

LEGALITY STANDARD 3: PLANTATION

Principle 3.1 Land allocation for plantation		
Criteria 3.1.1 Land for smallholder plantation must comply with laws and regulations on land use rights		
Indicator 3.1.1.1 Land for smallholder plantation must be approved by the related authorities	Verifiers: <ul style="list-style-type: none"> • Temporary land use certificate • Receipt of tax payment • Land use map 	
Legal references: <ul style="list-style-type: none"> • Land Law No. 04/NA, Article 21 and 22, dated on 21/10/2003. • Forestry Law No. 06/NA, Article 68, dated on 24/12/2007 	Responsible organizations: <ul style="list-style-type: none"> • MONRE • MAF 	Verification procedures: <ul style="list-style-type: none"> • Legal documents of land use
Criteria 3.1.2 Land for industrial plantation must comply with laws and regulations on land use rights		
Indicator 3.1.2.1 Land for industrial plantation must be approved by the related authorities	Verifiers: <ul style="list-style-type: none"> • Land lease and concession documents • Land use map • Receipt of land lease and concession fees 	
Legal references: <ul style="list-style-type: none"> • Land Law No. 04/NA, Article 21 and 22, dated on 21/10/2003. • Forestry Law No. 06/NA, Article 68, dated on 24/12/2007 • Investment Promotion Law, Article 58 	Responsible organizations: <ul style="list-style-type: none"> • MONRE • MAF • MPI • MOF 	Verification procedures: <ul style="list-style-type: none"> • Legal documents of land use • Receipt of royalty fee
Principle 3.2 Plantation establishment and management		
Criteria 3.2.1 Establishment of smallholder plantation complies with plantation management regulations		
Indicator 3.2.1.1 Smallholder plantation must be registered and planted trees must be certified in accordance with regulations	Verifiers: <ul style="list-style-type: none"> • Plantation registration certificate • Planted tree certificate 	
Legal references: <ul style="list-style-type: none"> • Forestry Law No. 06/NA • Instruction of Minister No. 1849/MAF 	Responsible organizations: <ul style="list-style-type: none"> • Village, DAFO 	Verification procedures: <ul style="list-style-type: none"> • Inspecting plantation registration certificate • Interviewing related staff

<ul style="list-style-type: none"> • New revision of Prime Minister Decree No. 96/PM • Regulation No. 115/MAF, dated on 21 March 2003 • Notification No. 1374 	<ul style="list-style-type: none"> • PAFO 	<ul style="list-style-type: none"> • Field inspection.
<p>Criteria 3.2.2 Establishment of industrial plantation complies with plantation management regulations without causing social and environmental impacts</p>		
<p>Indicators 3.2.2.1 Industrial plantation must be conducted an economic - technical study</p>	<p>Verifiers:</p> <ul style="list-style-type: none"> • Report of economic - technical • Plantation development plan 	
<p>Legal references:</p> <ul style="list-style-type: none"> • Forestry Law No. 06/NA • Instruction No. 1643/DOF, Dated on 17 June 2010 	<p>Responsible organizations:</p> <ul style="list-style-type: none"> • PAFO • DPI 	<p>Verification procedures:</p> <ul style="list-style-type: none"> • Inspecting report of economic - technical • Interviewing related staff • Field inspection.
<p>Indicator 3.2.2.2 Industrial plantation must conduct the social and environmental impact assessment based on regulations</p>	<p>Verifiers:</p> <ul style="list-style-type: none"> • Social and environmental impact assessment report 	
<p>Legal references:</p> <ul style="list-style-type: none"> • Forestry Law No. 06/NA, chapter IV, article 74, section 3 • Environmental law • Decree on environmental impact assessment, No. 29/NA. Chapter I, article 22, 2012 	<p>Responsible organizations:</p> <ul style="list-style-type: none"> • Department of Social and Environmental Impact Assessment • MAF (DOF) 	<p>Verification procedures:</p> <ul style="list-style-type: none"> • Inspecting Social and environmental impact assessment report • Interviewing staff of Department of Social and Environmental Impact Assessment
<p>Indicators 3.2.2.3 Industrial plantation must be registered according to the regulations</p>	<p>Verifiers:</p> <ul style="list-style-type: none"> • Plantation registration certificate 	
<p>Legal references:</p> <ul style="list-style-type: none"> • Forestry Law No. 06/NA • Instruction of Minister No. 1849/MAF • New revision of Prime Minister Decree No. 96/PM • Regulation No. 115/MAF, dated on 21 March 2003 • Notification No. 1374 	<p>Responsible organizations:</p> <ul style="list-style-type: none"> • PAFO 	<p>Verification procedures:</p> <ul style="list-style-type: none"> • Inspecting plantation registration certificate • Interviewing related staff • Field inspection.
<p>Principle 3.3 Cutting approval and operation</p>		
<p>Criteria 3.3.1 Proposal for cutting timber from smallholder and industrial plantations must comply with relevant regulations</p>		

<p>Indicators 3.3.1.1 proponent must correctly and completely carry out documentation based on regulations</p>	<p>Verifiers:</p> <ul style="list-style-type: none"> • Plantation registration certificate • Tree certificate • Inventory list of standing tree • Timber cutting proposal • Cutting permit 	
<p>Legal references:</p> <ul style="list-style-type: none"> • Forestry law (Instruction No. 0115/MAF, section 7) • Prime Minister Decree No. 96/PM • Order No. 17/PM • Regulation No. 196, Chapter I Article 12 Section 1 and 2, dated on 15/8/2000 • Order No. 15/PM 	<p>Responsible organizations:</p> <ul style="list-style-type: none"> • PAFO • DAFO • Village authorities 	<p>Verification procedures:</p> <ul style="list-style-type: none"> • Inspecting documents related to cutting permits • Interviewing related staff • Field inspection
<p>Indicator 3.3.1.2 Utilizations of equipment and vehicles in cutting operation must be permitted by PAFO</p>	<p>Verifiers:</p> <ul style="list-style-type: none"> • Chainsaw license • Vehicle use permit • Cutting permit • Technical certificate (Labors) 	
<p>Legal references:</p> <ul style="list-style-type: none"> • Forestry law • Decision 0080 • Joint Decision of MAF and PWT 019 • Notice 1440 MOIC. DIMEX 	<p>Responsible organizations:</p> <ul style="list-style-type: none"> • PAFO • DAFO • Village 	<p>Verification procedures:</p> <ul style="list-style-type: none"> • Inspecting documents related to equipment and vehicles permits • Interviewing related staff • Field inspection
<p>Principle 3.4 Timber purchases-sales</p>		
<p>Criteria 3.4.1 Purchasing and selling of timber from smallholder and industrial plantations must comply with relevant regulations</p>		
<p>Indicator 3.4.1.1 buyers and seller make a sales contract based on log list with verification from related authorities</p>	<p>Verifiers:</p> <ul style="list-style-type: none"> • Sales contract • Payment records • Log list • Tax receipts • Bank certification document 	
<p>Legal references:</p> <ul style="list-style-type: none"> • Regulation No.1862/MOIC • Presidential ordinance No.003 • Instruction No. 0509/MOF 	<p>Responsible organizations:</p> <ul style="list-style-type: none"> • PAFO • POIC • POF • Witness (Court, village, witnesses) 	<p>Verification procedures:</p> <ul style="list-style-type: none"> • Inspecting sales documents • Interviewing related staff

Principle 3.5 Timber transportation		
Criteria 3.5.1 Transportation of timber from smallholder and industrial plantations in domestic and for export must comply with relevant regulations		
Indicators 3.5.1.1. Operators carry out documentation correctly for transporting timber for domestic.	Verifiers: <ul style="list-style-type: none"> • Plantation registration certificate • Tree certificate • Cutting permit • Timber list • Sales contract • Transport permit • Tax receipts • Timber marking records for releasing 	
Legal references: <ul style="list-style-type: none"> • Order No. 115/MAF • Regulation No. 196/MAF • Notification No. 1601/MOIC • Order No 17/PM • Order No 15/PM • Prime Minister Decree No. 96/PM 	Responsible organizations: <ul style="list-style-type: none"> • PAFO • POIC • POF 	Verification procedures: <ul style="list-style-type: none"> • Inspecting transport documents • Interviewing related staff • Village
Indicators 3.5.1.2. Operators carry out documentation correctly for transporting timber for export	Verifiers: <ul style="list-style-type: none"> • Cutting permit • Enterprises certificate • Timber list • Sales contract • Transport permit • Tax receipts • Timber marking records for releasing 	
Legal references: <ul style="list-style-type: none"> • Agreement No. 41/PM • Notification No. 0032/MAF • Notification No. 1791/MOIC 	Responsible organizations: <ul style="list-style-type: none"> • PAFO • POIC • POF 	Verification procedures: <ul style="list-style-type: none"> • Inspecting transport documents for export • Interviewing related staff