



# VIETNAM

Stage in Supply Chain	Lacey Act Component	Applicable Laws	Documents to Check	Notes to Remember
Forest	Legal Right to Harvest	Forest manager / harvesting company with State investment	The company should have <b>approved harvest plans and maps</b>	Management and design plans may only be developed by registered organizations: Forest Inventory and Planning Institute ( <b>FIPI</b> ), technical Forestry Colleges ( <b>FC</b> ), licensed State Forest Enterprise ( <b>SFE</b> ) and <b>local organizations with prescribed business licenses</b> . In cases where the company borrows, with interest, from the government, harvesting plans are approved by either <b>DARD</b> (for companies belonging to the province) or Vietnam Forest Corporation ( <b>VINAFOR</b> ) with subsequent <b>MARD</b> approval.
Forest	Legal Right to Harvest	Forest manager / harvesting company with forest land with 100% private investment	None	<i>Companies investing themselves do not require any harvest permission.</i>
Forest	Legal Right to Harvest	Forest manager / harvesting company	Data for all trees harvested are checked and <b>logs stamped</b> by the Forest Protection Department	Records of stamping are maintained by the Forest Protection Department for natural resource tax assessment and to provide proof of origin.
Forest	Legal Right to Harvest	Forest manager / harvesting company	For all areas harvested the company must be in possession of an <b>approved post harvest inspection report</b>	The forest owner and Department of Agriculture and Rural Development conduct an evaluation to measure actual harvest versus harvest design
Forest	Payment of Taxes and Royalties	Forest manager / harvesting company	<b>Check receipts for fees paid</b> relating to management plan, harvesting plan and EIA design & VAT.	The company should demonstrate that all payments of fees due (management plan, harvesting plan and EIA design) and taxes (land use tax and natural resource tax) are current
Imports	Legality of imports	All timber processors that import timber	For imported timber, the enterprise must possess the following: <ul style="list-style-type: none"> <li>• <b>All documents required for legal export from producer country</b></li> <li>• <b>Customs declaration authorizing import</b></li> <li>• <b>Forest Protection Dept. documents approving wood transport from port.</b></li> </ul>	Documents required for timber import must be current and correct
Transport	Legality of Possession and Transport	Transporters	A copy of the <b>license registration</b> is housed at <b>provincial Department of Transport</b> .	Transportation companies and individuals must be licensed to transport timber.



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Transport	Legality of Possession and Transport	Transporters	Carriers must possess valid license documents: <ul style="list-style-type: none"> <li>• <b>Vehicle registration</b> year and vehicle type,</li> <li>• <b>Vehicle load capacity</b></li> <li>• <b>Documents stating it is a company owned/contractor vessel or truck</b></li> </ul> <b>Two licenses</b> are required as issued by the <b>Transportation Agency</b> and the <b>Public Security Agency</b> for each vessel or truck the company or individual operates.	Organizations, individuals operating vessels or trucks for transporting forest products from the forest have relevant licenses
Transport	Legality of Possession and Transport	Transporters	All logs have correct <b>Forest Protection Department stamp</b> (paint) markings that are legible. Cross reference markings with official word records.	All logs transported from harvesting areas are marked with an official stamp
Transport	Legality of Possession and Transport	Transporters	Transported logs are accompanied by the correct documentation: <ul style="list-style-type: none"> <li>• <b>Timber records</b> correct to the MARD format</li> <li>• <b>Documents to certify the origin of the timber</b> supplied by the Forest Protection Dept.; or <b>District FPD certificate</b> for timber not subject to stamping; or <b>Commune PC certificate</b> for timber from plantations and scattered trees.</li> </ul>	The company should record the transport of logs to the processing facility using official documentation.  Note: documentation is issued before logs leave the Forest Management Unit, or at the time of a state auction.
Transport	Legality of Possession and Transport	Transporters – timber harvested in Vietnam	Papers required for legal transportation (and storage and processing) of domestic timber: <ul style="list-style-type: none"> <li>• <b>Sales invoice</b> according to the regulations of the Ministry of Finance (for timber harvested by companies only)</li> <li>• <b>Ex-warehousing-cum-internal transportation bills</b> for internal transportation</li> <li>• <b>Timber records (log list)</b> according to the MARD format</li> <li>• <b>Official Forest Protection Dept. record of timber stamping</b> compatible with the timber consignment.</li> </ul>	The company should record the transport of logs to the processing facility using official documentation.  Note: documentation is issued before logs leave the Forest Management Unit, or at the time of a state auction.
Transport	Legality of Possession and Transport	Transporters – timber harvested outside Vietnam	Imported timber transportation papers should consist of the following: <ul style="list-style-type: none"> <li>• <b>Import declaration</b> or certification from customs</li> <li>• <b>Timber records/lists</b> developed by the exporting country</li> <li>• <b>Forest ranger stamps or their equivalent from the exporting country</b> or, if absent, from Forest Protection Department office at point of import.</li> </ul>	Where imported timber is resold, Ministry of Finance sales invoices and original timber lists are also required; or if the consignment is divided, FPD-certified timber lists must be provided.
Transport	Legality of Possession and Transport	Transporters of processed timber	Documents consist of: <ul style="list-style-type: none"> <li>• <b>Sales invoice</b> as stipulated by the Ministry of Finance or ex-warehousing-cum-internal transportation bills for internal transportation</li> <li>• <b>Wood record</b> and <b>Forest Protection Dept. stamp</b>.</li> </ul>	Organizations transporting processed timber must carry the required documents in the vehicle of transportation

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Processing	Legality of Processing	Processors	Verify that the enterprise has the following documents: <ul style="list-style-type: none"> <li>• <b>Business registration certificate</b></li> <li>• <b>Operating license</b></li> <li>• <b>Import license</b></li> <li>• <b>License to process commodities for foreign merchants (issued by Ministry of Trade).</b></li> </ul>	The timber processing (and trading) facility has the requisite legal business registration certificate to operate, and license to process commodities for foreign merchants (if necessary). Business registration certificates are awarded by either the district People's Committee (for household businesses) or the provincial Department of Planning and Investment.
Processing	Legality of Processing	Processors	The timber processing and trading facility has <b>wood log books to record all wood entering or exiting the facility.</b>  The enterprise has <b>sales contracts for each transaction</b> in the supply chain to the processing facility.	Data on timber entering and exiting the facility must be recorded within one day of the transaction and the <b>form of Log books are provided and guided by the district Forest Protection Dept. Sales invoices</b> must be as stipulated by the <b>Ministry of Finance.</b>
Processing	Payment of Fees and Royalties	Processors	<b>Confirm that the company keeps log entries and product exit registries.</b>	
All	Not Applicable	All	<b>Check that the company maintains or strengthens socioeconomic welfare of local communities/indigenous people in accordance with the laws and regulations.</b> Seek confirmation that: <ul style="list-style-type: none"> <li>• The company has created jobs and/or income generation opportunities for local communities</li> </ul>	These are additional requirements for compliance with the Draft EU "Due Diligence Regulation". This is compulsory for cases involving State agricultural enterprises and State forest enterprises. <i>Note: for other companies this indicator is not compulsory, except where local authorities have attached conditions to the allocation of forest land under its jurisdiction.</i>
Processing	Not Applicable	Processors	<b>Check that the company complies with the laws and regulations on its employees' and workers' rights and welfare.</b> Seek confirmation that: <ul style="list-style-type: none"> <li>• The company permits employees to join recognized labour unions and can demonstrate that it does not discriminate against labor union members when making employment decisions</li> <li>• When requested by a recognized labour union that represents its employees, the Company willingly enters into negotiations with that union and honors all agreements reached</li> <li>• The company pays employees' salaries and provides them with benefits according to national regulations</li> <li>• The Company implements clearly defined safety procedures, maintains regulations on the responsible use of working materials and ensures labor sanitation prescribed national regulations</li> <li>• The Company ensures that all its employees are 15 years old or above</li> </ul>	These are additional requirements for compliance with the Draft EU "Due Diligence Regulation"



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Processing	Not Applicable	Processors	<p>Seek confirmation that: (Continued)</p> <ul style="list-style-type: none"> <li>The company ensures that all required safety and emergency first aid equipment is available and readily accessible for use at each work site</li> <li>The company must provide workers with social insurance to cover accidents and illness at work</li> <li>The company provides workers with a legal labour contract and complies with the provisions contained therein</li> <li>The company provides workers with a pension or lump sum allowance, or severance allowance upon termination of labor contracts</li> <li>The company does not require any of its employees to work more than 8 hours (or 6-7 in some cases) hours per day, pays employees correct overtime rates and allows each employee to take paid annual leave in addition to statutory holidays</li> <li>The company has internal regulations on labour practices</li> </ul>	These are additional requirements for compliance with the Draft EU “Due Diligence Regulation”
Export	Legality of Sale and Export	Exporters	<p>The enterprise must hold the following:</p> <ul style="list-style-type: none"> <li>Current <b>business registration certificates</b></li> <li><b>Tax code</b></li> <li><b>Import or export license</b> (issued by the <b>Ministry of Trade</b>).</li> </ul>	The company must have the requisite legal business registration certificates and import and export license to operate. <b>Business registration certificates</b> are awarded by either the <b>district People’s Committee</b> (for household businesses) or the <b>provincial Department of Planning and Investment</b> .
Export	Legality of Sale and Export	Exporters	<p>Exporters must possess valid documents as follows:</p> <ul style="list-style-type: none"> <li><b>Bill of lading</b></li> <li><b>Packing lists</b> for sawn timber or wood products</li> <li><b>Chain-of-custody records</b> (which include transportation documents) indicating origin of logs used to produce timber products.</li> </ul>	Export documents must be valid and up to date.  <b>It is illegal to export round logs or sawn timber that derives from domestic natural forests.</b>
Export	Legality of Sale and Export	Exporters	<p>The following documents as necessary:</p> <ul style="list-style-type: none"> <li><b>Appropriate tariffs are paid and receipted.</b></li> <li><b>License/certification for CITES-listed species is accurate</b></li> <li><b>Import/export certificate issued by MARD</b> (the Vietnam CITES Management Authority) is valid</li> <li><b>Quarantine certificate granted</b> by plant quarantine agencies.</li> </ul>	Stated conditions on CITES-listed species, tariffs, phytosanitary and quarantine requirements, quotas, products and special requirements are adhered to. There is a limit of <b>timbers from natural forest</b> for export as fine arts products. It is produced by the Chair of the provincial People’s Committee for enterprises.
Export	Payment of Fees and Royalties	Exporters	<p>The following receipts as necessary:</p> <ol style="list-style-type: none"> <li><b>VAT</b></li> <li><b>Import / Export tax</b></li> <li><b>Income tax</b></li> </ol>	The exporter must demonstrate that payments of Value Added Tax (VAT), import/export tax (where appropriate) and income tax are paid and up to date.

*This document is for educational and informational purposes only and is not intended and should not be construed as legal advice. Persons seeking legal advice on compliance with the Lacey Act or any other law, regulation, or requirement should consult with a qualified legal professional.*