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Law No. 20/2008/QH12

SOCIALIST REPUBLIC OF VIETNAM
Independence-Freedom-Happiness

THE NATIONAL ASSEMBLY
OF
THE SOCIALIST REPUBLIC OF VIETNAM
Legislature XII, 4th session

BIODIVERSITY LAW

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution 51/2001/QH10 dated on December 25, 2001 of the X^th National Assembly, the 10^th session;

This Law stipulates biodiversity conservation and sustainable development.

CHAPTER I
GENERAL PROVISIONS

Article 1. Scope of regulation

This Law provides for the biodiversity conservation and sustainable development; rights and obligations of organizations, households and individuals in the biodiversity conservation and sustainable development.

Article 2. Subjects of application

This Law applies to organizations, households and individuals in the country, overseas Vietnamese, foreign organizations and individuals carrying out activities of or related to the biodiversity conservation and sustainable development in Vietnam.

Article 3. Interpretation of terms

In this Law, the terms below are interpreted as follows:

1. ***Biodiversity conservation*** means the protection of the abundance of natural ecosystems which are important, specific or representative; the protection of permanent or seasonal habitats of wild species, environmental landscape and the unique beauty of nature; the rearing, planting and care of species on the list of endangered precious and rare species prioritized for protection; and the long-term preservation and storage of genetic specimens.

2. ***In-situ conservation*** means the conservation of wild species in their natural habitats; the conservation of valuable and endemic crop plants and domestic animals in the environment where they live and form and develop their typical characteristics.

3. ***Ex-situ conservation*** means the conservation of wild species outside their permanent or seasonal natural habitats; the conservation of valuable and endemic plants and domestic animals outside the environment where they live and form and

develop their typical characteristics; the preservation and storage of genetic resources and genetic specimens in scientific and technological institutions or facilities that store and preserve genetic resources and genetic specimens.

4. ***Biodiversity conservation facility*** means an establishment that takes care of, brings up, rescues and propagates wild species, crops, domestic animals, microorganisms and endemic and valuable fungi; stores and preserves genetic resources and genetic specimens for biodiversity conservation and development purposes.

5. ***Biodiversity*** means the abundance of genetic resources, species and ecosystems in the nature.

6. ***Assessment of risks posed to biodiversity by genetically modified organisms or genetic specimens of genetically modified organisms*** means the determination of the latent harmfulness and damage level that may occur in activities related to genetically modified organisms or genetic specimens of genetically modified organisms, especially the use and release of genetically modified organisms or genetic specimens of genetically modified organisms.

7. ***Gene*** means an unit of heredity or a segment of genetic material that defines specific characteristics of an organism.

8. ***Biodiversity corridor*** means an area connecting natural ecological regions in which organisms living in these regions can interact.

9. ***Ecosystem*** means a community of organisms and non-living elements interacting and metabolizing as a functional unit in a certain geographical area.

10. ***Natural ecosystem*** means an ecosystem that forms and develops in line with natural rules while still retaining its wild features.

11. ***New natural ecosystem*** means an ecosystem that newly forms and develops on alluvial grounds at coastal river mouths, warps and other areas.

12. ***Nature conservation area*** (below referred to as conservation area) means a geographical area that has fixed boundaries and functional sections for biodiversity conservation.

13. ***Wild species*** means species of animals, plants, microorganisms and fungi that live and grow in line with natural rules.

14. ***Species in danger of extinction*** means a species that faces the danger of decline of all of its individuals.

15. ***Extinct species in the nature*** means a species that exists only in a man-made rearing or growing conditions outside the scope of their natural distribution.

16. ***Endemic species*** means a species that exists and grows only within a narrow scope of distribution restricted to a certain territorial area in Vietnam and its existence is not identified elsewhere in the world.

17. ***Migratory species*** means a species of animal that has the whole or a part of its population emigrate regularly, periodically or seasonally from a geographical area to another one.

18. ***Alien species*** means a species that appears and grows in an area that is not its natural habitat.

19. ***Invasive alien species*** means an alien species that invades the habitat of or causes harms to indigenous species, causing ecological imbalance in the area where it appears and grows.

20. ***Endangered precious and rare species prioritized for protection*** means wild species, crops or domestic animals, microorganisms or fungi which are endemic and of special scientific, medical, economic, ecological, scenic, environmental or cultural-historical values, exist in few numbers or are in danger of extinction.

21. ***Genetic specimen*** means any specimen of plant, animal, microorganism or fungus that possesses functional units of heredity which can regenerate.

22. ***Genetic resource*** includes all species and genetic specimens in nature, conservation areas, biodiversity conservation facilities and scientific research and technological development institutions and in nature.

23. ***Biodiversity sustainable development*** means the rational exploitation and use of natural ecosystems, development of genetic resources and species and assurance of ecological balance in service of socio-economic development.

24. ***Release of genetically modified organisms*** means the intentional introduction of genetically modified organisms into a natural habitat.

25. ***Risk management*** means the taking of safety measures to prevent, handle and remedy risks to biodiversity in activities related to genetically modified organisms and genetic specimens of genetically modified organisms.

26. ***Population*** means a group of individuals of the same species living and growing within a certain area.

27. ***Genetically modified organism*** means an organism whose genetic structure has been modified by the gene transfer technology.

28. ***Traditional knowledge of genetic resources*** means knowledge, experience and initiatives of native people on the conservation and use of genetic resources.

29. ***Access to genetic resources*** means activities of investigating and collecting genetic resources for research and development and production of commercial products.

30. ***Buffer zone*** means the area surrounding and adjacent to a conservation area, having the function of preventing and reducing negative impacts from outside on the conservation area.

Article 4. Principles for the biodiversity conservation and sustainable development

1. Conserving biodiversity is the duty of the State and all organizations and individuals.

2. Harmoniously combining conservation with rational exploitation and use of biodiversity; and conservation and rational exploitation and use of biodiversity with hunger eradication and poverty alleviation.

3. Regarding in-situ conservation as a keystone measure, combining in-situ conservation with ex-situ conservation.

4. Organizations and individuals that benefit from biodiversity exploitation and use shall share their benefits with concerned parties; ensuring harmony between the interests of the State, organizations and individuals.

5. Ensuring risks management caused to biodiversity by genetically modified organisms and specimens of genetically modified organisms.

Article 5. State policies on the biodiversity conservation and sustainable development

1. Giving priority to the conservation of natural ecosystems which are important, specific or representative for an ecological region and the conservation of species on the list of endangered precious and rare species prioritized for protection; ensuring control of access to genetic resources.

2. Ensuring funds for basic survey, observation, inventory and building of databases on biodiversity and biodiversity conservation planning; investing material - technical foundations for conservation areas and biodiversity conservation facilities set up by the State; and ensuring local people's participation in the process of formulating and implementing biodiversity conservation plannings.

3. Encouraging organizations and individuals to invest in and apply scientific and technological advances and traditional knowledge to the biodiversity conservation and sustainable development, and guaranteeing their lawful rights and interests.

4. Developing ecotourism in association with hunger eradication and poverty alleviation, ensuring stable livelihood for households and individuals lawfully living in conservation areas; developing in a sustainable manner buffer zones of conservation areas.

5. Promoting domestic and foreign resources for the biodiversity conservation and sustainable development.

Article 6. State management responsibilities for biodiversity

1. The Government performs the unified state management of biodiversity.

2. The Ministry of Natural Resources and Environment shall take responsibility to the Government for performing the state management of biodiversity.

3. Ministries and ministerial-level agencies shall, within the ambit of their tasks and powers, perform the state management of biodiversity as assigned by the Government.

4. People's Committees at all levels shall, within the ambit of their tasks and powers, perform the state management of biodiversity as decentralized by the Government.

Article 7. Prohibited actions related to biodiversity

1. Hunting, fishing and exploiting wild species in strictly protected sections of conservation areas, except for scientific research purposes; encroaching upon land, destroying landscape, deteriorating ecosystems and rearing or planting invasive alien species in conservation areas.

2. Building structures or houses in strictly protected sections of conservation areas, except works for defense and security purposes; illegally building works and houses in ecological restoration sections of conservation areas.

3. Investigating, surveying, exploring and exploiting minerals; raising cattle and poultry on a farm scale, conducting aquaculture on an industrial scale; illegally living and polluting the environment in strictly protected sections and ecological restoration sections of conservation areas.

4. Hunting, fishing, exploiting bodily parts of, illegally killing, consuming, transporting, purchasing and selling species on the list of endangered precious and rare

species prioritized for protection; illegally advertising, marketing and consuming products originated from species on the list of endangered precious and rare species prioritized for protection.

5. Illegally rearing or growing and planting or culturing wild fauna and flora species on the list of endangered precious and rare species prioritized for protection.

6. Illegally importing or releasing genetically modified organisms and genetic specimens of genetically modified organisms.

7. Importing and developing invasive alien species.

8. Illegally accessing genetic resources of species on the list of endangered precious and rare species prioritized for protection.

9. Illegally changing land use purposes in conservation areas.

CHAPTER II
BIODIVERSITY CONSERVATION PLANNING
Section 1
NATIONAL MASTER PLAN ON BIODIVERSITY CONSERVATION

Article 8. Bases for the formulation of a national master plan on biodiversity conservation

1. The strategy for socio-economic development, defense and security.

2. The strategy for environmental protection.

3. Plannings on land use and development of branches and domains.

4. Results of basic surveys on biodiversity, natural and socio-economic conditions.

5. Results of implementation of previous master plans on biodiversity conservation.

6. The current status of biodiversity and forecasts about biodiversity exploitation and use demands.

7. Resources for the implementation of the master plan.

Article 9. Contents of a national master plan on biodiversity conservation

1. Orientations and goals of biodiversity conservation.

2. Evaluation of natural and socio-economic conditions, the current status of biodiversity; plannings on land use and development of branches, domains and localities; resources for the implementation of the master plan.

3. Geographical location, boundaries and measures of organizing management and protection of the biodiversity corridors.

4. Geographical location, area, ecological functions and measures of organizing management, protection and sustainable development of natural ecosystems.

5. Geographical location, area, boundaries and maps of regions planned for establishment of conservation areas, types of conservation areas, measures of organizing management of conservation areas; and solutions for stabilizing the livelihood of households and individuals lawfully living in conservation areas.

6. Ex-situ conservation needs; types, number, distribution and plan for development of biodiversity conservation facilities.

7. Strategic environmental assessment of a master plan project.

8. Organization of the implementation of the master plan.

Article 10. Formulation, approval and adjustment of a national master plan on biodiversity conservation, and biodiversity conservation plannings of ministries and ministerial-level agencies

1. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with ministries and ministerial-level agencies in, organizing the formulation of a national master plan on biodiversity conservation and submission thereof to the Government for approval.

2. On the basis of the national master plan on biodiversity conservation, ministries and ministerial-level agencies shall organize the formulation, approval and adjustment of plannings on biodiversity conservation under their management.

3. The Government shall specify the order and procedures for the formulation, approval and adjustment of master plans and plannings on biodiversity conservation prescribed in this Article.

Article 11. Publicization, organization of implementation of a national master plan on biodiversity conservation

1. Within 30 days after the Government approves the national master plan on biodiversity conservation, the Ministry of Natural Resources and Environment and concerned ministries and ministerial-level agencies shall publicize it on their websites, while concerned People's Committees of provinces and centrally run cities (below collectively referred to as provincial-level People's Committees) shall publicize it on their websites and at head offices of concerned People's Committees of all levels.

2. The organization of implementation of a national master plan on biodiversity conservation is prescribed as follows:

a) The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with concerned ministries and ministerial-level agencies, in guiding the implementation of the national master plan on biodiversity conservation;

b) Ministries and ministerial-level agencies shall organize the implementation of the national master plan on biodiversity conservation within the scope of their management;

c) Provincial-level People's Committees shall organize the implementation of the national master plan on biodiversity conservation in their localities;

d) In the course of implementing the national master plan, if there arise differences between the master plan and land use plannings of provinces or centrally run cities or plannings of branches or domains, except defense and security plannings, the national master plan on biodiversity conservation shall be given priority for implementation.

Section 2

BIODIVERSITY CONSERVATION PLANNINGS OF PROVINCES AND CENTRALLY RUN CITIES

Article 12. Bases for the formulation of biodiversity conservation plannings of provinces and centrally run cities

1. Local plannings and plans for socio-economic development, defense and security.

2. The national master plan on biodiversity conservation.

3. Land use plannings of provinces or centrally run cities.

4. Results of implementation of previous biodiversity conservation plannings of provinces or centrally run cities.

5. The current status of biodiversity, specific natural and socio-economic conditions of localities where conservation areas are planned to be established.

6. Local biodiversity conservation and exploitation needs.

7. Resources for implementation of plannings.

Article 13. Contents of biodiversity conservation plannings of provinces and centrally run cities

1. Orientations and goals of biodiversity conservation in provinces or centrally run cities.

2. Evaluation of the current status of biodiversity and natural and socio-economic conditions of places where provincial-level conservation areas are planned to be established.

3. Geographical location, area, boundaries and maps of places planned for establishment of conservation areas, types of conservation areas; measures of organizing the management of conservation areas; and solutions for stabilizing the livelihood of households and individuals lawfully living in conservation areas;

4. Ex-situ conservation needs; types; number, distribution and plans for development of biodiversity conservation facilities in provinces or centrally run cities.

5. Organization of the implementation of biodiversity conservation plannings in provinces or centrally run cities.

Article 14. Formulation, evaluation, approval and adjustment of biodiversity conservation plannings of provinces and centrally run cities

1. Provincial-level People's Committee shall organize the formulation, evaluation and adjustment of biodiversity conservation plannings of provinces or centrally run cities and submit them to the People's Councils of the same level for approval.

2. The Government shall stipulate the order and procedures for the formulation, evaluation, approval and adjustment of biodiversity conservation plannings of provinces and centrally run cities.

Article 15. Publicization, organization of implementation of biodiversity conservation plannings of provinces and centrally run cities

1. Within 30 days after the People's Council approves the biodiversity conservation planning of its province or centrally run city, the provincial-level People's Committee shall publicize it on its website and at head offices of concerned People's Committees of all levels.

2. The provincial-level People's Committee shall organize the implementation of the biodiversity conservation planning of its province or centrally run city.

CHAPTER III
CONSERVATION AND SUSTAINABLE DEVELOPMENT OF NATURAL ECOSYSTEMS
Section 1
CONSERVATION AREAS

Article 16. Conservation areas and classification of conservation areas

1. Conservation areas include:

a) National parks;

b) Nature reserves;

c) Species/habitat conservation areas;

d) Landscape conservation areas.

2. Based on their biodiversity levels and values and sizes, conservation areas shall be classified as national- and provincial-level ones to which suitable management and investment policies will apply.

3. Conservation areas shall be inventoried in number and area; and have their locations determined on land use maps or their sea coordinates identified.

4. The Government shall specify conservation area classification criteria.

Article 17. **National parks**

A national park must meet the following major criteria:

1. Possessing a natural ecosystem which is nationally and internationally important, specific to or representative of a natural ecoregion;

2. Being a permanent or seasonal natural habitat of at least one species on the list of endangered precious and rare species prioritized for protection;

3. Having special scientific and educational values;

4. Having landscape and unique natural beauty of ecotourism value.

Article 18. Nature reserves

1. Nature reserves include:

a) National-level nature reserves;

b) Provincial-level nature reserves.

2. A national-level nature reserve must meet the following major criteria:

a) Possessing a natural ecosystem which is nationally and internationally important, specific to or representative of a natural ecoregion;

b) Having special scientific and educational values or ecotourism and recreational values.

3. Provincial-level nature reserves are those set up under provincial-level biodiversity conservation plannings for conserving natural ecosystems in localities.

Article 19. Species/habitat conservation areas

1. Species/habitat conservation areas include:

a) National-level species/habitat conservation areas;

b) Provincial-level species/habitat conservation areas;

2. A national-level species/habitat conservation area must meet the following major criteria:

a) Being a permanent or seasonal natural habitat of at least one species on the list of endangered precious and rare species prioritized for protection;

b) Having special scientific and educational values;

3. Provincial-level species/habitat conservation areas are those set up under provincial-level biodiversity conservation plannings for conserving wildlife in localities.

Article 20. Landscape conservation areas

1. Landscape conservation areas include:

a) National-level landscape conservation areas;

b) Provincial-level landscape conservation areas.

2. A landscape conservation areas must meet the following major criteria:

a) Having a particular ecosystem;

b) Having landscape and unique natural beauty;

c) Having scientific, educational, ecotourism and recreational values.

3. Provincial-level landscape conservation areas are those set up under provincial-level biodiversity conservation plannings for protecting local landscape.

Article 21. Contents of a conservation area establishment project

1. Biodiversity conservation purposes; satisfaction of major criteria for the establishment of conservation areas.

2. Current status of natural ecosystems, species on the list of endangered precious and rare species prioritized for protection, other wild species, landscape and unique natural beauty.

3. Areas of land and water surface; current situation of land and water surface use; number of inhabitants in the planned place of the conservation area; scheme on land use purpose change.

4. Extracts of maps, geographical location and area of the planned conservation area.

5. Geographical locations and areas of the strictly protected, ecological restoration and service-administrative sections; boundaries of each section; scheme on settlement or relocation of households and individuals from the planned place of the conservation area.

6. Conservation area management plan.

7. Organization of the management of the conservation area.

8. Geographical location, area and boundaries of the buffer zone of the planned place of the conservation area.

9. Organization of the implementation of the conservation area establishment project.

Article 22. Formulation and appraisal of national-level conservation establishment projects

1. National-level conservation area establishment projects shall be formulated and appraised as assigned and decentralized by the Government.

2. The order of and procedures for formulating a national-level conservation area establishment project are prescribed as follows:

a) To investigate and assess the biodiversity situation of the planned place of the conservation area according to the criteria for conservation areas specified in Articles 17, 18, 19 and 20 of this Law and to formulate the conservation area establishment project;

b) To collect opinions from concerned ministries and ministerial-level agencies, People's Committees of all levels and inhabitants lawfully living in the planned place of the conservation area and its adjacent area;

c) To appraise the national-level conservation area establishment project and submit it to the Prime Minister for decision.

3. A dossier of a national-level conservation area establishment project comprises:

a) A written request for the establishment of a conservation area, prepared by the project-formulating agency;

b) The project with the contents specified in Article 21 of this Law;

c) Opinions of the state agency competent to manage conservation area specified in Clause 1, Article 27 of this Law and the related parties specified at Point b, Clause 2 of this Article;

d) Results of appraisal of the project.

Article 23. Decisions to establish national-level conservation areas

1. The Prime Minister shall decide to establish national-level conservation areas.

2. A decision to establish a national-level conservation area must contain the following major details:

a) Geographical location, boundaries and areas of the conservation area and its buffer zone;

b) Geographical locations, boundaries and areas of strictly protected, ecological restoration and service-administrative sections;

c) The conservation area’s biodiversity conservation purposes;

d) A plan to restore natural ecosystems in the conservation area;

e) A scheme to settle or relocate households and individuals living in the conservation area; a scheme to change land use purposes in the conservation area;

f) The functions, tasks and organization structure of the conservation area management unit.

3. The decision to establish a national-level conservation area shall be sent to People's Committees of all levels of the locality where the conservation area is located, the conservation area establishment project-formulating agency specified in Clause 1, Article 22 of this Law, and state agencies competent to manage conservation areas specified in Clause 1, Article 27 of this Law.

Article 24. Formulation and appraisal of provincial-level conservation area establishment projects and decisions to establish provincial-level conservation areas

1. On the basis of provincial-level biodiversity conservation plannings, provincial-level People's Committees shall decide to establish provincial-level conservation areas after consulting concerned People's Committees of all levels, inhabitants lawfully living in the planned areas of conservation areas and their adjacent areas and obtaining

the approval of state agencies competent to manage conservation areas specified in Clause 1, Article 27 of this Law.

2. State agencies competent to manage conservation areas specified in Clause 1, Article 27 of this Law shall assume the prime responsibility for, and coordinate with concerned ministries and ministerial-level agencies in, prescribing the order of and procedures for formulating and appraising provincial-level conservation area establishment projects; and contents of decisions to establish provincial-level conservation areas.

Article 25. Land use in conservation areas

1. Based on decisions on establishment of conservation areas, competent land allocation agencies under the Land Law shall allocate land to conservation area management units or other organizations assigned to manage conservation areas.

2. The use and change of land use purposes in conservation areas comply with the Land Law, this Law and other relevant laws.

Article 26. Functional zonings and conservation area boundaries

1. A conservation area has the following functional zonings:

a) The strictly protected zoning;

b) The ecological restoration zoning;

c) The service-administrative zoning.

2. A conservation area must have boundary markers placed to determine its boundaries; the strictly protected zoning of a conservation area must have its area and position determined on the field or its sea coordinates identified.

3. The conservation area management unit or the organization assigned to manage a conservation area shall assume the prime responsibility for, and coordinate with the People's Committees of all levels of the locality where the conservation area is located in, placing boundary markers to determine the conservation area's boundaries.

Article 27. Conservation area management responsibilities

1. Ministries, ministerial-level agencies and provincial-level People's Committees shall organize the management of conservation areas as assigned and decentralized by the Government.

2. Conservation areas shall be managed in accordance with this Law and the Regulation on management of conservation areas.

The Prime Minister shall promulgate the Regulation on management of conservation areas

Article 28. Organization of management of conservation areas

1. A national-level conservation area has a management unit which operates as a public non-business unit with or without financial autonomy.

2. Based on local realities, a provincial-level conservation area may be managed by a management unit being a public non-business unit with or without financial autonomy or an organization assigned to manage the conservation area according to law.

Article 29. Rights and responsibilities of conservation area management units and organizations assigned to manage conservation areas

A conservation area management unit or an organization assigned to manage a conservation area has the following rights and responsibilities:

1. To conserve biodiversity under this Law and the Regulation on management of conservation areas;

2. To elaborate, submit to state management agencies for approval, and organize the implementation of, plans, programs and investment projects to restore natural ecosystems in the conservation area;

3. To manage scientific research activities and collect genetic resources and genetic specimens; to monitor and collect information and data on, and build a database and report on the current status of, the conservation area's biodiversity; to take measures to prevent and eliminate epidemics in the conservation area;

4. To do business or enter into joint ventures in ecotourism, scientific research, resort and other services in the conservation area according to law;

5. To coordinate with ranger force, environmental police, fire fighting police and local administrations in conserving the conservation area's biodiversity;

6. To enjoy benefits from the access to genetic resources within the conservation area;

7. To have other rights and responsibilities as prescribed by law.

Article 30. Responsibilities and obligations of households and individuals lawfully living in conservation areas

1. Households and individuals lawfully living in conservation areas have the following rights and obligations:

a) To lawfully exploit resources in conservation areas under this Law, the Regulation on management of conservation areas and other relevant laws;

b) To participate in and benefit from business and service activities in conservation areas;

c) To enjoy policies on incentives, supports, compensation and resettlement under law;

d) To observe the Regulation on management of conservation areas;

e) To have other rights and obligations as prescribed by law.

2. The Government shall specify the implementation of this Article.

Article 31. Rights and obligations of organizations and individuals carrying out lawful activities in conservation area

Organizations and individuals carrying out lawful activities in conservation areas have the following rights and obligations:

1. To lawfully exploit resources in conservation areas under this Law, the Regulation on management of conservation areas and other relevant laws;

2. To access genetic resources and share benefits from such access and other lawful activities in conservation areas according to law;

3. To observe the Regulation on management of conservation areas;

4. To carry out other activities under law;

5. To have other rights and obligations as prescribed law.

Article 32. Management of buffer zones of conservation areas

1. Locations and areas of buffer zones shall be specified in decisions on the establishment of conservation areas and determined on land use maps or have their sea coordinates identified.

2. All activities in buffer zones must comply with the Regulation on management of buffer zones promulgated by the Prime Minister.

3. Owners of investment projects in conservation areas' buffer zones shall make an environmental impact assessment report and submit it to an evaluation council under the environmental protection law. Such evaluation council must be composed of a representative of the conservation area management unit.

When an investment project in a buffer zone poses latent risks of environmental incidents or dispersion of hazardous waste, the decision to approve the project's environmental impact assessment report must specify a safe distance so as to prevent adverse impacts on the conservation area and the organization assigned to manage the conservation area.

Article 33. Reporting on the current status of conservation areas' biodiversity

1. Every three years, conservation area management units or organizations assigned to manage conservation areas shall report on the current status of their conservation areas' biodiversity to state agencies competent to manage conservation areas specified in Clause 1, Article 27 of this Law.

2. A report on the current status of a conservation area's biodiversity must contain the following major contents:

a) The actual status and the restoration situation of, and plan to restore the conservation area's natural ecosystems;

b) The actual status of and plan on conservation of the conservation area's species on the list of endangered precious and rare species prioritized for protection;

c) Requirements for conservation of the conservation area's biodiversity;

d) Current situation of land use in the conservation area.

Section 2
SUSTAINABLE DEVELOPMENT OF NATURAL ECOSYSTEMS

Article 34. Survey, assessment and determination of mechanisms for sustainable development of natural ecosystems

1. Natural ecosystems shall be surveyed and assessed and their sustainable development mechanisms shall be determined.

2. Natural forest ecosystems shall be surveyed and assessed and their sustainable development mechanisms shall be determined according to the law on forest protection and development and other relevant laws.

3. Natural marine ecosystems shall be surveyed and assessed and their sustainable development mechanisms shall be determined according to the Fisheries Law and other relevant laws.

4. Natural ecosystems of natural wetlands, limestone mountain areas and unused land areas other than those specified in Clauses 2 and 3 of this Article may be surveyed and assessed and their sustainable development mechanisms may be determined under Articles 35 and 36 of this Law and other relevant laws.

Article 35. Sustainable development of natural wetlands' natural ecosystems

1. Natural wetlands are marsh, peaty or permanently or temporarily wet areas, including sea areas of a depth not exceeding 6 meters at the lowest tide level.

2. Statistical and inventory reviews on natural wetlands shall be conducted according to the Land Law.

3. Provincial-level People's Committees shall conduct survey, statistical and inventory reviews and assessment of the current status of biodiversity and determine sustainable development mechanisms for natural ecosystems and locations and areas of natural wetlands on land use maps or their sea coordinates.

Article 36. Sustainable development of natural ecosystems in limestone mountain areas and unused land not belonging to the forest ecosystem

1. The current status of biodiversity of limestone mountain areas and unused land areas not belonging to the forest ecosystem having natural ecosystems specific to or representative of a region must be surveyed and assessed and sustainable development mechanisms for these areas shall be determined.

2. Provincial-level People's Committees shall conduct surveys, statistical and inventory reviews and assessment of the current status of biodiversity and determine sustainable development mechanisms for natural ecosystems in limestone mountain areas and unused land areas not belonging to the forest ecosystem.

CHAPTER IV
CONSERVATION AND SUSTAINABLE DEVELOPMENT OF SPECIES
Section 1
PROTECTION OF SPECIES ON THE LIST OF ENDANGERED PRECIOUS AND RARE SPECIES PRIORITIZED FOR PROTECTION

Article 37. Species to be included in the list of endangered precious and rare species prioritized for protection

1. Species to be considered for inclusion in the list of endangered precious and rare species prioritized for protection include:

a) Endangered precious and rare wild fauna and flora species;

b) Endangered precious and rare crop varieties, domestic animal breeds, microorganisms and fungi.

2. The Government shall specify criteria for definition and regulations on management and protection of specifies on the list of endangered precious and rare species prioritized for protection.

Article 38. Proposals on inclusion of species in or exclusion of species from the list of endangered precious and rare species prioritized for protection

1. Pursuant to Article 37 of this Law, the following organizations or individuals may propose a species to be included in or excluded from the list of endangered precious and rare species prioritized for protection:

a) Organizations or individuals that conduct surveys or researches on species in Vietnam;

b) Organizations or individuals that are assigned to manage forests, conservation areas, wetlands, sea, and other natural ecosystems;

c) Societies, associations and other organizations involved in science and technology or environment.

2. Proposals on inclusion of species in or exclusion of species from the list of endangered precious and rare species prioritized for protection must be compiled into dossiers to be submitted to concerned ministries or ministerial-level agencies for examination under Clause 1, Article 39 of this Law.

3. A dossier of proposal on inclusion of a species in or exclusion of a species from the list of endangered precious and rare species prioritized for protection comprises:

a) Popular name, indigenous name and scientific name of the proposed species;

b) Areas of distribution, estimated number of individuals, living conditions and current state of permanent or seasonal natural habitats of the proposed species;

c) Basic characteristics, endemicity and special scientific, medical, economic, ecological, landscape, environmental or cultural and historical values of the proposed species;

d) Extent of danger of extinction of the proposed species;

e) Regulations on management and protection, and other particular requirements;

f) Results of self-assessment and proposal on inclusion in or exclusion from the list of endangered precious and rare species prioritized for protection.

Article 39. Examination of dossiers of proposal on inclusion of species in or exclusion of species from the list of endangered precious and rare species prioritized for protection

1. After receiving valid dossiers of proposal on inclusion of species in or exclusion of species from the list of endangered precious and rare species prioritized for protection, ministries or ministerial-level agencies shall set up councils to examine these dossiers before forwarding them to the Ministry of Natural Resources and Environment for drawing up of the list of endangered precious and rare species prioritized for protection and submission thereof to the Government for decision.

2. The Government shall specify the order of and procedures for examination of dossiers of proposal on inclusion of species in or exclusion of species from the list of endangered precious and rare species prioritized for protection.

Article 40. Decision on specifies to be included in or excluded from the list of endangered precious and rare species prioritized for protection

1. The Government shall issue a decision on a species to be included in or excluded from the list of endangered precious and rare species prioritized for protection, with the following principal contents:

a) Name of the species;

b) Basic characteristics of the species;

c) Regulations on management and protection particularly applicable to the species.

2. The list of endangered precious and rare species prioritized for protection must be publicized on the mass media.

3. Every three years or when necessary, the populations of species on the list of endangered precious and rare species prioritized for protection must be surveyed and assessed for modification of the list.

Article 41. Conservation of species on the list of endangered precious and rare species prioritized for protection

1. Areas where exist permanent or seasonal natural habitats of species on the list of endangered precious and rare species prioritized for protection specified at Point a, Clause 1, Article 37 of this Law must be surveyed and assessed in order to formulate conservation area establishment projects.

2. The State establishes or authorizes organizations or individuals to establish biodiversity conservation facilities to conserve species on the list of endangered precious and rare species prioritized for protection.

3. The introduction of species on the list of endangered precious and rare species prioritized for protection into biodiversity conservation facilities for rearing or planting and the release of those species from rescue centers into their natural habitats are subject to written approval of competent state agencies.

4. The Government shall specify the competence, order of and procedures for the introduction of species on the list of endangered precious and rare species prioritized for protection into biodiversity conservation facilities or for the release thereof into their natural habitats.

Section 2
SUSTAINABLE DEVELOPMENT OF SPECIES

Article 42. Establishment of biodiversity conservation facilities

1. Biodiversity conservation facilities are established for conserving biodiversity, conducting scientific research and organizing ecotourism, and include:

a) Facilities rearing or planting species on the list of endangered precious and rare species prioritized for protection;

b) Wildlife rescue centers;

c) Facilities storing endemic, endangered precious and rare crop varieties, domestic animal breeds, microorganisms and fungi which have special scientific, medical, economic, ecological, landscape, environmental or cultural and historical values; and facilities storing and preserving genetic resources and genetic specimens.

2. Facilities fully satisfying the following conditions will be granted biodiversity conservation facility certificates:

a) Having adequate land areas, cages and physical foundations meeting requirements for rearing, planting or breeding species on the list of endangered precious and rare species prioritized for protection; wildlife rescue; or storing and preserving genetic resources and genetic specimens;

b) Having technicians with appropriate professional qualifications;

c) Being financially and managerially capable.

3. A dossier of registration for establishment of a biodiversity conservation facility comprises:

a) An application for establishment of a biodiversity conservation facility;

b) The establishment project;

c) Documents proving the satisfaction of the conditions specified in Clause 2 of this Article.

4. Provincial-level People's Committees shall grant biodiversity conservation facility certificates.

5. The Government shall specify the conditions for rearing or planting species on the list of endangered precious and rare species prioritized for protection; rescuing wildlife; preserving endemic crop varieties, domestic animal breeds, microorganisms and fungi; storing and preserving genetic resources and genetic specimens; registering for establishment of biodiversity conservation facilities, and granting and revoking biodiversity conservation facility certificates.

Article 43. Rights and obligations of organizations and individuals managing biodiversity conservation facilities

1. Organizations and individuals that manage biodiversity conservation facilities have the following rights:

a) To enjoy incentive policies and mechanisms and supports of the State as prescribed by law;

b) To receive assistance projects from domestic or foreign organizations and individuals and implementing them;

c) To enjoy profits from tourism activities and other activities of their biodiversity conservation facilities according to law;

d) To enter into contracts on access to, and sharing of benefits from, genetic resources under their management;

e) To rear, plant, breed and rescue species on the list of endangered precious and rare species prioritized for protection; to store endemic crop varieties, domestic animal breeds, microorganisms and fungi; and to store and preserve genetic resources and genetic specimens;

f) To exchange or donate species on the list of endangered precious and rare species prioritized for protection for the purpose of biodiversity conservation, scientific research or ecotourism according to law;

g) To have other rights as prescribed by law.

2. Organizations and individuals that manage biodiversity conservation facilities have the following obligations:

a) To protect, nurture and take care of species on the list of endangered precious and rare species prioritized for protection; to store and preserve genetic resources and genetic specimens;

b) To register and declare origin of species on the list of endangered precious and rare species prioritized for protection to specialized agencies of provincial-level People's Committees;

c) To devise measures to prevent epidemics and adopt regimes of nurturing species in their facilities and treating their diseases;

d) In December every year, to report to provincial-level People's Committees on the situation of species on the list of endangered precious and rare species prioritized for protection in their facilities;

e) To ask for permission of competent state agencies specified in Clause 4, Article 41 of this Law for introducing species on the list of endangered precious and rare species prioritized for protection into their biodiversity conservation facilities for rearing or

planting or for releasing species on the list of endangered precious and rare species prioritized for protection from their rescue centers into these species' natural habitats;

f) To have other obligations as prescribed by law.

Article 44. Wild species banned from exploitation and wild species permitted for conditional exploitation in nature

1. The conditional exploitation of wild species in nature must comply with the Law on Forest Protection and Development, the Fisheries Law and other relevant laws.

2. The Ministry of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with the Ministry of Natural Resources and Environment in, specifying the protection of wild species banned from exploitation in nature and the exploitation of wild species permitted for conditional exploitation in nature; and periodically publicizing the list of wild species banned from exploitation in nature and the list of wild species permitted for conditional exploitation in nature.

Article 45. Rearing or planting of species on the list of endangered precious and rare species prioritized for protection

1. Species on the list of endangered precious and rare species prioritized for protection may be reared or planted in biodiversity conservation facilities for the purpose of biodiversity conservation, scientific research or ecotourism under this Law.

2. The rearing, growing and artificial planting or culture of a number of species on the list of endangered precious or rare species prioritized for protection in rearing, growing and artificial planting or culture facilities for commercial purposes must comply with law.

Article 46. Exchange, export, import, purchase, sale, donation, storage and transportation of species on the list of endangered precious and rare species prioritized for protection and their genetic specimens and products

The exchange, export, import, purchase, sale, donation, storage and transportation of species on the list of endangered precious and rare species prioritized for protection and their genetic specimens for the purpose of biodiversity conservation, scientific research or ecotourism; the exchange, export, import, purchase, sale, donation and transportation of a number of species on the list of endangered precious and rare species prioritized for protection and their products for commercial purposes comply with the Government's specific regulations.

Article 47. Rescue of species on the list of endangered precious and rare species prioritized for protection

1. Individuals of species on the list of endangered precious and rare species prioritized for protection which lose their natural habitats, stray or are injured or diseased must be brought into rescue centers for treatment, nurture, care and eventual release into their natural habitats.

2. Organizations and individuals that discover individuals of species on the list of endangered precious and rare species prioritized for protection which lose their natural habitats, stray or are injured or diseased shall immediately inform the nearest commune-level People's Committee or rescue centers thereof. Upon receiving such information, the commune-level People's Committee shall promptly report it to the specialized agency of the provincial-level People's Committee or the nearest rescue center.

3. After being rescued and fully recovering their health, individuals of species on the list of endangered precious and rare species prioritized for protection may be considered for release into their natural habitats. Individuals of species on the list of endangered precious and rare species prioritized for protection which have lost their natural habitats shall be considered for introduction into appropriate biodiversity conservation facilities for rearing or planting.

4. The Government shall specify the rescue of species on the list of endangered precious and rare species prioritized for protection.

Article 48. Protection of endemic or valuable crop varieties and domestic animal breeds in danger of extinction

1. The Ministry of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with ministries and ministerial-level agencies in, organizing surveys and assessments of endemic or valuable crop varieties and domestic animal breeds which are in danger of extinction, and proposing them to be included in the list of endangered precious and rare species prioritized for protection.

2. Access to genetic resources of endemic or valuable crop varieties and domestic animal breeds which are in danger of extinction must comply with the provisions of Sections 1 and 2, Chapter V of this Law and other relevant laws.

Article 49. Protection for endemic or valuable microorganisms and fungi in danger of extinction

1. The Ministry of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with concerned ministries and ministerial-level agencies in, organizing surveys, assessments, collection and preservation of endemic or valuable microorganisms and fungi which are in danger of extinction, and proposing to include them in the list of endangered precious and rare species prioritized for protection.

2. Access to genetic resources of endemic or valuable microorganisms and fungi which are in danger of extinction must comply with the provisions of Sections 1 and 2, Chapter V of this Law and other relevant laws.

Section 3
CONTROL OF INVASIVE ALIEN SPECIES

Article 50. Survey and listing of invasive alien species

1. Invasive alien species include known invasive alien species and potential invasive alien species.

2. Provincial-level People’s Committees shall organize surveys for drawing up lists of invasive alien species in their localities and report them to the Ministry of Natural Resources and Environment and the Ministry of Agriculture and Rural Development.

3. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development, other ministries and ministerial-level agencies and provincial-level People’s Committees in, conducting surveys and identifying invasive alien species, examining and promulgating a list of invasive alien species.

Article 51. Control of import of invasive alien species and invasion of alien species

1. Customs offices shall assume the prime responsibility for, and coordinate with competent authorities at border gates in, inspecting, detecting and handling violations in importing species on the list of invasive alien species.

2. Provincial-level People's Committees shall coordinate with competent agencies in organizing the inspection and assessment of the potential invasion of alien species before devising measures to prevent and control invasive alien species.

Article 52. Control of the rearing or planting of potential invasive alien species

1. The rearing or planting of potential invasive alien species may be conducted only when tests of these alien species show that they are not harmful to biodiversity and it is permitted by provincial-level People's Committees.

2. The rearing or planting and development of alien species in conservation areas may be conducted only when tests of these alien species show that they are not harmful to biodiversity of the biodiversity areas and it is permitted by provincial-level People's Committees.

3. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development, other concerned ministries and ministerial-level agencies in, issuing regulations on tests of alien species and the grant of permits for rearing or planting and development of alien species.

Article 53. Control of the spread and development invasive alien species

1. The State invests and encourages organizations and individuals to invest in implementing programs to isolate and eradicate invasive alien species.

2. Provincial-level People's Committees shall organize surveys to identify areas of distribution of species on the lists of invasive alien species in their localities, and work out plans to isolate and eradicate these species.

3. Organizations and individuals that discover invasive alien species shall immediately inform the nearest commune-level People's Committee thereof. After receiving such information, the commune-level People's Committee shall promptly report it to immediate superior authorities or the specialized agency of the provincial-level People's Committee for application of control measures.

Article 54. Publicization of information on invasive alien species

1. The Ministry of Natural Resources and Environment, the Ministry of Agriculture and Rural Development and provincial-level People's Committees shall post the list of invasive alien species and information on their areas of distribution and levels of invasion on their websites.

2. Border-gate customs offices and competent authorities shall post up the list of invasive alien species at their border gates.

3. Mass media agencies shall disseminate information on invasive alien species and measures to control, isolate and eradiate these species.

CHAPTER V

CONSERVATION AND SUSTAINABLE DEVELOPMENT OF GENETIC RESOURCES

Section 1
MANAGEMENT OF AND ACCESS TO GENETIC RESOURCES AND SHARING OF BENEFITS FROM GENETIC RESOURCES

Article 55. Management of genetic resources

1. The State uniformly manages all genetic resources in the Vietnamese territory.

2. The State assigns organizations and individuals to manage genetic resources according to the following provisions:

a) Conservation area management units and organizations assigned to manage conservation areas shall manage genetic resources in conservation areas;

b) Heads of biodiversity conservation facilities, scientific research and technological development institutions, and genetic resource storage and preservation establishments shall manage their own genetic resources;

c) Organizations, households and individuals assigned to manage or use land, forests or water surface shall manage genetic resources assigned to them for management or use;

d) Commune-level People's Committees shall manage genetic resources in their localities, except cases specified at Points a, b and c of this Clause.

Article 56. Rights and obligations of organizations, households and individuals assigned to manage genetic resources

1. Organizations and individuals assigned to manage genetic resources have the following rights:

a) To investigate and collect genetic resources assigned to them for management;

b) To exchange, transfer and supply genetic resources assigned to them for management to other organizations or individuals in accordance with law;

c) To enjoy benefits shared by organizations or individuals having access to genetic resources under Articles 58 and 61 of this Law.

2. Organizations and individuals assigned to manage genetic resources have the following obligations:

a) To notify competent state management agencies of the exchange, transfer or supply of genetic resources to other organizations or individuals for purposes of research and development and production of commercial products;

b) To enter into contracts on access to genetic resources and benefit sharing with organizations or individuals that are granted licenses for access to genetic resources under Article 59 of this Law;

c) To control the investigation and collection of genetic resources by organizations and individuals that are granted licenses for access to genetic resources;

d) To take responsibility before law and competent state management agencies for the management of genetic resources.

Article 57. Order of and procedures for access to genetic resources

The order of and procedures for access to genetic resources are specified as follows:

1. Registering access to genetic resources;

2. Entering into written contracts on access to genetic resources and benefit sharing with organizations, households or individuals assigned to manage genetic resources under Articles 58 and 61 of this Law;

3. Application for licenses for access to genetic resources under Article 59 of this Law;

4. The Government shall specify the order of and procedures for access to genetic resources.

Article 58. Contracts on access to genetic resources and benefit sharing

1. After making registration, organizations or individuals wishing to access genetic resources shall enter into written contracts on access to genetic resources and benefit sharing with organizations, households or individuals assigned to manage genetic resources.

2. Contracts on access to genetic resources and benefit sharing must be certified by commune-level People's Committees of localities where genetic resources are accessed.

3. A contract on access to genetic resource and benefit sharing must contain the following principal details:

a) Purpose of access to genetic resources;

b) Genetic resources to be accessed and volume of genetic resources to be collected;

c) Place of access to genetic resources;

d) Plan on access to genetic resources;

e) The transfer of the results of survey and collection of genetic resources to a third party;

f) Activities of research and development or production of commercial products using genetic resources;

g) Participants in research and development or production of commercial products using genetic resources;

h) Place for conducting research and development or production of commercial products using genetic resources;

i) Sharing of benefits with the State and related parties, including the distribution of intellectual property rights over invention results on the basis of access to genetic resources and traditional knowledge copyrights on genetic resources.

4. Contracts on access to genetic resources and benefit sharing must be sent to commune-level People's Committees of localities where genetic resources are accessed and to state agencies competent to grant licenses for access to genetic resources under Article 59 of this Law.

5. Disputes over or complaints about access to genetic resources and benefit sharing shall be settled under Vietnamese law and treaties to which the Socialist Republic of Vietnam is a contracting party.

Article 59. Licenses for access to genetic resources

1. To obtain a license for access to genetic resources, an organization or individual must meet the following conditions:

a) Registering with a competent state management agency;

b) Having signed a contract on access to genetic resources and benefit sharing with the organization, household or individual assigned to manage genetic resources;

c) Access to genetic resources does not fall into either of the cases specified in Clause 4 of this Article.

2. A dossier of application for a license for access to genetic resources comprises:

a) An application for a license for access to genetic resources;

b) A copy of the contract on access to genetic resources and benefit sharing with the organization, household or individual assigned to manage genetic resources.

3. A license for access to genetic resources must contain the following principal details:

a) Purpose of using genetic resources;

b) Genetic resources to be accessed and the volume of genetic resources to be collected;

c) Place of access to genetic resources;

d) To-be-carried out activities related to genetic resources;

e) Periodical reporting on the results of research and development or production of commercial products related to genetic resources to be accessed.

4. Cases in which a license for access to genetic resources is not granted include:

a) Genetic resources of species are on the list of endangered rare and precious species prioritized for protection, except cases licensed by competent state agencies;

b) The use of genetic resources threatens to harm humans, the environment, security, defense or national interests.

5. In the interest of the country and community, state management agencies competent to grant licenses for access to genetic resources may grant such licenses without having to seek the consent of organizations, households or individuals assigned to manage genetic resources.

6. The Government shall specify the competence, order of and procedures for granting licenses for access to genetic resources.

Article 60. Rights and obligations of organizations and individuals that are granted licenses for access to genetic resources

1. Organizations and individuals licensed for access to genetic resources have the following rights:

a) To investigate and collect genetic resources and carry out other activities as indicated in their licenses for access to genetic resources;

b) To take out of the Vietnamese territory genetic resources not on the list of those banned from export under law;

c) To trade in products made from genetic resources they are licensed to access;

d) To have other rights as specified in their licenses for access to genetic resources and contracts on access to genetic resources and benefit sharing.

2. Organizations and individuals licensed for access to genetic resources have the following obligations:

a) To adhere to the provisions of their licenses for access to genetic resources;

b) To submit reports to agencies competent to grant licenses for access to genetic resources on the results of research and development or production of commercial products according to the time prescribed in the licenses;

c) To share benefits with related parties, including the distribution of intellectual property rights over invention results based on their access to genetic resources and traditional knowledge copyrights on genetic resources;

d) To have other obligations as specified in their licenses for access to genetic resources and contracts on access to genetic resources and benefit sharing.

Article 61. Sharing of benefits from access to genetic resources

1. Benefits obtained from access to genetic resources must be shared to the following parties:

a) The State;

b) Organizations, households and individuals assigned to manage genetic resources;

c) Organizations and individuals licensed for access to genetic resources and related parties as prescribed in the licenses.

2. Benefits obtained from access to genetic resources must be shared on the basis of contracts on access to genetic resources and benefit sharing and in accordance with relevant laws.

3. The Government shall specify the management and sharing of benefits obtained from access to genetic resources.

Section 2
STORAGE AND PRESERVATION OF GENETIC SPECIMENS; ASSESSMENT OF GENETIC RESOURCES; MANAGEMENT OF INFORMATION ON GENETIC RESOURCES; TRADITIONAL KNOWLEDGE COPYRIGHTS ON GENETIC RESOURCES

Article 62. Storage and preservation of genetic specimens

1. Ministries and ministerial-level agencies shall, within the ambit of their tasks and powers, organize the permanent storage and preservation of genetic specimens of species on the list of endangered precious and rare species prioritized for protection and species imported for the research, propagation, hybridization, application and development of genetic resources.

2. Organizations and individuals that detect and store genetic specimens of extinct species in nature on the list of endangered precious and rare species prioritized for protection shall report them to commune-level People's Committees for immediate reporting to natural resources and environment agencies under provincial-level People's Committees for handling.

3. The State encourages organizations and individuals to invest in permanently storing and preserving genetic specimens to form gene banks serving biodiversity conservation and socio-economic development.

Article 63. Investigation, collection, assessment, supply and management of information on genetic resources

1. Ministries and ministerial-level agencies shall organize the implementation of programs on investigation, collection, assessment and building of databases on genetic resources under their management and supply information on databases on genetic resources to the Ministry of Natural Resources and Environment.

The Ministry of Natural Resources and Environment shall uniformly manage a national database on genetic resources.

2. The State encourages organizations and individuals to investigate, collect, assess and supply information on genetic resources for building databases on genetic resources and ensures the right to access databases on genetic resources.

3. The Government shall specify the supply of information on genetic resources.

Article 64. Traditional knowledge copyrights on genetic resources

1. The State protects traditional knowledge copyrights on genetic resources and encourages and supports organizations and individuals to register traditional knowledge copyrights on genetic resources.

2. The Ministry of Science and Technology shall assume the prime responsibility for, and coordinate with concerned ministries and ministerial-level agencies in, guiding procedures for registration of traditional knowledge copyrights on genetic resources.

Section 3

MANAGEMENT OF RISKS CAUSED TO BIODIVERSITY BY GENETICALLY MODIFIED ORGANISMS AND GENETIC SPECIMENS OF GENETICALLY MODIFIED ORGANISMS

Article 65. Responsibilities for managing risks caused to biodiversity by genetically modified organisms and genetic specimens of genetically modified organisms

1. Responsibilities for managing risks caused to biodiversity by genetically modified organisms and genetic specimens of genetically modified organisms are defined as follows:

a) Organizations and individuals that research and create genetically modified organisms or genetic specimens of genetically modified organisms shall register with the Ministry of Science and Technology and satisfy conditions on material and technical foundations, technologies and professionals under regulations of the Ministry of Science and Technology;

b) Organizations and individuals that import genetically modified organisms or genetic specimens of genetically modified organisms shall obtain permission of competent state agencies;

c) Organizations and individuals that research, import, purchase, sell or release genetically modified organisms or genetic specimens of genetically modified organisms shall publicize information on the risk level and risk management measures under Article 67 of this Law.

2. The Government shall specify responsibilities of ministries, ministerial-level agencies, organizations and individuals for managing risks caused to biodiversity by

genetically modified organisms or genetic specimens of genetically modified organisms.

Article 66. Making and appraisal of reports on risks assessment caused to biodiversity by genetically modified organisms or genetic specimens of genetically modified organisms; grant of certificates of biodiversity safety of genetically modified organisms or genetic specimens of genetically modified organisms

1. Organizations and individuals that research and create, import or release genetically modified organisms or genetic specimens of genetically modified organisms shall make reports on assessment of risks caused to biodiversity by genetically modified organisms.

2. A report on assessment of risks caused to biodiversity by genetically modified organisms or genetic specimens of genetically modified organisms must contain the following principal details:

a) Description of risk assessment measures;

b) Extent of risks caused to biodiversity;

c) Risk management measures.

3. Reports on assessment of risks caused to biodiversity by genetically modified organisms or genetic specimens of genetically modified organisms must be appraised by competent state management agencies.

4. The Government shall specify the making and appraisal of reports on assessment of risks caused to biodiversity by genetically modified organisms or genetic specimens of genetically modified organisms and the grant of certificates of biodiversity safety of genetically modified organisms or genetic specimens of genetically modified organisms.

Article 67. Publicity of information on the risk level and measures to manage risks caused to biodiversity by genetically modified organisms or genetic specimens of genetically modified organisms

1. Organizations and individuals that research and create, import, purchase, sell or release genetically modified organisms or genetic specimens of genetically modified organisms shall publicize information on the risk level and measures to manage risks caused to biodiversity.

2. The Government shall specify the publicity of information and risk management measures.

Article 68. Management of databases on biodiversity-related genetically modified organisms and genetic specimens of genetically modified organisms

1. The Ministry of Natural Resources and Environment shall uniformly manage databases on biodiversity-related genetically modified organisms and genetic specimens of genetically modified organisms; and build a website on biodiversity-related genetically modified organisms and genetic specimens of genetically modified organisms.

2. Organizations and individuals that research and create, import, purchase, sell or release biodiversity-related genetically modified organisms or genetic specimens of genetically modified organisms shall supply information to the Ministry of Natural Resources and Environment.

3. Organizations and individuals that research and create, or release biodiversity-related genetically modified organisms or genetic specimens of genetically modified organisms shall supply information to provincial-level People's Committees of localities where they research and create, or release genetically modified organisms or genetic specimens of genetically modified organisms.

4. Organizations and individuals that supply information on biodiversity-related genetically modified organisms or genetic specimens of genetically modified organisms shall take responsibility for the accuracy of information they supply.

CHAPTER VI
INTERNATIONAL COOPERATION ON BIODIVERSITY

Article 69. International cooperation and implementation of treaties on biodiversity

1. The State of the Socialist Republic of Vietnam commits to implement treaties on biodiversity to which it is a contracting party and expand cooperation on biodiversity conservation and sustainable development with other countries, territories and foreign organizations and individuals.

2. International cooperation on biodiversity conservation and sustainable development shall be carried out on the principle of equality, mutual benefit and non-interference into internal affairs for the purposes of biodiversity conservation and sustainable development and assurance of ecological balance in Vietnam and on the earth.

3. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with concerned ministries and ministerial-level agencies in, studying and proposing the negotiation, conclusion of or accession to treaties on biodiversity.

4. The State encourages and creates conditions for Vietnamese organizations and individuals, overseas Vietnamese and foreign organizations and individuals to implement international cooperation programs and projects on biodiversity.

Article 70.Cooperation with bordering countries

The State prioritizes cooperation with bordering countries through the following activities:

1. Exchanging information and forecasts about the biodiversity situation and change;

2. Coordinating in managing biodiversity corridors and transnational migration routes of various species; protecting migratory species;

3. Participating in programs on biodiversity conservation and sustainable development and programs and projects on protection of migratory specifies and biodiversity corridors.

CHAPTER VII
MECHANISMS AND RESOURCES FOR BIODIVERSITY CONSERVATION AND SUSTAINABLE DEVELOPMENT

Article 71. Basic surveys, scientific research and management of information and data on biodiversity

1. The State invests in basic surveys on natural ecosystems, wild species, crop varieties, domestic animal breeds, microorganisms, fungi and genetic resources that are valuable in service of biodiversity conservation and sustainable development.

2. The State invests in and encourages organizations and individuals to invest in scientific research in service of biodiversity conservation and sustainable development and socio-economic development.

3. Basic survey information and data and scientific research outcomes on biodiversity shall be collected and uniformly managed in the national database on biodiversity.

4. Organizations and individuals engaged in biodiversity-related activities shall supply basic survey information and data and scientific research outcomes at the request of the Ministry of Natural Resources and Environment and may share biodiversity information in accordance with law.

5. The Ministry of Natural Resources and Environment shall specify basic survey activities and the supply, exchange and management of biodiversity information; and uniformly manage the national database on biodiversity.

Article 72. Biodiversity reports

1. Biodiversity report is part of the national environmental report.

2. A biodiversity report must contain the following principal details:

a) The current status and change of major natural ecosystems;

b) The current status, distribution region, estimated number of individuals and characteristics of species on the list of endangered precious and rare species prioritized for protection, genetically modified organisms and invasive alien species;

c) Practical situation of biodiversity conservation; pressures on and challenges to biodiversity;

d) Requirements for biodiversity;

e) Evaluation of socio-economic development benefits from biodiversity conservation and sustainable development;

f) Biodiversity conservation solutions and plans.

3. The Ministry of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with concerned ministries and ministerial-level agencies in, elaborating biodiversity reports.

Article 73. Finances for biodiversity conservation and sustainable development

1. Funds for biodiversity conservation and sustainable development come from the following sources:

a) The state budget;

b) Investments and contributions of domestic and foreign organizations and individuals;

c) Proceeds from environmental services related to biodiversity and other sources in accordance with law.

2. Development investment funds allocated from the state budget for biodiversity conservation and sustainable development shall be used for the following purposes:

a) Conducting basic surveys on biodiversity;

b) Restoring natural ecosystems;

c) Conserving species on the list of endangered precious and rare species prioritized for protection;

d) Investing in the construction, upgrading and renovation of state-owned biodiversity conservation facilities;

e) Implementing programs on control, isolation and extermination of invasive alien species;

f) Making other investments related to biodiversity conservation and sustainable development in accordance with law.

3. Regular funds allocated from the state budget for biodiversity conservation and sustainable development shall be used for the following purposes:

a) Conducting observation, inventory and management of biodiversity information and data; building databases on biodiversity;

b) Elaborating reports on the current status of biodiversity and reports on the current situation of conservation areas; formulating and evaluating biodiversity conservation plannings, programs and projects;

c) Making and appraising a list of endangered precious and rare species prioritized for protection, a list of invasive alien species, a list of wild species banned from exploitation from the nature, a list of wild species subject to conditional exploitation from the nature, a list of genetic resources banned from export; and conducting population survey and assessment in order to amend or supplement the list of endangered precious and rare species prioritized for protection;

d) Managing conservation areas and state-owned biodiversity conservation facilities;

e) Developing and testing biodiversity conservation and sustainable development models;

f) Conducting law propagation and education and raising public awareness about biodiversity conservation and sustainable development;

g) Conducting training and re-training to raise professional qualifications on biodiversity;

h) Undertaking international cooperation on biodiversity conservation and sustainable development.

Article 74. Environmental services related to biodiversity

1. Organizations and individuals using environmental services related to biodiversity shall pay charges to service providers.

2. The Government shall specify environmental services related to biodiversity.

Article 75. Compensation for damage to biodiversity

1. Organizations or individuals that infringe upon conservation areas or biodiversity conservation facilities, endemic and valuable crop varieties, domestic animal breeds, microorganisms and fungi, species on the list of endangered precious and rare species prioritized for protection or biodiversity corridors shall pay damages in accordance with law.

2. Damage caused to biodiversity due to environmental pollution or degradation shall be compensated in accordance with law.

3. Biodiversity-related damages paid to the State shall be reinvested in biodiversity conservation and sustainable development under this Law and other relevant laws.

CHAPTER VIII
IMPLEMENTATION PROVISIONS

Article 76. Transitional provisions

1. For national parks, nature reserves, species/habitat conservation areas, landscape conservation areas, sea conservation areas, inland water conservation areas, aquatic natural resource reserves already set up under the Law on Forest Protection and Development and the Fisheries Law before the effective date of this Law which satisfy the criteria for establishment of conservation areas prescribed in this Law, decisions on their re-establishment are not required.

2. Licenses and certificates that have been already granted to biodiversity conservation facilities and establishments rearing, growing and artificially planting and culturing endangered precious and rare wild fauna and flora species before the effective date of this Law and conform to this Law remain valid.

Article 77. Implementation effect

This Law takes effect on July 1, 2009.

Article 78. Implementation detailing and guidance

The Government shall detail and guide the implementation of articles and clauses as assigned under this Law and guides other necessary contents of the Law to meet state management requirements.

This Law was passed on November 13, 2008, by the XIIth National Assembly of the Socialist Republic of Vietnam at its 4th session.

Chairman of the National Assembly

NGUYEN PHU TRONG