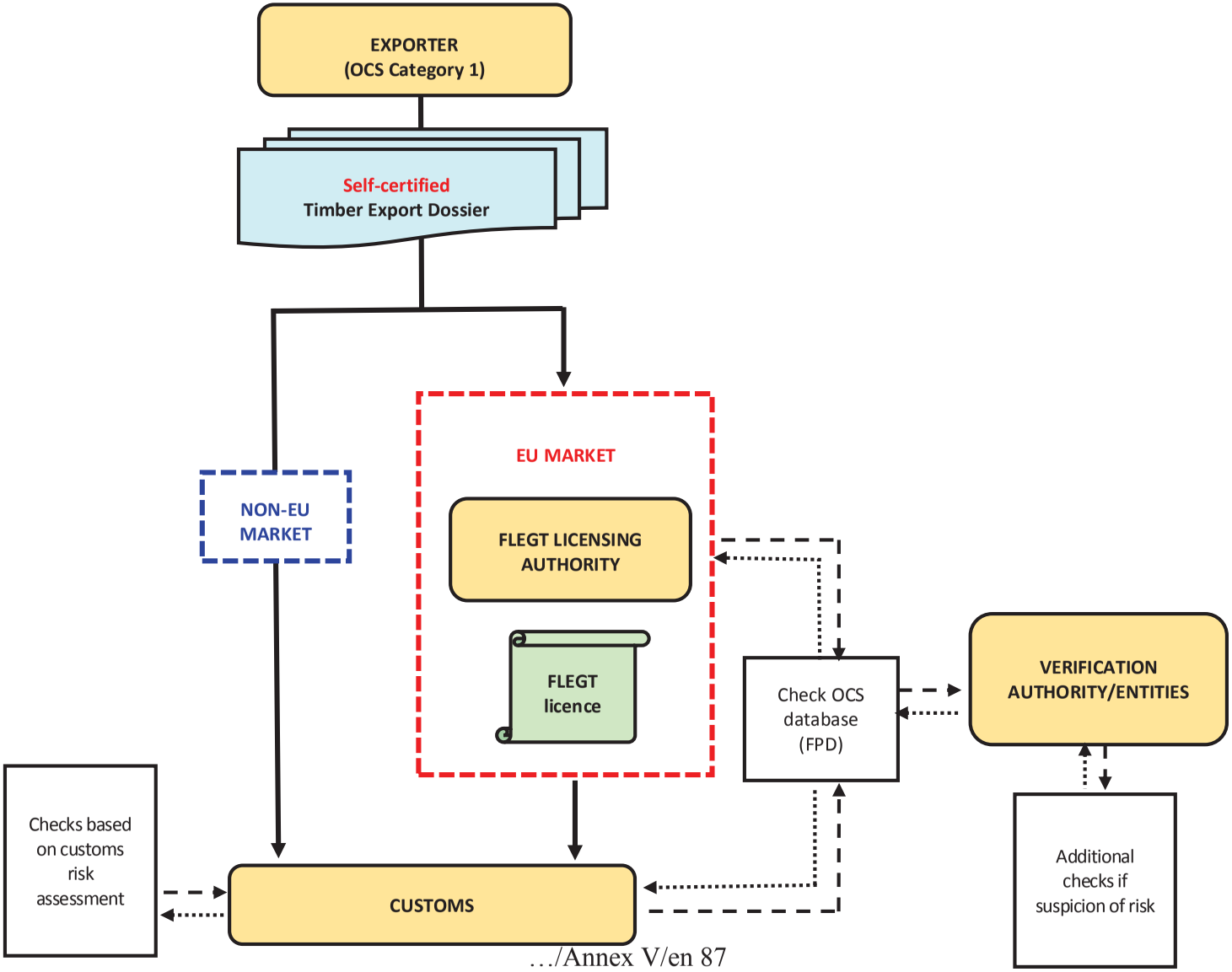

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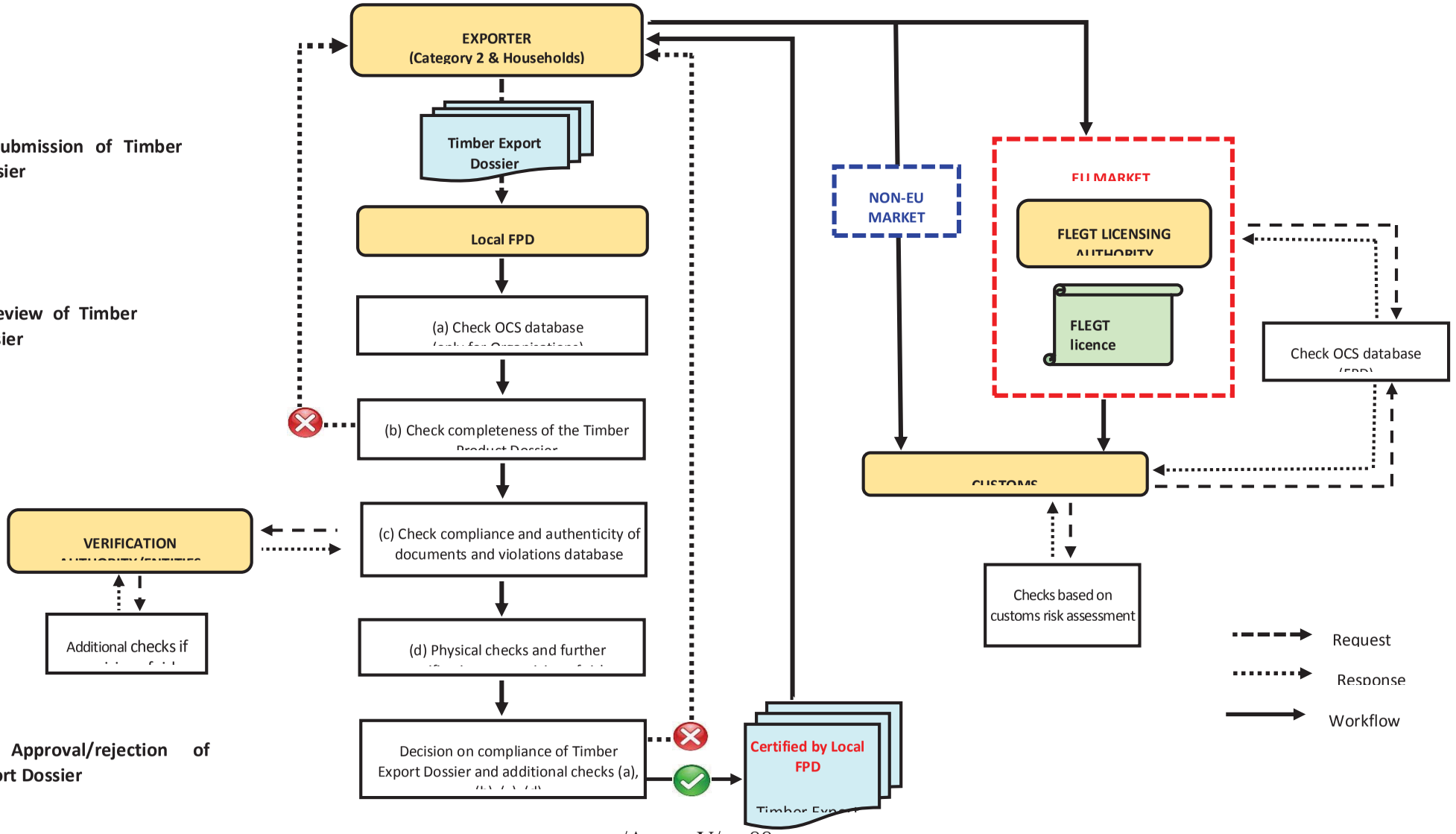
Figure 5. Verification for export – Category 2 Organisations and Households



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7.1.2 Verification for export for Category 2 Organisations

The sequence of preparation and verification of timber export dossier for Category 2 Organisations shall include the following steps:

– Step 1: Organisations shall measure and calculate the volume of each type of timber for preparation of the timber packing list.

– Step 2: Organisations shall issue invoices as regulated by the Ministry of Finance in accordance with the packing list.

– Step 3: Organisations shall prepare the Timber Export Dossier, including:

(i) the sales contract or equivalent,

(ii) invoices as required by the Ministry of Finance,

(iii) the timber packing list, and

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(iv) One or more additional documents subject to specific stages of the supply chain of different timber sources (e.g. minutes of placing forest hammer marks) providing evidence of timber legality for such shipment as defined in Appendix 2.

– Step 4: Organisations shall submit one Timber Export Dossier (original copy) to the local FPD for certification.

– Step 5: Upon receipt of the timber product dossier, the local FPD shall carry out the following verification steps:

(a) Verify in the OCS database the accuracy of the risk category declared by the exporter in the Timber Export Dossier.

(b) Checks the completeness of the Timber Export Dossier.

(c) Check the legality and validity of the documents.

(d) Check the record of violations in the violation databases:

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(e) In the case of any outstanding non-compliance by Organisations in the record of violations related to the LD as set out in Annex II, the local FPD shall temporarily reject to certify the timber packing list for export until the non-compliance has been resolved.

(f) Where there are no outstanding violations by Organisations, physical checks shall be conducted on a minimum of 20 % of the volume of the shipment. If no non-compliance is detected following the physical checks, the local FPD shall immediately certify the timber packing list. Where it is necessary to conduct further verification relating to the origin of timber before certifying, the local FPD shall immediately notify the Organisation of verification of suspicious issues in the Timber Export dossier, origin of timber, quantity, volume and/or type of timber.

(g) If any non-compliance is detected in the physical check, local FPD shall immediately reject to certify the timber packing list for export and the local FPD shall take action in line with current legislation.

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– Step 6: Following certification of the timber packing list, the Timber Export Dossier is returned to the Organisation and the Organisations shall then perform export procedures:

(a) Where timber is exported to non-Union markets: Organisations shall submit the Timber Export Dossier and applicable customs documents to the border customs authorities for exporting timber as specified in Principle VI in Annex II (Organisations).

(b) Where timber is exported to the Union market: Organisations shall submit the Timber Export Dossier together with FLEGT licence application to FLEGT Licensing Authority for issuance of FLEGT licence, then submit Timber Export Dossier, FLEGT licence and applicable customs documents to border customs authorities for exporting timber as specified in Principle VI in Annex II (Organisations).

For non-Union markets, upon receipt of the Timber Export Dossier from the exporter, the customs authorities shall check the OCS database to ensure the accuracy of the risk category declared by the exporter in the Timber Export Dossier and that the timber packing list has been duly certified in line with the risk-category status of the Organisation.

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For the Union market, the FLEGT Licensing Authority shall check the risk category declared by the exporter in the Timber Export Dossier prior to the issuance of FLEGT licence and the customs authorities shall ensure that a valid FLEGT licence is submitted.

The customs authorities, in cooperation with verification entities, shall perform checks in the case of suspicion and based on the customs risk category.

7.1.3 Verification for export for Households/individuals

The sequence of preparation and verification of Timber Export Dossier for Households / individuals shall include:

– Step 1: Households/individuals shall measure and calculate the volume of each type of timber for preparation of the timber packing list.

– Step 2: Households/individuals shall obtain invoices from the local Tax Office as regulated by the Ministry of Finance in accordance with the timber packing list.

– Step 3: Households/individuals shall prepare the Timber Export Dossier, including:

(i) the sales contract or equivalent,

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(ii) invoices as regulated by the Ministry of Finance,

(iii) the timber packing list, and

(iv) one or more additional documents subject to specific stages of the supply chain of different timber sources (e.g. minutes of placing forest hammer marks) providing evidence of timber legality for such shipment as defined in Appendix 2.

– Step 4: Households/individuals shall submit one Timber Export Dossier (original copy) to the local FPD for certification.

– Step 5: Upon receipt of the timber product dossier, the local FPD shall carry out the following verification steps:

(a) Check the completeness of the timber export dossier.

(b) Check the legality and validity of the documents.

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(c) Check the record of violations in the violation databases:

– In the case of any outstanding non-compliance by Households/individuals in the record of violations related to the LD as set out in Annex II, the local FPD shall temporarily refuse to certify the timber packing list for export until the non-compliance has been resolved.

– Where there are no outstanding violations by Households/individuals, physical checks shall be conducted on a minimum of 20 % of the volume of the shipment. If no non-compliance is detected following the physical checks, the local FPD shall immediately certify the timber packing list. Where it is necessary to conduct further verification relating to the origin of timber before certifying, the local FPD shall immediately notify the Households/individuals of verification of suspicious issues on the Timber Export Dossier, origin of timber, quantity, volume and/or type of timber.

(d) If any non-compliance is detected in the physical check, immediately refuse to certify the timber packing list for export and take action in line with current legislation.

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– Step 6: Following certification of the timber packing list, the Timber Export Dossier is returned to Households/individuals and Households/individuals shall perform export procedures.

(a) Where timber is exported to non-Union markets: Households/individuals shall submit the Timber Export Dossier and applicable customs documents to the border customs authorities for exporting timber as specified in Principle VI in Annex II (Households).

(b) Where timber is exported to the Union market: Households/individuals shall submit the Timber Export Dossier together with FLEGT licence application to FLEGT Licensing Authority for issuance of FLEGT licence, then submit the Timber Export Dossier, FLEGT licence and applicable customs documents to the border customs authorities for exporting timber as specified in Principle VI in Annex II (Households).

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For non-Union markets, upon receipt of the Timber Export Dossier from the exporter, the customs authorities shall check the Timber Export Dossier, including whether the timber packing list has been duly certified.

For the Union market, the FLEGT Licensing Authority shall check the Timber Export Dossier, including whether the packing list has been duly certified, prior to the issuance of a FLEGT licence, and customs authorities shall ensure that a valid FLEGT licence is submitted.

The customs authorities, in cooperation with verification entities, shall perform checks in the case of suspicion and based on the customs risk category.

7.2 Suspicion of risk and physical checks

Suspicion of risk is based on any information, obtained directly or provided to the Verification Authority or Licensing Authority, which may signal non-compliance of the Organisation or Household with respect to the shipment for export.

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In the case of suspicion of risk, including any suspicion that the shipment may include round wood or sawn timber which may be sourced from domestic natural forest which is prohibited from export, or from unauthorised sources such as transit timber, the Verification Authority shall conduct documentary and physical checks on the shipment. Where non-compliance is detected, sanctions shall be applied according to law as specified in Section 11.

Physical checks of the shipment include checking the legitimacy, validity and consistency of the HS code, quantity, volume and species between the Timber Export Dossier and actual timber in the shipment. Upon these checks, if any suspicion persists, further checks are conducted.

Following the verification process for FLEGT licensing, shipments of Organisations or Households which do not meet all VNTLAS requirements cannot be granted FLEGT licences.

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8. FLEGT LICENSING

FLEGT licences shall be granted for each export shipment of timber that is listed under Annex I to this Agreement and exported to the Union market provided that such shipment and the exporter have met with all the requirements set out in Annex II and supply chain control and verification under the VNTLAS.

FLEGT licences shall be issued prior to the shipment export process.

The Viet Nam CITES Management Authority shall serve as the FLEGT Licensing Authority (referred to as the "Licensing Authority").

The Government of Viet Nam shall issue a legal document on the FLEGT licensing regulations, procedures and responsibilities. That document shall be publicised to all export operators and other relevant parties as specified in Annex VIII to this Agreement.

The details of the FLEGT licensing system are set out in Annex IV to this Agreement together with the format and mandatory information included on the FLEGT licence.

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9. INTERNAL INSPECTION, COMPLAINTS AND FEEDBACK MECHANISMS

9.1 Internal inspection

As an element of the VNTLAS, internal inspection is carried out according to the Law on Inspection. Inspection activities aim to detect loopholes in laws, regulations and management mechanisms and to recommend solutions to the relevant government agencies; to prevent and combat corruption; to detect and handle violations of the law; to assist government agencies, Organisations and individuals in properly observing the law; to protect the interests of the State and the legitimate rights and interests of Organisations and individuals; and to meet the requirements of the settlement of complaints as also described in Section 9.2 in this Annex.

Internal inspection shall apply to system elements 1 to 5 of the VNTLAS as described under Section 2.2. Internal inspection is carried out as a separate function of the State administration agencies and is not directly linked to individual FLEGT licensing decisions. Outcomes of Internal inspections related to the implementation of VNTLAS shall be communicated in a timely manner to the JIC and the independent evaluation according to the provisions of applicable Vietnamese law. Internal inspection of the VNTLAS may be carried out at the request of the JIC.

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Internal inspection is conducted at all levels by competent agencies that include: national, provincial and district inspectorates; inspection units within central government ministries and provincial technical departments; and people's inspection boards. Inspection activities are carried out in the form of planned and regular inspection, and unexpected inspection upon detecting signs of violations of the law by government agencies, Organisations or individuals.

Internal inspection covers both administrative inspection and specialised inspection in specific sectors and domains, including the implementation of laws, regulations and management mechanisms, the performance of tasks and exercise of powers by government agencies and by Organisations and individuals under the management of such agencies.

9.2 Complaints, denunciations and feedback mechanisms

Complaints by Organisations and Households concerning VNTLAS application and FLEGT licensing are regulated by the Law on Complaints. The Law regulates procedures for lodging complaints by domestic or foreign Organisations or individuals and the settlement of complaints against administrative decisions or acts of administrative agencies or persons in these agencies. The receipt of, response to and settlement of complaints is further subject to the procedures for internal inspection as described in Section 9.1.

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Questions, complaints and denunciations from Organisations or individuals shall be received by the Verification Authority and FLEGT Licensing Authority either directly through VNFOREST or through established feedback mechanisms through the representative timber industry associations and socio-political organisations. This includes denunciations without the name or address of the denunciators provided that they are clear and supply concrete evidence in relation to acts of corruption or violations of the law. All identified denunciators shall be protected.

Feedback on VNTLAS implementation may go through policy dialogues and forums organised by the government, representative industry associations, socio-political organisations and civil society organisations according to the laws of Viet Nam. The JIC shall be regularly informed of the outcome of any policy dialogues or forums related to VNTLAS implementation.

10. INDEPENDENT EVALUATION

The independent evaluation is the periodic evaluation of the implementation, efficiency and credibility of the VNTLAS. The independent evaluation shall also identify potential weaknesses and risks in the structures and implementation arrangements of the VNTLAS and propose solutions in this regard.

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The Terms of Reference for the independent evaluation, including the objectives, overall scope, qualification requirements of the Independent Evaluator, methodology and intervals of evaluation, are set out in Annex VI to this Agreement.

11. MANAGEMENT OF VIOLATIONS

11.1 Management of violations

Existing laws and regulations of Viet Nam apply for handling non-compliance with the LD and supply chain controls. Depending on the severity of the violation, administrative sanctions, the suspension of activities and/or the prosecution of the Organisation or Household may apply.

For Organisations: the record of violations is taken into account as one criterion under the OCS as specified in Section 5 and Table 2 of this Annex. If Organisations have repeated administrative violations or criminal violations of the law related to forest protection and development and control of forest products, stricter sanctions shall be applied.

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For Households: the record of violations is used as a basis for consideration of applying stricter sanctions if Households have repeated administrative violations or criminal violations of the law related to forest protection and development and control of forest products.

It is required that any violations be addressed according to the procedures and timeframe prescribed by laws and regulations of Viet Nam.

11.2 Record of violations

If the systematic or random checks detect non-compliance within the timber supply chain, the Forest Protection Agency shall conduct additional verification.

Where violations are detected, violation minutes shall be prepared by the Forest Protection Agency in accordance with the regulations.

Violations are recorded on a central violations database as described below.

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The record of violations includes violations of the law in forestry and other key sectors under the LD. Adequate records of violations and records of corresponding remedial actions are kept in relevant databases on the handling of violations recorded in the OCS database and taken into account in the verification process prior to FLEGT licensing.

11.2.1 Database of violations of the Law on Forest Protection and Development

This database, in which forest-related violations of the law by Organisations and Households at the national scale is continuously updated and integrated, is used to assess the legal compliance of all Organisations and Households, not only at their headquarter-based localities but also in other regions where they engage in forest production and business activities.

This database is managed by the Central FPD and is connected with the Provincial FPD nationwide through an internet-based platform.

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11.2.2 Databases of violations of other government agencies

Information on non-compliance and violations stored on the portals or databases managed by other verification entities shall be considered in the OCS assessment process as also described under Section 12.2.6.

12. DATA MANAGEMENT AND STORAGE

The VNTLAS data management and storage system is illustrated in Figure 6 of this Annex.

12.1 VNTLAS databases

The VNTLAS includes three centralised databases and associated management information systems:

(i) the database on violations of the Law on Forest Protection and Development, managed by the Central FPD;

(ii) the OCS database, managed by the Central FPD; and

(iii) the FLEGT licensing database, managed by the Licensing Authority.

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Additionally, the VNTLAS includes other local-level databases including:

(i) the database on violations of the Law on Forest Protection and Development, managed by the local FPD; and

(ii) the databases on violations managed at local level by other verification entities involved in the implementation of the VNTLAS.

12.2 Data-management and storage responsibilities

The data-management responsibilities are described according to the numbering on Figure 6 of this Annex.

12.2.1 Responsibilities of Organisations and Households

[A] All Organisations and Households are responsible for the development and storage of static and dynamic verifiers as specified in Annex II. Documents in the timber product dossier, including packing lists, sales invoices and other verifiers, are required to be kept for a period of five years.

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[B] All Organisations in the VNTLAS supply chain are responsible for regular supply chain declaration and reporting to the Provincial FPD as described in Section 6.4.

[C] All Organisations in the VNTLAS supply chain are responsible for submitting information through self-assessment as a part of the OCS.

[D] All exporters are responsible for providing the Licensing Authority with documents required in the Timber Export Dossier, as described in Section 7 of this Annex, and information required on the application form for FLEGT licensing (for the Union market), as described in Section 8 of this Annex and in Annex IV to this Agreement.

12.2.2 Responsibilities of the Provincial FPD

[E] The Provincial FPD is responsible for recording and archiving supply chain control verifiers for timber from domestic sources, imported timber, and confiscated timber after handling, for an unlimited period as described in Section 6 and Appendix 2.

[F] The Provincial FPD is responsible for preparing consolidated periodic reports on the supply chain input/output reports of Organisations as described in Section 6.6.2.

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[G] The Provincial FPD is responsible for maintaining records of violations and handling violations of the Law on Forest Protection and Development, the administrative sanctions or legal proceedings applied thereto, and reporting to the violations database managed by the Central FPD as described in Section 11.2.1).

[H] The Provincial FPD is responsible for receiving registrations and self-assessments by Organisations for the OCS, undertaking the appraisal of the risk-category status of Organisations, undertaking verification tasks and reporting to the OCS database hosted by the Central FPD as described in Section 5.

[I] The Provincial FPD is responsible for conducting verification on shipments for export subject to physical checks, with the results recorded in the form of minutes and stored according to regulations.

12.2.3 Responsibilities of other local government agencies

[J] Other local government agencies are responsible for the development, verification and approval of verifiers under Annex II as described in Sections 4.1 and 4.2 and in Appendices 1A and 1B to this Annex, and for archiving and reporting on compliance and violations as regulated for each verifier under each sector.

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The Provincial FPD liaises with other local government agencies on the records of compliance and violations by Organisations under the OCS.

12.2.4 Responsibilities of the Central FPD

[K] The Central FPD is responsible for managing the database on violations of the Forest Law at national level, which stores records of legal and administrative violations and sanctions in the forestry sector, based on information provided by the Provincial FPD on a regular basis, as described in Section 11.2.1.

The Central FPD shall publicise periodic information on forest and timber trade violations as specified under Section 2.5 of Annex VIII.

[L] The Central FPD is responsible for managing the OCS database and conducting inspection and monitoring the implementation of the OCS by the Provincial FPD. Information is updated on a continuous basis, as described in Section 5.2, and the list of Organisations in each risk-category status shall be publicised on the FPD website.

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12.2.5 Responsibilities of the Licensing Authority

[M] The Licensing Authority is responsible for managing the FLEGT licensing database, including FLEGT licences issued and applications rejected as described in Section 8 of this Annex and in Annex IV).

12.2.6 Responsibilities of other central government agencies

[N] Use of information stored on the portals/databases hosted by other government agencies shall be considered in the OCS classification and verification system.

13. INSTITUTIONAL DEVELOPMENT FOR VNTLAS IMPLEMENTATION

The Government of Viet Nam shall issue legal documents, in an appropriate form, regulating the implementation of the VNTLAS. Those documents shall be issued prior to the independent assessment of the operational readiness of the VNTLAS to be conducted by the JIC as described in Annex VII to this Agreement.

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The Viet Nam Administration of Forestry shall prepare detailed VNTLAS implementation guidelines and verification manuals, for both Organisations and Households and for the Verification Authorities. Those guidelines and manuals shall be published and publically disseminated prior to the independent assessment of the operational readiness of the VNTLAS. The JIC shall jointly review and comment on the implementation guidelines and verification manuals and on any amendments thereto during implementation of this Agreement.

In order to implement the VNTLAS, public information, capacity building and training shall be conducted for the Verification Authorities, Households and Organisations, local government authorities and other agencies involved in the implementation of the VNTLAS.

Priorities for further capacity building for VNTLAS implementation include:

– the full establishment of the management information systems and databases for the organisation classification system and risk-based verification and for FLEGT licensing;

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– further capacity building for the development and implementation of VNTLAS supply chain control mechanisms;

– technical capacity in species identification for risk-based verification of timber imports for the relevant technical agencies and customs authority.

14. JOINT IMPLEMENTATION COMMITTEE

The parties shall establish a Joint Implementation Committee (JIC) to facilitate the management, monitoring and review of this Agreement in accordance with Article 18 of this Agreement.

The overall functions of the JIC in the management, monitoring and review of this Agreement, and the specific functions related to the VNTLAS, are described in Annex IX.

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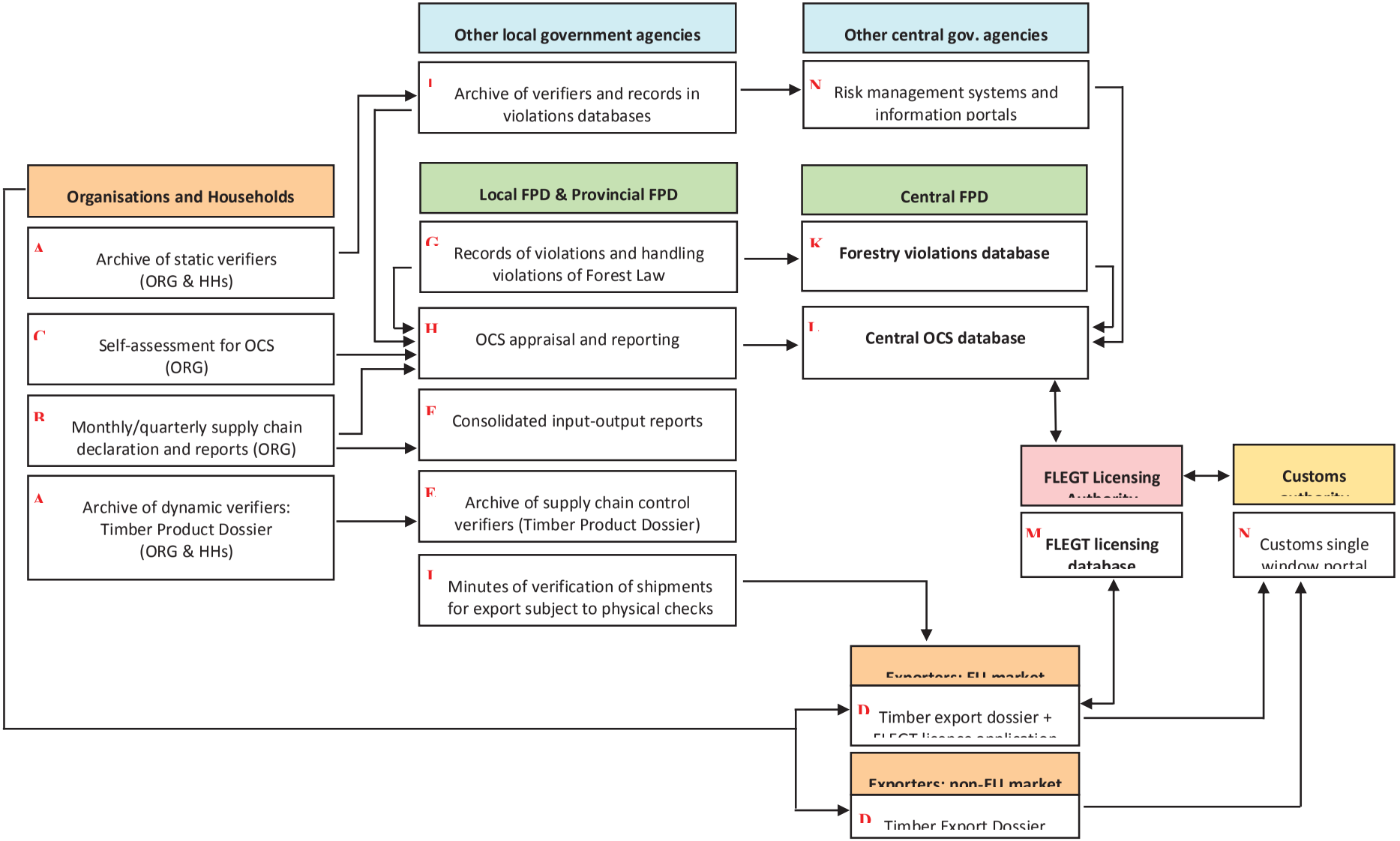
Figure 6. VNTLAS data management and storage



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Appendix 1A

DEVELOPMENT, VERIFICATION AND APPROVAL OF LEGALITY VERIFIERS FOR ORGANISATIONS

Key:

Forest protection agencies at all levels – refers to central, provincial, district and commune forest protection agencies.

Local forest protection agencies – refers to provincial, district and commune forest protection agencies.

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PRINCIPLE I: HARVESTING OF DOMESTIC TIMBER COMPLIES WITH REGULATIONS ON LAND USE RIGHTS, FOREST USE RIGHTS, MANAGEMENT, ENVIRONMENT AND SOCIETY (ORGANISATIONS)						
Criterion Indicator	Verifiers	Prepared by	Approved or certified by	Legal reference for verifiers	Checked by	Legal reference for checking
Criterion 1: Compliance with regulations on main harvesting of natural forest timber						
Indicator 1.1: Compliance with legal regulations on land use right and forest use right - one of the following documents is required:						
	1.1.1. Decision on land allocation (prior to 15/10/1993);			No specific legislation prior to 1993 on land allocation	Provincial Department of Agriculture and Rural Development (DARD)	No specific legislation prior to 1993 on land allocation
	1.1.2. Decision on forest allocation (from 15/10/1993 to 1/7/2004);	Consulting agency, forest ranger	provincial People's Committee (PC), district PC for the area of below 100 ha	Articles 5, 13 and 14, Decree 02. CP; Articles 16 and 17, Decree No. 163/1999/ND-CP	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	1.1.3. Land use right certificate (from 15/10/1993 to date);	Consulting agency	provincial PC	Articles 48, 49, and 51, Land Law 2003; Article 102, Land Law 2013	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT

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	1.1.4. Decision on land allocation (from 15/10/1993 to date);	Consulting agency	provincial PC	Articles 32, 33, and 34, Land Law 2003; Articles 53, 54, and 55, Land Law 2013	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	1.1.5. Decision on land leasing (from 15/10/1993 to date);	Consulting agency	provincial PC	Article 35, Land Law 2003; Article 56, Land Law 2013	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	1.1.6. Decision on forest allocation together with land allocation, land leasing (from 2011 to date);	Consulting agency	provincial PC	Articles 5, 9, and 11, Circular 07/2011/TTLT-BNNPTNT-BTNMT	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	1.1.7. Decision on forest allocation.			Section II Circular 38/2007/TT-BNN	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
Indicator 1.2: Having legal status for harvesting forest - one of the following documents is required:						
	1.2.1. Business registration certificate;	Provincial business registration division	Provincial business registration division	Articles 28 and 29, Enterprise Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT

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	1.2.2. Investment registration certificate (for foreign investors or enterprise in which 51% of charter capital is held by foreign investors);	Provincial Department of Planning and Investment	provincial PC	Article 36, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
	1.2.3. Business registration certificate (for enterprise operating in industry parks, export processing zones);	Management board of industrial parks, export processing zones	Management board of industrial parks, export processing zones	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005; Article 74, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
Indicator 1.3: Having approved Sustainable Forest Management Plan - the following document is required:						
	1.3.1. Decision on approving Sustainable Forest Management Plan.	Forest owner or consulting agency hired by forest owner	Provincial DARD	Article 11 Circular No. 38/2014/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 1.4: Compliance with regulations on archiving harvesting documents, all the following documents are required:						
	1.4.1. Harvesting design statement;	Forest owner or consulting agency hired by forest owner	Provincial DARD	Article 22 Circular No. 87/2009/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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	1.4.2. Map of harvesting area;	Forest owner or consulting agency hired by forest owner	Provincial DARD	Article 21, Circular No. 87/2009/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	1.4.3. List of tree marked for harvesting;	Forest owner or consulting agency hired by forest owner	Provincial DARD	Article 14, Circular No. 87/2009/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	1.4.4. Minutes on appraising harvesting design in the field;	Consulting agency	Provincial DARD	Article 24, Circular No. 87/2009/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	1.4.5. Decision on approving harvesting design;	Functional division of provincial DARD	Provincial DARD	Article 25, Circular No. 87/2009/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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	1.4.6. Harvesting permit;	Functional division of provincial DARD	Provincial DARD	Article 4, Circular No. 21/2016/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	1 4.7. Minutes of acceptance of harvested timber.	Local forest protection agencies and forest owner	Local forest protection agencies	Article 4, Circular No. 21/2016/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 1.5: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm, forest hammer marks must be placed on the timber products – the following documents are required:						
	1.5.1. Minutes of placing forest hammer marks.	Forest owner or harvesting unit	Local forest protection agencies	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	1.5.2. Packing list;	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 1.6: Timber harvested not subject to forest hammer marking as required in Indicator 1.5 – the following document is required:						
	1.6.1. Packing list of timber.	Forest owner or harvesting unit	Local forest protection agencies	Articles 7, 8 Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT	Local forest protection agencies	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 1.7: Harvesting forest complies with regulations on environmental protection, one of the following documents is required:						
	1.7.1. Decision on approving environmental impact assessment report for projects harvesting in natural production forest involving clear-cut harvesting in concentration area at least 50 ha in size;	Appraisal board or eligible appraisal Organisation	Provincial PC, line Ministry	Article 12, Decree 18/2015/ND-CP	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
	1.7.2. Environmental protection plan for projects harvesting in natural production forest involving clear-cut harvesting in concentration area less than 50 ha in size.			Article 18 Decree 18/2015/ND-CP		

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Criterion 2: Compliance with regulations on main harvesting, salvage harvesting and salvage collection from planted protection forests						
Indicator 2.1: Compliance with legal regulations on land use right and forest use right - one of the following documents is required:						
	2.1.1. Decision on land allocation (prior to 15/10/1993);			No specific legislation prior to 1993 on land allocation	Provincial DARD	No specific legislation prior to 1993 on land allocation
	2.1.2. Decision on forest allocation (from 15/10/1993 to 1/7/2004);	Consulting agency, forest ranger	provincial PC	Articles 5, 13 and 14, Decree No. 02. CP; Articles 9, 12 and 17, Decree No. 163/1999/ND-CP	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	2.1.3. Land use right certificate (from 15/10/1993 to date);	Consulting agency	provincial PC	Articles 48, 49 and 51, Land Law 2003; Article 102, Land Law 2013	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	2.1.4. Decision on land allocation (from 15/10/1993 to date);	Consulting agency	provincial PC	Articles 32, 33, 34 and 35 Land Law 2003; Article 53, 54, 55 Land Law 2013	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	2.1.5. Decision on land leasing (from 15/10/1993 to date);	Consulting agency	provincial PC	Article 35, Land Law 2003; Article 56 ,Land Law 2013	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT

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	2.1.6. Decision on forest allocation together with land allocation, land leasing (from 2011 to date);	Consulting agency	provincial PC	Articles 5, 9 and 11 Circular 07/2011/TTLT-BNNPTNT-BTNMT	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	2.1.7. Decision on forest allocation;	Consulting agency	provincial PC	Section II Circular No. 38/2007/TT-BNN	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
Indicator 2.2: Having legal status for harvesting forest - one of the following documents are required:						
	2.2.1. Business registration certificate;	Provincial business registration division	Provincial business registration division	Article 28 and 29, Enterprise Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
	2.2.2. Investment registration certificate (for foreign investors or enterprises in which 51% of charter capital is held by foreign investors);	Provincial Department of Planning and Investment	provincial PC	Article 36, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
	2.2.3. Business registration certificate (for enterprise operating in industry parks, export processing zones).	Management board of industrial parks, export processing zones	Management board of industrial parks, export processing zones	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005; Article 74, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT

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Indicator 2.3: Harvesting forest complies with regulations on environmental protection - one of the following documents is required:						
	2.3.1. Decision on approving environmental impact assessment report for projects on cleared-cut harvesting for concentrated harvesting area of 200ha or more;	Appraisal board or eligible appraisal Organisation	Provincial PC, line Ministry	Article 12, Decree No. 18/2015/ND-CP	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
	2.3.2. Environmental protection plan for projects on cleared-cut harvesting for concentrated harvesting area less than 200ha.	Forest owner or harvesting designing unit	District PC	Article 18, Decree No. 18/2015/ND-CP	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
Indicator 2.4: Compliance with regulations on archiving harvesting documents - all the following documents are required:						
	2.4.1. Harvesting design statement;	Forest owner or harvesting designing unit	Provincial DARD for forest owner under province; Line managing agencies for forest owner not under province	Article 6, Circular No. 21/2016/TT-BNNPTNT; Article 9, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	2.4.2. Map of harvesting area;	Forest owner or harvesting designing unit	Provincial DARD for forest owner under province; Line managing agencies for forest owner not under province	Article 6, Circular No. 21/2016/TT-BNNPTNT; Article 9, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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	2.4.3. Harvesting permit.	Functional division of provincial DARD for forest owner under province; In line managing agency for forest owner not under province	Provincial DARD for forest owner under province; Line managing agencies for forest owner not under province	Article 6, Circular No. 21/2016/TT-BNNPTNT; Article 9, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 2.5: For round timber with *a* large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with *a* length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species forest hammer marks must be placed in compliance with regulations – the following documents are required:						
	2.5.1. Minutes on placing forest hammer marks.	Forest owner or harvesting unit	Local forest protection agencies	Articles 7 and 8, Decision No 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT;	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	2.5.2. Packing list;	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision No 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 2.6: Timber harvested not subject to forest hammer marks as required in Indicator 2.5, the following document is required:						
	2.6.1. Packing list.	Forest owner or harvesting unit	Forest owner or harvesting unit	Article 7, 8 Decision No.44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT;	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Criterion 3: Compliance with regulations on main harvesting, salvage harvesting and salvage collection from planted production forests						
Indicator 3.1: Compliance with legal regulations on land use right and forest use right - one of the following documents is required:						
	3.1.1. Decision on land allocation (prior to 15/10/1993);	Department of Natural Resources and Environment	Government, Ministries, Provincial PC	No specific legislation prior to 1993 on land allocation	Provincial DARD	No specific legislation prior to 1993 on land allocation
	3.1.2. Land use right certificate (from 15/10/1993 to date);	Consulting agency	provincial PC	Articles 48, 49 and 51, Land Law 2003; Article 102, Land Law 2013	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	3.1.3. Decision on land allocation (from 15/10/1993 to date);	Department of Natural Resources and Environment	Government, Provincial PC	Articles 32, 33 and 34, Land Law 2003; Articles 53, 54 and 55, Land Law 2013	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT

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	3.1.4. Decision on land leasing (from 15/10/1993 to date);	Consulting agency	provincial PC	Article 35, Land Law 2003; Article 56, Land Law 2013	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	3.1.5. Decision on land allocation, forest allocation (from 15/10/1993 to 1/7/2004);	Consulting agency, forest ranger	provincial PC	Articles 5, 13 and 14, Decree No. 02. CP; Article 9, 12 and 17, Decree No. 163/1999/ND-CP	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	3.1.6. Decision on land allocation, land leasing (from 2011 to date).	Provincial Department of Environment and Natural Resource	provincial PC	Articles 5, 9 and 11, Circular 07/2011/TTLT-BNNPTNT-BTNMT	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
Indicator 3.2: Having legal status for harvesting forest - one of the following documents is required:						
	3.2.1. Business registration certificate;	Provincial business registration division	Provincial business registration division	Articles 28 and 29, Enterprise Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
	3.2.2. Investment registration certificate (for foreign investors or enterprises in which 51% of charter capital is held by foreign investors);	Provincial Department of Planning and Investment	provincial PC	Article 36, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT

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	3.2.3. Business registration certificate (for enterprise operating in industry parks, export processing zones).	Management board of industrial parks, export processing zones	Management board of industrial parks, export processing zones	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005; Article 74, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
Indicator 3.3: Harvesting forest complies with legal regulations on environmental protection, one of the following documents is required:						
	3.3.1. Decision on approving environmental impact assessment report for projects on clear-cut harvesting for concentrated harvesting area of 200ha or more;	Appraisal board or eligible appraisal Organisation	provincial PC, Line Ministry	Article 12, Decree No. 18/2015/ND-CP	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
	3.3.2. Environmental protection plan for projects on clear-cut harvesting for concentrated harvesting area less than 200ha.			Article 18, Decree No. 18/2015/ND-CP	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
Indicator 3.4: Complying with regulations on archiving harvesting documents - the following document is required:						
	3.4.1. Report on harvesting location and volume of harvested timber products.	Forest owner	Communal PC	Article 6(1b), Circular No. 21/2016/TT-BNNPTN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 3.5: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species forest hammer marks must be placed in compliance with regulations – the following documents are required:						
	3.5.1. Minutes of placing forest hammer marks.	Forest owner or harvesting unit	Local forest protection agencies	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	3.5.2. Packing list;	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 3.6: Timber harvested not subject to forest hammer marks as required in Indicator 3.5, the following document is required:						
	3.6.1. Packing list.	Forest owner or harvesting unit	Forest owner or harvesting unit	Articles 7 and 8, Decision No.44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Criterion 4: Compliance with regulations on salvage harvesting of natural forested areas converted from forest land use to other land uses.						
Indicator 4.1: Compliance with legal regulations on changing land use from forest use into other uses, environmental protection, site clearance - all the following documents are required:						
	4.1.1. Decision on approving Measure on compensation for site clearance, including maps of converted forest area, status of converted forest;	Self-commitment by enterprises or consulting agencies hired by enterprises	District or Communal PC	Article 29, Decree 23/2006/ND-CP; Article 8, Circular 21/2016/TT-BNNPTNT	Local forest protection agencies	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	4.1.2. Decision on allowing forest land conversion to other land uses;	Appraisal board or eligible appraisal Organisation	provincial PC, Line Ministry	Article 3, Resolution 49; Article 29, Decree 23/2006/ND-CP	Local forest protection agencies	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	4.1.3. Decision on approving environmental assessment report or environmental protection plan					

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	4.1.3.1. Decision on approving environmental assessment report for projects that change purposes for forest utility: 5ha or more for protection forests, special use forests; 10ha or more for natural forests; 50ha or more for other types of forests;	Appraisal board or eligible appraisal Organisation	Provincial PC, line Ministry	Article 29, Decree 23/2006/ND-CP; Article 12, Decree No. 18/2015/ND-CP	Local forest protection agencies	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	4.1.3.2. Environmental protection plan for projects that change the purpose of land use of an area from forest use into other uses, for areas less than those as specified in 4.1.3.1	Forest owner or harvesting unit	District PC	Article 18, Decree No. 18/2015/ND-CP	Local forest protection agencies	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 4.2: Having legal status for harvesting forest - one of the following documents is required:						
	4.2.1. Business registration certificate;	Provincial business registration division	Provincial business registration division	Articles 28 and 29, Enterprises Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT

www.parlament.gv.at

	4.2.2. Investment registration certificate (for foreign investors or enterprises in which 51% of charter capital is held by foreign investors);	Provincial Department of Planning and Investment	Provincial PC	Article 36, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
	4.2.3. Business registration certificate (for enterprise operating in industry parks, export processing zones).	Management board of industrial parks, export processing zones	Management board of industrial parks, export processing zones	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005; Article 74, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
Indicator 4.3: Compliance with regulations on archiving harvesting documents - the following document is required:						
	4.3.1. List of anticipated timber to be harvested.	Forest owner or harvesting unit	Provincial DARD	Article 8, Circular No. 21/2016/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 4.4: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm, harvested in natural forests; and for round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species harvested in plantation forests forest hammer marks must be placed in compliance with regulations – the following documents are required:						
	4.4.1. Minutes of placing forest hammer marks	Forest owner or harvesting unit	Local forest protection agencies	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	4.4.2. Packing list;	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9 Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 4.5: Timber harvested not subject to forest hammer marks as required in Indicator 4.4 - the following document is required:						
	4.5.1. Packing list.	Forest owner or harvesting unit	Local forest protection agency for natural timber; forest owner or harvesting unit for plantation timber	Article 7, 8 Decision 44/2006/QD-BNN; Article 9 Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Criterion 5: Compliance with regulations on salvage harvesting of natural forest while implementing sivilculture measures scientific researches and trainings						
Indicator 5.1: Compliance with legal regulations on land use right and forest use right - one of the following documents is required:						
	5.1.1. Decision on land allocation (prior to 15/10/1993);		Government, Ministries, Provincial PC	No specific legislation prior to 1993 on land allocation	Provincial DARD	No specific legislation prior to 1993 on land allocation
	5.1.2. Decision on land allocation, forest allocation (from 15/10/1993 to 1/7/2004);	Consulting agency, forest ranger	Provincial PC	Articles 5, 13 and 14, Decree No. 02. CP; Articles 9, 12 and 17, Decree No. 163/1999/ND-CP	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	5.1.3. Land use right certificate (from 15/10/1993 to date);	Consulting agency	Provincial PC	Articles 48, 49 and 51, Land Law 2003; Article 102, Land Law 2013	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	5.1.4. Decision on land allocation (from 15/10/1993 to date);	Consulting agency	Government, Provincial PC	Articles 32, 33, 34 and 35, Land Law 2003; Articles 53, 54 and 55, Land Law 2013	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT

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	5.1.5. Decision on land leasing (from 15/10/1993 to date);	Consulting agency	Provincial PC	Article 35, Land Law 2003; Article 56, Land Law 2013	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	5.1.6. Decision on forest allocation together with land allocation, land leasing (from 2011 to date);	Consulting agency	Provincial PC	Articles 5, 9 and 11, Circular 07/2011/TTLT-BNNPTNT-BTNMT	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	5.1.7. Decision on forest allocation.	Consulting agency	Provincial PC	Section II Circular No. 38/2007/TT-BNN	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
Indicator 5.2: Having legal status for harvesting forest - one of the following documents is required:						
	5.2.1. Business registration certificate;	Provincial business registration division	Provincial business registration division	Articles 28 and 29, Enterprise Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
	5.2.2. Investment registration certificate (for foreign investors or enterprises in which 51% of charter capital is held by foreign investors);	Provincial Department of Planning and Investment	Provincial PC	Article 36, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT

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	5.2.3. Business registration certificate (for enterprise operating in industry parks, export processing zones).	Management board of industrial parks, export processing zones	Management board of industrial parks, export processing zones	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005; Article 74, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
Indicator 5.3: Compliance with legal regulations prior to the permission for salvage harvesting - one of the following documents is required:						
	5.3.1. Silviculture project;	Forest owner	Competent authorities	Article 8, Circular No. 21/2016/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	5.3.2. Training plan;	Training unit	Line agencies	Article 8, Circular No. 21/2016/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	5.3.3. Scientific research proposal.	Research unit	Line agencies	Article 8, Circular No. 21/2016/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 5.4: Compliance with regulations on archiving harvesting documents - the following document is required:						
	5.4.1. List of anticipated timber to be harvested.	Forest owner or harvesting unit	Forest owner	Article 8, Circular No. 21/2016/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 5.5:For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm, harvested in natural forests and for round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species harvested in plantation forests forest hammer marks must be placed in compliance with regulations – the following documents are required:						
	5.5.1. Minutes of placing forest hammer marks	Forest owner or consulting agency	Local forest protection agency	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	5.5.2. Packing list	Local forest protection agencies	Local forest protection agency	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT;	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 5.6: Timber harvested not subject to forest hammer marks as required in Indicator 5.5 - the following document is required:						
	5.6.1. Packing list.	Forest owner or harvesting unit	Local forest protection agency for natural timber; forest owner or harvesting unit for plantation timber	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT;	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Criterion 6: Compliance with regulations on salvage collection of stump, roots, branches in natural forests						
Indicator 6.1: Compliance with legal regulations on land use right and forest use right - one of the following documents is required:						
	6.1.1. Decision on land allocation (prior to 15/10/1993);		Government, Ministries, Provincial PC	No specific legislation prior to 1993 on land allocation	Provincial DARD	No specific legislation prior to 1993 on land allocation
	6.1.2. Decision on forest allocation (from 15/10/1993 to 1/7/2004);	Consulting agency, forest ranger	Provincial PC	Articles 5, 13 and 14, Decree No. 02. CP; Articles 9, 12 and 17, Decree No. 163/1999/ND-CP	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	6.1.3. Land use right certificate (from 15/10/1993 to date);	Consulting agency	Provincial PC	Articles 48, 49 and 51, Land Law 2003; Article 102, Land Law 2013	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT

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	6.1.4. Decision on land allocation (from 15/10/1993 to date);	Consulting agency	Government, Provincial PC	Articles 32, 33 and 34 Land Law 2003; Articles 53, 54 and 55, Land Law 2013	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	6.1.5. Decision on land leasing (from 15/10/1993 to date);	Consulting agency	Provincial PC	Article 35, Land Law 2003; Article 56, Land Law 2013	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	6.1.6. Decision on forest allocation together with land allocation and land leasing (from 2011 to date);	Consulting agency	Provincial PC	Articles 5,9 and 11, Circular 07/2011/ TTLT-BNNPTNT-BTNMT	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	6.1.7. Decision on forest allocation.	Consulting agency	Provincial PC	Section II Circular No. 38/2007/TT-BNN	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
Indicator 6.2: Having legal status for harvesting forest - one of the following documents is required:						
	6.2.1. Business registration certificate;	Provincial business registration division	Provincial business registration division	Articles 28 and 29, Enterprise Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT

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	6.2.2. Investment registration certificate (for foreign investors or enterprises in which 51% of charter capital is held by foreign investors);	Provincial Department of Planning and Investment	Provincial PC	Article 36, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
	6.2.3. Business registration certificate (for enterprise operating in industry parks, export processing zones).	Management board of industrial parks, export processing zones	Management board of industrial parks, export processing zones	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005; Article 74, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
Indicator 6.3: Compliance with regulations on archiving harvesting documents - the following document is required:						
	6.3.1. List of anticipated timber to be harvested.	Forest owner or harvesting designing unit	Provincial DARD	Article 9 Circular No. 21/2016/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 6.4: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm forest hammer marks must be placed in compliance with regulations – the following documents are required:						
	6.4.1. Minutes of placing forest hammer marks	Forest owner or harvesting unit	Local forest department agency	Articlea 7 and 8, Decision No. 44/2006/QD-BNN	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	6.4.2. Packing list	Local forest protection agencies	Local forest department agency	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 6.5: Timber harvested not subject to forest hammer marks as required in Indicator 6.4 - the following document is required:						
	6.5.1. Packing list.	Forest owner or harvesting unit	Local forest protection agency	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Criterion 7: Compliance with regulations on salvage collection of stump, roots, branches in plantation forests						
Indicator 7.1: Compliance with legal regulations on land use right and forest use right - one of the following documents is required:						
	7.1.1. Decision on land allocation (prior to 15/10/1993);		Government, Ministries, Provincial PC	No specific legislation prior to 1993 on land allocation	Provincial DARD	No specific legislation prior to 1993 on land allocation
	7.1.2. Land use right certificate (from 15/10/1993 to date);	Consulting agency	provincial PC	Articles 48, 49 and 51, Land Law 2003; Article 102, Land Law 2013	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	7.1.3. Decision on land allocation (from 15/10/1993 to date);	Consulting agency	provincial PC	Articles 32, 33 and 34, Land Law 2003; Articles 53, 54 and 55, Land Law 2013	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT
	7.1.4. Decision on land leasing (from 15/10/1993 to date);	Consulting agency	provincial PC	Article 35, Land Law 2003; Article 56, Land Law 2013	Provincial DARD	Article 3, Circular 21/2016/TT-BNNPTNT

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Indicator 7.2. Having legal status for harvesting forest - one of the following documents is required:						
	7.2.1. Business registration certificate;	Provincial business registration division	Provincial business registration division	Articles 28 and 29, Enterprise Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
	7.2.2. Investment registration certificate (for foreign investors or enterprises in which 51% of charter capital is held by foreign investor);	Provincial Department of Planning and Investment	Provincial PC	Article 36, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
	7.2.3. Business registration certificate (for enterprise operating in industry parks, export processing zones).	Management board of industrial parks, export processing zones	Management board of industrial parks, export processing zones	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005; Article 74, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
Indicator 7.3: Complying with regulations on archiving harvesting documents, the following document is required:						
	7.3.1. Report on harvesting location and volume of harvested timber products.	Forest owner or harvesting unit	Forest owner or harvesting unit	Article 6, Circular No. 21/2016/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 7.4: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species forest hammer marks must be placed in compliance with regulations – the following documents are required:						
	7.4.1. Minutes of placing forest hammer marks.	Forest owner or harvesting unit	Local forest department agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	7.4.2. Packing list;	Local forest protection agencies	Local forest department agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 7.5: Harvested timber not subject to forest hammer marks as required in Indicator 7.4 - the following document is required:						
	7.5.1 Packing list.	Forest owner or harvesting unit	Forest owner or harvesting unit	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Criterion 8: Compliance with regulations on harvesting rubber wood						
Indicator 8.1: Compliance with legal regulations on land use right and forest use right - one of the following documents is required:						
	8.1.1. Decision on land allocation (prior to 15/10/1993);		Government, Ministries, Provincial PC	No specific legislation prior to 1993 on land allocation	Communal PC	No specific legislation prior to 1993 on land allocation
	8.1.2. Land use right certificate (from 15/10/1993 to date);	Consulting agency	Provincial PC	Articles 48, 49 and 51, Land Law 2003; Article 102, Land Law 2013	Communal PC	Article 3, Circular 21/2016/TT-BNNPTNT
	8.1.3. Decision on land allocation (from 15/10/1993 to date);	Consulting agency	Government, Provincial PC	Articles 32, 33 and 34, Land Law 2003; Articles 53, 54 and 55, Land Law 2013	Communal PC	Article 3, Circular 21/2016/TT-BNNPTNT
	8.1.4. Decision on land leasing (from 15/10/1993 to date);	Consulting agency	Provincial PC	Article 35, Land Law 2003; Article 56, Land Law 2013	Communal PC	Article 3, Circular 21/2016/TT-BNNPTNT
	8.1.5. Decision on land allocation (from 15/10/1993 to 1/7/2004);			Articles 5, 13 and 14, Decree No. 02. CP; Articles 9, 12 and 17, Decree No. 163/1999/ND-CP	Communal PC	Article 3, Circular 21/2016/TT-BNNPTNT

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	8.1.6. Decision on land allocation, land leasing (from 2011 to date);			Articles 5, 9 and 11, Circular 07/2011/TTLT-BNNPTNT-BTNMT	Communal PC	Article 3, Circular 21/2016/TT-BNNPTNT
Indicator 8.2: Having legal status for harvesting forest - one of the following documents is required:						
	8.2.1. Business registration certificate;	Provincial business registration division	Provincial business registration division	Articles 28 and 29, Enterprise Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
	8.2.2. Investment registration certificate (for foreign investors or enterprises in which 51% of charter capital is held by foreign investors);	Provincial Department of Planning and Investment	Provincial PC	Article 36, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
	8.2.3. Business registration certificate (for enterprise operating in industry parks, export processing zones).	Management board of industrial parks, export processing zones	Management board of industrial parks, export processing zones	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005; Article 74, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT

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Indicator 8.3: Complying with regulations on archiving harvesting documents, the following documents are required:						
	8.3.1. Report on harvesting location and volume of harvested timber products;	Timber owner	Timber owner	Article 7, Circular 21/2016/TT-BNNPTNT	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
	8.3.2. Packing list.	Timber owner	Communal PC	Article 5, Circular 01/2012/TT-BNNPTNT; Article 1, Circular 40/2012/TT-BNNPTNT	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT

PRINCIPLE II: COMPLIANCE WITH REGULATIONS ON HANDLING CONFISCATED TIMBER (ORGANISATIONS)						
Criterion Indicator	Verifiers	Prepared by	Approved or certified by	Legal reference for verifiers	Checked by	Legal reference for checking
Criterion 1. Compliance with regulation on archiving documents of handled confiscated timber						
Indicator 1.1: Compliance with regulations on handled confiscated timber, the following documents are required:						
	1.1.1. Sales contract/contract on purchase and sale of property put up for auction;	Auction Organisation or Timber auction council	Auction Organisation or Timber auction council	Article 35, Decree 17/2010/ND-CP	Local forest protection agencies	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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	1.1.2. Certificates of ownership or use right of auctioned property;	Auction Organisation or Timber auction council	Auction Organisation or Timber auction council	Article 46, Decree 17/2010/ND-CP	Local forest protection agencies	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	1.1.3. Invoice as required by the Ministry of Finance;	Auction Organisation or Timber auction council	Auction Organisation or Timber auction council	Article 16, Circular No. 01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT	Local forest protection agencies	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	1.1.4. Packing list of forest products.	Auction Organisation or Timber auction council	Auction Organisation or Timber auction council	Article 16, Circular No. 01/2012/TT-BNNPTNT	Local forest protection agencies	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 1.2:For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm forest hammer marks must be placed on the timber products – the following document is required:						
	1.2.1. Minutes of placing forest hammer marks.	Local forest protection agency	Local forest protection agency	Articles 7 and 8, Decision No.44/2006/QD-BNN, Article 1, Decision 107/2007/QD-BNN	Local forest protection agency	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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PRINCIPLE III: COMPLIANCE WITH REGULATIONS ON IMPORTING TIMBER (ORGANISATIONS)						
Criterion Indicator	Verifiers	Prepared by	Approved or certified by	Legal reference for verifiers	Checked by	Legal reference for checking
Criterion 1: Compliance with regulations on customs procedures						
Indicator 1.1: Compliance with legal regulations on custom procedures - the following documents are required:						
	1.1.1. Declaration for imported timber products;	Importers	Border Customs Authorities	Article 24, Customs Law 2014; Article 25, Decree 08/2015/ND-CP; Article 10, Circular 01/2012/TT-BNNPTNT; Article 16, Circular 38/2015/TT-BTC	Border Customs Authorities	Section 3 Circular 38/2015/TT-BTC
	1.1.2. Sales contract or equivalent;	Exporters	Border Customs Authorities	To be issued by Viet Nam Government	To be issued by Viet Nam Government	To be issued by Viet Nam Government
	1.1.3. Trading invoice in the case of commercial transaction;	Exporters	Exporters	Article 16, Circular 38/2015/TT-BTC	Border Customs Authorities	Section 3 Circular 38/2015/TT-BTC

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	1.1.4. Bill of lading (or other shipping document of equivalent value in accordance with legal regulations);	Transportation agencies	Transportation agencies	Article 16, Circular 38/2015/TT-BTC	Border Customs Authorities	Section 3 Circular 38/2015/TT-BTC
	1.1.5. Packing list of imported forest products.	Exporters	Exporters	Article 10, Circular 01/2012/BNNPTNT	Border Customs Authorities	Section 3 Circular 38/2015/TT-BTC
	1.1.6. Depending on timber sources of imported timber, one of the following verifiers is required:					
	1.1.6.1. CITES permit of export country in the case of timber under Appendices I, II and III to CITES;	Organisations in country of export	CITES MA in country of export	Decree 82/2006/ND-CP; Article 5, Decree 98/2011/ND-CP; Circular 04/2015/TT-BNNPTNT	Border Customs Authorities	Section III Circular 38/2015/TT-BTC
	1.1.6.2. FLEGT licence;	FLEGT Licensing Authority in country of export	Customs authorities in country of export	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam
	1.1.6.3. A self-declaration demonstrating due diligence on the legality of timber.	Importers	Border Customs Authorities; FPD	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam

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	1.1.7. Depending on the risk category (as specified in Table 2 of Annex V), one of the following verifiers are required:					
	1.1.7.1. Voluntary certification or national certification schemes recognised by VNTLAS;	Organisations in country of export	Border Customs Authorities; FPD	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam
	1.1.7.2. Legal harvesting document in line with law and regulations of country of harvest (HS 4403, 4406, 4407);	Relevant authorities in country of export	Border Customs Authorities; FPD	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam
	1.1.7.3. Alternative additional documentation demonstrating legality of timber in accordance with legislation of country of harvest (where the harvesting document is not required in the country of harvest for primary products, or importers cannot obtain harvesting document for complex products).	Organisations and/or relevant authorities in country of export	Border Customs Authorities; FPD	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam

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Criterion 2: Compliance with regulations on plant quarantine and forest hammer mark						
Indicator 2.1: Compliance with regulations on plant quarantine for timber and timber products - the following document is required:						
	2.1.1. Plant quarantine certificate for round timber, sawn timber, pallet, sawdust.	Importers	Viet Nam's plant quarantine authorities	Article 1, Circular No. 30/2014/TT-BNNPTNT; Article 7, Circular 33/2014/TT-BNNPTNT	Border Customs Authorities	Section 3 Circular 38/2015/TT-BTC
Indicator 2.2:Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m must be marked with hammer marks or other special signs of exporting countries; otherwise, forest hammer marks must be placed in accordance with regulations – the following documents are required:						
	2.2.1. Minutes of placing forest hammer marks;	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision No. 44/2006/QD-BNN	Forest protection agencies at all levels (central, provincial, district levels)	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT
	2.2.2. Packing list.	Importers	Local forest protection agencies	Articles 7 and 8, Decision No. 44/2006/QD-BNN	Forest protection agencies at all levels (central, provincial, district levels)	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT

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PRINCIPLE IV: COMPLIANCE WITH REGULATIONS ON TIMBER TRANSPORTATION AND TRADE (ORGANISATIONS)						
Criterion Indicator	Verifiers	Prepared by	Approved or certified by	Legal reference for verifiers	Checked by	Legal reference for checking
Criterion 1. Compliance with regulations on enterprises establishment						
Indicator 1.1: Obtained legal status, one of the following documents is required:						
	1.1.1. Business registration certificate;	Provincial business registration division	Provincial business registration division	Articles 28 and 29, Enterprise Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
	1.1.2. Investment registration certificate (for foreign investors or enterprises in which 51% of charter capital is held by foreign investors);	Provincial Department of Planning and Investment	provincial PC	Article 36, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
	1.1.3. Business registration certificate (for enterprise operating in industry parks, export processing zones).	Management board of industrial parks, export processing zones	Management board of industrial parks, export processing zones	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005; Article 74, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT

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Criterion 2. Compliance with regulations on transporting, trading unprocessed timber that are main harvesting, salvaged harvesting and salvaged collection from domestic natural forests						
Indicator 2.1: Compliance with regulations on legal timber product dossier, the following documents are required:						
	2.1.1. Invoice as required by the Ministry of Finance (if purchasing timber from organisations);	Timber owner	Timber owner	Article 12, Circular 01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
	2.1.2. Packing list.	Timber owner	Communal PC for timber purchased from households; local forest protection agencies for timber purchased from Organisations	Article 12, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 2.2: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm forest hammer marks must be placed – the following documents are required:						
	2.2.1. Minutes of placing forest hammer marks.	Timber owner	Local forest protection agencies	Articles 7 and 8, Decision No.44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT

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	2.2.2. Packing list of forest products;	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision No.44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
Criteria 3. Compliance with regulations on transporting, trading unprocessed timber that are harvested from concentrated plantation forests, home gardens, farms, scattered trees						
Indicator 3.1: Compliance with regulations on legal timber product dossier - the following documents are required:						
	3.1.1. Invoice as required by the Ministry of Finance (if purchasing timber from organisations);	Timber owner	Timber owner	Article 13, Circular No.01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
	3.1.2. Packing list.	Timber owner	Timber owner	Article 13, Circular No.01/2012/TT-BNNPTNT;	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 3.2: For timber from rare, precious and endangered timber species harvested in plantation forests, and round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm, forest hammer marks must be placed, - the following documents are required:						
	3.2.1. Minutes of placing forest hammer marks.	Timber owner	Local forest protection agencies	Articles 7 and 8, Decision No.44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
	3.2.2. Packing list;	Local forest protection agencies	Local forest protection agencies	Article 13, Circular No.01/2012/TT-BNNPTNT; Article 1, Circular 42/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
Criteria 4. Compliance with regulations on transporting, trading imported timber and timber products that are not domestically processed						
Indicator 4.1: Compliance with regulations on legal timber product dossier - the following documents are required:						
	4.1.1. Invoice as required by Ministry of Finance;	Timber owner	Timber owner	Article 14, Circular No.01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT

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	4.1.2. Packing list.	Timber owner	Local forest protection agencies	Article 14, Circular No.01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 4.2: Imported round timber with diameter of large end of ≥ 25cm and length of ≥ 1m if there is no hammer mark or special signs of exporting countries, it must be placed with forest hammer marks - the following documents are required:						
	4.2.1. Minutes on placing forest hammer marks.	Timber owner	Local forest protection agencies	Articles 7 and 8, Decision No.44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
	4.2.2. Packing list;	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision No.44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT

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Criteria 5. Compliance with regulations on transporting and trading unprocessed confiscated timber and timber products that have been handled						
Indicator 5.1: Compliance with regulations on legal timber product dossier - the following documents are required:						
	5.1.1 Invoice as required by Ministry of Finance (if purchasing timber from organisations);	Timber owner	Timber owner	Article 16, Circular No.01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
	5.1.2. Packing list.	Timber owner	Local forest protection agencies	Article 16, Circular No.01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 5.2:For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm forest hammer marks must be placed – the following documents are required:						
	5.2.1. Minutes on placing forest hammer marks.	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision No.44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT

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	5.2.2. Packing list;	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision No.44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
Criteria 6. Compliance with regulations on transporting and trading of processed timber and timber products (including round timber cross-cutting) from natural timber, imported timber and handled confiscated timber						
Indicator 6.1: Compliance with regulations on legal timber product dossier - the following documents are required:						
	6.1.1 Invoice as required by Ministry of Finance (if purchasing timber from Organisations);	Timber owner	Timber owner	Article 17, Circular No.01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
	6.1.2. Packing list.	Timber owner	Local forest protection agencies for enterprises that are improperly compliant	Articles 17 and 26, Circular No.01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 6.2: Round timber with a large end diameter of ≥ 25 cm and length of ≥ 1m must be marked with forest hammer marks - the following documents are required:						
	6.2.1. Minutes on placing forest hammer marks made.	Timber owner	Local forest protection agencies	Articles 7 and 8, Decision No44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
	6.2.2. Packing list;	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision No44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
Criteria 7. Compliance with regulations on transporting and trading of processed timber and timber products (including round timber cross-cutting) from concentrated plantation forests, home gardens, scattered trees						
Indicator 7.1: Compliance with regulations on legal timber product dossier - the following documents are required:						
	7.1.1 Invoice as required by Ministry of Finance (if purchasing timber from Organisations);	Timber owner	Timber owner	Article 17, Circular No.01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT

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	7.1.2. Packing list.	Timber owner	Timber owner	Article 17 Circular No.01/2012/TT-BNNPTNT; Article 1 Circular 42/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 7.2: Round timber with a large end diameter ≥ 25 cm and length ≥ 1m must be marked with forest hammer marks – the following documents are required:						
	7.2.1. Minutes on placing forest hammer marks.	Timber owner	Local forest protection agencies	Article 7 and 8, Decision No44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
	7.2.2. Packing list;	Local forest protection agencies	Local forest protection agencies	Article 7 and 8, Decision No44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
Criteria 8. Compliance with regulations on internal transportation of timber and timber products within a province						
Indicator 8.1: Compliance with regulations on legal timber product dossier - the following documents are required:						
	8.1.1.Internal delivery bill;	Timber owner	Timber owner	Article 18, Circular No.01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT

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	8.1.2. Packing list.	Timber owner	Timber owner	Article 18, Circular No.01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 8.2:For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm, harvested in natural forests and for round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cmfrom rare, precious and endangered timber species harvested in plantation forests, forest hammer marks must be placed in compliance with regulations – the following documents are required:						
	8.2.1. Minutes on placing forest hammer marks.	Timber owner	Local forest protection agencies	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT;	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
	8.2.2.Packing list;	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 7, 9 Circular 01/2012/TT-BNNPTNT;	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT

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Criteria 9. Compliance with regulations on internal transportation of timber and timber products between provinces						
Indicator 9.1: Compliance with regulations on legal timber product dossier, the following documents are required:						
	9.1.1. Internal delivery bill;	Timber owner	Timber owner	Article 18, Circular No.01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
	9.1.2. Packing list.	Timber owner	Local forest protection agencies	Article 18, Circular No.01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 9.2:For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm, harvested in natural forests, and for round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species harvested in plantation forests, forest hammer marks must be placed in compliance with regulations – the following documents are required:						
	9.2.1. Minutes on placing forest hammer marks.	Timber owner	Local forest protection agencies	Articles 7 and 8, Decision No44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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	9.2.2. Packing list;	Local forest protection agencies	Local forest protection agencies	Articles 7 and 9, Circular No. 01/2012/TT-BNNPTNT;	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Criterion 10. Compliance with regulations on timber product dossier for verification for export						
Indicator 10.1: Compliance with regulations on legal timber product dossier for verification for export, the following documents are required:						
	10.1.1. Sales contract or equivalent;	Exporters	Border Customs authorities	To be issued by Viet Nam Government	To be issued by Viet Nam Government	To be issued by VN Government
	10.1.2. Invoice as required by Ministry of Finance;	Exporters	Border Customs authorities	Article 2, Circular 40/2015/TT-BNNPTNT	Border Customs authorities	Section 3 Circular 38/2015/TT-BTC
	10.1.3. Packing list of forest products for export;	Exporters	Border Customs authorities	Article 5, Circular 01/2012/TT-BNNPTNT	Border Customs authorities	Section 3 Circular 38/2015/TT-BTC
	10.1.4. One or more additional documents subject to specific stages of the supply chain of different timber sources (e.g. minutes of placing forest hammer marks) providing evidences of timber legality for such shipment.	Exporters	Border Customs authorities	Articles 7 and 8, Decision 44/2006/QD-BNN	Border Customs authorities	Section 3 Circular 38/2015/TT-BTC

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PRINCIPLE V: COMPLIANCE WITH REGULATIONS ON TIMBER PROCESSING (ORGANISATIONS)						
Criterion Indicator	Verifiers	Prepared by	Approved or certified by	Legal reference for verifiers	Checked by	Legal reference for checking
Criterion 1: Compliance with regulations on enterprises establishment						
Indicator 1.1: Having legal status - one of the following documents is required:						
	1.1.1. Business registration certificate;	Provincial business registration division	Provincial business registration division	Articles 28 and 29, Enterprise Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
	1.1.2. Investment registration certificate (for foreign investors or enterprises in which 51% of charter capital is held by foreign investors);	Provincial Department of Planning and Investment	provincial PC	Article 36, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT
	1.1.3. Investment registration certificate (for enterprise operating in industry parks, export processing zones).	Management board of industrial parks, export processing zones	Management board of industrial parks, export processing zones	Article 39, Decree 108/2006/ND-CP; Article 13, Investment Law 2005; Article 74, Investment Law 2014	Local forest protection agencies	Article 24, Circular 01/2012/TT-BNNPTNT

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Indicator 1.2: Processing of timber complies with regulations on environmental protection, one of the following documents is required:						
	1.2.1.Decision on approving environmental impact assessment report for processing facilities of timber and woodchips from natural forests with capacity of from 3,000 m3 product/year or more;	Enterprise or outsourced qualified consultant	Line Ministry/ provincial PC	Article 12, Decree No. 18/2015/ND-CP	Line Ministry/ provincial PC	Decree 18/2015/ND-CP
	1.2.2. Decision on approving environmental impact assessment report for plywood processing facilities with capacity of from 100,000 m3 product/year or more;	Enterprise or outsourced qualified consultant	Line Ministry/ provincial PC	Article 12, Decree No. 18/2015/ND-CP	Line Ministry/ provincial PC	Decree 18/2015/ND-CP
	1.2.3. Decision on approving the environmental impact assessment report for furniture-producing facilities with total area of warehouses, factories of 10,000 m2 or more;	Enterprise or outsourced qualified consultant	Line Ministry/ provincial PC	Article 12, Decree No. 18/2015/ND-CP	Line Ministry/ provincial PC	Article 24, Decree 18/2015/ND-CP

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	1.2.4. Environmental protection plan by processing facilities for timber, plywood, particle board which are not subject to environmental impact assessment as regulated in Verifiers 1.2.1, 1.2.2 and 1.2.3 above	Enterprise or outsourced qualified consultant	District PC or Communal PC when authorized by district PC	Article 18, Decree No. 18/2015/ND-CP	District or Communal PC	Article 24, Decree 18/2015/ND-CP
Indicator 1.3: Compliance with regulations on fire prevention and firefighting - the following document is required:						
	1.3.1. Approved design on fire prevention and firefighting.	Organisations	Provincial fire prevention and firefight police	Article 15 and Annex 4, Decree 79/2014/ND-CP	Head of Organisations, Chairperson of distric PC, fire prevention and firefight police	Article 18 Decree 79/2014/ND-CP
Indicator 1.4: Compliance with regulation on making monitoring entry and exit books - the following document is required:						
	1.4.1. Monitoring entry and exit books.	Timber owner	Timber owner/Local forest protection agencies for natural timber	Article 20, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT

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Criterion 2: Compliance with regulations on the legal origin of timber which are going to be processed						
Indicator 2.1: Compliance with regulation on legal timber dossier for timber self-harvested from organisation's forests - the following document is required:						
	2.1.1. Packing list.	Timber owner	Local forest protection agencies for natural timber; Timber owner for plantation timber	Article 20, Circular No 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 2.2: Compliance with regulation on legal timber dossier for timber purchased from organisations - the following documents are required:						
	2.2.1. Invoice as required by the Ministry of Finance;	Organisations purchased timber	Timber owner	Article 20, Circular No 01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT
	2.2.2. Packing list.	Organisations purchased timber	Local forest protection agencies for natural timber, imported timber, handled confiscated timber; Timber owner for plantation timber	Article 20, Circular No 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 2.3: Compliance with regulation on legal timber dossier for timber purchased from households: the following document is required:						
	2.3.1. Packing list.	Timber owner	Local forest protection agencies for processed timber from natural forests, imported timber, handled confiscated timber; Communal PC for unprocessed timber from natural forests; households for plantation timber	Article 20, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 2.4:For round timber with the large end diameter ≥ 25cm and the length ≥ 1m harvested in natural forests and timber from rare, precious and endangered timber species harvested from plantation forests, imported timber without hammer marks or special signs of the exporting countries, and handled confiscated timber, forest hammer marks must be placed in compliance with regulations – the following documents are required:						
	2.4.1. Minutes of placing forest hammer marks.	Timber owner or harvesting unit	Local forest protection agencies	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT

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	2.4.2. Packing list;	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 2.5:For timber sawn or squared in forests and confiscated timber sawn which was handled but not further processed, having the length of ≥ 1m, thickness ≥ 5cm, width of ≥ 20 cm harvested in natural forests and timber from rare, precious and endangered timber species harvested from plantation forests forest hammer marks must be placed in compliance with regulations – the following documents are required:						
	2.5.1. Minutes of placing forest hammer marks;	Timber owner or harvesting unit	Local forest protection agencies	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT; Article 1, Decision 107/2007/QD-BNN	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT

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	2.5.2. Packing list.	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision 44/2006/QD-BNN; Article 9, Circular 01/2012/TT-BNNPTNT; Article 1, Decision 107/2007/QD-BNN	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT

PRINCIPLE VI: COMPLIANCE WITH REGULATIONS ON EXPORT (ORGANISATIONS)						
Criterion Indicator	Verifiers	Prepared by	Approved or certified by	Legal reference for verifiers	Checked by	Legal reference for checking
Criterion 1: Compliance with regulations on customs procedures						
Indicator 1.1: Compliance with regulations on legal export dossier - the following documents are required:						
	1.1.1. Customs clearance declaration for export timber products according to the applicable regulation (original);	Timber owner	Border Customs Authorities	Article 24, Law on Customs 2014; Article 25, Decree 08/2015/ND-CP; Article 16, Circular 38/2015/TT-BTC	Border Customs Authorities	Section 3 Circular 38/2015/TT-BTC

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	1.1.2. Sale contract or equivalent;	Timber owner	Timber owner	To be issued by Viet Nam Government	To be issued by Viet Nam Government	To be issued by VN Government
	1.1.3 Invoice as required by Ministry of Finance;	Timber owner	Timber owner	To be issued by Viet Nam Government	To be issued by Viet Nam Government	To be issued by VN Government
	1.1.4. Packing list of forest products for export;	Timber owner	Local forest protection agencies for imported timber, processed natural timber, handled confiscated timber; Timber owner for plantation timber	Article 5, Circular 01/2012/TT-BNNPTNT	Border Customs Authorities	Section 3 Circular 38/2015/TT-BTC
	1.1.5. Permit of CITES MA of Viet Nam for products made from timber under Appendix II to CITES;	VN's CITES Management Authority	VN's CITES Management Authority	Article 8, Circular 04/2015/TT-BNNPTNT, Article 16, Circular 38/2015/TT-BTC	Border Customs Authorities	Section 3 Circular 38/2015/TT-BTC
	1.1.6. FLEGT licence for EU market.	FLEGT Licensing authority	Border Customs Authorities; FPD	To be issued by VN Government	To be issued by Viet Nam Government	To be issued by VN Government

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Criterion 2: Compliance with regulations on plant quarantine						
Indicator 2.1: Compliance with regulations on plant quarantine for timber and timber products - the following document is required:						
	2.1.1 Quarantine certificate for round timber, sawn timber, pallet, sawdust.	Viet Nam's Quarantine Authority	Border Customs Authorities; FPD	Articles 8 and 12, Decree 02/2007/ND-CP; Article 1, Circular 30/2014/TT-BNNPTNT; Article 10, Circular 33/2014/TT-BNNPTNT	Border Customs Authorities	Section 3 Circular 38/2015/TT-BTC

PRINCIPLE VII: COMPLIANCE WITH REGULATIONS ON TAX AND EMPLOYEES (ORGANISATIONS)						
Criterion Indicator	Verifiers	Prepared by	Approved or certified by	Legal reference for verifiers	Checked by	Legal reference for checking
Criterion 1: Compliance with regulations on tax						
Indicator 1.1: Compliance with regulations on tax declaration, registration and payment:						
	1.1.1 The organisation, person or business is not included in the public list of tax risk.	Sub-department of Taxation, Department of Taxation, General Department of Taxation	General Department of Taxation	Article 70, Circular 156/2013/TT-BTC; Document 815/TCT-KK of the General Department of Taxation	General Department of Taxation	Article 70, Circular 156/2013/TT-BTC; Document 815/TCT-KK of General Department of Taxation

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Criterion 2: Compliance with Labour Code						
Indicator 2.1: Labour contract between enterprises and employees:						
	2.1.1. Their names are included on the payroll of the organisations.	Employers	Employers and employees	Articles 15, 16 and 17, Labour Code 2012	Provincial Department of Labour, Invalid and Social Affairs	Article 238 Labour Code 2012
Indicator 2.2: Employees are members of the enterprise's trade union:						
	2.2.1. Their names are included in the list of payment for trade union fee.	Employers	Employers	Article 5, Trade Union Law 2012	Trade Union's checking committee of Organisations	Article 39, 40 Viet Nam's Trade Union Regulations 2013
Indicator 2.3: Implementing regulations on labour safety and labour hygiene:						
	2.3.1. Has labour hygiene plan made by the enterprises.	Employers	Employers and employees	Article 148, Labour Code 2012	Provincial Department of Labour, Invalid and Social Affairs	Article 89 Law on Occupational Health and Safety 2015

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Criterion 3: Compliance with Social Insurance Law and Health Insurance Law						
Indicator 3.1: Having social insurance books for employees whose labour contract duration is from one month or more:						
	3.1.1. Public information on social insurance contribution.	Employers	Employers	Article 2, 21, Social Insurance Law 2014	Viet Nam's Social Insurance, provincial Social Insurance	Article 4 Decree 21/2016/ND-CP
Indicator 3.2: Having health insurance for employees whose labour contract duration is from three months or more:						
	3.2.1. Payroll of the organisation to demonstrate the health insurance contribution.	Employers	Employers	Article 12, Health Insurance Law 2008; Article 1 Law on amending and supplementing a number of articles of the Health Insurance Law 2014	Viet Nam's Social Insurance, provincial Social Insurance	Article 4 Decree 21/2016/ND-CP
Indicator 3.3: Having unemployment insurance for employees whose contracts are for a full of three months or more:						
	3.3.1. Payroll of the organisation to demonstrate the payment of monthly unemployment insurance.	Employers	Employers	Article 52, Law on Employment 2013	Viet Nam's Social Insurance, provincial Social Insurance	Article 59 Law on Employment

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Appendix 1B

DEVELOPMENT, VERIFICATION AND APPROVAL OF LEGALITY VERIFIERS FOR HOUSEHOLDS

Key:

Forest protection agencies at all levels – refers to central, provincial, district and commune forest protection agencies.

Local forest protection agencies – refers to provincial, district and commune forest protection agencies.

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PRINCIPLE I: HARVESTING OF DOMESTIC TIMBER COMPLIES WITH REGULATIONS ON LAND USE RIGHTS, FOREST USE RIGHTS, MANAGEMENT AND ENVIRONMENT (HOUSEHOLDS)						
Criterion Indicators	Verifiers	Prepared by	Approved or certified by	Legal references for verifiers	Checked by	Legal references for checking
Criterion 1: Compliance with regulations on main harvesting, salvage harvesting and salvage collection from planted protection forests						
Indicator 1.1: Compliance with legal regulations on land use right and forest use right - one of the following documents is required:						
	1.1.1. Decision on land allocation (prior to 15/10/1993);		Provincial Peoples' Committee (PC), District PC	No specific legislation prior to 1993 on land allocation	Division of Agriculture and Rural Development	No specific legislation prior to 1993 on land allocation
	1.1.2. Decision on land allocation, forest allocation (from 15/10/1993 to 1/7/2004);	Consulting agency, forest ranger	District PC	Articles 5, 13 and 14, Decree No. 02/ND-CP; Articles 9, 12 and 17, Decree No. 163/1999/ND-CP		
	1.1.3. Land use right certificate (from 15/10/1993 to date);	District-level land division	District PC	Articles 48, 49 and 51, Land Law 2003; Articles 100 and 101, Land Law 2013		

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	1.1.4. Decision on land allocation (from 15/10/1993 to date);	District-level land division	District PC	Articles 32, 33 and 34, Land Law 2003; Articles 53, 54 and 55, Land Law 2013		
	1.1.5. Decision on land leasing (from 15/10/1993 to date);	District-level land division	District PC	Article 35, Land Law 2003; Article 56, Land Law 2013		
	1.1.6. Decision on forest allocation together with land allocation, land leasing (from 2011 to date);	District-level land division	District PC	Articles 5, 9 and 11, Circular 07/2011/TTLT-BNNPTNT-BTNMT		
	1.1.7. Decision on forest allocation;	District-level land division	District PC	Section II, Circular No. 38/2007/TT-BNNPTNT		
	1.1.8. Forestry book;	Consulting agency, forest ranger	District PC	Articles 5, 13 and 14, Decree No. 02/ND-CP		
	1.1.9. One type of papers on land use rights as stipulated in Article 100 Land Law 2013;			Article 100, Land Law 2013		

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	1.1.10. Confirmation of the Commune People's Committee that land is currently used and free to dispute subject to the cases regulated in Article 101 Land Law 2013;	Forest owner	Communal PC	Article 101, Land Law 2013		
	1.1.11. Forest protection contracts with other forest holders.	Forest owner and contractor	Forest owner and contractor	Article 5, Decree 01/1995; Article 8, Decree 135/2005		
Indicator 1.2: Harvesting forest complies with regulations on environmental protection as required by laws - one of the following documents is required:						
	1.2.1. Decision on approving environmental impact assessment report for projects on clear-cut harvesting for concentrated harvesting area of 200ha or more;	Appraisal council or eligible appraisal Organisation	Provincial PC	Article 12, Decree No. 18/2015/ND-CP	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	1.2.2. Environmental protection plan for projects on clear-cut harvesting for concentrated harvesting area less than 200ha.			Article 18, Decree No. 18/2015/ND-CP	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 1.3: Compliance with regulations on archiving harvesting documents - the following documents are required:						
	1.3.1. Harvesting design statement;	Forest owner or harvesting design unit	District PC	Article 6, Circular No. 21/2016/TT-BNNPTNT; Article 9, Circular 01/2012/TT-NNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	1.3.2. Map of harvesting area;	Forest owner or harvesting design unit	District PC	Article 6, Circular No. 21/2016/TT-BNNPTNT; Article 9, Circular 01/2012/TT-NNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	1.3.3. Harvesting permit.	Division of Agriculture and Rural Development	District PC	Article 6, Circular No. 21/2016/TT-BNNPTNT; Article 9, Circular 01/2012/TT-NNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 1.4: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species, forest hammer marks must be placed in compliance with regulations – the following documents are required:						
	1.4.1. Minutes of placing forest hammer marks.	Forest owner or harvesting unit	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	1.4.2. Packing list;	Local forest protection agency	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 1.5: Harvested timber not subject to forest hammer marking as regulated in the Indicator 1.4 - the following document is required:						
	1.5.1. Packing list.	Forest owner or harvesting unit	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Criterion 2: Compliance with regulations on main harvesting, salvage harvesting and salvage collection from planted production forests						
Indicator 2.1: Compliance with legal regulations on land use right and forest use right - one of the following documents is required:						
	2.1.1. Decision on land allocation (prior to 15/10/1993);		Provincial PC, District PC	No specific legislation prior to 1993 on land allocation	Division of Agriculture and Rural Development	No specific legislation prior to 1993 on land allocation
	2.1.2. Land use right certificate (From 15/10/1993 to date);	District-level land division	District PC	Articles 48, 49 and 51, Land Law 2003; Articles 100 and 101, Land Law 2013	Division of Agriculture and Rural Development	
	2.1.3. Decision on land allocation (from 15/10/1993 to date);	District-level land division	District PC	Articles 32, 33 and 34, Land Law 2003; Article 53, 54 and 55, Land Law 2013	Division of Agriculture and Rural Development	
	2.1.4. Decision on land leasing (from 15/10/1993 to date);	Consulting agency, forest ranger	District PC	Article 35, Land Law 2003; Article 56, Land Law 2013	Division of Agriculture and Rural Development	

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	2.1.5. Decision on land allocation, forest allocation (from 15/10/1993 to 1/7/2004);	District-level land division	District PC	Articles 5, 13 and 14, Decree No. 02/ND-CP; Articles 9, 12 and 17, Decree No. 163/1999/ND-CP	Division of Agriculture and Rural Development	
	2.1.6. Decision on land allocation, land leasing (from 2011 to date);	District-level land division	District PC	Articles 5, 9 and 11, Circular 07/2011/TTLT-BNNPTNT-BTNMT	Division of Agriculture and Rural Development	
	2.1.7. Forestry book;	Local forest protection agency	District PC	Articles 5, 13 and 14, Decree No. 02/ND-CP	Division of Agriculture and Rural Development	
	2.1.8. One type of papers on land use rights as stipulated Article 100 Land Law 2013;			Article 100, Land Law 2013	Division of Agriculture and Rural Development	

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	2.1.9. Confirmation of the Commune People's Committee that land is currently used and free to dispute subject to the cases regulated in Article 101 Land Law 2013;	Communal PC	Communal PC	Article 101, Land Law 2013	Division of Agriculture and Rural Development	
	2.1.10. Forest protection contracts with other forest holders.			Article 5, Decree 01/1995/ND-CP; Article 8, Decree 135/2005/ND-CP	Division of Agriculture and Rural Development	
Indicator 2.2: Harvesting forest complies with regulations on environmental protection as required by laws - one of the following documents is required:						
	2.2.1. Decision on approving environmental impact assessment report for projects on clear-cut harvesting for concentrated harvesting area of 200ha or more;	Appraisal council or eligible appraisal Organisation	Provincial PC	Article 12, Decree No. 18/2015/ND-CP	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	2.2.2. Environmental protection plan for projects on clear-cut harvesting for concentrated harvesting area less than 200ha.			Article 18, Decree No. 18/2015/ND-CP	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 2.3: Compliance with regulations on archiving harvesting documents - the following document is required:						
	2.3.1. Report on harvesting location and volume.	Forest owner	District PC	Article 6, Circular No. 21/2016/TT-BNNPTNT; Article 9, Circular 01/2012/TT-NNPTNT;	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 2.4: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species, forest hammer marks must be placed in compliance with regulations – the following documents are required:						
	2.4.1. Minutes of placing forest hammer marks.	Forest owner or harvesting unit	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	2.4.2. Packing list;	Local forest protection agency	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 2.5: Timber harvested not subject to forest hammer marks as indicated in Indicator 2.4 - the following document is required:						
	2.5.1. Packing list.	Forest owner or harvesting unit	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Criterion 3: Compliance with regulations on salvage harvesting on natural forest areas converted from forest land use to other land uses						
Indicator 3.1: Compliance with legal regulations on changing land use from forest use into other uses, environmental protection, site clearance - all the following documents are required:						
	3.1.1. Decision on approving measure on compensation for site clearance, including maps of converted forest area, status of converted forest;	District-level Board of Compensation for sire clearance	District PC	Article 29, Decree 23/2006/ND-CP; Article 8, Circular 21/2016/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	3.1.2. Decision on allowing forest land conversion to other land uses;	Division of Agriculture and Rural Development/ Division of Natural Resources and Environment	provincial PC	Article 3, Resolution 49; Article 29, Decree 23/2006/ND-CP	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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	3.1.3. Decision on approving environmental assessment report or environmental protection plan					
	3.1.3.1. Decision on approving environmental assessment report for projects that change purposes of forest utility from 5ha or more for protection forests: from 10ha or more for natural forests; from 50ha or more for other types of forests;	Appraisal council or eligible appraisal Organisation	Provincial PC	Article 12, Decree No. 18/2015/ND-CP	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	3.1.3.2. Environmental protection plan for projects that change purposes of the area less than area as specified in 4.1.3.			Article 18, Decree No. 18/2015/ND-CP		

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Indicator 3.2: Compliance with regulations on archiving harvesting documents - the following document is required:						
	3.2.1. List of anticipated timber to be harvested.	Forest owner or consulting agency	District PC	Article 8, Circular No. 21/2016/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 3.3: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species forest hammer marks must be placed in compliance with regulations – the following documents are required:						
	3.3.1. Minutes of placing forest hammer marks.	Forest owner or harvesting unit	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	3.3.2. Packing list;	Local forest protection agency	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 3.4: Timber harvested not subject to forest hammer marks as indicated in Indicator 3.3 - the following document is required:						
	3.4.1. Packing list.	Forest owner or harvesting unit	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN ;Article 9, Circular No. 01/2012/TT-BNNPTNT;	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Criterion 4: Compliance with regulations on salvage harvesting of natural forest while implementing sivilculture measures, scientific research and trainings						
Indicator 4.1: Compliance with legal regulations on land use right and forest use right - one of the following documents is required:						
	4.1.1. Decision on land allocation (prior to 15/10/1993);		Provincial, district PC	No specific legislation prior to 1993 on land allocation	Division of Agriculture and Rural Development	No specific legislation prior to 1993 on land allocation
	4.1.2. Decision on land allocation, forest allocation (from 15/10/1993 to 1/7/2004);	Consulting agency, forest ranger	District PC	Articles 5, 13 and 14, Decree No. 02/ND-CP; Articles 9, 12 and 17, Decree No. 163/1999/ND-CP	Division of Agriculture and Rural Development	
	4.1.3. Land use right certificate (from 15/10/1993 to date);	District-level land division	District PC	Articles 48, 49 and 51, Land Law 2003; Articles 100 and 101, Land Law 2013	Division of Agriculture and Rural Development	

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	4.1.4. Decision on land allocation (from 15/10/1993 to date);	District-level land division	District PC	Articles 32, 33 and 34, Land Law 2003; Articles 53, 54 and 55, Land Law 2013	Division of Agriculture and Rural Development	
	4.1.5. Decision on land leasing (from 15/10/1993 to date);	District-level land division	District PC	Article 35, Land Law 2003; Article 56, Land Law 2013	Division of Agriculture and Rural Development	
	4.1.6. Decision on forest allocation together with land allocation, land leasing (from 2011 to date);	District-level land division	District PC	Articles 5, 9 and 11, Circular 07/2011/TTLT-BNNPTNT-BTNMT	Division of Agriculture and Rural Development	
	4.1.7. Decision on forest allocation;	District-level land division	District PC	Section II, Circular No. 38/2007/TT-BNN	Division of Agriculture and Rural Development	

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	4.1.8. Forestry book;	Local forest protection agency	District PC	Articles 5, 13 and 14, Decree No. 02/ND-CP	Division of Agriculture and Rural Development	
	4.1.9. One type of papers on land use rights as stipulated in Article 100 Land Law 2013;			Article 100, Land Law 2013	Division of Agriculture and Rural Development	
	4.1.10. Confirmation of the Commune People's Committee that land is currently used and free to dispute subject to the cases regulated in Article 101 Land Law 2013;	Forest owner	Communal PC	Article 101, Land Law 2013	Division of Agriculture and Rural Development	
	4.1.11. Forest protection contracts with other forest holders.	Forest owner and contractor	Forest owner and contractor	Article 5, Decree 01/1995; Article 8, Decree 135/2005	Division of Agriculture and Rural Development	

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Indicator 4.2: Compliance with legal regulations prior to the permission for salvage harvesting - one of the following documents is required:						
	4.2.1. Silviculture design dossier;	Forest owner	Competent authority	Article 8, Circular No. 21/2016/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	4.2.2. Training plan;	Forest owner	Competent authority	Article 8, Circular No. 21/2016/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	4.2.3. Scientific research proposal.	Forest owner	Competent authority	Article 8, Circular No. 21/2016/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 4.3: Compliance with regulations on archiving harvesting documents - the following document is required:						
	4.3.1. List of anticipated timber to be harvested.	Forest owner	Communal PC	Article 8, Circular No. 21/2016/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 4.4: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm, forest hammer marks must be placed in compliance with regulations – the following documents are required:						
	4.4.1. Minutes of placing forest hammer marks.	Forest owner or harvesting unit	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	4.4.2. Packing list;	Local forest protection agency	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN ;Article 9, Circular No. 01/2012/TT-BNNPTNT;	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 4.5: Timber harvested not subject to forest hammer marks as indicated in Indicator 4.4 - the following document is required:						
	4.5.1. Packing list.	Forest owner or harvesting unit	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN ;Article 9, Circular No. 01/2012/TT-BNNPTNT;	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Criterion 5: Compliance with regulations on salvage collection of stump, roots, branches in natural forests						
Indicator 5.1: Compliance with legal regulations on land use right and forest use right - one of the following documents is required:						
	5.1.1. Decision on land allocation (prior to 15/10/1993);		Provincial/ district PC	No specific legislation prior to 1993 on land allocation	Division of Agriculture and Rural Development	No specific legislation prior to 1993 on land allocation
	5.1.2. Decision on land allocation, forest allocation (from 15/10/1993 to 1/7/2004);	Consulting agency, forest ranger	District PC	Articles 5, 13 and 14, Decree No. 02/ND-CP; Articles 9, 12 and 17, Decree No. 163/1999/ND-CP	Division of Agriculture and Rural Development	
	5.1.3. Land use right certificate (from 15/10/1993 to date);	District-level land division	District PC	Articles 48, 49 and 51, Land Law 2003; Articles 100 and 101, Land Law 2013	Division of Agriculture and Rural Development	
	5.1.4. Decision on land allocation (from 15/10/1993 to date);	District-level land division	District PC	Articles 32, 33 and 34, Land Law 2003; Articles 53, 54 and 55, Land Law 2013	Division of Agriculture and Rural Development	

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	5.1.5. Decision on land leasing (from 15/10/1993 to date);	District-level land division	District PC	Article 35, Land Law 2003; Article 56, Land Law 2013	Division of Agriculture and Rural Development	
	5.1.6. Decision on forest allocation together with land allocation, land leasing (from 2011 to date);	District-level land division	District PC	Articles 5, 9 and 11, Circular 07/2011/TTLT-BNNPTNT-BTNMT	Division of Agriculture and Rural Development	
	5.1.7. Decision on forest allocation;	Local forest protection agency	District PC	Section II, Circular No. 38/2007/TT-BNN	Division of Agriculture and Rural Development	
	5.1.8. Forestry book;	Local forest protection agency	Local forest protection agency	Articles 5, 13 and 14, Decree No. 02/ND-CP	Division of Agriculture and Rural Development	
	5.1.9. One type of papers on land use rights as stipulated in Article 100 Land Law 2013;			Article 100, Land Law 2013	Division of Agriculture and Rural Development	

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	5.1.10. Confirmation of the Commune People's Committee that land is currently used and free to dispute subject to the cases regulated in Article 101 Land Law 2013;		Communal PC	Article 101, Land Law 2013	Division of Agriculture and Rural Development	
	5.1.11. Forest protection contracts with other forest holders.	Forest owner and contractor	Forest owner and contractor	Article 5, Decree 01/1995; Article 8, Decree 135/2005	Division of Agriculture and Rural Development	
Indicator 5.2: Compliance with regulations on archiving harvesting documents - the following document is required:						
	5.2.1. List of anticipated timber to be harvested.	Forest owner	District PC for natural forests; Communal PC for plantation forest	Article 9, Circular No. 21/2016/TT-BNNPTNT; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 5.3: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm, forest hammer marks must be placed in compliance with regulations – the following documents are required:						
	5.3.1. Minutes of placing forest hammer marks.	Forest owner or harvesting unit	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	5.3.2. Packing list;	Local forest protection agency	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN ;Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 5.4: Timber not subject to forest hammer marks as indicated in Indicator 5.3 - the following document is required:						
	5.4.1. Packing list.	Forest owner or harvesting unit	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN ;Article 9, Circular No. 01/2012/TT-BNNPTNT;	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Criterion 6: Compliance with regulations on salvage collection of stump, roots, branches in plantation forests						
Indicator 6.1: Compliance with legal regulations on land use right and forest use right - one of the following documents is required:						
	6.1.1. Decision on land allocation (prior to 15/10/1993);		Provincial, district PC	No specific legislation prior to 1993 on land allocation	Division of Agriculture and Rural Development	No specific legislation prior to 1993 on land allocation
	6.1.2. Land use right certificate (from 15/10/1993 to date);	District-level land division	District PC	Articles 48, 49 and 51, Land Law 2003; Articles 100 and 101, Land Law 2013	Division of Agriculture and Rural Development	
	6.1.3. Decision on land allocation (from 15/10/1993 to date);	District-level land division	District PC	Articles 32, 33 and 34, Land Law 2003; Articles 53, 54 and 55, Land Law 2013	Division of Agriculture and Rural Development	
	6.1.4. Decision on land leasing (from 15/10/1993 to date);	Consulting agency, forest ranger	District PC	Article 35, Land Law 2003; Article 56, Land Law 2013	Division of Agriculture and Rural Development	

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	6.1.5. Decision on land allocation, forest allocation (from 15/10/1993 to 1/7/2004);	District-level land division	District PC	Articles 5, 13 and 14, Decree No. 02/ND-CP; Articles 9, 12 and 17, Decree No. 163/1999/ND-CP	Division of Agriculture and Rural Development	
	6.1.6. Decision on land allocation, land leasing (from 2011 to date);	District-level land division	District PC	Articles 5, 9 and 11, Circular 07/2011/TTLT-BNNPTNT-BTNMT	Division of Agriculture and Rural Development	
	6.1.7. Forestry book;	Local forest protection agency	District PC	Articles 5, 13 and 14, Decree No. 02/ND-CP	Division of Agriculture and Rural Development	
	6.1.8. One type of papers on land use rights as stipulated Article 100 Land Law 2013;			Article 100, Land Law 2013	Division of Agriculture and Rural Development	

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	6.1.9. Confirmation of the Commune People's Committee that land is currently used and free to dispute subject to the cases regulated in Article 101 Land Law 2013;		Communal PC	Article 101, Land Law 2013	Division of Agriculture and Rural Development	
	6.1.10. Forest protection contracts with other holders.	Forest and contractor	Forest and contractor	Article 5, Decree 01/1995/ND-CP; Article 8, Decree 135/2005/ND-CP	Division of Agriculture and Rural Development	
Indicator 6.2: Compliance with regulations on archiving harvesting documents, the following document is required:						
	6.2.1. Report on harvesting location and volume.	Forest owner	Communal PC	Article 6, Circular No. 21/2016/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 6.3: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species, forest hammer marks must be placed in compliance with regulations – the following documents are required:						
	6.3.1. Minutes of placing forest hammer marks.	Local forest protection agency	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	6.3.2. Packing list;	Local forest protection agency	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 6.4: Timber not subject to forest hammer marks as indicated in Indicator 6.3 - the following document is required:						
	6.4.1. Packing list.	Forest owner or harvesting unit	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Criterion 7: Compliance with regulations on harvesting timber from plantations in home gardens, farms and dispersed trees						
Indicator 7.1: Compliance with regulation on harvesting documents, the following document is required:						
	7.1.1. Report on harvesting location and volume.	Forest owner	Communal PC	Article 7, Circular No. 21/2016/TT-BNNPTNT; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 7.2. For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm, harvested from plantation forest and timber from rare, precious and endangered timber species forest hammer marks must be placed in accordance with regulations – the following documents are required:						
	7.2.1. Minutes on placing forest hammer marks.	Forest owner	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
	7.2.2. Packing list;	Local forest protection agency	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 7.3: Timber harvested not subject to forest hammer marks as regulated in Indicator 7.2 - the following document is required:						
	7.3.1. Packing list.	Forest owner or harvesting unit	Local forest protection agency	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT
Criterion 8: Compliance with regulations on harvesting rubber wood						
Indicator 8.1: Compliance with legal regulations on land use right and forest use right - one of the following documents is required:						
	8.1.1. Decision on land allocation (prior to 15/10/1993);		District/Provincial PC	No specific legislation prior to 1993 on land allocation	Division of Agriculture and Rural Development	No specific legislation prior to 1993 on land allocation
	8.1.2. Land use right certificate (from 15/10/1993 to date);	District-level land division	District PC	Articles 48, 49 and 51, Land Law 2003; Articles 100 and 101, Land Law 2013	Division of Agriculture and Rural Development	
	8.1.3. Decision on land allocation (from 15/10/1993 to date);	District-level land division	District PC	Articles 32, 33 and 34, Land Law 2003; Articles 53, 54 and 55, Land Law 2013	Division of Agriculture and Rural Development	

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	8.1.4. Decision on land leasing (from 15/10/1993 to date);	District-level land division	District PC	Article 35, Land Law 2003; Article 56, Land Law 2013	Division of Agriculture and Rural Development	
	8.1.5. One type of papers on land use rights as stipulated in Article 100 Land Law 2013;			Article 100, Land Law 2013	Division of Agriculture and Rural Development	
	8.1.6. Confirmation of the Commune People's Committee that land is currently used and free to dispute subject to the cases regulated in Article 101 Land Law 2013;	District-level land division	District PC	Article 101, Land Law 2013	Division of Agriculture and Rural Development	
Indicator 8.2: Compliance with regulations on archiving harvesting documents - the following document is required:						
	8.2.1. Report on harvesting location and volume;	Forest owner		Article 7, Circular No. 21/2016/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

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	8.2.2. Packing list.	Forest owner	Local forest protection agency	Article 5, Circular 01/2012/TT-BNNPTNT; Article 1, Circular 40/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 2, Chapter III, Circular 01/2012/TT-BNNPTNT

PRINCIPLE II: COMPLIANCE WITH REGULATIONS ON HANDLING CONFISCATED TIMBER (HOUSEHOLDS)						
Criterion Indicators	Verifiers	Prepared by	Approved-certified by	Legal references for verifiers	Checked by	Legal references for checking
Criterion 1. Compliance with regulation on archiving documents of handled confiscated timber						
Indicator 1.1: Compliance with regulations on handled confiscated timber - the following documents are required:						
	1.1.1. Sales contract/Contract on purchase and sale of property put up for auction;	Professional auction centre or auction company or district-level auction council	Professional auction centre or auction company or district-level auction council	Article 35, Decree 17/2010/ND-CP	Forest protection agencies at all levels	

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	1.1.2. Certificates of ownership or use right of auctioned property;	Professional auction centre or auction company or district-level auction council	Professional auction centre or auction company or district-level auction council	Article 46, Decree 17/2010/ND-CP	Forest protection agencies at all levels	
	1.1.3. Invoice as regulated by the Ministry of Finance;			Article 16, Circular No. 01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT	Forest protection agencies at all levels	
	1.1.4. Packing list.	Local forest protection agencies	Local forest protection agencies	Article 16, Circular No. 01/2012/TT-BNNPTNT;	Forest protection agencies at all levels	

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Indicator 1.2: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm forest hammer marks must be placed on timber products – the following document is required:						
	1.2.1. Minutes of placing forest hammer marks.	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision No.44/2006/QD-BNN, Article 1, Decision 107/2007/QD-BNN		

PRINCIPLE III: COMPLIANCE WITH REGULATIONS ON IMPORTING TIMBER (HOUSEHOLDS)						
Criterion Indicators	Verifiers	Prepared by	Approved-certified by	Legal references for verifiers	Checked by	Legal references for checking
Criterion 1: Compliance with regulations on customs procedures						
Indicator 1.1: Compliance with legal regulations on customs procedures - the following documents are required:						
	1.1.1. Declaration for imported timber products;	Importers	Border Customs Authority	Article 24, Customs Law 2014; Article 25, Decree 08/2015/ND-CP; Article 10, Circular 01/2012/TT-BNNPTNT; Article 16, Circular 38/2015/TT-BTC	Border Customs Authorities	Section 3 Circular 38/2015/TT-BTC
	1.1.2. Sales contract or equivalent;	Exporters	Border Customs Authorities	To be issued by Viet Nam Government	To be issued by Viet Nam Government	To be issued by Viet Nam Government

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	1.1.3. Trading invoice in the case of commercial transaction;	Exporters	Exporters	Article 16, Circular 38/2015/TT-BTC	Border Customs Authorities	Section 3 Circular 38/2015/TT-BTC
	1.1.4. Bill of lading (or other shipping document of equivalent value in accordance with legal regulations);	Transportation agencies	Transportation agencies	Article 16, Circular 38/2015/TT-BTC	Border Customs Authorities	Section 3 Circular 38/2015/TT-BTC
	1.1.5. Packing list of imported timber products.	Exporters	Exporters	Article 10, Circular 01/2012/BNNPTNT	Border Customs Authorities	Section 3 Circular 38/2015/TT-BTC
	1.1.6. Depending on timber sources of imported timber, one of the following verifiers is required:					
	1.1.6.1. CITES permit of export country in the case of timber under Appendices I, II, and III to CITES;	Organisations in country of export	CITES MA in country of export	Decree 82/2006/ND-CP; Article 5, Decree 98/2011/ND-CP; Circular 04/2015/TT-BNNPTNT	Border Customs Authorities	Section 3 Circular 38/2015/TT-BTC

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	1.1.6.2. FLEGT licence;	FLEGT Licensing Authority in country of export	Customs authorities in country of export	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam
	1.1.6.3. A Self-declaration demonstrating due diligence on the legality of timber.	Importers	Border Customs Authorities; FPD	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam
	1.1.7. Depending on the risk category (as specified in Table 2 of Annex V), one of the following verifiers is required:					
	1.1.7.1. Voluntary certification or national certification schemes recognised by VNTLAS;	Organisations in country of export	Border Customs Authorities; FPD	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam

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	1.1.7.2. Legal harvesting document in line with law and regulations of country of harvest (HS 4403, 4406, 4407);	Relevant authorities in country of export	Border Customs Authorities; FPD	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam
	1.1.7.3. Alternative additional documentation demonstrating legality of timber in accordance with legislation of country of harvest (where the harvesting document is not required in the country of harvest for primary products, or importers cannot obtain harvesting document for complex products).	Organisations and/or relevant authorities in country of export	Border Customs Authorities; FPD	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam	To be issued by the Government of Viet Nam
Criterion 2: Compliance with regulations on plant quarantine and forest hammer mark						
Indicator 2.1: Compliance with regulations on plant quarantine for timber and timber products - the following document is required:						
	2.1.1. Plant quarantine certificate for round timber, sawn timber, pallet, sawdust.	Owner of imported timber	Viet Nam's plant quarantine authority	Article 1, Circular No. 30/2014/TT-BNNPTNT; Article 7, Circular 33/2014/TT-BNNPTNT	Border Customs Authorities	Section 3 Circular 38/2015/TT-BTC

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Indicator 2.2: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, hammer marks or other special signs of exporting countries must be placed; otherwise, forest hammer marks must be placed in accordance with regulations – the following documents are required:						
	2.2.1.Minutes of placing forest hammer marks;	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision No. 44/2006/QD-BNN	Forest protection agencies at all levels (central, provincial, district levels)	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT
	2.2.2. Packing list.	Importers	Local forest protection agencies	Articles 7 and 8, Decision No. 44/2006/QD-BNN	Forest protection agencies at all levels (central, provincial, district levels)	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT

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PRINCIPLE IV: COMPLIANCE WITH REGULATIONS ON TIMBER TRANSPORTATION AND TRADE (HOUSEHOLDS)						
Criterion Indicators	Verifiers	Prepared by	Approved-certified by	Legal references for verifiers	Checked by	Legal references for checking
Criterion 1. Compliance with regulations on transporting, trading unprocessed timber that are main harvesting, salvage harvesting and salvage collection from domestic natural forests						
Indicator 1.1: Compliance with regulations on legal timber product dossier - the following documents are required:						
	1.1.1. Invoice as required by the Ministry of Finance (in the case of purchasing timber from organisations);	Timber owner	Timber owner	Article 12, Circular 01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
	1.1.2. Packing list.					
	1.1.2.1. Packing list (in the case of purchasing timber from households);	Timber owner	Communal PC	Article 12, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT

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	1.1.2.2. Packing list (in the case of purchasing timber from organisations);	Timber owner	Local forest protection agencies	Article 12, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 1.2: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm forest hammer marks must be placed – the following documents are required:						
	1.2.1. Minutes of placing forest hammer marks.	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision No.44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
	1.2.2. Packing list;	Timber owner	Local forest protection agencies	Articles 7 and 8, Decision No.44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT

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Criteria 2. Compliance with regulations on transporting, trading unprocessed timber that are harvested from concentrated plantation forests, home gardens, farms, scattered trees						
Indicator 2.1: Compliance with regulations on legal timber product dossier - the following documents are required:						
	2.1.1. Invoice as required by the Ministry of Finance (if purchasing timber from organisations);	Timber owner	Timber owner	Article 13, Circular No.01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
	2.1.2. Packing list.	Timber owner	Timber owner	Article 13, Circular No.01/2012/TT-BNNPTNT;	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 2.2: For timber from rare, precious, and endangered timber species harvested in plantation forests, round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from, forest hammer marks must be placed – the following documents are required:						
	2.2.1. Minutes of placing forest hammer marks.	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision No.44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT

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	2.2.2. Packing list;	Timber owner	Local forest protection agencies	Articles 7 and 8, Decision No.44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
Criterion 3: Compliance with regulations on transporting and trading imported timber and timber products that are not domestically processed						
Indicator 3.1: Compliance with regulations on legal timber product dossier - the following documents are required:						
	3.1.1. Invoice as required by Ministry of Finance;	Timber owner	Timber owner	Article 14, Circular No.01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
	3.1.2. Packing list.	Timber owner	Local forest protection agencies	Article 14, Circular No.01/2012/TT-BNNPTNT;	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 3.2. For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m which is not marked with forest hammer marks or special sign of exporting countries Viet Nam forest hammer marks shall be placed – the following documents are required:						
	3.2.1. Minutes on placing forest hammer marks.	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision No.44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
	3.2.2. Packing list;	Timber owner	Local forest protection agencies	Articles 7 and 8, Decision No.44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
Criterion 4: Compliance with regulations on transporting and trading unprocessed confiscated timber and timber products that have been handled						
Indicator 4.1: Compliance with regulations on legal timber product dossier - the following documents are required:						
	4.1.1 Invoice as required by Ministry of Finance (if purchasing timber from organisations);	Timber owner	Timber owner	Article 16, Circular No.01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT

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	4.1.2. Packing list.	Timber owner	Local forest protection agencies	Article 16, Circular No.01/2012/TT-BNNPTNT;	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 4.2: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm forest hammer marks must be placed – the following documents are required:						
	4.2.1. Minutes on placing forest hammer marks.	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision No.44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
	4.2.2. Packing list;	Timber owner	Local forest protection agencies	Articles 7 and 8, Decision No.44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT

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Criterion 5: Compliance with regulations on transporting and trading of processed timber and timber products (including round timber cross-cutting) from natural timber, imported timber and handled confiscated timber						
Indicator 5.1: Compliance with regulations on legal timber product dossier - the following documents must be in place:						
	5.1.1 Invoice as required by Ministry of Finance (if purchasing timber from Organisations);	Timber owner	Timber owner	Article 17, Circular 01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
	5.1.2. Packing list.	Timber owner	Local forest protection agencies	Article 17, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 5.2: Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m must be marked with forest hammer marks – the following documents are required:						
	5.2.1. Minutes on placing forest hammer marks made.	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision No44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT

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	5.2.2. Packing list;	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision No44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
Criterion 6: Compliance with regulations on transporting and trading of processed timber and timber products (including round timber cross-cutting) from concentrated plantation forests						
Indicator 6.1: Compliance with regulations on legal timber product dossier - the following documents are required:						
	6.1.1 Invoice as required by Ministry of Finance (if purchasing timber from Organisations);	Timber owner	Timber owner	Article 17, Circular 01/2012/TT-BNNPTNT; Article 1, Circular 40/2015/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
	6.1.2. Packing list.	Timber owner	Timber owner	Article 17, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 6.2. Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m must be marked with forest hammer marks – the following documents are required:						
	6.2.1. Minutes on placing forest hammer marks.	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision No44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
	6.2.2. Packing list;	Timber owner	Local forest protection agencies	Articles 7 and 8, Decision No44/2006/QD-BNN	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT
Criterion 7. Compliance with regulations on timber product dossier for verification for export						
Indicator 7.1: Compliance with regulations on legal timber product dossier for verification for export - the following documents are required:						
	7.1.1. Sales contract or equivalent;	Exporters	Border Customs authorities	To be issued by Viet Nam Government	To be issued by Viet Nam Government	To be issued by Viet Nam Government
	7.1.2 Trading invoice;	Exporters	Border Customs authorities	Circular No. 38/2015/TT-BTC	Border Customs authorities	Section 3 Circular 38/2015/TT-BTC

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	7.1.3. Packing list of forest products for export;	Exporters	Border Customs authorities	Article 5, Circular 01/2012/TT-BNNPTNT	Border Customs authorities	Section 3 Circular 38/2015/TT-BTC
	7.1.4. One or more additional documents subject to specific stages of the supply chain of different timber sources (e.g. minutes of placing forest hammer marks) providing evidences on timber legality for such shipment.	Exporters	Border Customs authorities		Border Customs authorities	Legislation to be developed

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PRINCIPLE V: COMPLIANCE WITH REGULATIONS ON TIMBER PROCESSING (HOUSEHOLDS)						
Criterion Indicators	Verifiers	Prepared by	Approved-certified by	Legal references for verifiers	Checked by	Legal references for checking
Criterion 1. Compliance with regulations on timber processing facilities						
Indicator 1.1: Compliance with regulations on fire prevention and firefighting - the following document is required:						
	1.1.1. Approved design on fire prevention and firefighting.	Households	Provincial fire prevention and firefight police	Article 15, and Annex 4, Decree 79/2014/ND-CP	Head of Organisations, Chairperson of distric PC, fire prevention and firefight police	Article 18 Decree 79/2014/ND-CP
Indicator 1.2: Compliance with regulation on safety and hygiene - the following is required:						
	1.2.1. Rules on safety and hygiene are in place.	Business households	Functional agency on labour safety and hygiene	Labour Code 2012: Chapter IX, Clause 1 Article 137, Article 138, Labour Code 10/2012/QH 13	Forest protection agencies at all levels	Section 4, Chapter III, Circular 01/2012/TT-BNNPTNT

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Criterion 2: Compliance with regulations on the legal origin of timber which are going to be processed						
Indicator 2.1: Compliance with regulations on legal timber dossier for timber harvested from forests of Households - the following document is required:						
	2.1.1. Packing list.					
	2.1.1.1. Packing list for timber harvested from natural forests	communities, households, individuals	Communal PC	Articles 12 and 20, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT
	2.1.1.2. Packing list for timber harvested from plantation forests	communities, households, individuals	communities, households, individuals	Article 1, Circular 40/2015/TT-BNNPTNT Article 20, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT
Indicator 2.2: Compliance with regulations on legal timber dossier for timber purchased from Organisations - the following documents are required:						
	2.2.1. Invoice as regulated by Ministry of Finance;	Timber sellers	Timber owners	Article 20, Circular No. 01/2012/TT-BNNPTNT; Article 1, Circular No. 40/2015/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT

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	2.2.2. Packing list.			Article 20, Circular No. 01/2012/TT-BNNPTNT, Article 1, Circular 40/2015/TT-BNNPTNT		
	2.2.2.1. Packing list for timber harvested from natural forests	Timber sellers	Local forest protection agencies	Articles 12 and 20, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT
	2.2.2.2. Packing list for timber harvested from plantation forests	Timber sellers	Timber sellers	Article 1, Circular 40/2015/TT-BNNPTNT Article 20, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT
	2.2.2.3. Packing list for imported timber	Timber sellers	Local forest protection agencies	Articles 14 and 20, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT
	2.2.2.4. Packing list for handled confiscated timber	Timber sellers	Local forest protection agencies	Articles 16 and 20, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 2.3: Compliance with regulations on legal timber dossier for timber purchased from Households - the following document is required:						
	2.3.1. Packing list.					
	2.3.1.1 Packing list for timber harvested from natural forests	communities, households, individuals	Local forest protection agencies for processed timber; Communal PC for unprocessed timber	Articles 12 and 20, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT
	2.3.1.2 Packing list for timber harvested from plantation forests	communities, households, individuals	communities, households, individuals	Article 1, Circular 40/2015/TT-BNNPTNT Article 20, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT
	2.3.1.3 Packing list for imported timber	communities, households, individuals	Local forest protection agencies	Articles 14 and 20, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT
	2.3.1.4 Packing list for handled confiscated timber	communities, households, individuals	Local forest protection agencies	Articles 16 and 20, Circular 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT

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Indicator 2.4: For round timber with a large end diameter of ≥ 25cm and length of ≥ 1m harvested in natural forests and timber from rare, precious and endangered timber species harvested in plantation forests, imported timber without forest hammer marks or special signs of exporting countries, and handled confiscated timber forest hammer marks must be placed – the following documents are required:						
	2.4.1. Minutes on placing forest hammer marks	Local forest protection agencies	Local forest protection agencies	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT
	2.4.2 Packing list;	Forest owner or harvesting unit	Local forest protection agencies	Articles 7 and 8, Decision No. 44/2006/QD-BNN; Article 9, Circular No. 01/2012/TT-BNNPTNT	Forest protection agencies at all levels	Section 3, Chapter III, Circular 01/2012/TT-BNNPTNT

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PRINCIPLE VI: COMPLIANCE WITH REGULATIONS ON CUSTOMS PROCEDURES FOR EXPORT (HOUSEHOLDS)						
Criterion Indicators	Verifiers	Prepared by	Approved-certified by	Legal references for verifiers	Checked by	Legal references for checking
Criterion 1: Compliance with regulations on customs procedures						
Indicator 1.1: Compliance with regulations on legal export dossier - the following documents are required:						
	1.1.1. Customs clearance declaration for export timber products according to the applicable regulation (original);	Timber owner	Border Customs Authority	Article 24, Customs Law 2014; Article 25, Decree 08/2015/ND-CP; Article 16, Circular No. 38/2015/TT-BTC	Border Customs Authorities	Section 3 Circular 38/2015/TT-BTC
	1.1.2. Sales contract or equivalent;	Timber owner	Timber owner	To be issued by Viet Nam Government	To be issued by Viet Nam Government	To be issued by Viet Nam Government
	1.1.3 Trading invoice (if export tax is imposed on the export timber and timber products);	Timber owner	Timber owner	To be issued by Viet Nam Government	To be issued by Viet Nam Government	To be issued by Viet Nam Government
	1.1.4 Packing list;			Article 5, Circular 01/2012/TT-BNNPTNT	Border Customs Authorities	Section 3 Circular 38/2015/TT-BTC

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	1.1.5. Permit of CITES MA of Viet Nam for products made from timber which in under Appendix II of CITES;	VN CITES Management Authority	VN CITES Management Authority	Article 8, Circular 04/2015/TT-BNNPTNT; Article 16,Circular No. 38/2015/TT-BTC	Border Customs Authorities	Section 3 Circular 38/2015/TT-BTC
	1.1.6. FLEGT licence for EU market.	VN CITES Management Authority	VN CITES Management Authority	to be issued by VN Government	Border Customs Authorities	to be issued by VN Government
Criterion 2: Compliance with regulations on plant quarantine						
Indicator 2.1: Compliance with regulations on plant quarantine for timber and timber products - the following document is required:						
	2.1.1. Quarantine certificate for round timber, sawn timber, Pallet, sawdust.	Viet Nam's Quarantine Authority	Border Customs Authorities; FPD	Article 1, Circular No. 30/2014/TT-BNNPTNT; Article 10, Circular 33/2014/TT-BNNPTNT	Border Customs Authority	Decree 154/2005/ND-CP, Circular 194/2010/TT-BTC

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PRINCIPLE VII: COMPLIANCE WITH TAXATION REGULATIONS (HOUSEHOLDS)						
Criterion Indicators	Verifiers	Prepared by	Approved-certified by	Legal references for verifiers	Checked by	Legal references for checking
Criterion 1: Compliance with regulations on tax						
Indicator 1.1: Compliance with regulations on tax declaration, registration and payment:						
	1.1.1 Organisations or persons, or businesses are not included in the public list of tax risk.	Timber owner	Tax authority	Article 70, Circular 156/2013/TT-BTC; Document 815/TCT-KK of the General Department of Taxation	Tax authority	Circular 28/2011/TT - BTC; Decision 694/QD-TCHQ of General Department of Customs

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Appendix 2

SUPPLY CHAIN CONTROL

Introduction

This Appendix describes in six tables the content of the timber product dossier at each critical control point of the supply chain and the archiving requirements for Organisations and Households and the Forest Protection agencies (FPD).

For Organisations:

– Table 1. Management of information on timber sources for Organisations – points of entry in the supply chain;

– Table 2. Management of information on timber in circulation in the VNTLAS after points of entry in the supply chain for timber from natural forest, imported timber and handled confiscated timber for Organisations;

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– Table 3. Management of information on timber in circulation in the VNTLAS after points of entry in the supply chain for timber from concentrated plantation forest, gardens, farms, dispersed trees and rubber wood for Organisations.

For Households:

– Table 4. Management of information on timber sources for Households – points of entry in the supply chain;

– Table 5. Management of information on timber in circulation in the VNTLAS after points of entry in the supply chain for timber from natural forest, imported timber and handled confiscated timber for Households;

– Table 6. Management of information on timber in circulation in the VNTLAS after points of entry in the supply chain for timber from concentrated plantation forest, gardens, farms, dispersed trees and rubber wood for Households.

The timber product dossier is an essential element of the VNTLAS. According to Government regulation, the timber product dossier should be established at each critical control point of the supply chain for both Organisations and Households. The timber product dossier includes a set of documents that contribute to demonstrating the legal compliance of the corresponding batch of timber products.

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As set out in Section 6 of Annex V, the critical control points of the supply chains in the VNTLAS are as follows:

1. Timber sources entering the VNTLAS:

1a. Timber from main harvesting of domestic natural forest (Organisations);

1b. Timber from salvage harvesting and salvage collection of domestic natural forest (Organisations and Households);

1c. Timber from main harvesting, salvage harvesting and salvage collection of planted protection forests (Organisations and Households);

1d. Timber from main harvesting, salvage harvesting and salvage collection of planted production forests (Organisations and Households);

1e(1). Rubber wood (Organisations);

1e(2). Rubber wood; timber from home gardens, farms and dispersed trees (Households);

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1f. Handled confiscated timber (Organisations and Households);

1g. Imported timber (Organisations and Households).

2. First Transport and trade transaction of timber products.

3. Second transport and trade transaction of timber products.

4. Any subsequent transportation and trade of products (n).

5. Processing site.

6. Export.

Under the VNTLAS, the timber product dossier can be checked under different circumstances:

– Approval, certification and check of verifiers: as defined in Appendix I to Annex V, documents in the timber product dossier are subject to approval, certification and checks by the FPD and other verification entities.

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– OCS assessment: the legal compliance of Organisations is regularly assessed in the context of the Organisation Classification System. The frequency of OCS assessments is defined based in the organisation risk category (Category 1 or 2). The documents included in all timber product dossiers under the responsibility of the Organisation are subject to checks (with up to five years of archiving).

– Due diligence: Organisations and Households shall take responsibility for the accuracy of the information and the legality of all timber sources, including timber from domestic sources. The timber product dossier is one of the main sources of information for Organisations and Households to carry out due diligence in the context of a transaction of timber products.

Additionally, the timber product dossier is the basis for monthly or quarterly reporting of timber inputs and outputs by Organisations, complying with reporting requirements to the relevant Government agencies as stipulated by the legislation and regulations allowing for volume-based reconciliation.

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As illustrated in Figure 1, at all transaction stages of the supply chain, the timber seller prepares a packing list for the batch of timber that is being sold. The packing list is transferred to the timber buyer and is archived by the timber buyer, and the timber seller archives a copy of the packing list:

– Packing list 1 is prepared by the first owner of the batch of timber at the entry points of the supply chain in the VNTLAS (i.e. harvesting, import, confiscated timber, etc.) and is archived by the first owner.

– Packing list 2 is prepared by the first timber owner who sells a batch of timber to the second owner. The packing list 2 accompanies the batch of timber that is transferred to the second owner. Packing list 2 is archived by the second owner and the first owner retains the copy of packing list 2.

– Packing list 3 is prepared by the second timber owner who sells a batch of timber to the third owner. The packing list 3 accompanies the batch of timber that is transferred to the third owner. Packing list 3 is archived by the third owner and the second owner retains the copy of packing list 3.

– Subsequent transactions along the supply chain follow similar procedure.

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Figure 1. VNTLAS supply chain control chart

NOTE:

Packing lists (original) made by each timber when selling or transportation occurs as a mandatory part of the Timber Product Dossier and circulating with timber. The copy of the packing list is archived by the timber owner. The number of transactions in the supply chain varies according to the specific timber products and stages at which the products are sold onto the domestic or export market.

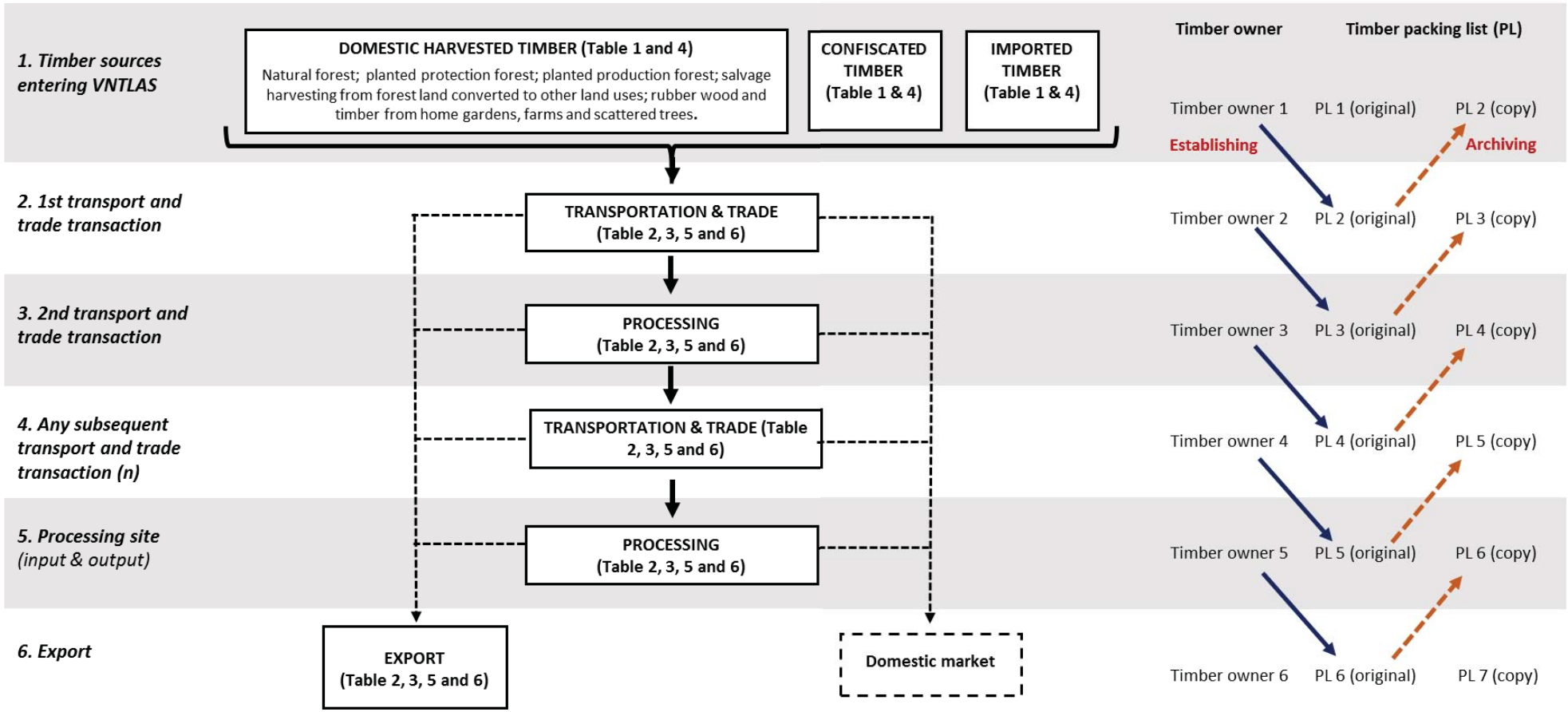

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TABLE 1. MANAGEMENT OF INFORMATION ON TIMBER SOURCES FOR ORGANISATIONS

POINTS OF ENTRY IN THE SUPPLY CHAIN

No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
1a	Timber from main harvesting of domestic natural forest	1. Harvesting design statement 2. Map of harvesting area 3. List of tree marked for harvesting 4. Minutes on appraising harvesting design in the field 5. Decision on approving harvesting design	1. Harvesting design statement (original) 2. Map of harvesting area (original) 3. List of tree marked for harvesting (original) 4. Minutes on appraising harvesting design in the field (original) 5. Decision on approving harvesting design (original)

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No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
		6. Harvesting Permit	6. Harvesting Permit (original)
		7. Minutes of acceptance of harvested timber	7. Minutes of acceptance of harvested timber (original)
		8. Minutes of placing forest hammer marks (Round timber a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm)	8. Minutes of placing forest hammer marks (Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm) (original)
		9. Packing list 1	9. Packing list (original)

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No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
1b	Timber from salvage harvesting and salvage collection of domestic natural forest	1. List of anticipated timber to be harvested 2. One of the following documents (in accordance with legality definition Principle I, Criteria 4 and 5): 2.1. Approved official documents on allowing forest land conversion to other land uses 2.2. Silviculture project; 2.3. Training plan; 2.4. Scientific research proposal.	1. List of anticipated timber to be harvested 2. One of the following documents: 2.1. Approved official documents on allowing forest land conversion to other land uses (original) 2.2. Silviculture project; 2.3. Training plan; 2.4. Scientific research proposal.

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No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
		3. Minutes of placing forest hammer marks (Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm) 4. Packing list 1	3. Minutes of placing forest hammer marks ((Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm)(original) 4. Packing list (original)
1c	Timber from main harvesting, salvage harvesting and salvage collection of planted protection forests	1. Harvesting design statement 2. Map of harvesting area	For Category 1: No archiving by FPD For Category 2: 1. Harvesting design statement – (copy) 2. Map of harvesting area – (copy)

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No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
		3. Harvesting Permit 4. Minutes of placing forest hammer marks (Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species) 5. Packing list 1 (self-certified)	3. Harvesting Permit – (copy) 4. Minutes of placing forest hammer marks (Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species) 5. Packing list 1 – (copy)
1d	Timber from main harvesting, salvage harvesting and salvage collection of planted production forests	1. Report on harvesting location and volume	For Category 1: No archiving by FPA For Category 2: 1. Report on harvesting location and volume – (copy)

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No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
		2. Minutes of placing forest hammer marks (Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species) 3. Packing list 1 (self-certified)	2. Minutes of placing forest hammer marks (Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species) 3. Packing list 1 – (copy)
1e(1)	Rubber timber	1. Report on harvesting location and volume 2. Packing list 1 (self-certified)	For Category 1: No archiving by FPA For Category 2: 1. Report on harvesting location and volume – (copy) 2. Packing list 1 - (copy)

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No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
1f	Handled confiscated timber	1. Sales contract / contract on purchase and sale of property put up for auction 2. Certificates of ownership or use right of auctioned property 3. Invoice in compliance with regulation of Ministry of Finance 4. Minutes of placing forest hammer marks (Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm) 5. Packing list 1	1. Sales contract / contract on purchase and sale of property put up for auction (copy) 2. Certificates of ownership or use right of auctioned property (original) 3. Invoice in compliance with regulation of Ministry of Finance (copy) 4. Minutes of placing forest hammer marks (Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm) (original) 5. Packing list (original)

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No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
1g	Imported timber	1 Customs declaration for imported timber products 2. Trading invoice in the case of commercial transaction 3. Bill of lading (or other shipping document of equivalent value in accordance with legal regulations);	1 Customs declaration for imported timber products (copy) 2. Packing list 1 (copy); 3. Depending on timber sources of imported timber, one of the following verifiers is required(copy): 3.1 CITES permit of export country in the case of timber under Appendices I, II and III to CITES. 3.2. FLEGT licence 3.3. A self-declaration demonstrating due diligence on the legality of timber;

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No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
		4. Packing list 1;	4. Depending on the risk category (as specified in Table 2 of Annex V), one of the following verifiers shall be attached to a self-declaration (copy): 4.1. Voluntary certification or national certification schemes recognised by the VNTLAS 4.2. Harvesting document in line with law and regulations of country of harvest (HS 4403, 4406, 4407).

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No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
		5. Depending on timber sources of imported timber, one of the following verifiers is required: 5.1. CITES permit of export country in the case of timber under Appendices I, II and III to CITES. 5.2. FLEGT licence 5.3. A self-declaration demonstrating due diligence on the legality of timber	

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No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
		6. Depending on the risk category (as specified in Table 2 of Annex V), one of the following verifiers shall be attached to a self-declaration: 6.1. Voluntary certification or national certification schemes recognised by the VNTLAS 6.2. Harvesting document in line with law and regulations of country of harvest (HS 4403, 4406, 4407) 6.3. Alternative additional documentation demonstrating legality of timber in accordance with legislation of country of harvest (where the harvesting document is not required in the country of harvest for primary products, or importers cannot obtain harvesting document for complex products).	

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TABLE 2. MANAGEMENT OF INFORMATION ON TIMBER IN CIRCULATION IN THE VNTLAS AFTER POINTS OF ENTRY IN THE SUPPLY CHAIN FOR TIMBER FROM NATURAL FOREST, IMPORTED TIMBER AND HANDLED CONFISCATED TIMBER FOR ORGANISATIONS

No.	Critical control point	Responsibility for management and archiving documents of timber product dossier		
		Documents to be archived by seller (original/copy for five years)	Document to be archived by buyer (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
B1	The first transport and trade of products	1. Invoice 1 in compliance with regulation of Ministry of Finance - Copy 2. Packing list 1 - Original 3. Packing list 2 - Copy	1. Invoice1 in compliance with regulation of Ministry of Finance - Original 2. Packing list 2 - Original	1. Invoice 1 in compliance with regulation of Ministry of Finance – Copy 2. Packing list 1 - Copy 3. Packing list 2 - Original

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No.	Critical control point	Responsibility for management and archiving documents of timber product dossier		
		Documents to be archived by seller (original/copy for five years)	Document to be archived by buyer (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
B2	The second or subsequent transport and trade of products	1. Invoice1 or Invoice (n)in compliance with regulation of Ministry of Finance - Original 2. Invoice 2or Invoice (n+1) in compliance with regulation of Ministry of Finance - Copy 3. Packing list 2 or packing list (n) – Original 4. Packing list 3 or packing list (n+1) – Copy	1. Invoice2 or Invoice (n+1)in compliance with regulation of Ministry of Finance - Original 2. Packing list 3 or packing list (n+1) – Original	1. Invoice 1 or Invoice (n) in compliance with regulation of Ministry of Finance - Copy 2. Packing list 2 or packing list (n) – Copy 3. Packing list 3 or packing list (n+1) –Original

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No.	Critical control point	Responsibility for management and archiving documents of timber product dossier		
		Documents to be archived by seller (original/copy for five years)	Document to be archived by buyer (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
B3	Processing site	1. B1 or B2 timber product dossier 2. Invoice in compliance with regulation of Ministry of Finance - Copy 3. Packing list – Copy 4. Monitoring books for input and output forest products	1. Invoice in compliance with regulation of Ministry of Finance - Original 2. Packing list – Original	1. B1 or B2 timber product dossier 2. Invoice in compliance with regulation of Ministry of Finance - Copy 3. Packing list – Original

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No.	Critical control point	Responsibility for management and archiving documents of timber product dossier		
		Documents to be archived by seller (original/copy for five years)	Document to be archived by buyer (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
B4	Export	1. B1 or B2 or B3 timber product dossier 2. Invoice in compliance with regulation of Ministry of Finance - Copy	Timber product dossier is with importer in country of destination	For Categories 1 and 2 Organisations: 1. B1 or B2 or B3 timber product dossier - Copy For Category 2 Organisations: 2. Invoice in compliance with regulation of Ministry of Finance - Copy

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No.	Critical control point	Responsibility for management and archiving documents of timber product dossier		
		Documents to be archived by seller (original/copy for five years)	Document to be archived by buyer (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
		3. Packing list – Copy 4. Additional documents subject to specific stages of the supply (see Section 7.1.1 of Annex V) 5. FLEGT licence (if export into EU market)		3. Packing list – Copy 4. Additional documents subject to specific stages of the supply (see Section 7.1.1 of Annex V)

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TABLE 3. MANAGEMENT OF INFORMATION ON TIMBER IN CIRCULATION IN THE VNTLAS AFTER POINTS OF ENTRY IN THE SUPPLY CHAIN FOR TIMBER FROM CONCENTRATED PLANTATION FOREST, GARDEN, FARM, DISPERSED TREE AND RUBBER FOR ORGANISATIONS

No.	Critical control point	Responsibility for management and archiving documents of timber product dossier		
		Documents to be archived by seller (original/copy for five years)	Document to be archived by buyer (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
B1	The first transport, trade of products	1. Invoice 1 in compliance with regulation of Ministry of Finance - Copy	1. Invoice 1 in compliance with regulation of Ministry of Finance - Original	For Category 1: No archiving by FPA For Category 2: 1. Invoice 1 in compliance with regulation of Ministry of Finance – Copy

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No.	Critical control point	Responsibility for management and archiving documents of timber product dossier		
		Documents to be archived by seller (original/copy for five years)	Document to be archived by buyer (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
		2. Packing list 1 - Original 3. Packing list 2 - Copy	2. Packing list 2 - Original	2. Packing list 1 – Copy 3. Packing list 2 – Original
B2	The second or subsequent transport and trade of products	1. Invoice 1 or Invoice (n) in compliance with regulation of Ministry of Finance - Original	1. Invoice 2 or Invoice (n+1) in compliance with regulation of Ministry of Finance - Original	For Category 1: No archiving by FPA For Category 2: 1. Invoice 1 or Invoice (n) in compliance with regulation of Ministry of Finance - Copy

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No.	Critical control point	Responsibility for management and archiving documents of timber product dossier		
		Documents to be archived by seller (original/copy for five years)	Document to be archived by buyer (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
		2. Invoice 2 or Invoice (n+1) in compliance with regulation of Ministry of Finance - Copy 3. Packing list 2 or packing list (n) – Original 4. Packing list 3 or packing list (n+1) – Copy	2. Packing list 3 or packing list (n+1) – Original	2. Packing list 2 or packing list (n) – Copy 3. Packing list 3 or packing list (n+1) – Original
B3	Processing site			For Category 1: No archiving by FPA For Category 2:

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No.	Critical control point	Responsibility for management and archiving documents of timber product dossier		
		Documents to be archived by seller (original/copy for five years)	Document to be archived by buyer (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
		1. B1 or B2 timber product dossier 2. Invoice in compliance with regulation of Ministry of Finance - Copy 3. Packing list – Copy 4. Monitoring books for input and output forest products	1. Invoice in compliance with regulation of Ministry of Finance - Original 2. Packing list – Original	1. B1 or B2 timber product dossier 2. Invoice in compliance with regulation of Ministry of Finance - Copy 3. Packing list – Original

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No.	Critical control point	Responsibility for management and archiving documents of timber product dossier		
		Documents to be archived by seller (original/copy for five years)	Document to be archived by buyer (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
B4	Export	1. B1 or B2 or B3 timber product dossier 2. Invoice in compliance with regulation of Ministry of Finance - Copy	Timber product dossier is with importer in country of destination	For Categories 1 and 2 Organisations: 1. B1 or B2 or B3 timber product dossier - Copy For Category 2 Organisations: 2. Invoice in compliance with regulation of Ministry of Finance - Copy

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No.	Critical control point	Responsibility for management and archiving documents of timber product dossier		
		Documents to be archived by seller (original/copy for five years)	Document to be archived by buyer (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
		3. Packing list – Copy 4. Additional documents subject to specific stages of the supply (see Section 7.1.1 of Annex V) 5. FLEGT licence (if export into EU market)		3. Packing list – Copy 4. Additional documents subject to specific stages of the supply (see Section 7.1.1 of Annex V)

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TABLE 4. MANAGEMENT OF INFORMATION ON TIMBER SOURCES FOR HOUSEHOLDS POINTS OF ENTRY IN THE SUPPLY CHAIN

No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
1b	Timber from salvage harvesting and salvage collection of domestic natural forest	1. List of anticipated timber to be harvested 2. One of the following documents (in accordance with legality definition Principle I, Criteria 4 and 5): 2.1. Approved official documents on allowing forest land conversion to other land uses 2.2. Silviculture project; 2.3. Training plan; 2.4. Scientific research proposal.	1. List of anticipated timber to be harvested 2. One of the following documents: 2.1. Approved official documents on allowing forest land conversion to other land uses - Original 2.2. Silviculture project; 2.3. Training plan; 2.4. Scientific research proposal.

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No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
		3. Minutes of placing forest hammer marks (Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm) 4. Packing list 1	3. Minutes of placing forest hammer marks (Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm)- Original 4. Packing list - Original
1c	Timber from main harvesting, salvage harvesting and salvage collection of planted protection forests	1. Harvesting design statement - Original 2. Map of harvesting area - Original	For Org Type 1: No archiving by FPA For Org Type 2: FPA archive 1. Harvesting design statement 2. Map of harvesting area

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No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
		3. Harvesting Permit - Original 4. Minutes of placing forest hammer marks (Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species) - Original 5. Packing list 1 (self-certified)	3. Harvesting Permit 4. Minutes of placing forest hammer marks (Round timber with diameter of large end >=25cm and the length with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species) 5. Packing list 1 - Copy

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No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
1d	Timber from main harvesting, salvage harvesting and salvage collection of planted production forests	1. Report on harvesting location and volume - Original 2. Minutes of placing forest hammer marks (Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species) - Original 3. Packing list 1 (self-certified)	For Org Type 1: No archiving by FPA For Org Type 2: FPA archive 1. Report on harvesting location and volume 2. Minutes of placing forest hammer marks (Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species) 3. Packing list 1 - Copy

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No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
1e(2)	Rubber timber; timber from home gardens, farms and dispersed trees	1. Report on harvesting location and volume - Original 2. Packing list 1 - Original 3. Minutes of placing forest hammer marks (Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species) - Original	For Org Type 1: No archiving by FPA For Org Type 2: FPA archive 1. Report on harvesting location and volume 2. Packing list 1 3. Minutes of placing forest hammer marks (Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm from rare, precious and endangered timber species)

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No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
1f	Handled confiscated timber	1. Sales contract / contract on purchase and sale of property put up for auction 2. Certificates of ownership or use right of auctioned property 3. Invoice in compliance with regulation of Ministry of Finance 4. Minutes of placing forest hammer marks (Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm) 5. Packing list 1	1. Sales contract / contract on purchase and sale of property put up for auction - Copy 2. Certificates of ownership or use right of auctioned property - Copy 3. Invoice in compliance with regulation of Ministry of Finance - Copy 4. Minutes of placing forest hammer marks (Round timber with a large end diameter of ≥ 25cm and length of ≥ 1m and timber sawn or squared in the forest with a length of ≥ 1m, thickness of ≥ 5cm and width of ≥ 20cm) - Original 5. Packing list 1 - Original

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No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
1g	Imported timber	1 Customs declaration for imported timber products 2. Trading invoice in the case of commercial transaction 3. Bill of lading (or other shipping document of equivalent value in accordance with legal regulations);	1 Customs declaration for imported timber products - Copy 2. Packing list 1 - Copy 3. Depending on timber sources of imported timber, one of the following verifiers is required - Copy: 3.1 CITES permit of export country for the case of timber under Appendices I, II and III to CITES. 3.2. FLEGT licence 3.3. A self-declaration demonstrating due diligence on the legality of timber;

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No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
		4. Packing list 1;	4. Depending on the risk category (as specified in Table 2 of Annex V), one of the following verifiers shall be attached to a self-declaration - Copy: 4.1. Voluntary certification or national certification schemes recognised by the VNTLAS 4.2. Harvesting document in line with law and regulations of country of harvest (HS 4403, 4406, 4407) 4.3. Alternative additional documentation demonstrating legality of timber in accordance with legislation of country of harvest (where the harvesting document is not required in the country of harvest for primary products, or importers cannot obtain harvesting document for complex products).

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No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
		5. Depending on timber sources of imported timber, one of the following verifiers is required: 5.1. CITES permit of export country for the case of timber under Appendices I, II and III to CITES. 5.2. FLEGT licence 5.3. A self-declaration demonstrating due diligence on the legality of timber 6. Depending on the risk category (as specified in Table 2 of Annex V), one of the following verifiers shall be attached to a self-declaration:	

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No.	Timber entry point	Responsibility for management and archiving of information in timber product dossier	
		Documents to be archived by timber owner (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
		6.1. Voluntary certification or national certification schemes recognised by the VNTLAS 6.2. Harvesting document in line with law and regulations of country of harvest (HS 4403, 4406, 4407) 6.3. Alternative additional documentation demonstrating legality of timber in accordance with legislation of country of harvest (where the harvesting document is not required in the country of harvest for primary products, or importers cannot obtain harvesting document for complex products).	

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TABLE 5. MANAGEMENT OF INFORMATION ON TIMBER IN CIRCULATION IN THE VNTLAS AFTER POINTS OF ENTRY IN THE SUPPLY CHAIN FOR TIMBER FROM NATURAL FOREST, IMPORTED TIMBER AND HANDLED CONFISCATED TIMBER FOR HOUSEHOLDS

No.	Critical control point	Responsibility for management and archiving documents of timber product dossier		
		Documents to be archived by seller (original/copy for five years)	Document to be archived by buyer (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
B1	The first transport, trade of products	1. Packing list 1 - Original 2. Packing list 2 - Copy	1. Packing list 2 - Original	1. Packing list 1 - Copy 2. Packing list 2 - Original
B2	The second or subsequent transport and trade of products	1. Packing list 2 or packing list (n) – Original 2. Packing list 3 or packing list (n+1) – Copy	1. Packing list 3 or packing list (n+1) – Original	1. Packing list 2 or packing list (n) – Copy 2. Packing list 3 or packing list (n+1) – Original

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No.	Critical control point	Responsibility for management and archiving documents of timber product dossier		
		Documents to be archived by seller (original/copy for five years)	Document to be archived by buyer (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
B3	Processing site	1. B1 or B2 timber product dossier 2. Packing list - Copy	1. Packing list - Original	1. B1 or B2 timber product dossier - Copy 2. Packing list - Original
B4	Export	1. B1 or B2 or B3 timber product dossier 2. Invoice in compliance with regulation of Ministry of Finance - Copy	Timber product dossier is with importer in country of destination	1. B1 or B2 or B3 timber product dossier - Copy 2. Invoice in compliance with regulation of Ministry of Finance - Copy

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No.	Critical control point	Responsibility for management and archiving documents of timber product dossier		
		Documents to be archived by seller (original/copy for five years)	Document to be archived by buyer (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
		3. Packing list – Copy 4. Additional documents subject to specific stages of the supply (see Section 7.1.1 of Annex V) 5. FLEGT licence (if export into EU market)		3. Packing list – Copy 4. Additional documents subject to specific stages of the supply (see Section 7.1.1 of Annex V)

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TABLE 6. MANAGEMENT OF INFORMATION ON TIMBER IN CIRCULATION IN THE VNTLAS AFTER POINTS OF ENTRY IN THE SUPPLY CHAIN FOR TIMBER FROM CONCENTRATED PLANTATION FOREST, GARDEN, FARM, DISPERSED TREE AND RUBBER FOR HOUSEHOLDS

No.	Critical control point	Responsibility for management and archiving documents of timber product dossier		
		Documents to be archived by seller (original/copy for five years)	Document to be archived by buyer (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
B1	The first transport, trade of products	1. Packing list 1 - Original 2. Packing list 2 - Copy	1. Packing list 2 - Original	1. Packing list 1 - Copy 2. Packing list 2 or packing list (n) - Original

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No.	Critical control point	Responsibility for management and archiving documents of timber product dossier		
		Documents to be archived by seller (original/copy for five years)	Document to be archived by buyer (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
B2	The second or subsequent transport and trade of products	1. Packing list 2 or packing list (n) – Original 2. Packing list 3 or packing list (n+1) – Copy	1. Packing list 3 or packing list (n+1) – Original	1. Packing list 2 or packing list (n) - Copy 2. Packing list 3 or packing list (n+1)- Original
B3	Processing site	1. B1 or B2 timber product dossier 2. Packing list – Copy	1. Packing list - Original	1. B1 or B2 timber product dossier 2. Packing list – Original

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No.	Critical control point	Responsibility for management and archiving documents of timber product dossier		
		Documents to be archived by seller (original/copy for five years)	Document to be archived by buyer (original for five years)	Documents to be archived by Forest Protection Agency (original/copy for non-limited period)
B4	Export	1. B1 or B2 or B3 timber product dossier 2. Invoice in compliance with regulation of Ministry of Finance - Copy 3. Packing list – Copy 4. Additional documents subject to specific stages of the supply (see Section 7.1.1 of Annex V) 5. FLEGT licence (if export into EU market)	Timber product dossier is with importer in country of destination	1. B1 or B2 or B3 timber product dossier - Copy 2. Invoice in compliance with regulation of Ministry of Finance - Copy 3. Packing list – Copy 4. Additional documents subject to specific stages of the supply (see Section 7.1.1 of Annex V)

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Appendix 3

STANDARD FORM FOR SELF-DECLARATION OF IMPORTED TIMBER SOURCES

This standard form shall be bilingual (English and Vietnamese) and shall be completed in Vietnamese.

This Self-declaration shall be required for all imported timber shipments without a CITES permit, or FLEGT licence or equivalent export licence covering the entire shipment from an exporting country which has concluded a VPA with the Union and has an operational FLEGT licensing system in place. The self-declaration shall be submitted together with applicable customs documentation. It shall be completed in line with the applicable Vietnamese legislation and VNTLAS implementation guidelines.

This document applies to both Organisations and Households importing timber into Viet Nam (hereinafter referred to as "the importer") to ensure that the imported timber has been legally harvested, produced and exported in accordance with the relevant legislation in the country of harvest.

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A. General information

1. Name and address of importer:
2. Name and address of exporter:
3. Goods description:
4. HS code:
5. Species scientific name:
6. Species trade name:
7. Goods quantity (m^3 / kg / pieces / packaging):
8. Bill of lading number (B / L):
9. Invoice number:
10. Packing list reference (if available):
11. Exporting country:
12. Country of harvest:

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B. Risk status of imported shipment

According to the status of the shipment, please check the applicable box below:

❑ B1. Low-risk species and of low-risk geographic origin – no additional documentation required; go to Section D below.

❑ B2. High-risk species and/or of high-risk geographic origin – additional documentation required; go to Section C and Section D below.

C. Additional documentation

C1. Primary products (e.g. HS Codes 4403, 4406, 4407)

If the timber products are made from high-risk species and/or are of high-risk geographic origin (B2), please attach to this self-declaration form one of the following verifiers for legal harvesting:

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C1.1 Voluntary certification or national certification scheme recognised by the VNTLAS:

Certification scheme (name and type)	Certificate claim number	Validity until

C1.2 Harvesting permit/document:

Type of document	Document reference/number	Issue date	Issuing authority/entity	Comments

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C1.3 Where the country of harvest does not require a harvesting document for the forest area this product is originating from, please provide the following additional information:

Type of document	Document reference/number	Issue date	Issuing entity	Comments
Country of harvest:				
Name and address of supplier:				
Reason the harvesting document is not required:				

❑ Separate sheet with details of the species and volumes attached

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C1.4 Where the harvesting document for this product is not available, please provide the following additional information:

Type of alternative to harvesting document	Document reference number	Issue date	Issuing entity	Comments
Country of harvest:				
Name and address of supplier:				
Reason the harvesting document is not available				

❑ Separate sheet with details of the species and volumes attached

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C2. Complex products (e.g. HS Chapters 44 and 94 excluding HS Codes 4403, 4406 and 4407)

If the timber products are made from high-risk species and/or are of high-risk geographic origin (B2), please attach to this self-declaration form one of the following verifiers for timber legality:

C2.1 Voluntary certification or national certification scheme recognised by the VNTLAS:

Certification scheme (name and type)	Certificate claim number	Valid until

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C2.2 Where the harvesting permit/document is not available:

Type of document demonstrating legality	Document reference number	Issue date	Issuing entity	Comments
Where the product came from:				
Name and address of supplier/exporter:				
Alternative additional documentation demonstrating legality of timber in accordance with the legislation of the country of harvest:				

❑ Separate sheet with details of the species and volumes attached

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D. Additional measures by the importer to mitigate any risk related to the legality of the timber in accordance with the relevant legislation in the country of harvest:

D 1.1 Information on legal requirements for timber export in the country of harvest

Identify any legal requirements (e.g. export bans, export licensing requirements, etc.) for timber export applicable to particular product or species per country of harvest for each product

Product, species and country of harvest	Legal requirements for timber export	Evidence of compliance

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D 1.2 Risk identification and mitigation

Identify any risk of illegally harvested and traded timber related to the shipment in accordance with the relevant legislation in the country of harvest and indicate mitigation measures applied. Continue on a separate sheet if necessary.

Risks identified	Mitigation measures applied

Declaration by the importer: I declare that the information given in this form is true, complete and accurate.

Signed: Dated:

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ANNEX VI

TERMS OF REFERENCE
FOR THE INDEPENDENT EVALUATION

1. Purpose and scope of the independent evaluation

The independent evaluation is carried out in accordance with Article 10 of this Agreement.

The independent evaluation is carried out by a third party (the "Independent Evaluator").

The Independent Evaluator shall report to Viet Nam and the Union through the Joint Implementation Committee (JIC) described in Annex IX.

The purpose of the independent evaluation is to assess the implementation, effectiveness and credibility of the Viet Nam Timber Legality Assurance System ("VNTLAS") and FLEGT licensing scheme, as set out in Annexes IV and V.

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The scope of the independent evaluation includes the following:

(i) with respect to verification under the VNTLAS:

- assessing the implementation, effectiveness and credibility of the VNTLAS in accordance with this Agreement, the applicable legal framework and the VNTLAS implementation guidelines;

- assessing the supply chain control and data management system for the VNTLAS;

- assessing the Organisation Classification System and risk-based verification;

- assessing verification for export in line with Annex V;

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(ii) with respect to the FLEGT licensing scheme:

- assessing the implementation, effectiveness and credibility of the FLEGT licensing scheme in accordance with the VNTLAS implementation guidelines, including the data management system;

- providing information on the impact of FLEGT licences on trade in timber products to the Union (qualitative and quantitative criteria), including as regards the free circulation of products covered by FLEGT licences within the Union market, in particular by making use of the reports of the Independent Market Monitoring (IMM) project implemented by the International Tropical Timber Organization (ITTO);

- assessing the coordination between the Licensing Authority and the competent authorities of the Member States of the Union;

(iii) identifying, documenting and reporting any non-compliance and weaknesses in the system and proposing measures for improvement;

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(iv) assessing the effectiveness of the implementation of the measures for improvement decided by the JIC for non-compliance and weaknesses in the system;

(v) assessing the coverage and accuracy of statistical data on production and trade in timber products for export to the Union market;

(vi) carrying out any other study requested by the JIC to further substantiate the independent evaluation.

2. Mandate and evaluation methodology of the Independent Evaluator

The independent evaluation methodology shall conform to best international practice compatible with ISO 19011, ISO 17021 or equivalent.

The independent evaluation methodology shall be approved by the JIC.

The Independent Evaluator shall have publicly available documented procedures for carrying out evaluations.

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The independent evaluation shall be conducted on the basis of evidence-based methods. All of the evaluation results and findings shall be fully documented and substantiated.

The methodology shall include adequate checks of relevant documentation, operating procedures and records of the agencies responsible for implementing the VNTLAS, including spot checks and sample-based checks of operators.

The evaluation methodology shall be based on information from the following sources:

– site visits, including at all stages of the supply chain, interviews, and electronic and paper-based documentation of the Verification Authority, the Licensing Authority, Organisations and Households and their suppliers; as well as information from other verification entities as specified in the final two paragraphs of this Section.

– information and complaints from organisations and individuals about the operation of the VNTLAS and the FLEGT licensing scheme.

– interviews and reports of the competent authorities of the Member States of the Union.

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– information maintained within the VNTLAS management information systems: (i) the violations database, including information on confiscated timber; (ii) the Organisations Classification System database; (iii) the FLEGT licensing database; and (iv) supply chain controls and related checks.

– public reports of internal inspections related to the implementation of the VNTLAS in accordance with Vietnamese legal regulations.

– information from publications of independent organisations and the media related to the VNTLAS.

– public information set out in Annex VIII.

– other sources of information proposed by the JIC.

The Independent Evaluator shall design a system for the receipt, collation and reporting of complaints and denunciations about the operation of the VNTLAS and the FLEGT licensing scheme. The complaints management system shall be approved by the JIC.

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The Independent Evaluator shall have a mechanism for receiving and dealing with complaints and denunciations about its own evaluation activities.

Both complaints and denunciation mechanisms described above shall provide for denunciations without the name and address of denunciators, provided that such denunciations are clear and supply concrete evidence in relation to acts of corruption or violations of the law. All identified denunciators shall be protected. These mechanisms shall have to ensure confidentiality in the receipt of complaints and denunciations.

The evaluation procedures shall specify how the Independent Evaluator will record and utilise information received from relevant stakeholders, in particular NGOs, forest associations, enterprises, trade unions, local communities and people living in forest areas.

Both Parties shall ensure that the Independent Evaluator has free access to all relevant data and information within its mandate and as regulated by both sides.

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Within Viet Nam, the Independent Evaluator shall have the mandate to access the Verification Authority (as defined in Section 2.2.3 of Annex V), the Licensing Authority (as described in Annex IV), and Organisations and Households (as defined in Section 2.2.1 of Annex V) along their supply chains. Such access shall be facilitated by the Verification Authority.

Where the Independent Evaluator requires information related to the VNTLAS or FLEGT licensing from other government agencies or verification entities within Viet Nam (as defined in Sections 2.2.2 and 2.2.3 of Annex V), the Independent Evaluator shall inform the Verification Agency (Forest Protection Department) and shall have access to other government agencies or verification entities. Such access shall be facilitated by the Verification Agency.

3. Capability requirements

The Independent Evaluator shall have capacity and competence in auditing and evaluation and in the forestry sector.

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The Independent Evaluator shall have:

– no conflict of interest arising from any organisational or commercial relationship as required by ISO 17021, ISO 17065 or equivalent;

– no direct involvement in forest management, timber processing, timber trade or regulation in the forestry sector in Viet Nam;

– its own quality control system as required by ISO 17021, ISO 17065 or equivalent;

– experience in audits of quality management systems; and

– assigned personnel with proven expertise and experience in auditing and evaluation in forest management, timber processing, timber sourcing, traceability and supply chain control, timber export and international markets, including the Union market.

Having previous experience in auditing and evaluation in Viet Nam or other timber processing countries would be an advantage.

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The Independent Evaluator shall be an organisation with legal status in Viet Nam.

The Independent Evaluator may be an organisation formally registered in Viet Nam or a foreign-registered organisation. Where the selected Independent Evaluator is a foreign-registered organisation, it shall enter into partnership with a Vietnamese partner and/or shall have a representative office in Viet Nam during the contract implementation period, to act as a focal contact point for all parties.

4. Reporting requirements

The Independent Evaluator shall report to the JIC according to a reporting framework and reporting schedule to be elaborated and agreed by the JIC at the beginning of the assignment.

The reporting framework and schedule shall include the following elements:

1. inception report;

2. annual evaluation reports (including main reports and summary reports) presenting the main results and findings of the independent evaluation.

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In addition, the Independent Evaluator may be asked to prepare and make presentations to the JIC and, upon the request of the JIC, to provide additional information to further substantiate or clarify its findings.

5. Organisation of implementation

The independent evaluation shall be carried out at six-monthly intervals in the first year that FLEGT licensing commences, shifting to twelve-monthly intervals for the two following years. After the first three years, the JIC shall make a recommendation regarding the evaluation frequency in the following years.

Upon request from the JIC, additional independent evaluation may be commissioned for specific assignments.

The Independent Evaluator shall be appointed by Viet Nam after consultation with the Union in the JIC.

Funding for the independent evaluation will be agreed upon by Viet Nam and the Union.

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6. Confidentiality and report release

The Independent Evaluator is responsible for the confidentiality of data and information collected from organisations and individuals that are contacted during the evaluation process.

The Independent Evaluator shall not publicise or disseminate the results or reports of the evaluation unless authorised by the JIC.

The JIC shall publish the summary report and minutes of meetings of the JIC on reports by the Independent Evaluator.

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ANNEX VII

CRITERIA FOR ASSESSMENT OF THE OPERATIONAL READINESS OF THE VIET NAM TIMBER LEGALITY ASSURANCE SYSTEM

Purpose of the assessment

This Agreement covers the development and implementation of the Viet Nam Timber Legality Assurance System (VNTLAS) to ensure the legality of timber as set out in Annex V.

This Annex specifies criteria for the assessment of the operational readiness of the VNTLAS in accordance with Article 12 of this Agreement.

All the elements of the VNTLAS shall be independently assessed in terms of technical aspects before the FLEGT licensing scheme for timber exports from Viet Nam to the Union commences.

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Terms of Reference for the independent technical assessment shall be subject to agreement between Viet Nam and the Union through the Joint Implementation Committee (JIC). The assessment criteria set out in this Annex shall form the basis for the Terms of Reference.

The assessment aims to:

– review the VNTLAS as described in this Agreement and how it will operate;

– assess the readiness of the VNTLAS to be put into operation, including whether the measures underpinning the FLEGT licensing scheme adequately fulfil their functions;

– assess whether Organisations and Households along the supply chain are ready for implementation of the VNTLAS;

– assess aspects related to the capacity of the relevant verification entities for verification, licensing, data management and information systems; and

– examine any revisions, agreed by the Parties, made to the VNTLAS after this Agreement is signed.

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Methodology for implementation of the assessment

The assessment of the VNTLAS shall be carried out according to a stepwise approach whereby gaps and weaknesses in the VNTLAS which may be identified during the assessment are progressively addressed through the planned implementation of corrective measures.

Assessment criteria

Part 1
Definition of legality

Legally produced timber is defined in point (j) of Article 2 of this Agreement. The definition of legally produced timber (hereinafter referred to as "the Legality Definition" or "LD") is clear, objectively verifiable and operationally workable, and refers at least to relevant provisions in the following areas:

– Rights to harvest: Granting of rights to harvest timber, including compliance with legislation and procedures on forest land allocation and forest use and land use rights.

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– Forestry activities: Compliance with legal requirements regarding forest management and timber processing, including compliance with relevant environmental and labour legislation.

– Taxation and fees: Compliance with legal requirements on taxes, royalties and fees directly related to timber harvesting and timber trade.

– Trade and customs: Compliance with legal requirements on trading and customs procedures.

Key questions on relevant laws and regulations:

1.1.1: Are the legal provisions clearly identified in the LD?

1.1.2: Is it clear which legislation and specific regulations apply to each principle, criterion and indicator of the LD?

1.1.3: Are principles, criteria and indicators that can be used to test compliance with each element of the LD specified?

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1.1.4: Are the verifiers which are used to verify compliance with each principle and criterion of the LD specifically based on documented legal references?

1.1.5: Are the verifiers clear, objective and operationally workable?

1.1.6: Are the roles and responsibilities of all relevant stakeholders and verification entities identified clearly for each verifier?

1.1.7: Does the LD cover the main contents of current laws and regulations related to the VNTLAS? If not, why are some contents not reflected in the LD?

1.1.8: Have the contents of relevant legal regulations been considered through stakeholder engagement in developing the LD?

1.1.9: Have the recommendations made by stakeholders during such consultations been included in the LD?

1.1.10: Was the LD matrix adjusted after the signing this Agreement? Are verifiers identified to ensure the verification of such adjustments?

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In the case of any amendments to the LD after the signing of this Agreement, the key additional questions are:

1.2.1: Have relevant stakeholders been consulted on the amendment and have their recommendations been taken into account?

1.2.2: Is it clear what legislation and specific regulations apply to each new element of the LD? Are criteria and indicators that can be used to test compliance with each element of the LD specified? Are the criteria and indicators clear, objective and operationally workable?

1.2.3: Have indicators and criteria been defined to ensure verification of these changes? Do the verifiers clearly identify the roles and responsibilities of the relevant stakeholders and verification entities?

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Part 2
Control of the supply chain

The supply chain control system must be reliable in terms of tracing the origins of timber products throughout the supply chain from harvesting or import to the point of export. It is not always necessary to trace the origin of the timber, timber consignment or timber product from the point of export back to the forest of origin; however, detailed traceability is necessary from the point of import or harvesting location to the first mixing facilities (e.g. processing facility).

2.1. Timber use rights

There is clear delineation of areas where forest land use rights have been allocated and the holders of those rights have been clearly identified. Use rights over confiscated timber are clearly identified. Key questions include:

2.1.1: Does the control system ensure that only timber harvested from land clearly allocated in accordance with the LD is allowed to enter the supply chain?

2.1.2: Does the control system ensure that confiscated timber is allowed to enter the supply chain only under the defined conditions?

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2.1.3: Does the control system ensure that harvesting Organisations and Households have been granted the usage rights for such forests?

2.1.4: Are the procedures to grant the usage rights and information on those rights as well as on the corresponding holders made public?

2.2. Control of the supply chain

There are effective mechanisms and procedures for the control of flows of timber and timber products throughout the supply chain from harvesting or point of import to the point of final sale in Viet Nam or export. Key questions include:

2.2.1: Has each critical control point in the supply chain been identified and described in the VNTLAS?

2.2.2: Do the control measures (a) regulate and document the origin of timber and (b) prevent the mixing of timber of unknown origin in the supply chain?

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2.2.3: Which agencies are responsible for the control of timber flows? Do these agencies have sufficient staff and resources to implement these control measures?

2.2.4: Is information archived by Organisations, Households and the Forest Protection Department (FPD) at each control point as specified in Appendix 2 to Annex V?

2.2.5: Is information from monthly and quarterly reports from Organisations collected and reconciled in order to meet the requirements identified in points 2.3.4, 2.3.5, 3.4.5 and 3.4.6?

2.3. Quantities

There are robust and effective mechanisms for measuring and recording the quantities of timber or timber products at each stage of the supply chain, including reliable pre-harvesting estimates of the volume of standing timber in each harvesting site. Key questions include:

2.3.1: Is the control system capable of providing quantitative data on inputs and outputs at the critical control points of the supply chain?

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2.3.2: Is the function of information systems for legality verification of the supply chain clearly defined?

2.3.3: Which agencies are responsible for putting these quantitative data into the control system? How is the data quality controlled?

2.3.4: Are quantitative data recorded in a way which makes it possible to reconcile them with the previous and subsequent critical control points of the supply chain in a timely manner?

2.3.5: Does the control system allow for the reconciliation of timber quantities in accordance with national standards or international standards where appropriate?

2.3.6: Are personnel in charge of the control system appropriately trained?

2.3.7: Which data in the supply chain control system can be made public? How can interested stakeholders get access to these data?

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2.4. Imported timber products

There are legislation, control measures and procedures to ensure that imported timber products are in accordance with the relevant legislation in the country of harvest. Key questions include:

2.4.1: How is the import of legal timber and timber products reflected in the supply chain control?

2.4.2: How can the traceability of imported timber and timber products be ensured? Are the timber and timber products verifiable throughout the supply chain?

2.4.3: Where imported timber is used, can the country of harvest, including that of components in composite products, be identified on the FLEGT licence?

2.4.4: What evidence is required to demonstrate that imported timber and timber products have been legally produced in the country of harvest?

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2.4.5: Is the self-declaration operational? Does it make it possible to record the due-diligence exercise to be carried out by importers, including documentation on compliance with relevant legislation in the country of harvest, analysis of risk of illegality and, when relevant, the corresponding mitigation measures?

2.4.6: Are the procedures for the implementation of the species risk and geographic risk criteria for imports operational?

2.4.7: Are the customs authorities and the FPD prepared for the effective implementation of the self-declaration?

2.4.8: Is the VNTLAS risk-based approach to assess legality of imported timber operational and efficient?

2.4.9: Does the coordination of verification entities function adequately to ensure that only legal timber is imported in Viet Nam? Do the verification entities have adequate resources?

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Part 3
Verification

Verification provides adequate control to ensure the legality of timber. Verification must be effective to ensure that any non-compliance with requirements as contained in the LD, either in the forest or within the supply chain, is identified and that action is taken in a timely manner to resolve the problem. Key questions include:

3.1. Verification agencies

3.1.1: Does the Government assign one or more than one agency to carry out verification activities? Is the authority, and responsibility, of such agencies clearly and publicly identified?

3.1.2: Do verification entities (Verification Authority and other verification entities) involved in the VNTLAS have adequate resources to implement the LD verification activities and systems for monitoring timber supply chains?

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3.1.3: Do the Forest Protection agencies at all levels have adequate resources to implement verification on timber legality?

3.1.4: Do verification entities have a management system that meets the following requirements?

– 3.1.4.1: verification entities are authorised to conduct site-inspection activities as required to ensure the system's effectiveness and credibility;

– 3.1.4.2: verification entities have adequate resources to conduct site-inspection activities as required to ensure the system's reliability and efficiency;

– 3.1.4.3: all personnel have the skills and experience necessary to ensure effective verification;

– 3.1.4.4: internal control and inspection are well documented;

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– 3.1.4.5: internal control and inspection are applied;

– 3.1.4.6: internal control and inspection ensure the system adequately fulfils its functions;

– 3.1.4.7: mechanisms to control conflicts of interest are in place;

– 3.1.4.8: transparency of the system in accordance with this Agreement is ensured;

– 3.1.4.9: the complaints management system is publicly accessible;

– 3.1.4.10: verification methods have been developed and are applied;

– 3.1.4.11: the mandate of the verification entities is clear and in the public domain.

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3.2. LD-based verification

A clear definition of legality is required to set out the scope of what has to be verified. The verification methodology is documented and ensures that the process is systematic, transparent and evidence-based, is carried out at regular intervals and covers everything included within the scope of the LD. Key questions include:

3.2.1: Does the verification methodology cover all requirements contained within the LD, including the checks for compliance with all indicators?

3.2.2: Do verification activities cover checks of documentation, records, and field-based operations (including unannounced verification visits)?

3.2.3: Is the Organisation Classification System (OCS) operational as intended?

3.2.4: Do verification activities cover the following requirements?

– 3.2.4.1: the risk-based approach is documented through comprehensive and practical procedures;

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– 3.2.4.2: the risk-based approach contributes efficiently to the LD-based verification;

– 3.2.4.3: relevant and reliable information from interested stakeholders is collected for verification purposes;

– 3.2.4.4: records of verification activities are maintained in a form which allows monitoring by internal inspection agencies and the Independent Evaluator;

– 3.2.4.5: functions of information systems with regard to LD-based verification are clearly defined;

– 3.2.4.6: verification results are publicly announced;

– 3.2.4.7: external interested stakeholders have access to the information associated with verification results.

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3.3. Recognition of voluntary certification schemes, voluntary due-diligence systems and national certification schemes

There are procedures validated by the JIC for the recognition of voluntary certification schemes and national certification schemes. The recognition procedures constitute a basis for a supplementary verifier for the risk-based verification of timber imports, and together with voluntary due-diligence systems may be considered by Viet Nam as one criterion in the OCS. Key questions include:

3.3.1: Are the procedures for the recognition of the voluntary certification schemes, voluntary due-diligence systems and national certification schemes in place? Are they publicly available?

3.3.2: Have any schemes or systems been recognised yet? Is the way recognised schemes and systems are taken into account for the verification of imports, and potentially in the OCS, contributing to ensuring legality?

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3.4. Verification of system to control the supply chain

There is a clear scope setting out what has to be verified which covers the entire supply chain from harvesting or import to the point of final sale in Viet Nam or export, including for confiscated timber. The verification methodology is documented and ensures that the process is systematic, transparent and evidence-based, is carried out at regular intervals and covers everything included within the scope, including regular and timely reconciliation of data between each stage in the supply chain. Key questions include:

3.4.1: Are the functions of verification entities clearly identified and exercised?

3.4.2: Does the verification methodology cover everything required to control the supply chain? Is this clearly identified in the verification methodology? Are there additional instruments that support the control of the supply chain?

3.4.3: Is there evidence to reflect the verification of control of the supply chain?

3.4.4: Which agency is in charge of the verification data? Does that agency have adequate personnel and resources to perform data-management activities?

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3.4.5: Are there any methods to assess the reconciliation between the volume of standing/imported timber and the volume of timber arriving at processing facilities / the point of final sale in Viet Nam or points of export?

3.4.6: Are there any methods in place to assess the reconciliation between the material inputs and output products at sawmills or factories?

3.4.7: Are there any methods in place to ensure consistent timber product marking and numbering?

3.4.8: Is the traceability verification carried out on a product or consignment basis in the entire supply chain?

3.4.9: Do Organisations and Households verify for transactions of timber products the legality, validity and conformity of timber product dossiers, including correlation with the timber, to ensure that timber products sourced in Viet Nam are legal?

3.4.10: Is the risk-based approach for VNTLAS implementation contributing efficiently to the control of the supply chain?

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3.4.11: Which technology and information system is employed to archive, verify and record data? Is there any system for data assurance in place?

3.4.12: Will verification results on the control of supply chain be publicly announced? How can interested parties access such information?

3.5. Non-compliance

There is an appropriate and effective mechanism for requiring and enforcing appropriate corrective action where non-compliance is identified. Key questions include:

3.5.1: Do the verification system or other systems specify the above requirement?

3.5.2: Is there available documentation specifying the methods for handling non-compliance and the consequences thereof for FLEGT licensing?

3.5.3: Is the verification system able to adequately identify cases of non-compliance?

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3.5.4: Are mechanisms, including the violations database, in place for handling non-compliance?

3.5.5: Are violations observed during the OCS assessments recorded in the violation database?

3.5.6: Will the system allow for records of detected non-compliance and corrective actions to be maintained? How will the effectiveness of the corrective actions be evaluated?

3.5.7: Is the violations database consulted in the process of export verification? Does the information included in the violations database inform the verification process for exports?

3.5.8: Are physical checks carried out for timber products to be exported according to the agreed sample rate?

3.5.9: What information related to non-compliance can be made public?

3.5.10: Are the sanctions that are applied for non-compliance adequate, proportionate and dissuasive?

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Part 4
Licensing

The Government of Viet Nam has assigned all responsibilities related to FLEGT licensing to the Licensing Authority. The FLEGT licence will be issued for each export shipment. Key questions include:

4.1. Licensing Authority

4.1.1: Which agencies are tasked with FLEGT licensing?

4.1.2: Are the roles of the Licensing Authority and its personnel involved in FLEGT licensing clearly identified and publicly available?

4.1.3: Are requirements of the Licensing Authority and the development of an internal control system towards the licensing functions of personnel of the Licensing Authority clearly identified?

4.1.4: Does the Licensing Authority have adequate resources and systems in place to perform the tasks?

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4.2. Licensing procedures

4.2.1: Has the Licensing Authority established licensing procedures? Are these procedures, including applicable fees, publicly available?

4.2.2: Are the function of the licensing database and its contribution to the FLEGT licensing process clearly defined?

4.2.3: What evidence will show that the licensing procedures are properly followed?

4.2.4: Are full records of granted and rejected licences maintained? Do such records clearly reflect the evidence forming the basis for licensing?

4.3. Shipment-based licensing

4.3.1: Is the legality of the export shipment ensured by the supply chain control system of the Government?

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4.3.2: Are requirements for licensing clearly defined and notified to exporting Organisations, Households and individuals and to related stakeholders?

4.3.3: What information contained in the granted licences is made public?

4.4. Queries concerning issued FLEGT licences

There is an adequate mechanism in place for handling queries with regard to FLEGT licences from the competent authorities of the Union as specified in Annex III. Key questions include:

4.4.1: Can the competent authorities of Member States of the Union get clarification on FLEGT licences issued in Viet Nam?

4.4.2: Have clear procedures for communication between the competent authorities of the Member States of the Union and the Licensing Authority been established?

4.4.3: Are there channels for other national or international stakeholders to inquire about the issued FLEGT licences?

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Part 5
Independent evaluation

The independent evaluation is a function that is separated from those of the forest management and regulatory agencies of Viet Nam. The independent evaluation is undertaken to ensure the functioning and credibility of the FLEGT licensing scheme by checking all aspects of the VNTLAS. Key questions include:

5.1. Organisation for implementation

The Independent Evaluator is established according to the following requirements:

5.1.1: Appointment: Has Viet Nam officially engaged, or is Viet Nam in the process of engaging, an Independent Evaluator? Was the Independent Evaluator appointed, or will it be appointed, through a transparent mechanism, and are there clear and publicly available rules regarding its appointment?

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5.1.2: Independence: In order to prevent conflicts of interest, is there a clear separation between (a) organisations and individuals engaged in forest resource regulation and management and (b) organisations and individuals performing the independent evaluation?

5.1.3: Competence: Is the Independent Evaluator required to operate in accordance with a quality control system? Is there an agreed methodology for carrying out the independent evaluation?

5.1.4: Establishment of a mechanism for dispute resolution: Is the Independent Evaluator required to have a mechanism for receiving and dealing with complaints about its own evaluation activities?

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Part 6
Mechanism for handling complaints

There is an adequate mechanism for handling complaints and disputes that arise from VNTLAS implementation. This mechanism makes it possible to deal with any complaint relating to the operation of the VNTLAS. Key questions include:

6.1.1: Is there a documented procedure for handling complaints that is available to all interested stakeholders?

6.1.2: Is it clear how complaints are received, documented, escalated (where necessary) and responded to?

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ANNEX VIII

PUBLIC DISCLOSURE OF INFORMATION

1. Introduction

The Parties are committed to ensuring that key forestry-related information is made available to the public.

This Annex provides for this objective to be met by outlining the forestry-related information to be made available to the public, the bodies responsible for making that information available, and the mechanisms by which it can be accessed.

The aim is to ensure that:

(i) Joint Implementation Committee (JIC) operations during the implementation of this Agreement are transparent and understood;

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(ii) a mechanism exists for the Parties as well as relevant stakeholders to access key forestry-related information;

(iii) the functioning of the Viet Nam Timber Legality Assurance System (VNTLAS) is strengthened through the availability of information for independent monitoring; and

(iv) the broad objectives of this Agreement are achieved.

The public availability of information and the commitment to facilitate access of stakeholders to this information represents an important contribution to reinforcing Viet Nam's forest governance.

2. Information to be published by Viet Nam

2.1 Legal information

– The text of this Agreement, its Annexes and any amendments.

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– All relevant legislation referred to in the Legality Definition set out in Annex II and the VNTLAS set out in Annex V and any amendments thereto.

– International conventions and agreements signed and ratified by Viet Nam applying to this Agreement.

2.2 Information on forest land use planning and forest land allocation

– National and provincial planning data and maps on the three categories of forest (special use, protection and production).

– Provincial forest protection and development plans and maps (hard copy).

– Periodic data on forest land allocation, forest leasing, and forest land area allocated with land use right certificates.

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– Upon request, and subject to a non-discriminatory and non-burdensome procedure that grants such a request, relevant information related to certificates of forest land allocation and forest lease contracts as held by the responsible local authorities will be made available.

– Data on the forested land area converted to other land-use purposes, including location, and policies on the replacement of forest.

– The area of forested land under forest protection contracts.

2.3 Information on forest management

– Data on the annual change at national and provincial levels of the forested area (natural forest and plantation forest) and number of scattered trees.

– List and location maps of areas under certified forest management as recognised by international organisations.

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– Approved sustainable forest management plans.

– Decisions on approving environmental impact assessment ("EIA") reports by the Ministry of Agriculture and Rural Development (MARD), including final EIA reports for forestry projects.

– Comments from the MARD on EIA reports for projects impacting forest resources.

2.4 Information on domestic timber production

– Data on timber production values and growth.

– Data on the volume of timber harvesting – forest plantation, scattered trees, liquidation of rubber wood plantations (when available) and salvage logging.

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2.5 Information from the database of violations of the Law on Forest Protection and Development of 2004 and information on timber trade violations from databases of violations of other government agencies

– Periodic data on the number of cases of violations of forest law at district, province and national level related to: forest destruction; illegal exploitation of forest products; violations of forest fire regulations; violations of forest land use regulations; illegal purchase and trafficking of forest products; and violations of forest product processing regulations.

– Periodic data on the number cases of violations of forest law at district, province and national level and results of the legal response, including administrative fines and criminal cases.

– Periodic information on violations, disaggregated by organisation and individual, type of violation, and location.

– Periodic data on the quantity and type of confiscated timber from confiscation and post-auction.

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2.6 Information on processing

– Number and list of formally registered timber and forest product processing and exporting entities, according to geographical distribution (region) and type of enterprise (domestic and foreign enterprises).

– List of timber- and forest-product processing and exporting enterprises/companies that have obtained chain-of-custody and/or sustainable forest management certificates.

– Periodically updated list of organisations in each risk category from the Organisations Classification System as set out in Section 5 of Annex V.

2.7 Information on investment and revenues

– Annual data on forest sector revenues.

– Annual data on payments for environmental services.

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– Annual data on state budget investment in forest protection and development plans.

– The annual land prices stipulated by the People's Committees of provinces and cities under central authority.

2.8 Information on trade

– Annual data on values of imported and exported timber and timber products by HS code and by country of origin and destination, including timber and timber products in transit

– Information on import and export of CITES permitted timber species.

2.9 Information on the VNTLAS

– Regulations and procedures guiding the implementation of all VNTLAS elements, and related implementation guidelines, manuals and methodologies.

– Regulations and procedures guiding the issuing, withdrawal and management of FLEGT licences.

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– List of FLEGT Licensing Authority offices and its branches in Viet Nam, including contact details.

– List of memoranda of understanding (MoUs) and bilateral agreements between Viet Nam and other countries on forestry and timber trade and legality.

– MoUs and bilateral agreements between Viet Nam and other countries on forestry and timber trade and legality, unless contrary to confidentiality provisions of such MoUs and agreements.

– Name and contact details of the selected Independent Evaluator.

– Public reports on internal inspections related to the implementation of the VNTLAS in accordance with Vietnamese legal regulations.

3. Information to be published by the Union

– The text of this Agreement, its Annexes and any amendments.

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– The number of FLEGT licences from Viet Nam that are received by the competent authorities of the Member States of the Union.

– Annual quantities and values of timber and derived timber products imported into the Union from Viet Nam.

– Total quantities and value of timber and derived products by country imported into the Union, with and without FLEGT licences.

– All available reports from the Independent Market Monitoring (IMM) project implemented by the International Tropical Timber Organization (ITTO).

– Updated information on Union regulations related to timber trade, and financial and technical support related to the implementation of this Agreement in Viet Nam.

– List and contact details of the competent authorities of the Member States of the Union responsible for FLEGT and Union timber regulation.

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4. Information to be published by the Joint Implementation Committee (JIC)

4.1 Minutes of meetings of the JIC and summaries of decisions

4.2 Annual reports produced by the JIC, in particular information relating to:

– The number of FLEGT licences issued by Viet Nam.

– The number of rejected applications for FLEGT licences.

– Annual quantities and values of timber and timber products exported from Viet Nam to the Union under the FLEGT licensing scheme, according to the relevant HS headings and according to the Member State of the Union in which importation took place.

– Progress in achieving the objectives of this Agreement and matters relating to its implementation.

– Quantities of timber and timber products imported into Viet Nam.

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– Approach and actions taken to prevent illegally produced timber products from being imported into Viet Nam in order to maintain the integrity of the FLEGT licensing scheme.

– Cases of non-compliance with the FLEGT licensing scheme and the actions taken to deal with such non-compliance.

– Quantities of timber and derived products imported by country into the Union under the FLEGT licensing scheme, according to the relevant HS headings and according to the Member State of the Union in which importation took place.

– The number of FLEGT licences from Viet Nam received by the Union.

– Information on cases and quantities of timber products about which clarifications were needed between the Licensing Authority and the competent authorities of the Member States of the Union.

The JIC will assess and report on additional capacity-building needs and the use of public information in order to implement this Annex.

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4.3 Information on the independent evaluation

– Terms of Reference of the independent evaluation.

– Documented procedures of the Independent Evaluator for carrying out evaluations.

– Public summary reports of the independent evaluation.

4.4 Procedures guiding the functioning of the JIC

4.5 Overview of activities undertaken to implement this Agreement

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5. Mechanisms and means to access information

This Annex complies with current legislation of Viet Nam on disclosure and provision of information, as regulated by: Decision No. 25/2013/QD-TTg of the Prime Minister on promulgating regulations on statements and providing information to the press; Decree No. 43/2011/ND-CP of the Government on the provision of information and online public services on the website or web portal of State agencies; Ordinance No. 30/2000/PL-UBTVQH10 of the National Assembly Standing Committee on the protection of State secrets; Law No. 17/2008/QH12 on the promulgation of legal documents; Law No. 14/2012/QH13 on legal popularisation and education; and other amendments and revisions that may follow.

The information mentioned above will be available:

– on the websites and portals of the Government of Viet Nam, the Viet Nam Forestry Administration, the General Department of Customs, the General Statistics Office, the General Department of Taxation, provincial government portals, the VNTLAS Agency (Forest Protection Department), timber producer and processing associations, and the Union;

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– at offices of the Viet Nam Forestry Administration and the Union Delegation in Viet Nam responsible for monitoring this Agreement;

– through press conferences of both Parties;

– in leaflets, newsletters and media publications produced by both Parties.

6. Modalities for disclosure of information

Focal points will be appointed and specific guidelines will be developed for the implementation of this Annex by Viet Nam and the Union.

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ANNEX IX

FUNCTIONS OF THE JOINT IMPLEMENTATION COMMITTEE

The Joint Implementation Committee (JIC) is a body established in accordance with Article 18 of this Agreement.

The JIC shall be established by the Parties within three months of the entry into force of this Agreement in accordance with Article 25 thereof.

The specific functions and tasks of the JIC relate to the management, monitoring and review of the implementation of this Agreement, including the management of the independent evaluation.

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The functions and tasks of the JIC are as follows:

1. Management of this Agreement

(a) To conduct an independent assessment of the operational readiness of the Viet Nam Timber Legality Assurance System (VNTLAS) according to the criteria described in Annex VII. The assessment shall determine whether the VNTLAS adequately fulfils its functions.

(b) To receive notification from the Parties on when they have made the necessary preparations for the FLEGT licensing scheme to commence, and on the basis of the aforementioned independent assessment to recommend the date of commencement of the FLEGT licensing scheme for approval by the Parties in accordance with Article 12 of this Agreement.

(c) To facilitate dialogue and the exchange of information between the Parties on the progress of the implementation of this Agreement, and to examine any subject introduced by either Party and identify any required follow-up.

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(d) To receive notification from either Party if they suspect or have found evidence of any circumvention or irregularity in the implementation of the FLEGT licensing scheme, and to identify any required follow-up in accordance with Article 11 of this Agreement.

(e) To seek to resolve any dispute concerning the application or interpretation of this Agreement in accordance with Article 22 of this Agreement.

(f) To receive and discuss any proposal of either Party wishing to amend this Agreement, or Annexes to this Agreement; to submit recommendations to the Parties on any proposed amendments; and to adopt any amendments to the Annexes to this Agreement, in accordance with Article 24 of this Agreement.

(g) To receive notification from either Party on any changes pertaining to the legal references in the Legality Definition (Annex II). At least every two years, the Parties, through the JIC, shall examine the need to update Annex II.

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(h) To approve a methodology for the recognition of voluntary certification and national certification schemes as meeting requirements of the VNTLAS and to receive information on systems that have been assessed and recognised by Viet Nam in accordance with Section 2.3 of Annex V.

(i) To decide on the list of high-risk species for the control of timber imports under the VNTLAS, to review that list on a periodic basis, and to supplement that list as proposed by either Party, as described in Section 6.3.7.4 of Annex V.

(j) To review and comment on the VNTLAS implementation guidelines and verification manuals and the methodology and criteria for the risk-based approaches included in the VNTLAS during the implementation of this Agreement.

2. Monitoring and review of this Agreement

(a) To consider and adopt joint measures to implement this Agreement, and to propose and/or take any measures to improve the performance of this Agreement.

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(b) To monitor and review overall progress in implementing this Agreement, including the functioning of the VNTLAS and of the FLEGT licensing scheme on the basis of the findings and reports of the independent evaluation in accordance with Article 10 of this Agreement and Annex VI.

(c) To monitor and assess the social, economic and environmental impacts of the implementation of this Agreement and decide on appropriate measures to mitigate any potential negative impacts.

(d) To identify areas of cooperation to support the implementation of this Agreement, including stakeholder contributions.

(e) To establish subsidiary bodies for work to be carried out in support of the JIC as needed. Such work may include, for example, receiving and examining complaints relating to the implementation of this Agreement.

(f) To prepare, approve and make public joint annual reports, minutes of its meetings, and other documents arising from its work, as specified under Section 4 of Annex VIII.

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(g) To request internal inspections related to the implementation of the VNTLAS to be carried out; and to receive final conclusions of Internal Inspections related to the implementation of the VNTLAS.

3. Management of the independent evaluation

(a) To endorse the selection of the Independent Evaluator, which shall be appointed by Viet Nam after consultation with the Union, based on the Terms of Reference for the independent evaluation set out in Annex VI.

(b) To approve the inception report, including the evaluation schedule, methodology and reporting framework, prepared by the Independent Evaluator.

(c) To prepare, or assign subsidiary bodies to the JIC to prepare, specific terms of reference for each periodic mission of the Independent Evaluator, and to recommend any additional evaluation tasks or studies, as required.

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(d) To approve the design of the complaints management system for the operation of the VNTLAS and the complaints management mechanism for the independent evaluation itself, as specified in Annex VI.

(e) To receive, examine and comment on all reports submitted by the Independent Evaluator.

(f) To agree on measures for improvement to address any weaknesses or areas of non-compliance in the VNTLAS based on the findings of the Independent Evaluator or other evidence or complaints related to the VNTLAS; and to monitor the impact of such measures.

(g) To publish summary reports and minutes of meetings of the JIC on reports of the Independent Evaluator, as specified under Section 4 of Annex VI and Annex VIII.

(h) To endorse the renewal of the Independent Evaluator's contract, as required.

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