

**Ministry of Agriculture
and Rural Development**

**Socialist Republic of Viet nam
Independence Freedom Happiness.**

Hanoi, 5 January 1999

**Regulation
Exploitation of Timber and forest products.**

(Promulgated and attached with the Decision No 02/1999/QD - BNN/PTLN dated 5 January 1999 by the Ministry of Agriculture and Rural Development).

**Chapter I
General provisions**

Article 1: Forests are valuable resources of the country. Exploitation of forest should ensure the objective of maintaining and developing existing forest resources. All activities which reduce forest quality and quantity are strictly forbidden.

Article 2: This regulation stipulates State management in the field of exploitation of timber, forest products from natural forests, plantation forests belonging to production and protection forests; collect and make use of timber and forest products on all types of forest land and other lands.

All objects belonging to the special use forest are not within the sphere for adjustment of this regulation.

Article 3: Forest to be exploited should follow strictly the stipulations at articles 37, 38, 39 of the Forest Protection and Development Law.

Exploitation of the thinning, making use of timber, forest products should observe technical manual, forest management plan or technical and economic feasibility study or investment project approved by competent authority.

Article 4: Exploitation of timber and forest products is conducted only in forests where there is a master recognised by the Law, covering:

Forests and forest land are allocated by the Government to the enterprises, organisations, family households and individuals (generally called as forest owners) for establishing forest, management, protection and business production.

Forest owner must implement obligations and responsibilities stipulated at article 40, article 41 of the Forest Protection and Development Law, implement

reporting to the State management agencies according to the united regulation applied in this regulation for the whole country.

With forests without owner and managed by the local authority, not belonging to objects for exploitation of timber, should be allowed to collect died and dead tree in order to use and exploit non - timber forest product

Article 5: State management agencies have responsibility for testing, monitoring the implementation of timber exploitation, forest production according to this regulation.

Chapter II

Timber, bamboo, forest product exploitation from production and protection forests.

Item 1. Main exploitation of timber from natural forest (briefly called timber exploitation from natural forest)

Article 6: Types of forest for exploitation.

1 . Pure natural forests or mixed natural forests of different ages which have not yet been exploited or over - logged but have been sufficiently maintained as regulated for one cutting cycle and reaching the volume with the following criterias:

a/ For evergreen broad leaved forest and semi - deciduous forest with the volume:

- + Over 90 m³/ha for the provinces from Thanh Hoa province to the Northern province.
- + Over 110 m³/ha for the provinces from Nghe An to Thua Thien Hue province.
- + Over 130 m³/ha for the provinces from Da nang down to the Southern province.

b/ For Dipterocapus forest with growing stock of over 100 m³/ha.

c/ For coniferous forest with growing stock of over 130 m³/ha

All types of the above a, b, c with the volume of the trees reaching exploitable diameter class which must reach over 30% as compared with the total volume.

d/ For commercial forest for pit props with the volume of over 70 m³/ha.

e/ For mixed bamboo with broad leaved forest, the volume should reach:

- + Over 50 m³/ha for the provinces from Thanh Hoa to the Northern province.
- + Over 70 m³ ha for the provinces from Nghe An down Southern province.

2 . Pure natural forest, even age, reaching mature age for production.

Article 7: Initial legal basis:

1. Fixed for 5 years, organisations and enterprises of different economic sectors (briefly called enterprises) must review forest management plan in order to make exploiting plans and business production plans for next five years and submit them to Ministry of Agriculture and Rural Development for approval.
2. Annual exploitation target approved in the forest management plan is controlled mainly basing on the area, and production may increase or decrease depending on forest types. Annual exploitation area can be larger or smaller but maximum area does not exceed 20% as compared with the allowable area to compensate so that averagely in five years in area does not exceed the permitted level.
3. Every year the Ministry of Agriculture and Rural Development presents to the Prime Minister the volume of large timber allowed to be removed from the natural forests for the following year.

While awaiting the Government approval, Ministry of Agriculture and Rural Development assigns the temporary target for exploitation and production to different units and localities. Based on the temporary target and approved forest management plan, the Provincial Agriculture and Rural Development Department submits to Provincial People's Committee to assign temporarily the plan guiding the exploitation of timber to enterprises, it also guides the designing and making the business production plan.

Article 8. Exploitation design:

- 1 . Units are permitted for designing for exploitation..

Making designs for exploitation and business production plan must be undertaken by qualified and fully legal entities.

- Designing organisations of the Provincial Agriculture and Rural Development Departments or enterprises are decided by the Provincial People's Committee.

- Designing organisations under the Forest Inventory and Planning Institute, Forest Science Institute, Forestry Technical Schools, companies, Corporations under the Central Government are decided by the Ministry of Agriculture and Rural Development

2 . Responsibilities of the designing units:

Designing units must fully be responsible before the Law on the designing quality with the main contents as follows:

- Design correct objects.
- Define correctly the name, logging areas in the forest districts, compartments, plots.
- Define correctly technical specifications (density, rate of use).
- Define correctly trees of logging standards, marking trees for felling in accordance with the regulation.
- Ensure the error in design production within $\pm 10\%$.
- Making sufficiently tables, maps, instructions according to the guidelines.

3 . Basis for designing.

- Forest management plan approved by competent body.
- Relevant technical manuals.

4 . Main technical specifications in exploitation designing.

a/ Exploitation method:

- Selective cutting applied to the objects belonging to clause 1, Article 6.
- Clear felling or selective cutting to convert to uneven aged forest for the forests belonging to clause 2, Article 6.

b/ Exploitation cycle:

- 35 years for ever green, semi-deciduous, coniferous, mixed bamboo broad leaved forests.
- 40 years for Dipterocapus forest.
- 10 years for forests for pit props.

c/ Exploitation density:

Exploitation density is calculated basing on percentage of the felled trees in a plot as against the total volume of the plot before cutting.

Exploitation density consists of cutting of damaged and felled trees in logging operation does not exceed 45%.

Rate of utilisation is calculated in percentage of product volume as compared with the total tree volume (standing volume). Specifically:

- Large timber is stump wood starting from stump cross cut to the DBH. Depending on the type of means of transport, logs can be cut into sections for pulling to the timber yard. Unit is m^3 .

- Branches and tops are branches and tops regardless of small or big diameter, long or short. Unit for calculation is m^3 .

- Fuelwood is branches, tops not used as timber basing on property of tree species, topographical conditions, distance of transport, capacity for sale, rate of cutting for use is allowed to design within the following limits:

- * Large - timber from 55 - 70%
- * Branches, tops from 5 - 15%
- * Fuel wood from 5 - 7%.

In case of cutting of wastage, for cleaning the forest, product volume is respectively calculated in exploitable product tables and marking trees with hammer according to the regulation of Article 34 below:

With pit props, rate of utilisation is:

- * Large-timber stump wood ($\varnothing > 25$ cm) from 10 - 15 %.
- * Pit props ($\varnothing \leq 24$ cm) from 65 - 70%
- * Fuel wood 5%

5 . Main contents for exploitation design:

a/ Field work

- Divide plots, compartments on the ground.

- Make boundaries of the plots, compartment, measurements, maps with scale of 1/5000 of logging area.

- Marking poles for plots; define clearly the geographical name, logging area in plots, compartments, forest districts according to stipulated codes.

- Enumerate trees to define timber volume, basing on which cutting density can be estimated.

- Basing on estimated cutting density, marking and hammering trees reaching for logging standard (not belonging to restricted trees); waste trees, and forest

clearing and maintenance; trees must be felled for making extraction road, transportation, timber yards.

- Enumerate trees to be felled

With pip props, only paint is used for marking trees, no need to hammer on the trees.

b/ Office work

- Calculate and define timber production according to the size of timber and 8 timber groups. Error in production between design and actually allowed production falls within 10%

In case of some tree species not falling in the list of classification of 8 timber groups if some tree species have volume less than 500 m³ (within one province), then basing on timber property and market favourite to arrange to appropriate group. If having volume over 500 m³ then a sample should be taken to the Forest Science Institute to test and classify. While awaiting the result of testing, put it in appropriate groups for establishing design documents for submission and approval.

- Define exactly exploitation density, rate of utilisation
- Establishing business production plan consists of: extraction road, storage, yards, calculation of production cost (labour for investment or money invested for each product unit); estimating natural resources tax, extracted money for silviculture work; making silvicultural plan.

Article 9. Appraisal of forest exploitation design. Provincial Agriculture and Rural Development Department conducts appraisal of exploitation designs with the following contents:

- Objects for exploitation are production forest, less critical protection forest reaching the standard like clause 1, Article 6, belonging to allowable forest districts in the forest management plan.
- Quality of marking trees: correct trees reaching exploitation standard.
- Rationality of extraction roads and timber yard (in case trees must be cut for building roads and timber yards)

Article 10. Approval of exploitation design:

The Provincial Agriculture and Rural Development Department organises a council for evaluating exploitation design for enterprises with the main following contents:

- Forest type for felling.
- Technical specifications.
- Area, name, production permitted for logging according to the management plan.
- Criteria for basic construction, exploitation cost, processing, marketing of products, silvicultural criteria.
- Complete documents as guided.

In case, the location is changed as compared with the forest management plan, if it is found reasonable, the Provincial Department should send a presentation paper to Ministry of Agriculture and Rural Development for changes. While awaiting the response. Such name is allowed to use in the designing area.

Article 11. Procedures for submission and decision.

- After having evaluated and approved the logging designs for all enterprises, the Provincial Agriculture and Rural Development Department summaries and submits to the Provincial People's Committee for approval.
- The Provincial People's Committee approves the summarised exploitation design and submits it to the Ministry of Agriculture and Rural Development for appraisal.

Ministry of Agriculture and Rural Development evaluates the dossiers according to the contents at Article 10 and issues the decision for permitting to open forest for exploitation for each province and the whole country. In the Decision, name, area, production allowed for exploitation should be written clearly.

All the above-mentioned work should be completed before 31 December of previous year.

- Based on the Decision of the Ministry, the Provincial People's Committee decides to issue exploitation permit to enterprises.

Decision for opening forest and exploitation permit are given to the Provincial Forest Protection Department as the basis for checking and supervising of the implementation.

Article 12. Implementing of exploitation.

After having obtained exploitation permit, the enterprise can sell standing trees or organise himself to exploit with activities as follows:

- 1 . Organise bidding for sale of standing trees, or hire a logging unit for signing contracts for exploitation, or issue paper for giving assignment (if logging unit belonging to the enterprise).
- 2 . Assigning exploitation area: The enterprise hands over the exploitation area attached with designing documents and maps to exploitation unit and makes a minute for transferring while sending one set of documents to the district forest protection unit for monitoring and implementing.
- 3 . Preparation for exploitation: Exploitation unit prepares for logging like opening forest, opening new extraction roads, repairing old roads, building timber storage and yards.
- 4 . Exploitation: Felling all marked trees and transporting to the timber yard in the logging area.

- Strictly forbid to fell trees without marking.
- Fell at least 95% of all marked trees.

If number of marked trees does not exceed 5%, the enterprise must report the reasons acceptable to by the Ministry of Agriculture and Rural Development.

- As soon as trees are felled, they should be immediately transported to the timber yard, not left in the forest over 15 days.

- When timber has been pulled to the selected yards, the enterprise has responsibility to classify, arrange timber in accordance with the regulation and make a history for timber.

- Volume of timber in the yard (including tree cross-sections) must be coincided with number of the marked trees by hammer.

- The forest owner reports to the district forest protection unit to check, certify and stamp with forest protection hammer according to the current regulation.

- 5 . Within two months from the date of completed felling and extracting timber out of the plot, forest cleaning must be carried out.

- 6 . Regarding the change of logging site which has been already decided for opening the forest for felling:

- The Provincial Agriculture and Rural Development Department should send a request to the Ministry of Agriculture and Rural Development in which reasons for changing the site attached with new designing document should be reflected.

Article 13. Exploitation period.

Exploitation period is regulated starting from 1 January to 31 March of the following year.

In case of not exploiting completely the approved volume, it is allowed to transfer designing dossiers for submission and approval for the following logging plan

Article 14. Exploitation Certification.

After completion of exploitation or termination of exploitation period. The Provincial Agriculture and Rural Development Department together with Provincial Forest Protection Department and District Forest Protection Unit start to check the field; make minutes for evaluation of practical exploitation with the following contents:

- Is exploitation in correct logging site?
- Are marked trees felled, is any marked tree left not felled.
- Total exploited products and products of different categories compares with design permitting maximum error of 10% with group timber IIa, the maximum a error is 5 %.
- Situation of utilisation of timber, height of felled stamp, left behind tops and branches, forest cleaning implemented.
- Proposals for treatment of violations (if any)

Article 15. Closing forests after exploitation:

After completion of exploitation and certification, the Provincial Agriculture and Rural Development Department makes a decision for closing forests and report to the Ministry of Agriculture and Rural Development.

After closing the forest gate, the forest is put into the status of protection, maintenance and strictly forbidden for exploitation without cutting cycle.

Making history of the forest after exploitation in order to monitor throughout the maintenance period.

Item 2. Salvaged exploitation.

Article 16: Type of forest for salvaged exploitation.

1. Forest must be exploited for converting to other purpose of use, having enough procedures in accordance with current regulations (mine exploitation, water reservoirs, roads, constructions, establishment of industrial, agricultural, forest crops...)

2. Degraded forest with low productivity need to be exploited for reforestation of higher yield trees according to technical feasibility study, or project approved by competent authority.
3. Forest lying on extraction roads, transportation roads, storage, yards.
4. Forest are not yet ready for exploitation, thinning for maintenance is permitted. Forest are selected to be cut and converted to plantation forest.
5. Degraded forests are enriched by the method of planting along strips and bands.
6. Forests with standing dead trees by fire, disease, resin extraction or bad weather conditions.
7. Standing trees, scattered trees left on forest land with volume of less than 25 m³/ha; on agriculture land (permanent hilly fields, industrial crops, paddy fields).

Article 17. Salvaged exploitation of forest belonging to clause 1, clause 2, clause 3, clause 5, clause 7 of Article 16.

1. Design for salvaged exploitation.

- Define clearly the boundary, area of plot, compartment, forest district or section of the logging area according to approved legal documents
- Enumerate and stamp with tree marking hammer all trees having diameter of over 25 cm.
- Calculate volume of main products (diameter over 25 cm); size and timber categories can be salvaged.
- Estimate volume of small size timber and fuelwood which can be salvaged.

2. Approving procedures

- For objects belonging clause 1 and clause 2 of Article 16, the Provincial Agriculture and Rural Development Department evaluates exploitation dossiers and submits to the Provincial People's Committee for granting decision for salvaged exploitation.
- For objects belonging to clause 3 Article 16, designing and procedures for approving are conducted at the same time with the exploitation of timber from natural forest stipulated in Item, chapter II.

- For objects of clause 6 and clause 7 of Article 16, Provincial Department of Agriculture and Rural Development checks, approves and submits to the Provincial People's Committee for decision to exploit and utilise timber and forest products.

3. Carry out exploiting and utilisation of the above-mentioned objects :

- Ensure that cutting in right forest stand, in right area according to approved legal documents . Strictly forbid logging in other places but merge than into logging area.

- Ensure to make the maximum use of forest products , avoiding wastage.

Article 18. Exploit for use objects belonging clause 4 and 5 of Article 16.

1. In principle : absolutely observe the regulations on objects, operation measures in the manual of silvicultural technical measures applied for forests to produce timber and bamboo (QPN 14-92) and manual for establishment of conversion seed orchard (QPN 16-93).

Strictly forbid to make advantage of cutting for forest maintenance and forest enrichment for logging.

2. Technical criterias:

- Density for logging in terms of volume does not exceed 15% for maintenance cutting and not exceed 30% for forest enrichment.

- Salvaged timber of different kinds does not exceed 10 m³/ha for maintenance cutting and 15 m³/ha for forest enrichment.

- Salvaged fuelwood does not exceed 15 m³/ha for maintenance cutting and 20m³/ha for forest enrichment.

3. Design for salvaged logging:

- Define scope and area, according to forest district, compartments, plots .

- Lay out cutting bands, left bands or strips in accordance with technology of forest enrichment.

- Marking trees, stamping with hammer on trees which can be salvaged with the diameter of over 25 cm on the band for cutting.

- Marking trees and stamping with hammer on trees which can be salvaged with the diameter of over 25 cm for forest maintenance. Marked trees for cutting are

bent, disease, old, top cut trees and non-commercial trees. Trees to be removed or left died, not used should be marked with paint.

- Calculate volume of products which can be used.

4. Procedures for approving

- Provincial Agriculture and Rural Development Department checks the field with two main contents :

- + Forest objects
- + Marked trees for felling

- The Provincial Agriculture and Rural Development Department approves the designs and submits to the Provincial People's Committee for issuing Decision for implementation.

Item 3. Make use of lying logs of different kinds briefly called: maximum utilisation)

Article 19. Types of timber to be collected for use:

Objects of timber to be collected for use include dry timber, timber heart, burnt timber in lying position (including different kinds of stump timber, branches, tops, stumps roots, timber edges...) with different sizes on the two types of the following lands:

1. Forest land: timber left behind on the logged-over areas and on left behind shifting cultivation areas.
2. Agricultural land : timber on fixed hilly fields, rice fields, industrial tree gardens.

Article 20. Procedure for implementing

- To make detailed statistics on number of timber sections, number of stumps, size, volume of tree species for each forest district, compartment, plot or each garden, rice fields, hilly rice field.....Hammering on felled timber sections with the diameter at one end from 25 cm and over.

- The Provincial Agriculture and Rural Development Department checks on the ground and dossiers and review them for submitting to the Provincial People's Committee for final decision for implementation. With respect to the timber group IIA as under the Decree 18/HDBT dated 17/1/1992, this should obtain written permission from the Ministry of Agriculture and Rural Development.

Item 4. Exploitation of bamboo and non-wood forest products

from the natural forest

Article 21. Exploitation of bamboo :

1. Object: bamboo forest has forest cover of over 70% and number of old and medium size trees is of more than 40% of the total number of the trees.

2. Technical specifications : should observe promulgated technical manuals.

- Cutting cycle is 2-4 years
- Cutting density from 1/4 to 2/3 number of trees
- With regard to bushes, at least 10 trees are left for each bush.
- Age of tree for logging is over 2 years old.

3. Logging design :

- Division of boundary, marking with boards showing plots and compartments on the ground
- Establish a diagram with a scale of 1/5000 of logging area
- Define clearly the name and area of logging
- Enumerate the trees
- Calculate logged volume in number of trees or equivalent to tonnes for each plot and sum - up in compartment, forest district and the whole enterprise.

4. Procedures for submission and approval for exploitation.

The enterprise makes a logging plan according to the above mentioned technical contents and submits for approval as follows :

- With regard to the units managed by the province, the Provincial Agriculture and Rural Development approves the logging plan and issues the permission paper for logging. The logging permit will be sent to the district forest protection office as a basis for checking and controlling.

- With regard to units belonging to the Corporation and companies directly managed by the Central Government, Corporation or companies approve the logging plan and issue logging permit. The logging permit will be sent to the Provincial Agriculture and Rural Development Department and District Forest Protection unit for checking and controlling.

Article 22. Exploitation and collection of non-wood forest products and bamboo:

1. Exploitation of products with a large volume and in concentrated area : the enterprise must make a plan and submit for approval as follows :

- With regard to the enterprise belonging to the Provincial, the Provincial Agriculture and Rural Development Department approves and issue the logging permit.

- With regard to the enterprise belonging to the company, Corporations not belonging to the Province, company or Corporation approves and issues the logging permit.

2. With regard to collection of products with a small amount, scattered, not forbidden (Group 1A) in the Decree No.18-HDBT dated 17/1/1992 like Amomum Longiligulare, Calamus Redentum Lour, Calamus Tenuis Roxb, Morinda Officinalis, Fagaceae...are permitted to collect in principle of not affecting on the development of such product.

Buyer only makes an application and sends it to the Provincial Agriculture and Rural Development Department for issuing permission for collection and buying.

Item 5. Exploitation of plantation forest by the forest owner and timber from the home garden, from natural forest belonging to family household

Article 23. Exploitation of concentrated forest with national budget, grants and preferential loans of the enterprises.

1. Technical specifications :

a) Logging age .

Logging age applied to plantation forest is defined basing on types of tree species, quality requirement, product specifications, economic efficiency, society and environment of the plantation forest.

- Age for exploiting plantation forest belonging to the provincial units is decided by the Provincial Agriculture and Rural Development at the request of the enterprise.

- Age for exploiting plantation forest of the enterprises belonging to the company, Corporation not under the province, is decided by the Company and Corporation at the request of the enterprises.

b) Logging method : fully clear felling or clearing in each plot. After felling reforestation should be done when next planting season starts .

c) Rate of utilisation :

- Timber for raw materials from 70-80%.

- Fuelwood from 10-15%

2. Logging documents : preparation of logging documents should be done in simple format, no need to conduct field inventory, need only to visit and combine with documents, maps available for compiling documents, specifically as follows :

- Define name and logging area
- Define age, volume, rate of utilisation and production
- Make a logging map scaled 1/5000
- Make a reforestation plan.
- Summarise logging documents for each forest owner

3. Procedure for issuing logging permit :

a) For provincial units, Provincial Agriculture and Rural Development Department approves dossiers and issues logging permits.

b) With units belonging to the Company and Corporation not belonging to the province, then the Company and Corporation approve logging documents, issue logging permit and send to the Provincial Agriculture and Rural Development Department for monitoring and management.

c) Decisions and permits mentioned at item a, and item b, should be sent to the Provincial Forest Protection Department for checking and supervising.

Article 24. Exploitation of plantation forest, timber from home garden and scattered trees invested and planted by forest owner.

1. Age for exploiting plantations forest, invested by himself or planted with his loans, is decided by the forest owner.

2. With regard to the tree species not or almost not available in the natural forest like Eucalyptus, Acacia magium, Acacia Auriculiformis, Styrax Tonkinensis, Manglietia glauca, Rhizophora Mucronata, Meucaluaca Melaleuca Leacadenrou, Jack fruit, Mangoes, Longans, Casuariana Equisetifolia..... forest owner is independent in exploitation, free circulation and marketing of his products.

3. With regard to the trees similar with natural forest trees, but, not in the list of restricted tree species (Group 1A) as stipulated at the Decree 18/HDBT dated 17/1/1992 of the Council of Ministers like Chukracia Tabularis, Canarium, Cinamomum Albiflorum Nees, Castanopus at the time of logging, the forest owner just reports to the District Forest Protection office, if forest is exploited for commercial purpose or to the Commune People's Committee, if for domestic use, to certify that timber to be extracted is exactly from plantation forest, from garden or scattered trees.

Article 25. Exploitation of plantation forest of family households and individuals using foreign aids or preferential loans :

- With plantation forest established by foreign aids: to implement according to specific rule applied for each project.
- With plantation forest established by preferential loans, to implement as Article 24.

Article 26. Cutting for maintenance (thinning) in plantation forest.

1. In case of not making use of forest products, forest owner himself decides :

2. In case of making use of forest products :

a) For plantation forest established by national budgeted preferential loan.

- Technical criteria :
- + It should observe thinning manuals
- + Thinning density dose not exceed 50%, more specifically :

In case of selective thinning, cutting density in number of trees(% of felled trees over the total number of trees) should be less than cutting density in volume (% of cutting volume over the total volume).

In case of mechanic thinning, cutting density in number of trees is equal to the density of cutting in volume.

+ Trees marked for felling are less grown, twisted, disease, top cut, being died trees.

- Prepare thinning documents :
- + Define the name, logging area
- + Marking trees : marking trees with paint for selective thinning; marking rows to be cut or regulating the distance of how many trees, 1 tree is cut, this applies to the case of mechanical thinning.
- + Making documents in which age, height, diameter, number of trees and volume of forest stand should be clearly written.
- + Define cutting density
- + Calculate number of trees to be cut and trees to be retained.
- + Define volume

- Approving procedures:

- + Units belonging to the province, Provincial Agriculture and Rural Development Department approves and issues thinning permits.
- + Units belonging to the Company and Corporation not belonging to the Province, the Company and Corporation approve and issue thinning permits.

b) With plantation forest invested by the forest owner, the forest owner is independent in performance.

Article 27. Exploiting the enrichment forest invested by the forest owner; natural forest owned by the collectives and family households :

a) Exploiting for fuelwood and timber for household use forest owner : the forest owner just needs to report to the Commune People's Committee.

b) Exploiting for commercial use :

The forest owner just needs to report to the local forest protection office for checking, certifying and hammering with forest protection stamp.

Chapter III **Exploitation for use of timber, bamboo and forest products** **in the protection forest**

Article 28 : General provisions

- All exploitation activities must follow the principle of maintaining and developing the capacity of protection of forest. Strictly forbid all logging activities and use of forest products which reduce forest capital and protective capacity of the forest.

- The State may temporarily cancel the exploitation of timber in natural forest belonging to the protection forest if the forest protection work requires.

- Exploitation of timber, bamboo and forest products in the protection forest should be reflected in the technical and economic feasibility study or in the plan for establishing protection forest to be approved by competent authority.

- Exploitation of timber, bamboo, forest products in the protection forest should be combined aimed at ensuring the benefits to the labourers who live in the area, linking to the forest, actively participating in protection and developing of the protection forest.

Article 29. Exploitation of salvaged timber and forest products in the natural forests belonging to very critical and critical protection forests::

1. Being allowed to extract and use of dead , disease, old, felled and top cut trees.

Procedures for designing and approving as follows :

- Measuring is done by the protection forest management board in accordance with the clause 1, Article 17.

- With regard to the approving procedure, the Provincial Agriculture and Rural Development Department approves the design and submit to the Provincial People's Committee for issuing exploitation permit.

2. Being allowed to use additional forest products which do not impact on the capacity of the protection forest.

Procedures for issuing the permits in accordance with Article 22.

3. Being allowed to use the lying timber in accordance with Article 19.

Procedures for preparing documents for permit application , following the Article 20.

4. With critical protection forest : when the forest reaches the standard for cutting as stipulated in items a, b, c, clause 1, Article 6 , selective cutting is permitted with the maximum density of 20%.

Marked trees for felling mainly consists of old, disease, felled, top cut trees.

Procedures for designing, approving, and exploiting are implemented as Articles from 8 to Article 15, clause 1, Chapter II.

Article 30. Exploitation of timber in the regenerated forest from non-forest land :

1. For State invested forest ,following Article 29.

2. For forests invested by the forest owner :

a) Regardless of very critical and critical area, when the forest reaches the criteria for exploitation, permit is given to exploit maximum density of 20%.

b) Procedures for approving :

- Exploiting to meet the demand of fuelwood, household timber for forest owner : the forest owner sends an application for logging permit to the Protection Forest Management Board who will check and issue logging permit.

- Commercial exploitation

+ The forest owner makes an application for permission and sends it to the Provincial Agriculture and Rural Development Department with an agreement of the Protection Forest Management Board.

+ After being accepted, the forest owner starts to design for exploitation.

+ The Provincial Department of Agriculture and Rural Development approves the design and submits it to the Provincial People's Committee for issuing exploitation permit.

Article 31. Exploitation of bamboo :

- For bamboo forest, when the forest cover reaches at over 80%, exploitation is then permitted.
- Maximum density for logging is 30%.
- Regarding procedures for designing, approving and exploiting, following clauses 3 and 4 of Article 21.

Article 32. Exploitation of plantation forest :

1. For the forest invested by the State, exploitation of support trees is allowed.
 2. For plantation forest invested by forest management board or contractors, when the forest reaches at the age of logging, each year, permit is given to exploit not exceeding 1/10 of the forest established area. Method of cutting following bands or patches, bands or patches should not be connected, having an area of not exceeding 0.5 ha in very critical area and not exceeding 1 ha in critical area.
- Age for exploitation is implemented according to item a, clause1, Article 23.
 - Making document for exploitation, following clause 2, Article 23.
 - Protection Forest Management Board sums-up dossiers and submit it to the Provincial Department of Agriculture and Rural Development for approval and issuing logging permit.

Article 33. Salvaged exploitation when converting the purpose of use

- Objects as stipulated at clause 1 Article 16.
- Procedures for exploiting are implemented following the relevant regulations of Article 17.

Chapter IV
Management of use of tree marking hammer and forest protection hammer

Article 34. Tree marking hammer

1. Tree marking hammer is made according to the same model and managed by the Provincial Department of Agriculture and Rural Development, according to the regulation of the Ministry of Agriculture and Rural Development.

2. Tree marking hammer is only used for main logging design, design for salvaged logging, making use of objects belonging to clause 1, clause 2 of Article 6; and objects of Article 16, Article 19; objects belonging to clause 1, clause 3 Article 29; item b (commercial exploitation), clause 2 Article 39 and Article 33. This is the basis for checking the trees whether they are allowed to be cut or not, as well as timber sections are allowed to collect or not.

3. While designing for exploitation, the Director of the Provincial Department of Agriculture and Rural Development transfers tree marking hammer to the designing units. After designing, the hammer should be returned to Provincial Department.

For the objects under clause 1 and 2 of Article 6 and objects under Article 16, each marked tree for felling needs three stamps of tree marking hammer (2 opposite stamps at DBH, one stamp below the cutting edge, 1/3 from the ground).

After having felled all marked trees, the Provincial Department of Agriculture and Rural Development chairs with the participation of the District Forest Protection and the forest owner to start to check, to make minutes and mark additional trees to replace broken trees, branches, tops with diameter of over 25 cm, stumps should be cut into various sections.

Proportion of broken and felled trees, branches, tops to be collected with the diameter of over 25 cm (should stamp with tree marking hammer) not exceeding 10% as compared with the standing volume.

Article 35. Forest Protection Hammer :

1. Management and use of the forest protection hammer is implemented according to the current regulation.

2. Felled timber should be extracted to the timber yard as stipulated. The forest owner has responsibility to classify timber, piling and making history of timber. Number of timber sections and volume should be fitted to the number of marked trees in the design and additional hammered timber as stipulated in Article 34. Error between approved design for big timber volume and exploited volume is not allowed to exceed 10% provided that marked trees must be correctly and sufficiently cut.

3. Local forest protection organisation is responsible to mark with forest protection hammer on timber sections with tree marking stamp within 15 days

from the date when the forest owner submits for checking and making documents to certify history of timber for the forest owner as stipulated.

Strictly forbid to hammer the forest protection stamp on the timber section which has no stamp for tree felling.

4. In case, exploitation technology is to saw timber inside the forest, the forest owners themselves are responsible for marking on the sawn timber sections which have hammer stamp for tree felling, together with its history basing on which the forest protection unit can put forest protection stamp.

5. Types of timber are subject to be hammered with forest protection stamp in accordance with the above regulations, when there are forest protection hammered stamps together with timber history and invoice of natural resources tax, these types of timber are regarded as legal timber and allowed for circulation.

Chapter V

Duties and rights of the State management agencies, responsibilities of business units, reporting regime

Item 1. For forest owners

Article 36. During exploitation the forest owner is responsible for regular monitoring, supervising of exploitation activities for timely adjusting the implementation process, should guide to exploit exactly following exploitation design, cutting correct marked trees, correct exploitation manuals, correct volume timber categories, forest products, correct exploitation duration.

Article 37. After the exploitation period has terminated, the forest owner must carry out the following activities :

1. Together with the exploitation unit checks again the logged-over area, compares with the exploitation designing documents, exploitation contract or exploitation assignments for evaluating the results of implementation of technical manuals and making minutes as the basis for settlement of contracts and keeping in the forest history file.

2. Report to the higher level management agency the volume and implementation status, attached with certifying minutes.

3. Establish forest history records of the logged-over areas for monitoring next maintenance rotation.

Item2. For other exploitation units

Article 38. Exploitation of timber from the natural forest, salvaged exploitation of natural forests should be implemented by organisations and units having enough labour force, machinery, equipment, specifically :

- State-owned forest enterprises were established according to the Decree No.388/HDBT dated 20/11/1991.

- Enterprises, co-operatives, collectives, other organisations.

Assign to the Provincial Department of Agriculture and Rural Development to issue permits for exploitation to different organisations, units having sufficient conditions for exploitation activities.

- Exploitation units have the rights :

- + To participate in bidding of standing trees
- + To participate in bidding of exploitation contracts
- + To take part in exploitation contracts under the contracts
- + To organise exploitation by itself.

Bidding regulation, contracting or organising itself for exploitation are decided by the Provincial People's Committees.

- Exploitation units have responsibilities :

- + Strictly observe technical manuals on exploitation, exploitation designs and implement fully all provisions and items in the contract signed with the forest owner.
- + Ensure to cut correctly and all marked trees, reducing damages and making the maximum use of timber.

Article 39. Exploitation of bamboo, thinning of plantation forest; timber in the home gardens and other forest products is selected and decided by the forest owner .

Item 3. For forestry management agencies at all levels

Article 40. Ministry of Agriculture and Rural Development has the duties :

- Timely provide guidance of all legal documents and instructions by the Government in the field of State management on forest exploitation

- Submit to the Prime Minister to approve total allowable cut of large timber from natural forest for annual exploitation plan.

- Assign temporary criteria for volume to be exploited from natural forest for the following year to provinces and cities.

- Carry out evaluation of exploitation designing documents and business production plans for provinces and cities.
- Summarise timber exploitation plan and submit it to the Ministry of Planning and Investment for assigning official plans to localities.
- Make decision allowing provinces to open forests for exploitation.
- Check management of forest exploitation undertaken by localities and units.

Article 41. People's Committees at all levels have duties and rights :

- Chairmen of the provincial Peoples' Committees and cities must be responsible for State management towards each forest type in local area . Steer all district and commune administrative levels to implement fully the function of State management over the whole area. Gradually remove and proceed to stop illegal forest destruction.
- Regularly check and supervise so as timely steer the Provincial Agriculture and Rural Development Department, Provincial Forest Protection Department, relevant committees and sectors to implement State management function on forest exploitation.

More specifically :

- + Concretise and direct the implementation of legal documents of the Government, sectors relating to exploitation on the provincial area.
- + Supervise and direct the Provincial Agriculture and Rural Development to review and approve detailed exploitation plan of each forest owner.
- + Approve and summarise exploitation designs and make decision for granting exploitation permits (after the decision for opening the forest for exploitation has been issued by the Ministry of Agriculture and Rural Development).
- + Steer provincial departments, committees and sectors relating to the implementation of regulations on forest exploitation management.
- + Steer administrations at district and commune levels to perform fully the function of State management on forest exploitation within the area of their responsibility.

Article 42 .

- Timely provide guidance of all legal documents and instructions by the Ministry of Agriculture and Rural Development and the Provincial People's Committee in the field of State management on forest exploitation.

- Based on the temporary plan target assigned by the Ministry, assign temporary exploitation plan to forest owner according to the management plan within its area of responsibility.
- Push up the designing for exploitation; carry out evaluation of forests and approve exploitation designs for units under the province.
- Sum - up of exploitation documents for submission to the Provincial People's Committee for approval and submit to the Ministry of Agriculture and Rural Development.
- Grant permits for exploitation of timber and forest products to forest owners in accordance with competence as stipulated in this regulation.
- When time for exploitation terminates, implement procedures for certifying exploitation and closing the forest gate. Make public the forest areas to be opened for exploitation and closing the forest gate.
- Manage and instruct the use the tree marking hammer.
- Co-ordinate with Provincial Forest Protection Department checks and supervise exploitation activities.

Article 43: Forest protection organisation has duties and rights:

- Check and supervise forest exploitation conducted by forest owners and exploitation units under Law.
- Detect timely violations of regulations on exploitation of forest products of organisations and individuals in forest exploitation so as to timely treat according to current stipulations.
- Implement to stamp with forest protector hammer correctly as stipulated for making files for history of timber, forest products as a basis for natural resources tax (if products from natural forest) and circulating of forest products.

Item 4. Reporting regime and contents for reporting.

Article 44. Reporting system.

In order to master information on annual exploitation units and all levels should report the situation of exploitation according to the following system:

- Forest owners under the Province report to the Provincial Department of Agriculture and Rural Development and also send report to the local district.

- Forest owners belonging to Companies or Corporations not under supervision of the province report to the companies, Corporations and Provincial Department of Agriculture and Rural Development and also send report to the local district.
- Forest owner belonging to Sectors (army, Interior, Education,,,) report to the upper management body and Provincial Department of Agriculture and Rural Development.
- Exploitation by households is responsible by communes who make statistics and report to the office of Agriculture and Rural Development summaries and reports to the District People's Committee and Provincial Department of Agriculture and Rural Development. Reporting to the provincial Department is done within first 15 days of the following year.

Article 45: Contents for reporting include:

- Area for exploitation as compared with objects and with the design.
- Volume, types of products for each object as compared with the design.
- Evaluation of performance of regulations, manuals.
- Violations (if any) and forms of treatment applied.
- Other matters (production cost, selling price, processing situation, marketing of products).

Chapter VI. Implementing provision.

Article 46: This regulation is applied for all forms of exploitation for natural forest, plantation forest, utilisation of timber, exploitation of forest products belonging to production forest and protection forest.

All organisation, individuals impacting on forests for exploitation of timber and forest products must observe all stipulations of this Regulation. If violating, will be administratively treated or accuse of civil responsibility under current Law.

**For and on behalf of Ministry of
Agriculture and Rural Development
Deputy Minister
(signed)**

Nguyen Van Dang