

## TIMBER LEGALITY DEFINITION 3: PLANTATION

<b>Principle 3.1: Determination of land area for tree planting</b>		
<b>Criterion 3.1.1 Land of individuals, entities or organizations</b>		
<b>Indicator</b>	<b>Verifiers</b>	<b>Legal references</b>
3.1.1.1 For commercial tree planting on land areas of individuals, entities or organizations, the owner has obtained legal rights for the land.	3.1.1.1.1 Land title, or certificate of land use rights acquisition	<ul style="list-style-type: none"> <li>• Law 70/NA (2019), articles 99 and 100</li> <li>• Law 64/Na (2019), article 60(1)</li> <li>• Decree 247/GOL (2019), article 8(1).</li> </ul>
	3.1.1.1.2 Receipt of land tax payment.	
<b>Criterion 3.1.2 Lease or concession on state land</b>		
<b>Indicator</b>	<b>Verifiers</b>	<b>Legal references</b>
3.1.2.1 The investor has submitted an investment application to the One-Stop Service Office for commercial tree plantations in degraded and barren forestland in production forests.	3.1.2.1.1 Application letter and supporting documents	<ul style="list-style-type: none"> <li>• Law 14/NA (2016), articles 44 and 45</li> <li>• Decree 119/PM (2011), article 11</li> </ul>
3.1.2.2. The investor has obtained approval for land lease or concession for commercial tree plantation as follows: 1. Government: Land area with more than ten thousand hectares. 2. Ministry of Agriculture and Forestry: Land area with one hundred to ten thousand hectares. 3. Administration office of provincial level: Land area with less than one hundred hectares.	3.1.2.2.1 Approval letter for plantation area	<ul style="list-style-type: none"> <li>• Law 70/NA (2019), articles 118 and 119</li> <li>• Law 64/NA (2019), article 89</li> </ul>
3.1.2.3 The investor has signed a lease or concession agreement for tree planting with the Government	3.1.2.3.1 Lease or concession agreement.	<ul style="list-style-type: none"> <li>• Law 14/NA (2016), article 46 (4)</li> </ul>
<b>Criterion 3.1.3 Environmental and economic-technical assessments</b>		
<b>Indicators</b>	<b>Verifiers</b>	<b>Legal references</b>
3.1.3.1 The investment projects and activities that invest in commercial tree plantation have carried out environmental impact assessment and received an environmental compliance certificate according to plantation size: - Industrial tree plantations outside three forest categories	3.1.3.1.1 IEE/EIA report	<ul style="list-style-type: none"> <li>• Decree 21/GOL (2019), articles 9 – 13 and 19-22.</li> <li>• Decision 8056/MONRE (2013), being improved.</li> </ul>
	3.1.3.1.2 Environmental management and monitoring plan (EMMP).	<ul style="list-style-type: none"> <li>• Decree 21/GOL (2019), articles 13 (6), 22(6) and 23.</li> </ul>

<p>from 50 to 500 hectares shall conduct initial environmental examination (IEE)</p> <ul style="list-style-type: none"> <li>- Industrial tree plantations outside three forest categories with more than 500 hectares: Environmental Impact Assessment (EIA)</li> <li>- Industrial tree plantations in production forest areas with management plan from 50 hectares above IEE</li> </ul>	<p>3.1.3.1.3 Environmental compliance certificate (ECC) issued by PNORE/MONRE.</p>	<ul style="list-style-type: none"> <li>• Decree 21/GOL (2019), articles 40 – 42, 43, 75 and article 76 (10).</li> </ul>
<p>3.1.3.2 The investment projects and activities, including contract farming arrangements that invest in commercial tree plantation have carried out an economic and technical analysis report, approved by the agriculture and forestry sector</p>	<p>3.1.3.2.1 Economic and technical analysis report</p>	<ul style="list-style-type: none"> <li>• Law 14/NA (2016), article 44</li> <li>• Law 64/NA (2019), article 87</li> <li>• Instruction 1643/DOF (2010) to be extended on contract farming arrangements</li> </ul>
<p><b>Principle 3.2: Plantation and planted trees management</b></p>		
<p><b>Criterion 3.2.1 Registration of plantations and planted trees</b></p>		
<b>Indicator</b>	<b>Verifiers</b>	<b>Legal references</b>
<p>3.2.1.1 The owners of plantation or planted trees have registered their plantation or certified their planted trees based on the area as follows:</p> <ul style="list-style-type: none"> <li>• Below 0.16 ha and scattered trees: Village administration</li> <li>• 0.15 to 5 ha: District Agriculture and Forestry Office</li> <li>• More than 5 ha: Provincial Department of Agriculture and Forestry</li> </ul>	<p>3.2.1.1.1 Planted trees certificate or Plantation registration certificate</p>	<ul style="list-style-type: none"> <li>• Law 64/NA (2019), article 41</li> <li>• Decree 247/GOL (2019), article 7</li> </ul>
<p><b>Criterion 3.2.2 Implementation of environmental mitigation measures</b></p>		
<b>Indicator</b>	<b>Verifiers</b>	<b>Legal references</b>
<p>3.2.2.1 The project owner has implemented environmental management and monitoring plan (EMMP) in relation to tree planting operation.</p>	<p>3.2.2.1.1 Progress report on EMMP implementation</p>	<ul style="list-style-type: none"> <li>• Decree 21/GOL (2019), articles 51 and 54</li> </ul>
<p><b>Principle 3.3: Cutting of planted trees</b></p>		
<p><b>Criterion 3.3.1: Compliance with regulation for cutting planted trees</b></p>		
<b>Indicator</b>	<b>Verifiers</b>	<b>Legal references</b>

3.3.1.1 Before cutting, the plantation owner has declared their plantation registration certificate or planted trees certificate and information regarding location, tree species and number of trees to DAFO.	3.3.1.1.1 Plantation registration certificate or planted trees certificate.	<ul style="list-style-type: none"> <li>• Law 64/NA (2019), articles 30 and 41</li> <li>• Decree 247/GOL (2019), articles 7 and 8 (1)</li> </ul>
	3.3.1.1.2 Tree list	
3.3.1.2 All types of tree cutting machines to be used for cutting trees have been registered with Agriculture and Forestry Sector	3.3.1.2.1 Registration certificate of logging machinery	<ul style="list-style-type: none"> <li>• Law 64/NA (2019), article 38</li> </ul>
<b>Principle 3.4: DOMESTIC MOVEMENT AND EXPORT OF LOGS</b>		
<b>Criterion 3.4.1: Domestic Movement</b>		
<b>Indicator</b>	<b>Verifiers</b>	<b>Legal references</b>
3.4.1.1 After sales, the plantation owner has reported the volume or weight of moved timber to DAFO for information collection and follow up.	3.4.1.1.1 Plantation registration certificate or planted trees certificate	<ul style="list-style-type: none"> <li>• Law 64/NA (2019), article 36</li> <li>• Decree 247/GOL (2019), articles 7 (3)</li> </ul>
3.4.1.2 The buyer has received from the plantation owner the plantation registration certificate or planted trees certificate and a batch list.	3.4.1.2.1 Plantation registration certificate or planted trees certificate	<ul style="list-style-type: none"> <li>• Draft Decision on COC /MOIC, article 9.1</li> </ul>
	3.4.1.2.2 Batch list	
<b>Criterion 3.4.2: Export of logs</b>		
<b>Indicator</b>	<b>Verifiers</b>	<b>Legal references</b>
3.4.2.1 After sales, the plantation owner has reported the volume or weight of moved timber to DAFO for information collection and follow up.	3.4.2.1.1 Plantation registration certificate or planted trees certificate.	<ul style="list-style-type: none"> <li>• Law 64/NA (2019), article 36</li> <li>• Decree 247/GOL (2019), articles 7 (3)</li> </ul>
3.4.2.2 The exporter is a registered enterprise with a valid business license and a regular tax record.	3.4.2.2.1 Enterprise registration license	<ul style="list-style-type: none"> <li>• Draft Instruction/MOIC on Export of Plantation Timber, article 3</li> </ul>
	3.4.2.2.2 Business license	<ul style="list-style-type: none"> <li>• Draft Instruction/MOIC on Export of Plantation Timber, article 3</li> </ul>
	3.4.2.2.3 Tax certificate	<ul style="list-style-type: none"> <li>• Draft Instruction/MOIC on Export of Plantation Timber, article 3</li> </ul>
3.4.2.3 The certified exporter has submitted the self-declaration form	3.4.2.3.1 Letter of certified company	<ul style="list-style-type: none"> <li>• Draft Instruction/MOIC on Export of Plantation Timber, article 4</li> </ul>

and a copy of the export tax declaration form to POIC after export.	3.4.2.3.2 Self-declaration form (Form 1)	<ul style="list-style-type: none"> <li>• Draft Instruction/MOIC on Export of Plantation Timber, article 4</li> </ul>
	3.4.2.3.3 Copy of plantation registration certificate or planted trees certificate	<ul style="list-style-type: none"> <li>• Draft Instruction/MOIC on Export of Plantation Timber, article 3</li> </ul>
	3.4.2.3.4 Receipt from POIC for copy of Custom Declaration	<ul style="list-style-type: none"> <li>• Draft Instruction/MOIC on Export of Plantation Timber, article 6</li> </ul>
3.4.2.4 The uncertified exporter has submitted export documents to DOIC before export. After on-site inspection of DOIC and DAFO, POIC endorsed the loading certificate. The exporter submitted a copy of the export tax declaration form to POIC after export.	3.4.2.4.1 Batch list	<ul style="list-style-type: none"> <li>• Draft Instruction/MOIC on Export of Plantation Timber, article 5.1</li> </ul>
	3.4.2.4.2 Copy of plantation registration certificate or planted trees certificate	<ul style="list-style-type: none"> <li>• Draft Instruction/MOIC on Export of Plantation Timber, article 3</li> </ul>
	3.4.2.4.3 Loading certificate (Form 2)	<ul style="list-style-type: none"> <li>• Draft Instruction/MOIC on Export of Plantation Timber, article 5.1</li> </ul>
	3.4.2.4.4 Completed inspection report (back page Form 2)	<ul style="list-style-type: none"> <li>• Draft Instruction/MOIC on Export of Plantation Timber, article 5.1</li> </ul>
	3.4.2.4.5 Product list (Form 3)	<ul style="list-style-type: none"> <li>• Draft Instruction/MOIC on Export of Plantation Timber, article 5.1</li> </ul>
	3.4.2.4.6 Receipt from POIC for export tax declaration form	<ul style="list-style-type: none"> <li>• Draft Instruction/MOIC on Export of Plantation Timber, article 9</li> </ul>