

## **Advancing Jurisdictional Sustainability in Vietnam, focusing on the Central Highlands Region**

# **Preliminary Legal Analysis of Coffee Production and Trade in Vietnam**

**May 2023**

## **Introduction**

Vietnam is one of the main producers of coffee in the world, exporting over 1.73 million tons of coffee in 2021. Major companies like Nestle, Jacobs Douwe Egberts, Lavazza, Olam and Starbucks source from Vietnam, mainly from the Central Highlands.

The coffee sector in Vietnam is seeking to reduce its greenhouse gas emissions and transition towards sustainability, in line with the country's 2022 Nationally Determined Contribution (NDC) under the Paris Agreement, its objective to increase forest cover to 42% by 2030, its SDG National Action Plan and Long-Term Strategy on Environmental Protection.

Moreover, consumer markets, including the EU, the United Kingdom, the United States and Japan, are looking to reduce the deforestation footprint of their coffee consumption.

In this context, the European Forest Institute (EFI) formulated a questionnaire with 26 questions to analyse the legal framework of the production and trade of coffee in Vietnam. It aims to map the legal framework and identify where documentary evidence of compliance is available, or whether it can be checked by satellite imagery. By doing so, it seeks to provide

the basis for the development of legality indicators of coffee production and trade. This preliminary legal analysis should also be read in conjunction with a more comprehensive legal analysis of the frameworks for forest conversion in Vietnam, supported by EFI in 2021.

This paper contains responses provided by the Mekong Development Research Institute to the questionnaire. It focuses on four areas of law: land-use rights, environmental protection, third parties' rights, and trade and customs. This documentary evidence is expected to be required by importers in markets where regulation is upcoming, such as the EU Deforestation Regulation.

## Methodological framework

Responses to the 26 questions were gathered mainly through desk-based analysis. The authors reviewed 14 laws in the four areas of law above-mentioned, including the Law on Land, the Law on Environmental Protection and the Law on Commerce. The authors then examined the decrees and circulars, as well as other regulatory standards that implement the legal requirements. This enabled the identification of the relevant requirements and conditions for application, and the existence of verifiers. In total, 23 decrees and circulars were reviewed.

Where the legal framework was unclear or provisions seemed to conflict, the authors used textual interpretation (based on the literal meaning) and contextual interpretation (based on the position of the provision in the legal documents and its relation to others). Furthermore, a review of academic literature provided information on law enforcement and practices.

In addition to this desk-base work, the authors interviewed a tax-finance practitioner.

## Take away messages

- Coffee production and trade in the Central Highlands of Vietnam is governed by various legal instruments. This preliminary assessment from the 26 questions identified 23 possible indicators of legal compliance covering land-use rights, environmental protection, third-parties' rights, and trade and customs regulations.
- Among these 23 possible indicators, we found that 11 verifiers of legality are available (green), for 10 of the indicators, verifiers are either unreliable or inconsistently available (orange), and two are unavailable (red). However, this assessment is mainly desk-based and the availability of these verifiers would need to be checked on the ground.
- Legality verification could be improved in a cost-effective manner through support to securing land tenure of smallholders, and eased public access to more accurate information such as certificates of compliance or land cover maps detailing areas of protected areas and coffee production.

# 1.Key Findings

The table below summarises the main findings drawn from the responses to the questionnaire.

Colour code:

- **Green**: Verifiers exist and are available (either made public or available upon request)
- **Orange**: Verifiers exist, but either contain unreliable information, or are not made public or not consistently made available upon request
- **Red**: No verifier available

	Indicator	Legal reference	Verifier	Availability of verifier
	<b>Land-use rights</b>			
1	Coffee is produced on land that can be legally used for coffee cultivation	If cultivated outside forests: Land Law If cultivated in agroforestry systems: Law on Forestry	Cadastral database (physical record or digital, depending on the province) Cadastral record must indicate intended use of each plot of land: perennial crops for coffee production	Cadastre information not publicly available, but by law, information is to be provided upon request.
2	Coffee is produced by a registered land user	Land Law	Land-use right certificate (if land allocated by the State) Or, possible alternatives: <ul style="list-style-type: none"> <li>• Lease or civil contract between renters and landowners</li> <li>• Contracts between the People's Committee and farmers</li> <li>• Forest land allocation decisions of local authorities for protection or/and production purposes</li> </ul>	If a land area is legally leased to a farmer, a land-use right certificate or lease contract is available. It means that it is verifiable in most cases. However, in the Central Highlands, many farmers have no legally recognised land-use right status, so they do not possess these documents. In these cases, some smallholders may have one of the alternative documents.

	Indicator	Legal reference	Verifier	Availability of verifier
3	Coffee is produced by customary land-use right owner	Land law	Land-use right certificate issued by the commune People's committee where there is evidence of customary use rights (continuous, peaceful, transparent use of land for a certain period of time)	Some farmers have not registered their land-use rights and do not have land-use right certificates.
4	Coffee comes from agroforestry practices in production forests without deforestation	Law on Forestry Circular 26/2017/TTBNNPTNT of MARD on Regulation on monitoring forest progress and planned land-use for forest development Circular 31/2018/TT-BNNPTNT of MARD on Regulation on forest demarcation	MARD (VNFOREST) map of forests indicating forest types. Maps of crops inside forests.	MARD forest maps are publicly available. However, there is insufficient map data for crop coverage. Maps of crops inside forests are not available.
<b>Environmental protection</b>				
5	Coffee is not from special use forests or from protection forests	Law on Forestry	MARD (VNFOREST) map of forests indicating special use forest and coffee planting area	MARD forest maps are publicly available. However, there is insufficient map data for crop coverage. Additional data to be obtained via geo-spatial analysis.
6	Coffee is not from watershed forests with 30 degrees of slope	Decree 156/2018/NĐ-CP, Article 25	MARD (VNFOREST) map of forests indicating watershed areas	Data to be obtained via geo-spatial analysis.
7	Coffee is not from coastal protection forests near highly eroded areas	Law on Forestry	MARD (VNFOREST) map of forests indicating coastal protection forest area. Map of landslide-risk or eroded areas made by Vietnam Academy for Water Resources: <a href="https://satlov2.vndss.com/">https://satlov2.vndss.com/</a>	Data of eroded area to be obtained via geo-spatial analysis. Map of coastal protection forest from MARD/DARD is available <sup>1</sup> .
8	Coffee from agroforest farms in protection and	Decree 156/2018/NP-CĐ	Maps and reports of the serviced forest areas drawn up by the provincial-level forest protection and	Data to be obtained via geo-spatial analysis. Official forest area maps managed by local

<sup>1</sup> <http://rungvenbien.ifee.edu.vn/BanDo>

	<b>Indicator</b>	<b>Legal reference</b>	<b>Verifier</b>	<b>Availability of verifier</b>
	production forests respect maximum cultivation areas	Local regulations on technical farming procedures	development funds as a basis to pay forest owners and contracted parties	authorities are available but not made public. They are accessible upon request by higher-level authorities.
<b>9</b>	If applicable, an EIA has been carried out before the coffee was cultivated	Law on environmental protection 2020 (Art 28-c, 37 and 38), type I and II projects subject to EIA. Decree 45/2022/NĐ-CP (Art 10) requiring the publication of the EIA appraisal results.	EIA report	Investors are legally obligated to publish the approved EIA reports. The appraisal authorities are to publish the results of EIA approvals on their websites and other channels. In practice, information in EIA reports might not be reliable, and the reports are not always published, but can be requested.
<b>10</b>	Coffee is of a variety that is legal in Vietnam	Crop Production Law 31/2018/QH14 (Chapter II, Section 2) Decision No. 74/2004/QĐ-BNN, Decision No. 40/2006/QĐ-BNN, Circular No. 28/2016/TT-BNNPTNT, and Circular No. 28/2016/TT-BNNPTNT.	Proof of coffee variety registration or import certification	If registration procedures have been followed, certificates are available upon request. This verifier is applicable to trading companies, and largely not to smallholders. However, most (if not all) coffee varieties are legal for plantation in Vietnam, so this indicator is not essential.
<b>11</b>	Coffee cultivation respects phytosanitary requirements	Law on Plant Protection and Disease control Circular 33/2014/TT-BNNPTNT	Plant Quarantines Agencies (including Regional plant quarantine department, and border-gate plant quarantine stations) issue a phytosanitary certificate	If registration procedures were followed, phytosanitary certificates are available upon request.
<b>12</b>	Coffee cultivation respects regulation on fertilisers	Law on Environmental Protection National Technical Regulation on Food Safety and Hygiene for Green Coffee No. QCVN 01-26: 2010/BNNPTNT	Certificates of Free Sale for the used fertilisers.	If registration procedures were followed, certificates of free sale are available upon request.

	Indicator	Legal reference	Verifier	Availability of verifier
		Decree on 84/2019/NĐ-CP on Fertiliser Management		
13	The coffee plantation process respects the obligation to collect and manage by-products	Law on Environmental Protection 2020 (Articles 58 and 61) Crop production Law 2018 (Article 76) Circular 19/2019/TT-BNNPTNT (although it does not indicate a specific supervision procedure)	Supervision/monitoring reports on the compliance to regulations on collecting and managing agricultural by-products at a locality.	As there is no supervision procedure, monitoring/supervision is conducted on an ad-hoc basis and related reports are not consistently available.
14	Coffee cultivation respects regulation on pesticides	List of all legal pesticides and illegal pesticides annually updated Circular 19/2021/TT-BNNPTNT	Smallholder diaries, if applicable for smallholders in production projects that implement a dairy scheme; or Certificate of compliance issued by certifying organisations	Certificates are available from certifying organisations. Smallholders do not always implement a dairy scheme and are not always able to show compliance.
<b>Third-parties' rights</b>				
15	Individuals relevant to the planned use of the land were consulted when planning for the land allocation	Planning Law 2017, Art 19 regulating the consultation for planning proposals. Land law and Decree 148/2020/NĐ-CP (Art 1 (4))	Reports summarising and explaining the public opinions prepared by relevant authority Appraisal reports include feedback received	Reports of public consultation are to be published on the authorities' websites.
16	Affected local communities were consulted in the EIA	Law on Environmental Protection	Consultations recorded in minutes summarised in the EIA report	By law, consultation results are to be recorded and published on the appraisal authorities' websites. However, there might be no consultation response, or the consultation reports might not be published. EIA approvals are usually published.

	Indicator	Legal reference	Verifier	Availability of verifier
17	Representatives of land users participating in the consultation for compensation, livelihood support, and resettlement in land recovery processes	Land law and implementing instruments on social support in case of resettlement: Decree 47/2014/NĐ-CP: Regulations on compensation, support, and resettlement upon land expropriation by the State Decree 06/2020/NĐ-CP on amendments to Art 17 of Decree 47/2014/NĐ-CP Decision 63/2015/QĐ-TTg: policy on assistance in vocational training and job search for workers whose land is acquired by the state	Consultation meeting minutes and signed agreements/consent forms	Should be publicly accessible in principle.
<b>Trade and customs</b>				
18	Coffee was exported by a registered enterprise	Law on Foreign Trade Management Decree No. 69/2018/NĐ-CP	Enterprise registration certificate (Vietnamese enterprise) or Investment registration certificate (foreign investor)	Registration certificates available upon request Information on registration certificates also included in EIA proposals.
19	Coffee is below the maximum level of ochratoxin A (less than 5 µg.kg)	National Technical Regulation on Food Safety and Hygiene for Green Coffee No. QCVN 01-26: 2010/BNNPTNT. National standard TCVN 9703:2013 Decree 15/2018/NĐ-CP: Elaboration of some articles of the law of food safety, Chapter III (Procedures for registration of the product declaration)	Certificate of food safety	Certificate required for coffee to circulate on market, so available in principle. However, small-scale producers may not be able to afford the application for food safety certification.

	<b>Indicator</b>	<b>Legal reference</b>	<b>Verifier</b>	<b>Availability of verifier</b>
<b>20</b>	Coffee was processed and packaged legally	Law on Food Safety	Certificate of Food Safety A self-declaration dossier of the product, including a Declaration form and a Food safety data sheet issued by a designated laboratory by regulations or a laboratory complying with ISO 17025	
<b>21</b>	VAT paid for domestic transaction	Circular No. 219/2013/TT-BTC	Electronic invoices proving VAT payment	
<b>22</b>	Coffee produced by ethnic people is exempt from levy or subject to reduced levy	Land law, Decree 45/2014/NĐ-CP, only applicable for those living in a jurisdiction that has difficult or especially difficult socio-economic conditions: Decision 861/QĐ-TTg dated 4 June 2021 on Approving the list of communes at area III, area II, area I in ethnical minority and mountainous regions in the period 2021-2025	Proof of the producers' ethnicity (e.g., proof of production registration containing producers' ID) Department of Taxation's decision of land levy exemption/reduction	Decision documents relevant to stakeholders are to be sent to them. Stakeholders can also request these documents.
<b>23</b>	Coffee complies with import-export regulations	Law on Foreign Trade 2017 Decree 69/2018/NĐ-CP on detailed regulations for several articles of the Law on Foreign Trade 2017	Certificate of Free Sale	Import-export traders possess certificates of free sale for imported/exported products.



## 2. Questionnaire responses

### General provisions

#### 1. Is there a clear legal framework regulating the production and trade of coffee? Is this framework coherent with the forest framework?

There is no separate legal framework for coffee production and trade. Although the Vietnamese State has issued statutory and regulatory provisions relating to coffee production, all of them focus on purposes instead of providing a coherent framework.

These provisions include, for example:

- The Law on Land mandating the types of land which can be used for coffee cultivation;
- The Law on Forestry applicable for coffee production using agroforestry;
- The Law on environmental protection regulates Environmental Impact Assessment (if applicable) in proposing and (large scale) approving coffee production projects;
- The Law on Plantation applicable for choosing coffee varieties to plant as well as general obligations of farmers on using fertilisers;
- The Law on Plant Protection and Disease control regulating the use of plant varieties, the issuance of phytosanitary certificates, and processes for monitoring and handling plant diseases;
- The Law on Food Safety applicable for coffee cultivation, processing, packaging, transporting, preserving;
- The Law on Foreign Trade Management regulates coffee export activities;

There are also several governmental activities relating to coffee production, including MARD's Project for Sustainable Development of Coffee Industry until 2020,<sup>2</sup> MARD's Coffee replanting project for the period of 2021-2025,<sup>3</sup> and Vietnam State Bank's official dispatch on preferential credit for coffee replanting.<sup>4</sup>

At sub-national levels, there are local regulations for law enforcement and sectorial development policies to regulate the production and trade practices. For instance, local regulations on technical farming procedures ensure farming practices to meet technical requirements.

---

<sup>2</sup> [Decision No. 3417/QĐ-BNN-TT](#)

<sup>3</sup> [Decision No. 1178/QĐ-BNN-TT](#)

<sup>4</sup> [Official Dispatch No. 3227/NHNN-TD](#)

## **2. Is there a clear definition of illegal coffee? Is there a national process that encompasses legality for coffee production?**

There is neither such a definition nor a process to check the legality of coffee.

However, there exist statutory and regulatory provisions relating to coffee production and trade (which are scattered in a wide range of legal documents, not compiled into any coherent framework). One can infer that coffee products failing statutory and regulatory provisions (eg. technical regulations (Quy chuẩn kỹ thuật))<sup>5</sup> would be considered illegal. Although there are regulations designed specifically for coffee (i.e., legal coffee varieties to be planted in Vietnam, toxin threshold for coffee), coffee production and trade mostly follow the same legal requirements for general agricultural production and trade.

Similarly, there isn't a unified national process which encompasses the legality for coffee production. Each legal requirement will have different processes in place. For example, regarding the legal use of land for coffee production, the land registration process is relevant. Another example is the phytosanitary requirements for exported coffee, where a separate procedure must be undergone.

## **3. Is there a public standard verifying the legality of coffee production?**

There are applicable regulations on coffee production, however, no single set of standards is provided.

There are two specific standards applied separately to coffee production, which are the National Technical Regulation on Food Safety and Hygiene for Green Coffee No. QCVN 01-26: 2010/BNNPTNT provides the maximum level of Ochratoxin A (see question 21) and the list of coffee varieties that are legal for cultivation in Vietnam (see question 21). These are stipulated in different pieces of legislation.

Besides, as mentioned in question 1, there are further regulations applicable for coffee production but do not mention coffee specifically.

## **Land-use rights**

### **4. Does the country possess a cadastral system/land registry? Are coffee farmers registered?**

Yes, there exists a cadastre/land registry in Vietnam. Each cadastral record includes documents presenting detailed information regarding the current usage status and legal status of the land and everything incorporated or attached thereto.<sup>6</sup> Cadastral databases are established by provincial authorities, and district authorities are responsible for updating and modifying the databases as necessary.<sup>7</sup> In provinces/districts with digital cadastral databases, the documents required in each province's cadastral record include cadastral survey documents (cadastral map and land inventory record), cadastral book, etc. In

---

<sup>5</sup> Technical regulations are legally binding, whereas technical standards are not legally binding.

<sup>6</sup> Article 96, The Land Law 2013

<sup>7</sup> Article 3, clause 2, Circular 05/2017/TT-BTNMT

provinces/districts without a digital cadastral database, the document requirement is the same as above with the addition of a physical book to record changes in land use.<sup>8</sup>

In addition, these databases are managed by the provincial authorities and are not centralised (there exists a centralised database on land records under the central government management, but this only includes province-level reports on land use, land-use planning, and land price data).<sup>9</sup> Regarding accessibility to these cadastral databases, the Law on Information access (2016) ruled that cadastral records are not among the categories of public data.<sup>10</sup> It is also not available upon request, since cadastral records information is also not among the categories of data to be provided by request.<sup>11</sup> However, in practice, a citizen can make a written request in person for cadastral information in relation to a specific plot of land to the Land Registration Office or the Cadastral Office of a District Government or to the Communal Government. The plot of land in question must be related to the citizen.

Yes, coffee farmers are required to register their land. By law, all people intending to use the land for any purposes - thereby including coffee farmers - must register. For agriculture use, one must indicate the type of land within eight cultivation purposes: annual crops (including rice and other annual plants), perennial trees (coffee falls into this category), production forests, protection forests, special-use forests, aquaculture, salt production, and other agricultural purposes. However, coffee farmers are not specifically required to state that they will use the registered land for coffee and no other perennial trees. In other words, the cadastre records would include the intended use of each plot of registered land, i.e., for perennial crops.

## **5. What is the situation in terms of land-use rights and access? Do farmers commonly possess proof of land ownership or land-use rights? If so, in which language?**

Amended question: “Do farmers have legally recognised rights to the land where they cultivate coffee? Do farmers commonly possess proof of land ownership or land-use rights? If so, in which language?”

Yes, farmers only have recognised rights to the land where they cultivate coffee if they have registered their land following the process mentioned above. According to Article 166 of the Law on Land, registered land users are entitled to a set of general rights<sup>12</sup>; and the right to exchange, transfer, lease, sublease, inherit, donate, mortgage land use rights and contribute land use rights as capital.

---

<sup>8</sup> Article 4, Circular 24/2014/TT-BTNMT

<sup>9</sup> Article 3, Circular 05/2017/TT-BTNMT

<sup>10</sup> Article 17, the Law on Information access 2016

<sup>11</sup> Article 23, the Law on Information access 2016

<sup>12</sup> Right to be granted certificate of land use rights, houses and other land-related assets; to enjoy the results of the labour and investment on the land; to enjoy the benefits derived from facilities constructed by the State for protecting and improving agricultural land; to receive the State's guidance and assistance in the improvement and fertilisation of agricultural land; to be protected by the State against others' infringements of their lawful rights and benefits related to land; to receive compensation when land is recovered by the State in accordance with this Law; to complain about, denounce or file lawsuits over violations of their lawful land use rights and other violations of the land law

State-allocated land is issued a land-use right certificate as proof of land-use rights.<sup>13</sup> In case the land-use rights certificate has not been issued, the 2013 Land Law recognises a number of other documentary evidence that a farmer can use to prove their rights to land such as leases or other types of contracts.<sup>14</sup> In a rather extreme case, even if a farmer or a household does not possess any proof but has been living on a plot of land for a prescribed period of time without any dispute, he/the household is still able to register land use rights.<sup>15</sup>

Even though it is legally required to register the land (although one can choose to request for the issuance of the proof of land-use rights at the time of registration or not), some farmers may not possess the proof of land-use rights because (1) not all registration applications are approved<sup>16</sup>, and (2) some only register their land without requesting proof of land-use rights.<sup>17</sup> The proof of land-use rights is issued in Vietnamese only.<sup>18</sup>

In the case where farmers use lands rented from another landowner, the rights and responsibilities of the renters – farmers in this case – will be defined by civil contracts between the renters and the landowners. For lands rented out by the State, the renter will be issued “Land-use rights Certificate” and will have to sign contracts with the People's Committee of the appropriate level.

## 6. Are customary land and resource rights of local communities recognised under the law?

Yes, partially. The right to customary land is recognised by the law under the doctrine of “recognising land-use rights”. It states that when individuals, households, organisations, communities, and enterprises, who do not have land-use right certificates and do not have one of the documents mentioned in Article 100 of the Land Law 2013, shall be granted land-use rights if they satisfy one of the following two conditions. The first condition is if they have permanent residential registration in the jurisdiction, are conducting agricultural, forestry, or aquacultural production, and have already been using the land areas “stably” without having land-use right disputes in a jurisdiction that has difficult or especially difficult socioeconomic conditions<sup>19</sup>. The second condition is if they have been using the land “stably” since before 1 July 2004 without infringing land-use regulations and their commune People’s Committee confirm that their land areas are not subjected to any land-use right dispute and are

---

<sup>13</sup> Article 8, Circular 24/2014/TT-BTNMT

<sup>14</sup> Article 100, The Land Law 2013.

<sup>15</sup> Article 101, The Land Law 2013. Article 101.2 provides for granting Land-use Right Certificates to those people/households as long as the usage started before July 2004. This provision applies regardless of the socio-economic conditions of the jurisdiction. Article 20, Decree No 43/2014/NĐ-CP, stipulates additional applicable requirements that may affect whether Certificates are ultimately granted.

<sup>16</sup> Tuyết, T. T. Á., & Bình, N. V. (2021). THỰC TRẠNG CHUYỂN NHƯỢNG QUYỀN SỬ DỤNG ĐẤT CỦA HỘ GIA ĐÌNH, CÁ NHÂN TRÊN ĐỊA BÀN HUYỆN KRÔNG PẮK, TỈNH ĐẮK LẮK. *Hue University Journal of Science: Agriculture and Rural Development*, 130(3A). <https://doi.org/10.26459/hueunijard.v130i3A.5965>

<sup>17</sup> To elaborate, Article 8 Circular 24/2014/TT-BTNMT ruled that people can register their land first and request for proof of land-use rights afterwards as needed.

<sup>18</sup> Refer to Certificate Form, Appendix, Circular 23/2014/TT-BTNMT

<sup>19</sup> Article 101.1, the Land Law 2013

compliant with the land-use plan, the detailed urban development plan, and the agricultural residential area plan that have been approved in the jurisdiction.

As mentioned above, local communities are capable of holding land use rights. If they (1) have already been using the land for agriculture purposes or religious purposes; (2) this land is not subjected to disputes; and (3) there is a confirmation of the commune People's committee that the land is used collectively by the whole community, the land will be recognised as belonging to the community and land-use certificates will be granted accordingly (Article 131.3.1, Article 100.5 Land Law).

It is also worth noting that land-use rights granted to communities are limited to usufruct. Community land could neither be transferred nor leased to other parties, nor mortgaged (Article 181.2 Land Law).

Additionally, if the communities live dependently on forests, they will be given priority in forest allocation (Article 136.5 Land Law; Article 4.6 Law on Forestry). Cultural and religious practices within forests are also allowed (Article 4.6, Law on Forestry). It is also stipulated that State must "respect the living space and customs of the communities" and "give priority to ethnic minority people, households, individuals and communities having traditional customs, culture or beliefs associated with forests" when allocating, leasing, repurposing and appropriating forests (Article 14.8, Law on Forestry).

The most important land-use right evidence is a certificate of land-use rights. Other alternative land-use rights verification documents are mentioned in Article 100 of the Land Law 2013.

For the purpose of proving deforestation-free land-use, another possible reference source of verification is decisions of local authorities to allocate forest land for protection and/or production purposes according to Articles 11, 54, 56, 58, and 59 of the Land Law 2013.

## **7. Are customary land and resource rights of ethnic minorities and/or indigenous peoples recognised under the law?**

Customary lands are recognised under the law regardless of ethnicity. Moreover, ethnic minorities also enjoy additional support from the state. The Law on Land stipulates that when ethnic minorities lack land for living or production, they will be given priority in land allocation (133.2 Land Law). For ethnic minorities/indigenous peoples living in poverty, there are policies in place to provide them with more production land (defined as annual crop land, perennial tree land, aquaculture land, production forest land, and other agricultural land<sup>20</sup>).<sup>21</sup>

Also, ethnic people are among groups receiving land levy exemption or reduction (110.1 Land Law). In these cases, the competent Department of Taxation issues a Decision of land levy exemption/reduction. A copy of this decision is, in principle, sent to the applicant, although in practice, such decisions are not always delivered to the applications.

---

<sup>20</sup> Decision 755/QĐ-TTg

<sup>21</sup> Joint Circular 04/2013/TTLT-UBND-BTC-BTNMT

There are also restrictions to these privileges: if ethnic minorities received land under these supportive policies, they are only allowed to transfer the land after using the land for at least 10 years (192.3 Land Law) and must obtain confirmation from the people's commune committee that the land is no longer needed by them (Article 40.2 o43/2014/NĐ-CP).

## **8. Mapping areas legally demarcated as permanent forests: is there a map (or a land-use plan) of all areas legally demarcated as forests and which in principle cannot be used for agricultural production?**

According to chapter 6 of the Law on Forestry, only production forests and protection forests can be used for agricultural production (with the exception of some areas, details are provided in question 9). Article 57 of the Law provides that in protection forests, agriculture and aquaculture may be practised under the forests' canopy or in areas without tree coverage as long as these practices do not affect the forests' protective qualities. These agroforestry practices in protection forests are not subject to the obligation to carry out an IEA. Special-use forests cannot be used for agricultural production. MARD is required to produce a map of the forests and its respective type.<sup>22</sup> However, MARD only publishes general statistics yearly regarding the status of Vietnam's forests, and the map is not publicly available.<sup>23</sup>

## **9. Can illegality risks in commodity production be identified at scale 'from the sky', monitoring a few key parameters?**

There are two types of forest areas where agricultural cultivation is illegal by default: special-use forests, watershed protection forests with >30 degree of slope, and coastal protection forests near highly eroded areas.<sup>24</sup>

If one detects that the commodity was produced on these prohibited lands, then it is illegal. Ideally, identifying such activity at scale using satellite images or drone images is possible given that one has the official map of forest marking the legal borders of special-use forests. The province-level Departments of Agriculture and Rural Development (according to Article 16, Circular 31/2018/TT-BNNPTNT) draw up maps of planned forests. These maps may mark areas without tree cover as production, protection or special-use forests.

As mentioned above, such a map is drawn and updated yearly by MARD,<sup>25</sup> but is probably not available for public perusal. It is subject entirely to the sole authority of a Provincial Government.<sup>26</sup> Hence, the possibility of identifying deforestation-related illegality risks in commodity production is low.

## **10. How are agroforests legally established? Under which circumstances could coffee from agroforests be considered legal?**

---

<sup>22</sup> Article 6 the Law on Land

<sup>23</sup> E.g two most recent forestry updates: Decision 1423/QĐ-BNN-TCLN to update the forest status of 2019, and Decision 1558/QĐ-BNN-TCLN to update the forest status of 2020

<sup>24</sup> Chapter 6 Law on Forestry; Article 25 Decree 156/2018/NĐ-CP

<sup>25</sup> Article 6 Law on Forestry

<sup>26</sup> For example, Ho Chi Minh City Government has decided to make available all land-use planning and the entire city land status quo online <https://qhkt.hochiminhcity.gov.vn/huong-dan-su-dung-ung-dung-thong-tin-quy-hoach-tphcm.html>

In protection forests, forest owners and contracted parties (households, individuals, and residential communities)<sup>(\*)</sup> are allowed to practise agroforestry legally. On protection forest land with existing forest, users must ensure neither to decrease existing forest area and its quality, nor affect the protection forest's ability to recover and protect. On protection forest land without existing forest, users must also engage in forest replanting and are able to cultivate agricultural products in up to 20% of the permitted area for watershed protection forests, and wind-and-sand-shielding forests; and up to 40% of the permitted area for submerged forests.<sup>27</sup>

In production forests, there are similar legal requirements for agroforestry as in protection forests. However, the maximum cultivation area is now 30% for any non-submerged production forest land. The maximum cultivation area for mangroves is still 40%, similar to protection forest land.<sup>28</sup> Forest owners and contracted parties can practise agroforestry without carrying out an EIA.

Regarding maintenance provisions, forest owners' responsibilities involve fire safety planning and compliance, prevention of invasive or harmful species, and manage forest protection workforce. Forest owners' responsibilities are outlined in Circular 28/2018/TT-BNNPTNT. Provisions on invasive species are contained in the Law on Plant Protection 2013 and in Circular 35/2018/TT-BTNMT.

Coffee coming from agroforest farms satisfying the above requirements can be considered legal in the context of deforestation-related laws. Proof of compliance with such requirements can be found in the maps and reports of the serviced forest areas drawn up by the provincial-level forest protection and development funds as a basis to pay forest owners and contracted parties (Section 2, Decree 156/2018/NĐ-CP).

(\*) Forest owners are defined as organisations, households, individuals, residential communities being allocated or rented forest lands by the State; or being legally transferred, gifted, or inherited forest lands (Article 2.9, the Law on Forestry). According to Article 33 of the Laws on Forestry, documentation which can legally prove forest owners' right to use the land include:

- Land-use right certificate;
- Certificate or one of the authorised papers specified in Article 100 of the Land Law and Article 18 of this Decree, which indicates that the State allocates land, leases land or recognises land use rights for planting production forests;
- Certified/authorised paper proving the allocation of planted production forests by the State
- Lawfully notarised or certified contract or document on purchase and sale, donation or inheritance of planted production forests;
- Legally effective judgment or decision of the people's court or paper of a competent state agency on the ownership of planted production forests;
- For households, individuals or communities have none of the papers specified above but have planted production forests with their own capital, a legally recognised land

---

<sup>27</sup> Article 25 Decree 156/2018/NP-CD

<sup>28</sup> Article 30 Decree 156/2018/NP-CD

registration office can offer their confirmation that these households, individuals or communities satisfy the requirements to be recognised as legal owners of the land;

- For domestic organisations that implement projects on planting production forests with capital not originating from the state budget, the project approval decision, project investment decision, investment license or investment certificate for planting production forests under the investment law can be used as proof.
- For foreign-invested enterprises and overseas Vietnamese that implement projects on planting production forests, the project approval decision, project investment decision, investment decision, investment license or investment certificate for planting production forests under the investment law can be used;

(\*) Contracted parties in this context should be understood as households, individuals, and residential communities being contracted to perform selected services in the process of planting, caring for, and protecting forests, gardens, and water bodies within forests. The rights and responsibilities of contracted parties are agreed upon in the contract between the forest owners and the contracted parties (Decree 168/2016/NĐ-CP).

## **11. How are conflicts in land use and allocated rights (e.g. overlapping land-use rights) dealt with?**

When disputes over land between private actors arise, disputing parties are encouraged to resolve their conflicts through mediation by the People's Committees at the commune level. If mediation succeeds, and land borders need to be modified, the People's Committees will send the mediation agreement (recorded in the mediation minute) to a competent cadastre authority (at the district level or the provincial level) for review. Land-use rights certificates will be issued (if needed) accordingly.<sup>29</sup>

If mediation fails, disputes can be resolved through two channels: juridical and administrative. The People's Committees at the district and provincial level shall have the authority to resolve when: (1) the land has not been registered; and (2) disputing parties choose to settle their disputes via these bodies. The first resolving decision may be petitioned to the people's committee at the next level. Meanwhile, courts have jurisdiction of the first instance over all cases, including jurisdiction to review decisions made by administrative bodies (Article 203.3 Land Law). Parties may terminate the administrative process at any time by starting a lawsuit in court.

Disputes over administrative decisions relating to land between private actors and the state follow a similar procedure. One may make a petition to a higher People's Committee for a resolution decision or start a lawsuit from the beginning (Article 204 the Law on Land). Also, courts have a higher and final authority in resolving these disputes (Article 5, article 6, the Law on Administrative Procedures). The difference is that while civil procedures apply in the first case, administrative (judicial) procedures apply in the second case.

---

<sup>29</sup> Article 202.5 Land Law; Article 88 Decree No. 43/2014/NĐ-CP



## c. Environmental protection standards

### 12. Which environmental laws and regulations apply to coffee production and trade? How are they respected in practice?

Law on Environmental Protection: provides general obligations to protect the environment for various actors, including farmers, for example, the obligation to comply with regulations on fertiliser management (see Article 61.1, 61.3) and the obligation to collect and manage by-products produced during the plantation process (see article 61.4); Environmental Impact Assessment.

Law on Water Resources: regulating the exploitation of surface water and groundwater.

Law on Plant Protection and Disease Control: regulating the production, trade and use of pesticides; disease control and prevention measures; obligations of farmers and state.

Law on Plantation: regulating the use of plant varieties and fertiliser, detailed by:

- Decree on 84/2019/NĐ-CP on Fertiliser Management: standards and approval of fertilisers.

Law on Technical Standards and Regulations provides a legal framework for national technical standards and regulations, detailed by the following legally binding instruments:

- Circular No. 37/2010/TT-BNNPTNT: provides National Technical Regulation on Food Safety and Hygiene for Green Coffee No. QCVN 01 – 26: 2010/BNNPTNT.
- Circular No. 64/2015/TT-BTNMT issues the National technical regulation on the allowable limits of heavy metals in soils No. QCVN 03-MT:2015/BTNMT;
- Decision No. 16/2008/QĐ-BTNMT issues the National technical regulation on the pesticide residues in soils No. QCVN 15: 2008/BTNMT

We are unable to provide a comprehensive description of the implementation of these regulations in practice. For the excessive exploitation of groundwater, please refer to Annex 3 of the previous report.

### 13. Is documentary evidence of compliance with the applicable environmental requirements available?

Yes, partially. Coffee producers and traders have the obligation to self-assess or have a certifying organisation assess their compliance with applicable technical regulations, which do not cover land legality or compliance with EIA provisions. If their products pass the assessment, they shall announce the result to the public. They also need to register the result to competent authorities who will double check the application.<sup>30</sup> If the application is

---

<sup>30</sup> Article 48, Law on Standards and Technical Regulations; Article 14, Circular No. 28/2012/TT-BKHCN

valid, the authority will issue a Receipt of valid application,<sup>31</sup> which can be used as evidence of compliance. Alternatively, the declaration dossier itself also can prove the compliance, which includes the following:<sup>32</sup>

- A Declaration of technical-regulation conformity;
- Documentary evidence of the conformity, such as a Certificate of compliance issued by a certification organisation.

Furthermore, since a Certificate of Free Sale will only be issued when the production of to-be-exported products complies with all applicable technical regulations and legal requirements, such Certificate of Free Sale can be used as an environmental verifier.<sup>33</sup>

#### **14. What phytosanitary and fertiliser use requirements are applicable to the different stages of coffee production and processing? How are these requirements applied and controlled in practice?**

##### **Regarding regulations on Phytosanitary check:**

According to the Law on Plant Protection and Disease Control, farmers are required to register for a phytosanitary check on their products in the following case: (1) imported produce, (2) produce to be exported, (3) produce from regions with active plant diseases transporting to other regions.<sup>34</sup> For newly imported plant varieties, the Department of plant protection and horticulture (“Chi cục bảo vệ thực vật và trồng trọt” in Vietnamese) must monitor the planted area for at least one crop cycle for crop plants, and at least one year for perennial plants.<sup>35</sup> Farmers’ storage may also be subjected to investigations from the Department of plant protection and horticulture.<sup>36</sup> After inspection, Plant Quarantine Agencies (including Regional plant quarantine department, and border-gate plant quarantine stations) will inspect the submitted articles and issue a phytosanitary certificate if they are comply with regulations on plant quarantine and exotic harmful organisms (Article 7.4 Circular 33/2014/TT-BNNPTNT). These are requirements applicable to all plants and plant products, there are no specific requirements for coffee.

##### **Regarding regulations on fertiliser use:**

Although fertilisers’ production, import and trade is subject to extensive regulation,<sup>37</sup> their use by farmers is not regulated.

Specifically, farmers must use fertiliser in accordance with the instructions on the fertiliser's package.<sup>38</sup> For farmers within “organic cultivation zones” - a geographical zone determined

---

<sup>31</sup> Article 15.2.a, Circular No. 28/2012/TT-BKHCHN

<sup>32</sup> Article 14, Circular No. 28/2012/TT-BKHCHN

<sup>33</sup> Article 11, Decree No. 69/2018/NĐ-CP

<sup>34</sup> Article 43 Law on Plant protection and disease control

<sup>35</sup> Article 4 Thông tư 35/2015/TT-BNNPTNT

<sup>36</sup> Article 9 Thông tư 35/2015/TT-BNNPTNT

<sup>37</sup> Decree 84/2019/NĐ-CP

<sup>38</sup> Article 54 of the Law on Horticulture 2018

by provincial authorities, farmers are required to use fertiliser which satisfies the requirements for organic fertiliser in Decree 84/2019/NĐ-CP.

### Regarding regulations on pesticide use:

Farmers must meet the National technical regulation on the pesticide residues in the soils (QCVN 15:2008/BTNMT), which includes 39 common chemicals in pesticides and plants preservatives with their respective maximum concentration levels in the soil.

MARD also publishes a list of all legal pesticides and illegal pesticides. This list is usually updated yearly. The one currently in use is featured in Circular 19/2021/TT-BNNPTNT.

### In practice:

One of Vietnam’s major issues with sanitary and phytosanitary (SPS) compliance appears to be the capacity of the public sector and SPS-certifying organisations in executing the processes. Data from 2002 to 2010 revealed that the top reasons for rejection of agri-products imports from Vietnam into the EU, the US, and Japan includes “bacterial contamination”, “hygienic controls”, and “labelling”.<sup>39</sup> Although exported agri-products must be issued a certificate of compliance for SPS requirements, these instances of rejection showed that either (1) some products were green-lit for exports without due process, or (2) the SPS checking process was not reliable.

Reason	EU	US	JAPAN
Adulteration/missing documentation	18	490	0
Bacterial contamination	170	1088	145
Food and/or feed additives	78	402	14
Heavy metal	61	0	0
Hygienic condition/controls	28	1174	23
Labelling	2	997	0
Mycotoxins	23	32	7
Other contaminants	101	214	16
Others	27	25	6
Packaging	4	0	2
Pesticide residues	15	19	50
Veterinary drugs residues	198	174	300

Source: [Tran Viet Cuong et. al \(2013\)](#)

## 15. Is an environmental impact assessment (EIA) required prior to the allocation of the land or land-use rights for agribusiness purposes?

Some agribusinesses are required to conduct an EIA depending on their industry’s potential risk of environmental damage. According to the Law on Environment Protection,<sup>40</sup> any project classified as type I and type II must conduct an EIA as part of their environmental

<sup>39</sup> Tran Viet Cuong et. al 2013, Using Multi Criteria Decision Analysis to Identify and Prioritise Export-Related Sanitary and Phytosanitary Capacity-Building Options in Viet Nam, Ministry of Agriculture and Rural Development

<sup>40</sup> Article 28; Article 30

registration process.<sup>41</sup> The typing system depends on the level of risk of environmental pollution, the scale of the production, and the scale of the resources used. Type I and type II includes all projects with risks of environmental pollution, categorised in Appendix III and Appendix IV of Decree 08/2022/NĐ-CP.

In the case of agribusinesses, any projects satisfying one of the following criteria must conduct an EIA:

Type of business/projects	Scale
Industrial level ranching	From 10 to under 1,000 ranching units AND classified as possessing high-risk of environmental damage by Article 4 in Decree 80/2020/NĐ-CP >= 1,000 ranching units
Projects with high or medium land usage (except for forestry, and natural aquaculture)	>= 50 ha land usage (including water surface)
Projects using land in nature reserves, biosphere reserves, natural heritage, wetlands of importance, natural forests, and protection forests.	All projects
Projects requiring land purpose conversion in nature reserves, biosphere reserves, natural heritage, wetlands of importance, natural forests, and protection forests.	All projects
Projects using land in historical/cultural relic sites, landmarks ranked by the Law on Cultural Heritage	All projects
Projects using ocean area Projects with submerged activities in the ocean area Projects with reclamation activities	All projects
Projects generating sewage	>= 500 m <sup>3</sup> /day for non-aquaculture projects >= 10,000 m <sup>3</sup> /day for aquaculture projects
Projects requiring residential relocation	>= 1,000 relocated people in mountainous areas >= 2,000 relocated people in other areas

## 16. To the extent this has not already been addressed in the legal analysis of forest conversion - Are local communities consulted/involved in the environmental impact assessment? Are there any possible conflicts of interest in the EIA process?

Local communities shall be consulted if they are affected by the project. The definition of affected communities is reported in the previous analysis.<sup>42</sup> The consultations must be recorded in minutes, which are to be briefly summarised in the EIA report (Article 33.5, Law on Environmental Protection). The project owner and the appraisal authority must publish

<sup>41</sup> To elaborate on the environmental registration process, Chapter 3 in Decree 08/2022/NĐ-CP requires all businesses to register their environmental impact, unless they produce less than 300 kg/day of solid waste, or 5 m<sup>3</sup>/day of liquid waste, or 50 m<sup>3</sup>/hour of gas waste.

<sup>42</sup> "Two groups entitled to the consultation are communities affected by the project and the relevant state agencies. The former, also the subject of this section, is defined as consisting of communities and individuals living or working in the project area; communities or individuals living or working within the direct impact zone of wastewater, polluted air, dust, noise, solid waste, and hazardous waste produced by the project; communities and individuals affected by subsidence, a landslide caused by the project; and other communities and individuals as identified in the EIA process." - Article 26, Para. 1, Point a Decree 08/2022/NĐ-CP

the approved EIAs (Articles 37, 38, Law on Environmental Protection). However, these provisions are not effectively enforced in practice.

Conflict of interest is likely to exist in the consultation process. First, the commune-level People's Committees play an important role as impartial coordinator in the consultation process.<sup>43</sup> They are responsible for informing and inviting community members to the meeting. More importantly, as co-chair of the consultation meeting, they possess influence over the meeting proceeding and the content of the meeting minute. To ensure that "The consultation result shall be processed, and fully and truthfully present comments and propositions made by consultees" as provided by the Law on Environmental Protection<sup>44</sup>, the commune-level People's Committees must act as an impartial party coordinating the consultation process.

However, they are unlikely to be independent of the interests of project owners/investors. Firstly, provincial authorities have incentives to attract business projects to be implemented in their locality since newly-created jobs and increased tax revenue often follow new economic projects. Because of this expectation, local governments may try to eradicate investment barriers and support investors in the project appraisal procedure. For example, Dang Hung Vo has observed that Hanoi provincial governments tend to support the current dual-track land pricing regime that favours the investor in compulsory land takings.<sup>45</sup>

Consequently, there is a risk that provincial officials may put pressure on the commune officials to *support the* project proposer in the consultation process. In turn, Commune officials may be concerned of losing budget support or future promotion opportunities. This would force them to accept these applications. Although the authors do not have information on such a practice in EIA consultations, a similar pattern can be found in the case of the former president of Hanoi's People's Committee, Nguyen Duc Chung, who pressured the Department of Planning and Investment to support his clientelist enterprise in the bidding procedure.<sup>46</sup> Similarly, in the AVG corruption case, the former Information and Communication Minister, Nguyen Bac Son, forced his inferiors at MobiFone – a State-owned Enterprise managed by the same ministry – to approve an overpriced M&A deal.<sup>47</sup>

Thus, unless effective mechanisms are developed to ensure the independence of the coordinator of the consultation process, this conflict of interest will hinder meaningful consultations.

---

<sup>43</sup> Article 26.3.b, Decree No. 08/2022/NĐ-CP

<sup>44</sup> Article 33.5 Law on Environmental Protection

<sup>45</sup> World Bank, Compulsory Land Acquisition and Voluntary Land Conversion in Vietnam, Policy Notes. World Bank, 2011. <https://doi.org/10.1596/26886>, page 5

<sup>46</sup> 'Former Hà Nội Chairman Chung Appeals Prison Sentence in Water Cleaning Agent Purchase Case', accessed 4 March 2023, <https://vietnamnews.vn/society/1252061/former-ha-noi-chairman-chung-appeals-prison-sentence-in-water-cleaning-agent-purchase-case.html>.

<sup>47</sup> 'Xét xử vụ AVG: Từ chủ tịch đến cấp dưới cùng cho rằng bị ép buộc [AVG case trial: From the president to the bottom, it is believed that it was forced]', Tien Phong Online News, 21 December 2019, <https://tienphong.vn/post-1158244.tpo>.

## d. Third parties' rights

### 17. What provisions are in place to manage land-based complaints?

The Land Law affirms the right to lodge complaints from land users against administrative decisions and acts.<sup>48</sup> It also provides that the Law on Complaints shall mandate the procedures for land-based complaints.<sup>49</sup>

Settlement of complaints can consist of two stages. First, the complainant must submit their complaints to either (1) the public agency who made the decision being complained about (for complaints on administrative decisions), or (2) the public agency where the alleged offender works (for complaints on administrative behaviours). When the complainant disagrees with the settlement decision from such authority, or when no decision is made within the prescribed time limit, the complainant may start the second stage by sending their petition to the direct superior of the authority above. If the conflict is still not settled after this stage, no further complaints can be filed. One exception to the two-stage resettlement is if the first-stage authority is a minister or equivalent, the complaint procedure stops at the end of the first stage<sup>50</sup>.

However, as mentioned in question 11, at the end of each stage, complainants can always file a lawsuit against the administrative decisions or acts to an administrative court with proper jurisdiction.

### 18. What protections exist for people that live in or depend on forests, e.g. public consultations, free, prior and informed consent (FPIC), involvement in decisions, compensation? How are they implemented in practice?

**Land allocation, recognition of traditional tenure:** Refer to question 7.

**Land Planning:** Article 43, Land Law 2013 requires the government to consult the public when planning land-use allocation.

The public consultation is regulated as follows:

Type of plan	How can public access the draft and relevant information?	Feedback, reply and report
<b>National land-use plan</b>	<ul style="list-style-type: none"><li>- Via website of MONRE.</li><li>Individuals are deemed as "relevant to the plan" shall be inform of the draft published on the website.<sup>51</sup></li><li>- If deemed necessary, by posting it at public places; conferences or workshops; delivering questionnaires or interviewing representatives of organisations; residential community and individuals.<sup>52</sup></li></ul>	<ul style="list-style-type: none"><li>- The public may send their feedback, and opinions via the channel through which they access the draft.</li><li>- The relevant authority shall prepare</li></ul>

<sup>48</sup> Article 204.1, the Land Law

<sup>49</sup> Article 204.2, the Land Law

<sup>50</sup> Article 7, Law on Complaints

<sup>51</sup> Article 29.4 Decree 37/2019/NĐ-CP

<sup>52</sup> Article 29.4 Decree 37/2019/NĐ-CP

<b>Comprehensive provincial plan (including land-use contents)</b>	- Via website of the provincial People’s Committees. Individuals are deemed as “relevant to the plan” shall be inform of the draft published on the website. <sup>53</sup> - (If deemed necessary) by posting it at public places; conferences or workshops; delivering questionnaires or interviewing representatives of organisations; residential community and individuals. <sup>54</sup>	reports on summarisation, assimilation and explanation of the public opinions. - The feedback shall be reported in the appraisal reports.
<b>District land-use plan</b>	Via website of the provincial People’s Committees; Via conferences hold by the People’s Committees at the district level; Via “direct feedback” (to be provided information individually) <sup>55</sup>	

### Land recovery:

There are three bases for land recovery:<sup>56</sup>

- For the purpose of national defence or security; socio-economic development in the national or public interest;
- Land user violated of the land law;
- Due to termination of land use in accordance with the law, voluntary return of land, or the risk of threatening human life.

The procedure for land recovery can be summarised as follows:

- A project provided by articles 61 and 62 is approved;
- A land recovery plan will be constructed and land users will be notified about this plan.
- Survey, measurement and inventory of the land to be recovered will be implemented. Representatives of land users (of the land to be recovered) will be consulted.
- Based on the results from the above procedure, a plan for compensation, livelihood support, and resettlement will be constructed and approved by the people’s committee (at the district level or at the provincial level). Simultaneously a land recovery decision will be issued paving the way for further enforcement.

All of the related legal documents to the land recovery process can be complained about. Refer to question 12 for complaint procedures. Land users can also start a lawsuit questioning the legality of such documents, as mentioned in the question 11.

Aside from the above-mentioned, there are no specific protections for this group, including FPIC.

<sup>53</sup> Article 32.5 Decree 37/2019/NĐ-CP

<sup>54</sup> Article 32.5 Decree 37/2019/NĐ-CP

<sup>55</sup> Article 6 Law No. 35/2018/QH14 (amending Article 43.2 Land Law)

<sup>56</sup> Article 16, Land Law

### **Compensation, resettlement:**

In general, land users shall be eligible for compensation when:<sup>57</sup>

- The land user (including individuals, households, religious community/entity) is using the land and possesses a land-use certificate or is eligible for having a land-use certificate by law but has not been awarded one yet.
- Land is used under an allocation or a lease with one-off payment instead of a lease with annual payment.<sup>58</sup>

Compensation is made in the form of allocating new land with the same use purpose. If there is no land available, land users will receive monetary compensation instead.<sup>59</sup> In the second case, compensation consists of (1) the value of the land itself calculated based on the price set out by the provincial-level People's Committee; (2) discounted value of assets invested in the land, based on the ratio between the time use left and total time use. The price of these assets is also provided by the State.

Aside from the above-mentioned, there is no additional protection for the group.

Furthermore, the local authority must produce a plan for compensation, livelihood support, and resettlement. Such plans must be consulted *with citizens whose lands* are being recovered, and the consultation meetings' documentation must be signed by a representative from the People's Committee at the commune level, a representative from the Fatherland Front at the commune level, and a representative for the citizens with lands being recovered.<sup>60</sup>

**In practice:** We do not have information about this matter.

## **19. Is there any specific requirement regarding the consultation of women and other vulnerable groups like ethnic minorities and indigenous peoples?**

There is no specific requirement regarding the consultation of women and other vulnerable groups regarding consultation over land-use planning, compensation, livelihood support, and resettlement for citizens affected. However, consultations with the local community and affected parties, in general, are still required to be conducted for land-use planning, land recovery, and projects' environmental impact assessment.<sup>61</sup> On the other hand, there is a

---

<sup>57</sup> Article 74.1, Article 75 Land Law

<sup>58</sup> Please note that allocation and lease with one-off payment entail real rights/property rights and can be considered a "semi" ownership, while a lease with annual payment only creates contractual rights. Please refer to Articles 173, 174, and 175 Land law to see that the former provides land users with more land rights, including the right to mortgage, while the latter does not. Considering this perception, it is understandable why the latter is not eligible for land compensation.

<sup>59</sup> Article 74.2, article 74.3 Land Law

<sup>60</sup> Article 69.2, Land Law

<sup>61</sup> Quy Nghi, N., Thi Minh Phuong, N., & Le Hang, D. T. (2021). *Gender biases in resettlement processes in Vietnam: examining women's participation and implications for impact assessment. Impact Assessment and Project Appraisal*, 39(3), 206–217. doi:10.1080/14615517.2021.190437



specific statutory provision requiring state bodies to consult ethnic minorities when they provide certain services to the indigenous peoples.<sup>62</sup>

## 20. Is documentary evidence of the respect of third-parties' rights available?

Yes, there is documentary evidence of the respect for third-parties' rights (from here on interpreted as the right to be consulted) in land-use planning, land recovery, and certain projects creation like REDD+ projects.

In the case of land-use planning, the planning authority must conduct consultations with affected/relevant communities and must address their concerns by document at the end of the consultation period.<sup>63</sup>

In the case of land recovery, consultation meetings with affected citizens regarding the compensation, livelihood support, and resettlement options are documented. Additionally, the organisation tasked with compensation and land clearance is responsible for documenting the level of agreement observed in the meeting (e.g number of people agreeing with the plan, or disagreeing with the plan).

Lastly, some projects with risks of damage to the environment (specifically type I and type II projects as defined in question 10) will need to conduct consultations with the affected citizens as part of their environmental impact assessment. The documentation of these consultation sessions is a part of the official EIA form.<sup>64</sup>

## e. Trade and customs:

### 21. What legal requirements are applicable to the production and sale of coffee at the farmgate level?

#### Production:

- Permission: As coffee is a perennial crop, farmers are free to plant coffee trees as long as they are allocated agricultural land for perennial trees. In case the land used is of other types of agricultural land (eg. for annual trees, land for aquaculture), they must inform, but do not need to register, the government about the change of land use purpose.<sup>65</sup> The change of land use purpose will be exhibited in the Land Use Right Certificates.<sup>66</sup>

---

<sup>62</sup> <https://thuvienphapluat.vn/van-ban/dau-tu/quyet-dinh-1719-qd-ttg-2021-chuong-trinh-phat-trien-kinh-te-xa-hoi-vung-dan-toc-thieu-so-491217.aspx> ; <https://thuvienphapluat.vn/van-ban/Dau-tu/Quyết-dinh-277-QĐ-TTg-2022-ho-tro-phat-trien-kinh-te-xa-hoi-vung-dong-bao-dan-toc-thieu-so-504972.aspx> ; <https://thuvienphapluat.vn/van-ban/Dau-tu/Thong-tu-02-2022-TT-UBDT-huong-dan-du-an-Chuong-trinh-phat-trien-kinh-te-dan-toc-thieu-so-521070.aspx>

<sup>63</sup> Article 37, clause 6c, Circular 01/2021/TT-BTNMT

<sup>64</sup> Circular 02/2022/TT-BTNMT

<sup>65</sup> Article 57, Land Law 2013

<sup>66</sup> Article 3.6 Circular No. 23/2014/TT-BTNMT

- Coffee tree variety: Farmers must plant coffee varieties that passed the assessment procedure and are allowed to plant in Vietnam. Lists of legal plants are issued and updated by MARD. These lists are provided in Decision No. 74/2004/QĐ-BNN, Decision No. 40/2006/QĐ-BNN, Circular No. 28/2016/TT-BNNPTNT, and Circular No. 28/2016/TT-BNNPTNT.
- Phytosanitary check: coffee farmers must comply with phytosanitary check requirements as specified in question 14.
- Use of pesticides: pesticide residues in soils must meet the requirements under National technical regulation on the pesticide residues in the soils No. QCVN 15: 2008/BTNMT.
- Use of water: Free to use unless the exploitation volume reaches 10 m<sup>3</sup> per day or the cultivation is under a restricted area. Refer to the previous report, Box 3, page 91 for more.
- Use of fertilisers: comply with the directions for use inscribed on the label.<sup>67</sup>
- Toxic properties: Ochratoxin A level must not exceed 5 µg.kg - National Technical Regulation on Food Safety and Hygiene for Green Coffee (QCVN 01–26:2010/BNNPTNT)

#### **Tax:**

Value-Added Tax rates apply for the sale of green, unprocessed coffee beans are as follows:<sup>68</sup>

As also mentioned in question 23, when coffee beans are being exported, in other words, being sold to foreign enterprises, the VAT rate applicable is 0% (only applies to the very last transaction before exporting).<sup>69</sup>

Otherwise, when selling coffee beans to domestic individuals or enterprises:

- When enterprises or cooperatives sell coffee to other commercial enterprises or cooperatives and the credit calculation method is applied for VAT calculation, VAT is exempted;<sup>70</sup>
- When enterprises or cooperatives sell coffee to final consumers and tax credit method is used, the applicable VAT rate is 5%;
- When the direct method is used to calculate tax (when the sales are individuals, households; or enterprises and cooperatives choose this method), VAT is 1% of the revenue.

## **22. What requirements do coffee farmers, traders, cooperatives or middlemen have to comply with? What documentary evidence of legal compliance is available?**

<sup>67</sup> Article 54.2.a Law on Plantation

<sup>68</sup> Article 5.5, Circular No. 219/2013/TT-BTC

<sup>69</sup> Article 9, Circular No. 219/2013/TT-BTC

<sup>70</sup> Please refer to PwC, “Pocket Tax Book 2022” for more information. URL:

<https://www.pwc.com/vn/en/publications/2022/220505-pwc-vietnam-ptb-2022-en.pdf>

## Obligations when pre-processing and packaging coffee:

- Must comply with QCVN 01-06:2009/BNNPTNT - National technical regulation on Coffee processing units – The conditions for food safety and hygiene<sup>71</sup>;
- Must comply with the obligations provided by the Law on Food Safety. See the box below for the list of main obligations.

### Main obligations provided by the Law on Food Safety

1. Conditions for food production<sup>72</sup>
  - a. Having suitable venues with appropriate areas and safe distance from toxic and contaminating sources and other harmful factors;
  - b. Having sufficient technically qualified water for food production and trading;
  - c. Having adequate appropriate equipment to process materials and process, package, preserve and transport different types of food: having adequate washing and sterilisation equipment and tools, disinfecting fluid, and equipment for preventing and controlling insects and harmful animals;
  - d. Having a waste treatment system which operates regularly under the law on environmental protection;
  - e. Maintaining food safety assurance conditions and keeping records of the source and origin of food materials and other documents on the entire food production and trading process;
  - f. Complying with regulations on health, knowledge and practices of persons directly engaged in food production and trading.
2. Conditions for food preservation:<sup>73</sup>
  - a. Having preservation places and means which are large enough to preserve each type of food separately, allow technically safe and precise loading and unloading and guarantee preservation hygiene;
  - b. Preventing the effects of temperature, humidity, insects, animals, dust, strange smell and negative environmental effects: guaranteeing sufficient light: having special-use equipment for adjusting temperature, humidity and other climate conditions, ventilation equipment and other special preservation conditions required by each type of food;
  - c. Complying with preservation regulations of food producers and traders.
3. Conditions for transportation:<sup>74</sup>
  - a. Means for transporting foods are made of materials which do not contaminate food and food packages and are easy to clean;
  - b. Food preservation conditions as required by food producers and traders are maintained throughout the course of transportation;
  - c. Food is not transported together with toxic goods or goods which may cause cross-contamination and affect food quality.
4. Conditions for small producers and traders:<sup>75</sup>
  - a. Ensuring safely distance from toxic and contaminating sources;
  - b. Having sufficient technically qualified water for food production and trading;
  - c. Having appropriate equipment for food production and trading that neither harm nor contaminate food;
  - d. Using materials, chemicals, food additives, processing aids, food-packaging tools and food packages and containers in preliminary processing, processing and preservation of food;
  - e. Complying with regulations on health, knowledge and practices of persons directly engaged in food production and trading;

<sup>71</sup> See: <https://thuvienphapluat.vn/TCVN/Nong-nghiep/QCVN-01-06-2009-BNNPTNT-ve-sinh-an-toan-thuc-pham-co-so-che-bien-ca-phe-901661.aspx>

<sup>72</sup> Article 19, Law on Food Safety

<sup>73</sup> Article 20, Law on Food Safety

<sup>74</sup> Article 21, Law on Food Safety

<sup>75</sup> Article 22, Law on Food Safety

- f. Collecting and treating waste under the law on environmental protection;
  - g. Maintaining food safety assurance conditions and storing trading-related information to ensure the tracing of food origin.
5. Conditions for producing raw food:<sup>76</sup>
- a. Meeting requirements on cultivation land, water sources and production places for producing safe food;
  - b. Complying with the laws on use of plant varieties and livestock breeds; fertiliser, animal feed, plant protection drugs, veterinary drugs, growth, weight and sexual maturity stimulants, food preservatives and other food safety-related substances;
  - c. Complying with regulations on animal quarantine and hygiene in animal slaughtering; and plant quarantine for crop products;
  - d. Treating waste under the law on environmental protection;
  - e. Using detergents, disinfectants and antidotes which are safe for humans and the environment;
  - f. Maintaining food safety assurance conditions, keeping records of the source and origin of food materials and other documents on the entire process to produce fresh and raw food.

- Must possess a Certificate of Food Safety Eligibility (in Vietnamese: “Giấy chứng nhận cơ sở đủ điều kiện an toàn thực phẩm”) except when producing at a small scale.<sup>77</sup> The procedure for obtaining such a certificate is aimed to evaluate the compliance of the obligations set out by the Law on Food Safety;<sup>78</sup>
- Must publicly announce the product and its information.<sup>79</sup> A self-declaration dossier of the product consists of two documents: (1) a declaration form; and (2) a food safety testing result sheet made by a designated testing laboratory by provincial regulations or an accredited testing laboratory, proving that the product is complying with applicable regulations and standards.<sup>80</sup>

**Tax:** The VAT rate applicable for the sale of processed coffee is 10% normally. In 2022 only, the rate is reduced to 8%.<sup>81</sup> Buyers hold electronic invoices proving VAT payment for individual packages of goods.

**Available compliance evidence includes:<sup>82</sup>**

- A certificate of Food Safety Eligibility (not available for small-scale producers);<sup>83</sup>

<sup>76</sup> Article 23, Law on Food Safety

<sup>77</sup> Article 12, [Decree 15/2018/NĐ-CP](#)

<sup>78</sup> Article 34.1, Law on Food Safety

<sup>79</sup> Article 5.2.a, Decree No. 15/2018/NĐ-CP

<sup>80</sup> Article 5, Decree No. 15/2018/NĐ-CP

<sup>81</sup> <https://thuvienphapluat.vn/van-ban/Thuong-mai/Nghi-quyet-43-2022-QH15-chinh-sach-tai-khoa-tien-te-phuc-hoi-phat-trien-kinh-te-xa-hoi-500776.aspx> ; <https://thuvienphapluat.vn/van-ban/thuong-mai/Nghi-dinh-15-2022-ND-CP-mien-giam-thue-theo-Nghi-quyet-43-2022-QH15-chinh-sach-tai-khoa-501143.aspx> ; <https://thuvienphapluat.vn/van-ban/Thue-Phi-Le-Phi/Nghi-dinh-41-2022-ND-CP-sua-doi-Nghi-dinh-123-2020-ND-CP-hoa-don-chung-tu-518076.aspx>

<sup>82</sup> These documents listed below are available on the website of the Department of Food Safety, the Ministry of Health: <https://nghidinh15.vfa.gov.vn>

<sup>83</sup> Article 5.2.b Decree No. 15/2018/NĐ-CP

- A self-declaration dossier of the product, including a Declaration form and a Food safety data sheet issued by a designated laboratory by regulations or a laboratory complying with ISO 17025.<sup>84 85</sup>

Without the above documents, producers or traders may not legally implement their business.

### Further information about product safety declaration:<sup>86</sup>

Regulation on product safety declarations shall apply to all individuals and enterprises producing and/or trading the products.

Declaration requirements	Applicable products	Application dossier include	Legal effect
<b>No declaration required</b>	Products, and raw materials not used to manufacture domestic sold products (eg. Export product)	N/A	No safety declaration required for manufacturing or trading
<b>Registered declaration</b>	Dietary supplements, medical foods, food for special dietary uses; Dietary products for children up to 36 months; Mixed food additives with new uses, food additives that are not on the list of permitted food additives compiled by the Ministry of Health	A self-declaration form; A safety data sheet; and other documents depending on what specific products is to be registered, including scientific evidence of the effects of the product; the certificate of Good Manufacturing Practice; - A certificate of Food Safety Eligibility	Product safety declaration needs to be appraised and approved by state authority before producing and trading
<b>Self-declaration</b>	Pre-packaged processed foods, food additives, food processing aids, food containers, and primary packages of the above-mentioned products.	A self-declaration form; A safety data sheet	Products may be produced and traded after self-declaration is made

## 23. What legal requirements are applicable to the trade, transport, and export of coffee? How are these implemented in practice?

### Transport:

- Must comply with food safety obligations: See the above box, section “Conditions for transportation”;

<sup>84</sup> Article 5.1 Decree No. 15/2018/NĐ-CP

<sup>85</sup> Please find an example here: <https://vinacafebienhoa-cms-production.s3-ap-southeast-1.amazonaws.com/iblock/f03/f03ee7bff98aaf7228adc2ce3c1a4efa/21f863d06bd3c5d0862d5ade28890997.pdf>

<sup>86</sup> Decree No. 15/2018/NĐ-CP

- Must store documents proving the origin of coffee products such as product label, purchase contract, VAT invoice, etc. while transporting as well as transporting contract.

**Domestic trade:**

- Must comply with the obligations to preserve food as provided in the Law on Food Safety;
- Must store the documents proving the origin of coffee products, such as product labels, purchase contracts, VAT invoices, etc.<sup>87</sup>

**Export:** Coffee export subject to no restrictions or conditions, thus no specific requirement is in place.

**Tax:**

- The VAT rate applicable for the sale of processed coffee traded domestically is 10% normally. In 2022 only, the rate is reduced to 8%.<sup>88</sup>
- The VAT and Export duties rate applicable for exporting coffee is 0%.<sup>89</sup>

**In practice:** We do not have information about this matter.

## 24. What documentary evidence of compliance with the trade and customs obligations is available?

In order to export coffee, exporters need to submit the following documents, also called Customs dossier (Hồ sơ hải quan), to the customs authority:<sup>90</sup>

- Customs clearance form;
- Commercial invoice (not VAT invoice since VAT rate is 0%);
- Sale contract;
- Packing list;
- Bill of lading;
- Phytosanitary certificate if required by the importing country, in accordance with the International Plant Protection Convention and other treaties binding Vietnam.

Since the VAT and Export Tax rate applicable to exporting coffee is 0%, exporters shall be granted a clearance decision immediately after the above documents are deemed proper by the customs authority. No tax payment is required.

<sup>87</sup> Articles 8.3, 16.2, and 16.6 the Law on Product and Goods Quality; Articles 3.13, 17 Decree No. 98/2020/NĐ-CP

<sup>88</sup> <https://thuvienphapluat.vn/van-ban/Thuong-mai/Nghi-quyet-43-2022-QH15-chinh-sach-tai-khoa-tien-te-phuc-hoi-phat-trien-kinh-te-xa-hoi-500776.aspx> ; <https://thuvienphapluat.vn/van-ban/Thuong-mai/Nghi-dinh-15-2022-ND-CP-mien-giam-thue-theo-Nghi-quyet-43-2022-QH15-chinh-sach-tai-khoa-501143.aspx> ; <https://thuvienphapluat.vn/van-ban/Thue-Phi-Le-Phi/Nghi-dinh-41-2022-ND-CP-sua-doi-Nghi-dinh-123-2020-ND-CP-hoa-don-chung-tu-518076.aspx>

<sup>89</sup> See: <https://trungtamwto.vn/chuyen-de/19862-bieu-thue-xuat-nhap-khau-viet-nam-nam-2022>

<sup>90</sup> Article 5, Circular No. 39/2018/TT-BTC

## 25. Which licences, permits and/or official receipts do traders and exporters need to legally deal with coffee?

To conduct coffee trading domestically, one must be in one of the following groups. First is traders (thương nhân) under the provision of Commercial Law (2006). This term covers all lawfully established economic organizations and individuals who hold business registrations.<sup>91</sup> This means traders can be a company, a sole proprietorship (doanh nghiệp tư nhân) - an enterprise owned and run by one person with unlimited liability, or a business household (hộ kinh doanh) owned by one person or by a household – all established under the Enterprise Laws. They also can be cooperatives established under the Cooperatives Laws, or foreign-invested enterprises established under the Investment Laws.<sup>92</sup>

Second is individuals conducting some specific commercial activities listed in Article 3.1, Decree No 39/2007/NĐ-CP, which can be seen as unofficial traders as they can conduct business (limitedly) without having to register it.<sup>93</sup> Enterprise Registration Certificates are required in the first case for domestic coffee trading, but not in the second case. However, only traders (who hold Enterprise Registration Certificates or other business registrations) are allowed to trade coffee internationally.<sup>94</sup> They need to acquire an Enterprise Registration Certificate or other business registrations (in the case of Vietnamese enterprises) or an Investment Registration Certificate (in the case of foreign enterprises established in Vietnam) before exporting.

Additionally, coffee trading is not a *conditional business*, meaning enterprises and individuals may trade coffee without applying for a special license from the government.<sup>95</sup> Therefore traders and exporters (with permission as mentioned above) can conduct their business without additional licenses.

## 26. Which governmental bodies issue these documents and what are the procedures to be followed? Are there export quotas and how are they awarded and by whom?

### Enterprise Registration Certificates:

Issued by: the Business Registration Authority under the Department of Planning and Investment under provincial People's Committees

---

<sup>91</sup> Article 6, Commercial Law 2005

<sup>92</sup> Please refer to Article 2, Circular No. 04/2014/TT-BCT, to see how the definition of “traders” had been interpreted, showing the common characteristic as all traders must be registered. Although the Circular expired in 2018, there is no sign of a significant change in interpretation.

<sup>93</sup> It is interpreted from Article 3.1, Decree No 39/2007/NĐ-CP that these individuals can purchase coffee beans from farmers, transport and sell them to wholesalers or retailers (Article 3.1.d). They also can sell coffee as packaged products (Article 3.1.b), or as a drink (Article 3.1.c).

<sup>94</sup> Article 6, Commercial Law 2006; Article 3, Law on Foreign Trade Management

<sup>95</sup> A list of all conditional business lines can be found here: <https://thuvienphapluat.vn/chinh-sach-phap-luat-moi/vn/thong-bao-van-ban-moi/email/30089/229-conditional-business-lines-are-listed-in-2020-investment-law>

**Procedure:**<sup>96</sup>

- Submit a valid application (depends on the form of enterprise to establish and includes a registration form, identification documents of shareholders, company charters, etc.) to the issuing authority and pay the fee;
- Make modifications if there are any invalid documents or invalid information (such as the name of enterprise to be established is not distinctive);
- The Enterprise Registration Certificate will be granted when: business lines to be registered are not banned; enterprise's name is valid; enterprise registration dossier is valid; registration fee is paid fully.

**Investment Registration Certificates:**

**Issuer:** The Department of Planning and Investment under provincial People's Committees

**Procedure:** Similar to that of Enterprise Registration Certificates. The main differences include the issuer is the Department of Planning and Investment and the registration dossier requires additional documents, such as financial statements and a bank statement of the parent company.

**Export quota:** Coffee is not subject to quotas restrictions and exporters may export freely.

---

<sup>96</sup> Article 27, [Law on Enterprises](#)



# Annex

## Laws and Regulations cited

Vietnamese versions: embedded link in the name of the regulation.

English translations (21/36 binding regulations are available): Drive Folder

Ord.	Name of the mentioned legal instruments	Promulgated by
<b>Law</b>		
1	<a href="#">Land Law</a> Full name: Law No. 45/2013/QH13 on Land	The National Assembly
2	<a href="#">Law on Forestry</a> Full name: Law No. 16/2017/QH14 on Forestry	
3	<a href="#">Law on Environmental Protection</a> Full name: Law No. 72/2020/QH14 on Environmental Protection	
4	<a href="#">Law on Crop Production</a> Full name: Law No. 31/2018/QH14 on Crop Production	
5	<a href="#">Law on Plant Protection and Quarantine</a> Full name: Law No. 41/2013/QH13 on Plant Protection and Quarantine	
6	<a href="#">Law on Food Safety</a> Full name: Law No. 55/2010/QH12 on Food Safety	
7	<a href="#">Law on Foreign Trade Management</a> Full name: Law No. 05/2017/QH14 on Foreign Trade Management	
8	<a href="#">Law on Information Access</a> Full name: Law No. 104/2016/QH13 on Information Access	
9	<a href="#">Law on Administrative Procedures</a> Full name: Law No. 93/2015/QH13 on Administrative Procedures	
10	<a href="#">Law on Water Resources</a> Full name: Law No. 17/2012/QH13 on Water Resources	
11	<a href="#">Law on Standards and Technical Regulations</a> Full name: Law No. 68/2006/QH11 on Standards and Technical Regulation	
12	<a href="#">Law on Complaints</a> Full name: Law No. 02/2011/QH13 on Complaints	
13	<a href="#">Law on Enterprises</a> Full name: Law No. 59/2020/QH14 on Enterprises	

Ord.	Name of the mentioned legal instruments	Promulgated by
14	<a href="#">Commercial Law</a> Full name: Commercial Law No.36/2005/QH11	
<b>Decree</b>		
15	<a href="#">Decree No. 43/2014/ND-CP detailing a number of articles of Land Law</a>	The Government
16	<a href="#">Decree No. 156/2018/ND-CP detailing a number of articles of the Law on Forestry</a>	
17	<a href="#">Decree No. 84/2019/NĐ-CP prescribing the management of fertilisers</a>	
18	<a href="#">Decree No. 69/2018/NĐ-CP on guidelines for the Law on Foreign Trade Management</a>	
19	<a href="#">Decree No. 08/2022/ND-CP detailing a number of articles of the Law on Environmental Protection</a>	
20	<a href="#">Decree No. 15/2018/ND-CP on elaboration of some Articles of the Law on Food safety</a>	
<b>Decision</b>		
21	<a href="#">Decision No. 755/QĐ-TTg on Approving the Policy on support for residential land, production land and daily-life water for poor ethnic minority households and poor households in extremely difficult communes, villages and hamlets</a>	The Prime Minister
<b>Circular</b>		
22	<a href="#">Circular 05/2017/TT-BTNMT on building land database</a>	MONRE
23	<a href="#">Circular 23/2014/TT-BTNMT on land use right certificates</a>	
24	<a href="#">Circular 24/2014/TT-BTNMT regulating cadastral records</a>	
25	<a href="#">Circular 64/2015/TT-BTNMT Regulations on allowable limits of heavy metals in soil</a>	
26	<a href="#">Circular 01/2021/TT-BTNMT on technical formulation and adjustment of land use master plans and plans</a>	
27	<a href="#">Circular 37/2010/TT-BNNPTNT National standards on food safety and hygiene of agricultural products</a>	MARD
28	<a href="#">Circular 35/2015/TT-BNNPTNT on domestic plant quarantine</a>	
29	<a href="#">Circular No. 28/2016/TT-BNNPTNT on supplementing the List of permissible plant varieties in Vietnam</a>	
<b>Decision and Joint Circular</b>		
30	<a href="#">Decision 40/2006/QĐ-BNN of the Ministry of Agriculture and Rural Development on adjusting and supplementing</a>	The Minister of MARD

Ord.	Name of the mentioned legal instruments	Promulgated by
	<a href="#">Decision No. 74/2004/QĐ-BNN dated December 16, 2004 of the Minister of Agriculture and Development on the promulgation of the list of plant varieties permitted for production and trading</a>	
31	<a href="#">Decision 40/2006/QĐ-BNN of the Ministry of Agriculture and Rural Development on adjusting and supplementing Decision No. 74/2004/QĐ-BNN dated December 16, 2004 of the Minister of Agriculture and Development on the promulgation of the list of plant varieties permitted for production and trading</a>	
32	<a href="#">Decision 1382/QĐ-BNN-TCLN 2022 Set of indicators to monitor and evaluate the implementation of the Forestry Development Strategy</a>	
33	<a href="#">Decision 1558/QĐ-BNN-TCLN announcing the state of national forests in 2020</a>	
34	<a href="#">Decision 1178/QĐ-BNN-TT 2022 Coffee replanting project for the period of 2021-2025</a>	
35	<a href="#">Decision No: 3417/QĐ-BNN-TT Approving the Project “Sustainable development of the coffee industry until 2020</a>	
36	<a href="#">Circular No. 23/2014/TT-BTNMT dated 19 May 2014, providing for certificate of land use right, house ownership and other properties associated with the land</a>	
37	<a href="#">Joint Circular 04/2013/TTLT-UBND-BTC-BTNMT of the Committee for Ethnic Minority Affairs, Ministry of Finance, Ministry of Natural Resources and Environment guiding the implementation of a number of articles of Decision 755/QĐ-TTg dated 20 May 2013 of the Prime Minister approving the policy of supporting residential land, production land and daily-life water for poor ethnic minority households and poor households in communes, villages and hamlets with special difficulties</a>	Committee for Ethnic Minority Affairs, Ministry of Finance, Ministry of Natural Resources and Environment
<b>Others (non-bidding)</b>		
38	<a href="#">National Technical Regulation on Food Safety and Hygiene for Green Coffee No. QCVN 01-26: 2010/BNNPTN</a>	
39	<a href="#">National Technical Regulation QCVN 03-MT:2015/BTNMT Permissible limits of some heavy metals in soil</a>	
40	<a href="#">Regulation QCVN 15:2008/BTNMT Residues of plant protection chemicals in soil</a>	

Cover photo: Shutterstock

---

**Disclaimer.** This report has been produced with the financial assistance of the European Union. The views expressed herein can in no way be taken to reflect the official opinion of the European Union.

© European Forest Institute, 2023

