

Voluntary Report – Voluntary - Public Distribution

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Report Name: Vietnam Issues Decree Regulating Timber Legality Assurance System

Country: Vietnam

Post: Hanoi

Report Category: Trade Policy Monitoring, Wood Products

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Report Highlights:

This report provides an unofficial translation of Decree 102/2020/ND-CP regulating the Vietnam Timber Legality Assurance System (VNTLAS), issued on September 01, 2020. Decree 102/2020 stipulates regulations for importing and exporting timber following a risk-based approach. This Decree will enter into force on October 30, 2020.

Summary

Vietnam's Law on Forestry entered into force on January 01, 2019, governing the trade and manufacturing processes of forest products. On September 01, 2020, the Government of Vietnam issued Decree 102/2020/ND-CP regulating Vietnam Timber Legality Assurance System (VNTLAS). Decree 102/2020 was issued to stipulate regulations for importing and exporting timber following a risk-based approach. The Decree will enter into force on October 30, 2020.

VNTLAS regulates timber harvested, transported, traded, and processed in accordance with requirements and regulations of international conventions that Vietnam is party to and requirements of countries that import processed wood products from Vietnam related to the management and traceability of forest products.

Decree 102/2020/ND-CP includes six chapters, 30 articles, and three appendices.

Chapter 1: General Provisions (articles 1 to 3)

Chapter 2: Management of Imported and Exported Timber (articles 4 to 10)

Chapter 3: Classification of Timber Processed and Exporting Enterprises (article 11 to 13)

Chapter 4: FLEGT License and Independent Assessment (articles 14 to 24)

Chapter 5: Implementation Organization (articles 25 to 27)

Chapter 6: Implementation Provisions (articles 28 to 30)

Appendix 1: 14 Forms

Appendix 2: Criteria for Classification of Timber Processing and Export Enterprises

Appendix 3: List of Goods: Code of Timber and Timber Products Issued with FLEGT License

Management of Imported Timber

Per Article 4.2-3, management of imported timber is based on the application of risk management measures to prevent, detect, and promptly handle violations, ensuring that timber is imported legally and at the same time encourage and create favorable conditions for organizations and individuals to comply with the law. Imported timber is subject to the criteria categorizing countries into positive or non-positive geographic regions.

Article 5 and 6 of the Decree provide provisions on the criteria to identify whether a country is in the positive geographical area and to identify the types of timber that are considered risky to import in Vietnam.

There are two lists associated with this Decree that will be published and updated on the following website: www.kiendlam.org.vn

- List of Countries in the Positive Geographical Area, will be updated and published periodically following international treaties that Vietnam is party to. The Ministry of Agriculture and Rural Development (MARD) in collaboration with the Ministry of Industry and Trade, the Ministry of Natural Resources and Environment, the Ministry of Foreign Affairs, and relevant line ministries will issue the list of countries in the positive geographical areas.

- List of Types of Timber Already Imported into Vietnam, will be updated and published every six months on June 30 and December 31, by MARD.

Required Import documentation

Article 7 outlines the required documentation for customs procedures for imported timber. This replaces provision 17 under Circular 27/2018/TT-BNNPTNT dated November 16, 2018.

Please refer to GAIN report [VM2020-0058](#) for other regulations guiding timber imports.

Enforcement of Decree

This decree will enter into force on October 30, 2020, with the exception of the following sections, per Chapter 6, Article 28; provisions regarding FLEGT licenses; the exported timber management section; and classification for processing and exporting timber business entities section.

Vietnam's Prime Minister will determine the effective date of the exported timber management and FLEGT licensing sections based on an agreement between MARD and the Joint Committee for implementation of the VPA/FLEGT.

The provisions on classification of processing and exporting timber business entities will enter into force on April 30, 2022.

Decree 102/2020 on VNTLAS is currently available at: <http://vbpl.vn/TW/Pages/vbpq-toanvan.aspx?ItemID=143869>

Should U.S. exporters have any questions or concerns please contact: aghamoi@fas.usda.gov

Attachments:

[Decree 102 English Translation.doc](#)