



**COMMENTS ON THE DECREE NO.102/2020/ND-CP  
Viet Nam Timber Legality Assurance System (VNTLAS)**

**To: Vietnam Administration of Forestry**

After a long period of preparation, Decree No. 102/2020 / ND-CP regulating Vietnam's legal timber guarantee system was officially issued by the Government on September 1, 2020 and will take effect from 30<sup>th</sup> October, 2020. This Decree contributes to concretize the commitment of the Vietnam Government towards the implementation of the VPA. On behalf of the network of social organizations operating in the field of VPA-FLEGT (VNGO), Center for Sustainable Rural Development would like to send VNFOREST some comments from network members to the Decree No. 102/2020 / ND-CP on the system of ensuring legal timber in Vietnam as follows:

**1. The highlight points of the VNTLAS Decree**

- The VNTLAS Decree provides an inclusive and comprehensive concept of legal timber. “Legal timber is timber, timber products (hereinafter standing for timber) are harvested, imported, processed, confiscated, transferred, traded, processed, exported in accordance with the laws of Vietnam as well as relevant provisions of the International Agreements to which Vietnam is a member and relevant laws of the country where the timber was harvested to export to Vietnam”.
- The Decree includes 6 Chapters, 30 articles, regulating the system to ensure Vietnam's legal timber for import - export, as well as criteria, authority, order

and procedures for classifying processing and exporting enterprises. wood, licensed by FLEGT.

- Objects of application of the VNTLAS Decree are extremely various, including domestic organizations, business households, households, communities, and individuals; foreign organizations and individuals engaged in wood importing, exporting and processing.
- The regulation that “Management of imported timber is carried out on the basis of the application of risk management” is an advancement to make the public aware of the risks in timber trade and forest product by regions and risky wood types. In addition, this represents the responsibility of the Vietnam Government towards the wood exporting countries to require verification about the origin of timber with countries importing timber into Vietnam in a geographic area which not / not yet are positive”.
- The VNTLAS Decree has also strongly decentralized, allowing local FPDs to verify the origin of timber prior to export (except for the case of export timber shipments of timber owners who are Group I enterprises and timber shipments originating from domestically grown forests exported to markets outside of the EU); The Provincial Forest Protection Department or DARD is responsible for classifying the enterprises according to the criteria of enterprises classification.

## 2. Limitations in the VNTLAS Decree

We - organizations of the VNGO-FLEGT network realized that this Decree still has some limited points as follows:

- The core content of VNTLAS is to verify the origin of timber and business classification is only applicable to exporters, although this system is expected to support the entire supply chain including traders of domestic and export wood.
- The scope of application of the current VNTLAS system is only for natural forests, exclude plantations.
- There are no specific regulations on the online information management system for classifying enterprises, information about violations of forest law. Giving this information online will ensure publicity and make it easier to monitor the implementation of the timber legality regulations.

- Independent assessment as provided for in Article 22 of this decree has excluded opportunities for social organizations in Vietnam (VNGOs) to participate. The criteria for identifying the organizations allowed to participate in the assessment are very limited. For example, ISO 17021 quality standard requirement, no VNGOs can meet.
- The decree only mentions the participation of Government agencies at the provincial or national level (MARD, VNFOREST, Customs and CITES), so the issue of 'independence' in Independent assessments are hardly feasible.
- The monitoring scope of the decree listed in Article 23 of the decree does not mention to the monitoring impact of the VPA on local communities or forest dependent ethnic minorities. This does not imply the commitments of the parties within the VPA set out in Article 16, an example as the role of social organizations in monitoring and protecting these groups has been neglected.
- The Decree did not mention to the role of social organizations, did not create a “space” for these organizations to participate in the timber legal system.
- The VPA promotes sustainable timber production, improves forest governance, so limiting the participation of social organizations and community organizations is a must-have point in the guiding documents of enforcement or revised TLAS.

### **Recommendation from SRD and VNGO-FLEGT Network**

Based on the analysis of the positives and negative sides of the VNTLAS Decree, we would like to propose some suggestions on the following progress as well as contents that need improvement:

- The focal point drafting agency and the Government need to study, consult and issue documents under the decree to guide / detail the implementation of the provisions of the Decree.
- These issued documents need to supplement on the role and responsibility of joining in supervising the implementation of the Decree and VPA by social organizations and community organizations.
- This is a Decree that controls the entire supply chain, so it is necessary to supplement / consolidate regulations on the management and traceability of timber

in the country, specifically with the integration with Circular No. 27/2018 / TT-BNNPTNT dated November 16, 2018 Regulations on the management and traceability of timber to ensure the integrity of the supply chain system as well as consistency in terms of content.

We strongly hope the lead agency (Vietnam Administration of Forestry) to consider the above shortcomings and recommendations in the process of building a regulation circular in the implementation of specific provisions of the VNTLAS Decree as well as its amendment and supplement in the future.