GOVERNMENT	**SOCIALIST REPUBLIC OF VIETNAM**
	Independence - Freedom - Happiness
No.: **59**/2017/NĐ-CP	----------

Hanoi, date 12 May, 2017

DECREE

On The Management Of Access To Genetic Resources And The Sharing of Benefits Arising From Their Utilization

Pursuant to the Law on Organization of the Government dated 19 June 2015;

Pursuant to the Law on Biodiversity dated 13 November 2008;

Pursuant to the Law on Pharmacy dated 06 April 2016;

Upon request of the Minister of the Ministry of Natural Resources and Environment;

The Government promulgates a Decree on the management of access to genetic resources and the sharing of benefits arising from their utilization.

Chapter I.

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree regulates the management of activities involving access to genetic resources for utilization and the sharing of benefits arising from their utilization under sovereignty of the Socialist Republic of Vietnam.

Article 2. Regulated entities

This Decree applies to individuals and organizations engaged in activities related to access to genetic resources for the purpose of utilization for research or development of commercial products.

Article 3. Interpretation of terms

In this Decree, the terms below are construed as follows:

1. "Provider" refers to the individuals and/or organizations assigned to manage genetic resources by the State, as specified in Clause 2, Article 55 of the Law on Biodiversity.

2. "Accessor" refers to the individuals and/or organizations that carry out activities to access genetic resources for utilization, under sovereignty of the Socialist Republic of Vietnam.

3. "Third party" refers to the individuals or organizations which access genetic resources or derivatives of genetic resources transferred from the Accessor as per the terms of the license issued by the competent national authorities.

4. "Biotechnology" means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use.

5. "The internationally recognized certificate of compliance on access to genetic resources and sharing benefits" is an electronic document containing basic information of the License to access genetic resources and the Contract for access to genetic resources and the sharing of benefits arising from their utilization, published by the national focal point to the Access and Benefit-sharing Clearing-house of the Convention on Biological Diversity.

6. "Derivative" means a naturally occurring biochemical compound resulting from the genetic expression or metabolism of biological or genetic resources, even if it does not contain functional units of heredity.

7. "License to access genetic resources" means a document issued by a competent national authority, which allows the Accessor to carry out activities to access genetic resources for the following purposes: research for non-commercial purposes; research for commercial purposes; commercial product development.

8. "Contract for access to genetic resources and the sharing of benefits arising from their utilization" means an agreement between the Provider and the Accessor on the terms and conditions for access to genetic resources for the purposes of utilization and the sharing of benefits arising from their utilization (hereinafter referred to as the Contract).

9. "Nagoya Protocol" is an abbreviation for the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity.

10. "Origin of genetic resources" means locations where the wild genetic resources are collected or where genetic resources have been domesticated and produced for a long time.

11. "Utilization of genetic resources" means research and development activities utilizing the genetic and/or biochemical composition of genetic resources, including the application of biotechnology as regulated in this Decree.

Article 4. Principles in management of access to genetic resources and the sharing of benefits arising from their utilization

1. The State of Vietnam has national sovereignty for all genetic resources in its territory.

2. Accessor of genetic resources who are foreign individuals or organizations are allowed to access to genetic resources only when licensed by the competent national authorities.

3. The State encourages domestic organizations and individuals to carry out research and development activities on genetic resources.

4. Benefits arising from the utilization of genetic resources must be shared in a fair and equitable manner among stakeholders, contributing to the effective management of biological resources, promoting scientific research processes and the commercialization of genetic resources, and particularly focusing on the role of local communities in the conservation and sustainable use of genetic resources.

Article 5. National Focal Point on the Nagoya Protocol

1. The Ministry of Natural Resources and Environment is the national focal point on the Nagoya Protocol.

2. Responsibilities of the national focal point:

a) Implementing unified management and monitoring of activities on the granting, renewal and withdrawal of licenses for access to genetic resources;

b) Acting as a focal point for liaising, providing information and coordinating information exchange with the Secretariat of the Convention on Biological Diversity via the Access and Benefit-sharing Clearing-House in accordance with the Nagoya Protocol; leading the development of a national report on the implementation of the Nagoya Protocol in Vietnam; proposing and implementing decisions of the Conference of the Parties to the Nagoya Protocol; coordinating and organizing the implementation of national obligations to the Nagoya Protocol;

c) Coordinating with other countries in implementing measures to comply with the Nagoya Protocol applied to the use of Vietnamese genetic resources in foreign countries; Organizing the implementation of bilateral and multilateral international cooperation for access to genetic resources and benefit sharing.

Chapter II.

GRANTING, RENEWAL AND WITHDRAWAL OF LICENSES TO ACCESS GENETIC RESOURCES

Article 6. Competent national authority to grant, renew and withdraw licenses to access genetic resources

1. The Ministry of Agriculture and Rural Development shall grant, renew and withdraw licenses to access genetic resources of agricultural crop varieties, livestock, aquatic species, and forest seedlings.

2. The Ministry of Natural Resources and Environment shall grant, renew and withdraw licenses to access genetic resources other than those specified in Clause 1 of this Article.

Article 7. Entities registering and requesting a license to access genetic resources

1. The following entities are required to register and request a license to access genetic resources:

a) Vietnamese individuals and organizations wishing to access to genetic resources for commercial purposes or for the development of commercial products;

b) Foreign individuals and organizations wishing to access genetic resources within Vietnamese territory for any purpose;

c) Vietnamese individuals and organizations wishing to transfer genetic resources abroad, unless otherwise specified in Article 20 of this Decree.

2. Individuals who register and request a license to access genetic resources as specified in Clause 1 of this Article, must meet the following requirements:

a) A graduate academic degree (Bachelor's degree or higher) in a field relevant to genetic resources such as biology, biotechnology, pharmaceutical or agricultural sciences;

b) Is a member of a science and technology organization operating in accordance with the law of the country where the organization is established in the fields of biology, biotechnology, pharmaceutical, or agricultural sciences, and is guaranteed by such organization in writing according to the sample form 01 provided in Annex attached to this Decree.

Article 8. Requirements for entities registering and requesting a license to access genetic resources

When wishing to access to genetic resources, the entities specified in Article 7 of this Decree shall carry out the following steps:

1. Register for access to genetic resources with the competent national authority.

2. Negotiate and sign a contract with the Provider.

3. Request the Commune-level People's Committee to certify the contract.

4. Submit the dossier requesting a license to access genetic resources to the competent national authority.

5. Provide information and additional documents; and finalize the dossier at the request of the competent national authority during the process of appraisal of the dossier requesting a license to access genetic resources.

Article 9. Registration for access to genetic resources

1. Individuals and organizations shall submit the registration dossier for access to genetic resources (hereinafter referred to as registration documents) to the competent national authority by one of the following ways: submit it directly at the head office of the competent national authority, by post, or online.

2. Registration documents include:

a) A registration form for access to genetic resources (as provided in sample form 02 in the Annex attached to this Decree);

b) Documents identifying the legal status in accordance with law of the country where the organization is established; providing valid original document or certified copy of any one of the following documents: passport, identity card, citizen identification card or other document with photo and personal information issued by the competent authority (hereinafter referred to as identification) to prove the identity of the applicant;

c) For the foreign individuals and organizations registering for access to genetic resources shall submit cooperation agreements with a Vietnamese science and technology organization;

d) For the registration of access to genetic resources under joint programs or projects involving the participation of many organizations and individuals: shall submit written authorization(s) for a representing organization or individual to register.

3. Within 10 working days of the receipt of registration documents, the competent national authority shall send written notification to the applicant to confirm or refuse their registration, stating the reasons why.

Article 10. Negotiate and Sign the Contract for Access to Genetic Resources and Benefit-sharing

1. After receiving written confirmation of registration from the competent national authority, an applicant(s) shall negotiate and sign the contract with the Provider.

2. Content of the contract must comply with Article 15 of this Decree.

3. In case there is more than one individual or organization collaborating to supply or access genetic resources, these individuals or organizations must jointly negotiate and sign the contract.

Article 11. Certification of Contract for Access to Genetic Resources and Benefit sharing

1. In localities where genetic resources are accessed or where the registered address of the Provider is located, Commune-level People's Committees shall certify the contract upon request of the applicant.

2. Documents to be submitted to the Commune-level People's Committees for consideration and certification include:

a) A copy of consent for registration issued by the competent national authority;

b) Contract signed between the relevant parties;

c) Presenting valid original document of any one of the following documents: passport, identity card, citizen identification or other document with photo and personal information issued by the competent authority (hereinafter referred to as identification) to prove the identity of the applicant requesting certification of Contract for Access to Genetic Resources and Benefit sharing.

3. The Contract shall be certified within maximum 03 working days of its receipt.

Article 12. Application dossier requesting a license to access genetic resources

1. The applicant shall submit an application dossier requesting a license to access genetic resources (hereinafter referred to as application dossier) to the competent national authority by one of the following ways: submit it directly at the head office of the competent national authority, or submit it by post. The application dossier includes:

a) Copy of consent for registration issued by the competent national authority;

b) A contract which has been agreed and signed between the Provider and Accessor, with the certification of the Commune-level People's Committee;

c) In cases where the genetic resources are in the list of genetic resources limited for accession and utilization, written approval of the sectorial management Ministries and agencies is required;

d) If the applicant is an individual, documents specified in Clause 2, Article 7 of this Decree are required.

2. The applicant shall submit the application dossier for access to genetic resources to the competent national authority within maximum 12 months of the

issuance of consent for registration to access genetic resources. Application dossiers submitted after the deadline shall be deemed invalid.

Article 13. Appraisal and granting License to access genetic resources

1. Within 05 working days of receipt of the dossier, the competent national authority shall send written notification to the applicant specifying that their application is valid, requesting any supplements to complete the application, or refusing the application if the dossier is invalid. The deadline for supplementing and finalizing the application dossier is 60 days from receipt of the written notice requesting supplementation and completion of the dossier.

2. Appraisal duration:

a) Within thirty (30) days after receiving the valid application dossier, the competent national authority shall carry out appraisal of the application dossier requesting for a license to access genetic resources for non-commercial research purposes.

b) Within ninety (90) days after receiving the valid application dossier, the national competent authority shall set up an Appraisal Committee to appraise the application dossier for a license to access genetic resources for commercial research or; commercial product development purposes. The Appraisal Committee shall include representatives of the Ministry of Natural Resources and Environment, Ministry of Agriculture and Rural Development, other Ministries; Provincial People's Committee where the access to genetic resources is proposed to take place, and relevant Experts.

3. Content to appraise:

a) Compliance with regulations stipulated at Article 59 of the Law on Biodiversity;

b) The completeness and accuracy of information provided in the application dossier;

c) The relevance of contract content for access to genetic resources and benefit sharing in accordance with current regulations;

d) Impact assessment of access activities to the biodiversity, economy and society;

đ) Capacity of organizations and individuals to implement the access to genetic resources and benefit-sharing.

4. Within 15 days of receiving the appraisal result, the head of the competent national authority shall consider and decide whether to grant a license to access genetic resources. In the case of refusal, the competent national authority shall notify the applicant in writing of its refusal, and state the reasons why.

5. The Ministers of the Ministry of Natural Resources and Environment and Ministry of Agriculture and Rural Development shall regulate the structure and tasks of the Appraisal Committee, and appoint their agencies as standing subordinate units to appraise and specify the duties of these agencies.

Article 14. Change of intent; transfer of genetic resources to a third party; and registration for intellectual property rights for innovative results based on using genetic resources.

1. Individuals and organizations granted a license shall only utilize genetic resources for the registered purposes. Any change of intent must comply with provisions of Articles 10, 11 and 12 of this Decree in order to be granted a new license to access genetic resources.

2. Requirements for the transfer of accessed genetic resources or derivatives of accessed genetic resources to a third party:

a) Where individuals or organizations wish to transfer genetic resources or derivatives of genetic resources without any change of the intent specified in the license, they shall notify in writing the competent national authority granting the license to access genetic resources;

b) Where the transfer of genetic resources or derivatives of genetic resources involves any change of intent specified in the license, the third party must negotiate and sign a contract with the Provider and implement the provisions of Articles 10, 11 and 12 of this Decree prior to receiving the genetic resources or derivatives of genetic resources;

c) The transfer of accessed genetic resources to a third party occurs shall include the transfer of the obligations of the Accessor under the license, and the contract signed between the Accessor and Provider, including the provisions of the sharing of benefits arising from the utilization of genetic resources to the Provider.

3. Registration for intellectual property rights for innovative results from the utilization of genetic resources and its derivatives must state clearly the source or origin of accessed genetic resources, and comply with Clause 2, Article 22 of this Decree.

Article 15. Contract for access to genetic resources and benefit-sharing

1. The contract shall include the main contents as prescribed in sample form 03 of the Annex attached to this Decree; of which the content on benefit sharing from the utilization of genetic resource must comply with the provisions of this Decree.

2. The contract shall be effective only after the competent national authority grants the license to access genetic resources.

3. Implementation of the contract when the license to access genetic resources expires:

a) The Accessor will be not allowed to access genetic resources after expiration of validity of the license;

b) Benefit-sharing provisions of the contract will remain in force.

4. Implementation of the contract when the license to access genetic resources is withdrawn must comply with the provisions of Clause 3, Article 18 of this Decree.

5. Disputes related to access to genetic resources and the sharing of benefits arising from their utilization shall be settled in accordance with the provisions of Vietnamese law and treaties to which the Socialist Republic of Vietnam is a member.

Article 16. Content and duration of License to access genetic resources

1. The License to access genetic resources shall be made as sample form 04 prescribed in Annex attached to this Decree.

2. The period of validity of the license to access genetic resources shall be decided by a competent national authority based on the proposed objective and the plan of access to genetic resources in the application dossier for the license to access genetic resources, but it shall be no longer than 3 years.

3. Individuals and organizations that have been granted a license to access genetic resources have the right to transfer genetic resources abroad, except for cases where genetic resources belong to the list of genetic resources prohibited or limited for exporting.

Article 17. Renewal of license to access genetic resources

1. 02 months prior to expiration of the license, the Accessor wishing to continue to access genetic resources must submit an application to extend the license (hereinafter referred to as dossier for license renewal) to the competent national authority in one of the following ways: submit it directly at the head office of the competent national authority, or submit it by post.

2. The dossier for license renewal to access genetic resources includes:

a) An application for renewal of the license to access genetic resources in the sample form 05 prescribed in Annex attached to this Decree;

b) Report on the result of access to and utilization of genetic resources by the time of requesting license renewal in accordance with granted license and signed contract between the parties;

c) A copy of the granted license to access genetic resources;

d) A copy of the signed contract between the Accessor and the Provider;

đ) Written consent of the Provider to extend the access activities of genetic resources between the parties.

3. Within maximum 30 days from receipt of valid dossier for license renewal, the competent national authority granting the license to access genetic resources has the responsibility to consider the extension The decision to renew the license to access genetic resources shall be made using the form prescribed in sample form 06 of Annex attached to this Decree.

4. Extended duration of the license to access genetic resources is stipulated in Clause 2, Article 16 of this Decree.

5. The applicant must submit the renewal fee in accordance with the regulation.

Article 18. Withdrawal of license to access genetic resources

1. The License to access genetic resources shall be withdrawn when competent national authority detects any one of the following cases:

a) Individual, organization provided false information to obtain the license to access genetic resources;

b) The activity of accessing and utilizing genetic resources causes harm to people, environment, security, national defense or national interests of Vietnam;

c) Conducting access and utilization of genetic resources outside of the licensed scope;

d) Other violations in accordance with the law.

2. Within a maximum of 30 days from receipt of the information on violations or complaints on the license to access genetic resources, the competent national authority shall complete the dossier processing in order to decide whether or not withdrawal of the granted license to access genetic resources. The decision on withdrawal of the license shall be made using the form prescribed in sample form 07 of Annex attached to this Decree;

3. From the date that the decision for withdrawal of license is issued, the individual or organization granted the license must obey the following requirements:

a) They shall not be allowed to continue to access or utilize genetic resources as previously licensed;

b) They must continue to fulfill the agreement on benefit-sharing of the accessed genetic resources stipulated under the contract signed;

c) They must pay compensation for damage and restoration of the environment and biodiversity, according to the provisions of Vietnamese law (if any)

Article 19. Appraisal fees of dossier for requesting or renewing the license to access genetic resources

Individuals and organizations shall pay appraisal fees at the time of submission of the dossier for requesting or renewing the license to access genetic resources in accordance with the law on charges and fees.

Article 20. Requirements for Vietnamese students, doctoral students, or science and technology organizations who wish to transfer genetic resources abroad.

1. Vietnamese students or doctoral students wishing to transfer genetic resources abroad in service of their study shall submit a dossier to the competent national authority directly at the competent national authority's office, by post, or online. The Dossier should include:

a) The application form for transferring genetic resources abroad for study purposes, using the form prescribed in sample form 08 of Annex attached to this Decree;

b) Providing valid original document or certified copy of any one of the following documents: passport, identity card, citizen identification card or other document with photo and personal information issued by the competent authority (hereinafter referred to as identification) to prove the identity of the applicant;

c) Written documents of recommendation from a foreign science and technology organization or the education organization where the student or doctoral student is studying, which includes general information about such student or doctoral student and the utilization of genetic resources for study purposes.

2. Vietnamese science and technology organizations who wish to transfer genetic resources abroad for conducting research, analysis or evaluation for non-commercial purposes, shall submit a dossier to the competent national authority defined in Article 6 of this Decree directly at the competent national authority's office, by post, or online. The dossier includes:

a) The application form for transfer genetic resources abroad for conducting non-commercial research, using the form prescribed in Sample form 08 of Annex attached to this Decree;

b) Documents identifying the legal status of the applicant;

c) Written consent of the foreign organization to receive genetic resources at the request of the Vietnamese science and technology organization;

d) The legal dossier of the program or project already approved by a competent state agency, which is relevant to the genetic resources proposed to be transferred abroad.

3. Where the genetic resources are on the list of conditional utilization and access, individuals and organizations must submit the written consent of managing ministries according to regulations of the Law.

4. Within 15 days of receiving a valid dossier, the head of the competent national authority shall consider and decide whether to allow the transfer of genetic resources abroad in the service of study. Decision shall be made according to the form prescribed in sample form 9 in the Annex attached to this Decree. In the case of refusal, the competent national authority shall notify in writing to the applicant, clearly stating the reasons therefor.

CHAPTER III

SHARING OF BENEFITS ARISING FROM THE UTILIZATION OF GENETIC RESOURCES

Article 21. Types of benefits from the utilization of genetic resources

1. Benefits from the utilization of genetic resources include monetary and non-monetary benefits.

2. Monetary benefits may include:

a) Access fees/fee per sample collected;

b) Payment of royalties;

c) License fees in case of commercialization;

d) Lump sum or milestone payments;

đ) Other monetary benefits arising during the utilization of genetic resources.

3. Non-monetary benefit may include:

a) Sharing of research results;

b) Rights to be involved in collaboration on the research, development and production of commercial products;

c) Rights to have access to scientific and technical information related to the genetic resources;

d) Technology transfer to Providers of genetic resources;

đ) Training and capacity building for Providers in research and development of genetic resources;

e) Joint intellectual property rights corresponding to the percentage of contributions to innovative results based on access to genetic resources;

g) Other non-monetary benefits.

Article 22. Sharing of monetary benefits

1. The share of monetary benefits of the product generated from the utilization of genetic resources shall be not less than 1% of the total annual revenue of such product.

2. The share of monetary benefits for the Provider when obtained by the transfer of genetic resources or derivatives thereof, or the utilization of intellectual property rights based on the genetic resources, shall be not less than 2% of such total transfer value or total revenue from the use of intellectual property rights.

3. Sharing of monetary benefits from utilization of genetic resources to the following stakeholders:

a) When the Provider is Commune-level People's Committees, or Protected Area's Management Board, or state-managed facilities for storing or preserving genetic resources, or Biodiversity conservation facilities, or institutes for research and technology development assigned by the State: 30% of the shared money shall be paid to the genetic resources Provider as prescribed in Clauses 1 and 2 of this Article; and the remaining 70% of the shared money shall be paid into the State Budget to be used for conservation and sustainable use of biodiversity;

b) When the Provider is an individual or a household or an organization assigned to manage genetic resources by the State: 50% of the shared money shall be paid to the genetic resource Provider as prescribed in Clauses 1 and 2 of this Article; and 50% of the shared money shall be paid into the State Budget to be used for conservation and sustainable use of biodiversity.

Article 23. Sharing of non-monetary benefits

1. Non-monetary benefits arising from the utilization of genetic resources and the sharing of such non-monetary benefits will be agreed by the parties and specified in the contract.

2. Beneficiaries of non-monetary benefits include: Domestic Providers, domestic partners of the foreign Accessor, and other organizations and individuals concerned.

3. The origin of the accessed genetic resources shall be clearly stated when announcing any results of the scientific research or when applying for intellectual property rights for any innovative results based on accessing and using such genetic resources.

Chapter IV

INFORMING AND REPORTING

Article 24. Disclosure of the internationally recognized certificate of compliance on access to genetic resources and benefit-sharing

1. Within 05 working days from the date of the decision on granting, renewal or withdrawal of the license to access genetic resources, the Ministry of Agriculture and Rural Development shall have the responsibility to send 01 original copy of such decision to the Ministry of Natural Resources and Environment to publish the information and update the national database.

2. Within 15 working days from the date of the decision on granting, renewal or withdrawal of the license to access genetic resources, the Ministry of Natural Resources and Environment shall be responsible for publishing information or cancelling the internationally recognized certificate of compliance for access to genetic resources and benefit-sharing, and other related issues on the Access and Benefit-sharing Clearing-house of the Secretariat of the Convention on Biological Diversity, in accordance with the Nagoya Protocol.

Article 25. Report on the implementation of access to genetic resources and benefit-sharing

1. Entities stipulated at Clause 1, Article 7 of this Decree shall submit reports to the competent national authorities as follows:

a) A report on activities of access to genetic resources stipulated in the license granted for access to genetic resources;

b) Periodical reports on the status and result of utilization of genetic resources every two years.

c) Irregularly reports upon request of the competent national authorities.

2. Entities stipulated in Clause 1 and Clause 2 of Article 20 of this Decree, shall submit reports on their study results to the competent national authorities which allowed them to transfer the genetic resources abroad, within 03 months of completion of the program or project.

3. The Ministry of Natural Resources and Environment shall promulgate, and guide sample report on access to genetic resources and the sharing of benefits arising from their utilization.

Chapter V.

IMPLEMENTATION ARRANGEMENT AND EXECUTION PROVISIONS

Article 26. State management responsibility on access to genetic resources and the sharing of benefits arising from their utilization

1. The Ministry of Natural Resources and Environment is responsible for:

a) Organizing the implementation of the assigned tasks according to the provisions of this Decree;

b) Developing the national database of genetic resources, traditional knowledge on genetic resources, and access and the sharing of benefits arising from their utilization;

c) Setting up and operating the electronic portal, registration and reporting systems via electronic information networks on genetic resources, access to genetic resources, and the sharing of benefits arising from their utilization;

d) Providing detailed guidance on access to traditional knowledge on genetic resources;

đ) Coordinating with the concerned ministries in guiding the sharing of benefits from the utilization of genetic resources and traditional knowledge on genetic resources.

2. Ministry of Agriculture and Rural Development is responsible for:

a) Organizing the implementation of the assigned tasks according to the provisions of this Decree;

b) Developing a database on genetic resources under its management; having the responsibility to supply and exchange information and data on genetic resources with the Ministry of Natural Resources and Environment.

3. Ministry of Health is responsible for:

a) Within its assigned duties and powers, performing the provisions of this Decree;

b) Nominating representatives to participate in the Committee for appraisal of the application dossiers for licenses to access genetic resources for pharmaceutical purposes as requested by competent national authorities;

c) Providing and exchanging information and data on pharmaceutical genetic resources for appraisal activities.

4. Ministries, ministerial-level agencies, Government agencies are responsible for:

a) Within their duties and powers, participating in the appraisal of application dossiers for licenses to access genetic resources upon request of competent national authorities;

b) Providing and exchanging information and data on genetic resources with the competent national authority for appraisal activities (if any).

5. The Provincial People's Committees are responsible for:

a) Coordinating with the competent national authority in appraising application dossiers for licenses to access genetic resources, and managing the access to genetic resources and the sharing of benefits from their utilization, in the areas under their management;

b) Providing information and data on genetic resources within the province upon request of competent national authorities.

6. The Communal People's Committees are responsible for:

a) Carrying out the certification of contract in accordance with the provisions of this Decree;

b) Monitoring the implementation of access to genetic resources and related activities of the organizations and individuals that have been granted the license to access genetic resources in the commune;

c) Handling according to its competence or reporting to the competent national authority on breaches of the license to access genetic resources or contracts;

d) Reporting, upon written request, to the competent national authority on the status of access to genetic resources and related activities of organizations and individuals that have been granted access to genetic resources in the commune.

Article 27. Transitional provisions

1. Application dossiers requesting a license to access genetic resources which have been submitted to the competent national authority prior to the effective date of this Decree, shall be considered and appraised in accordance with the provisions of Decree No. 65/2010/ND-CP dated June 11, 2010 of the Government, on detailing and guiding the implementation of some articles of the Law on Biodiversity.

2. Provincial People's Committees shall be responsible for transferring the dossiers of cases that have been granted a license to access genetic resources to the Ministry of Natural Resources and Environment before the 31st of December, 2017 for management.

3. Organizations and individuals which have accessed genetic resources from July 1st, 2009 up to the effective date of this Decree, and which wish to continue to utilize genetic resources but have not yet been granted a license, shall have to register and request the license in accordance with the provisions of this Decree.

Article 28. Enforcement

1. This Decree shall take effect from the date of July, 1st 2017.

2. This Decree annuls Articles 18, 19, and 20 of Decree No. 65/2010/ND-CP dated June 11, 2010 of the Government, on detailing and guiding the implementation of some articles of the Law on Biodiversity.

3. Ministers, heads of ministerial-level agencies, heads of government agencies, Chairmen of People's Committees of provinces and cities directly under the central authority, shall undertake to implement this Decree./.

Recipients:
- Central Party Committee's Secretariat;
- Prime Minister, Deputy Prime Ministers;
- Ministries, ministerial-level agencies, agencies under the Government;
- People's Councils, People's Committees of provinces and centrally-run cities;
- Central Office and Commissions;
- Office of the General Secretary;
- Office of the President;
- Nationalities Council and the Committees of the National Assembly;
- Congress Office;
- Supreme People's Court
- Supreme People's Procuracy;
- State Audit;
- National Finance Supervision Committee;
- Vietnam Bank for social policies;
- Vietnam Development Bank;
- Central Committee of the Vietnam Fatherland Front;
- Central bodies of unions;
- Government Office: Chairman, Deputy Chairmen, Assistant to the PM, electronic information portals, departments, subordinate units
- Archive: Clerical, KGVX (3 sets).

ON BEHALF OF THE GOVERNMENT
PRIME MINISTER

(signed and sealed)

Nguyen XuanPhuc

ANNEX

(*Issued with Decree No.57/2017 /ND-CP dated 12nd, May, 2017 of the Government)*

Sample form 01	Guarantee of the science and technology organization for individuals requesting license to access genetic resources
Sample form 02	Application for access to genetic resources
Sample form 03	Contract on access to genetic resources and benefit-sharing
Sample form 04	License for access to genetic resources
Sample form 05	Request for renewal of license for access to genetic resources
Sample form 06	Decision on renewal of license for access to genetic resources
Sample form 07	Decision on the withdrawal of the license for access to genetic resources
Sample form 08	Request to transfer genetic resources abroad for study/ research for non-commercial purposes
Sample form 09	Decision to allow the genetic resources to be transferred abroad for study/research for non-commercial purposes

NAME OF GUARANTOR

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

Ref: .....

(Place), date …… …

To: (Competent National Authority)

THE GURANTOR:

- Name:
- Address:
- Business Registration Number or Establishment Decision Number …; Date of issue….; Place of issue…;
- The licensed field of science and technology:
- Representative:
- Position:
- Tel: Fax:

THE GUARANTEED

- Full name:……...
- Citizenship Identification Number or equivalent: ..... .;Date of issue :.....; issued by:.....
- Workplace: …….....……
- Address: ……..
- Areas of expertise: ……
- Telephone: …….Fax:……
- E-mail address: …

Mr. / Mrs. (the name of the guaranteed party) ……- The guaranteed is currently a member of (name of the guarantor) with the title of ...

We - ... (name of guarantor) hereby approve the guarantee for Mr / Ms (name of the guaranteed) ... in the implementation of the legal obligations of Mr / Ms (name of the guaranteed)... as specified in the Contract for Access to Genetic Resources and Benefit-Sharing number ... date ..., signed between (name of the Provider) ... and (name of the Accessor) ....

We affirm that, in the case Mr. / Ms (name of the guaranteed) ... does not fully implement his/her obligations under the commitment in Contract No. ..., we will be responsible for implementing the provisions of the obligation of Mr / Ms (the name of the guaranteed) ... under the above contract.

This guarantee document takes effect from the date of issuance.

This guarantee document is made in ... copies, not transferable and irrevocable.

This guarantee document is regulated and interpreted in accordance with the law of Vietnam.

Recipients:
- As above;
-….
- Archives: …

LEGAL REPRESENTATION OF THE GUARANTOR

(Title, full name, sign and seal to a legal entity)

Sample form 02

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

APPLICATION FOR ACCESS TO GENETIC RESOURCES

To: (Competent National Authority)

1. Applicant:

- For organization: full name of organization; number of the business license or decision on the establishment, date and place of issue; name of the representative of the organization; position; name of the liaison's representative; address; phone; fax; E-mail address.

- For individual:

+ Full name; Citizenship Identification Number or equivalent, date and place of issue; address; phone; fax; E-mail address;

+ Qualification and professional field of the individual;

+ Information on the science and technology organization to which the individual is a member: full name of the organization; ; number of the business license of the organization or decision on the establishment, date and place of issue; name of the representative of the organization; position; address; phone; fax.

2. Application content:

- Genetic resources (Common name, other name, scientific name).

- Expected quantity/Amount of genetic resources to be accessed (specify how many samples of genetic resources, quantity/ volume).

- The purpose of access to genetic resources:

☐ Research for non-commercial purposes

☐ Research for commercial purposes

☐ Development of commercial products

- Planned access duration: From …. To….(maximum 3 years)

- Expected access place:

-Expected Provider:

☐ Information of the Provider (if any):

☐ Request for introduction of recommended Provider

- Activities incurred (if any):

☐ Taking the genetic resources out of Vietnam territory

☐ Transfer to third parties without any change of the intent of access

3. Expected access method:

- Duration (start time, end time);

- Access method (Means, tools and equipment);

- Expected access place (wild area, biodiversity conservation facilities, collections);

-Domestic organizations and individuals conducting investigation and collection of genetic resource (clearly stating name, address and contact ...).

4. Utilization of traditional knowledge on genetic resources (if any):

Provide general information on the expected utilization of traditional knowledge on genetic resources.

5. Attached Documents (Attached documents listed under the provisions of Clause 2, Article 9 of Decree No. ..... / 2017 / ND-CP of May ... 2017 of the Government on the management of access to genetic resources and the sharing benefits arising from their utilization, and other documents, if any)

6. Commitment of applicant:

(Name of individual/organization) commits that the information provided in this form is true and correct and we shall be for responsible for any incorrect information under the legislation of the Socialist Republic of Vietnam.

Kindly request……..…to consider and permit the "applicant" to access genetic resources for the above-mentioned purpose./.

(Place), date …… …

Authority representative of Applicant

(Title, full name, sign and seal to a legal entity)

Sample form 03

CONTRACT ON ACCESS TO GENETIC RESOURCES AND BENEFIT-SHARING

(No……/ Provider- Acessor)

- Pursuant to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, of the Convention on Biological Diversity

- Pursuant to Civil Code 2015;

- Pursuant to the Law on Biodiversity 2008;

- Pursuant to Decree No...../2017/ND-CP dated.....2017 of the Government on the management of access to genetic resources and the sharing of benefits arising from their utilization;

- Pursuant to the requirements of both parties

The Contract is made as of…… at (place)……

Between

NAME ORGANIZATION/INDIVIDUAL PROVIDING GENETIC RESOURCES (Hereafter called "PROVIDER")

- For organization: full name of the organization; number of the business license, date and place of issue; number the establishment decision or the certificate of land or water surface use right in which the genetic resources are accessed, date of issue and place of issue; name of the representative of the organization; position; name of the organization's liaison representative; address; phone; fax; E-mail address.

- For individual: full name; Citizenship Identification Number or equivalent, date and place of issue; Number of the certificate on land, water surface use right where the genetic resources are accessed, date of issue and place of issue; address; phone; fax; E-mail address.

And

NAME ORGANIZATION/INDIVIDUAL ACCESSING GENETIC RESOURCES (Hereafter called "ACCESSOR")

- For organization: full name of the organization; number of the business license or decision on the establishment, date and place of issue; name of the representative of the organization; position; name of the liaison's representative; address; phone; fax; E-mail address.

- For individual:

+ Full name; Citizenship Identification Number or equivalent, date and place of issue; address; phone; fax; E-mail address;

+ Qualification and professional field of the individual;

+ Information on the science and technology organization to which the individual is a member: full name of the organization ; number of the business license of the organization or decision on the establishment, date and place of issue; The name of the representative of the organization; position; address; phone; fax.

(In cases where many organizations or individuals cooperate to provide or access genetic resources under a common program or project, these organizations and individuals must provide full information, jointly negotiate, jointly agree to the terms, and jointly sign the contract)

THE TWO PARTIES AGREE ON THE FOLLOWING PROVISIONS:

Article 1. Provider and Accessor agree on the provision and utilization of genetic resources with the following specific information:

1. Accessed genetic resource: Common name, scientific name and other name

2. Samples of Accessed genetic resource; access method, quantity/amount, volume of genetic resources: specify how many specimens, quantity/amount, individuals .

3. Purpose of access to genetic resources: specify one of the three following purposes: Research for non-commercial purposes, Research for commercial purposes, Development of commercial products.

4. Duration: (Planned access duration: From …. To….(maximum 3 years))

5. Access place.

6. The specific information of the parties intending to use the genetic resources and the expected access place.

7. Proposed utilization of traditional knowledge associated with genetic resources (if any).

8. Plan to transfer the genetic resources abroad (if any).

9. Other agreements.

(See attached Appendix on Access to Genetic Resources Plan).

Article 2. Sharing of benefits arising from the utilization of genetic resources

Depending on specific circumstances, The ACCESSOR and the PROVIDER will negotiate based on the form and benefit-sharing provisions in compliance with Articles 21, 22 and 23 of Decree No. ..... /2017/ND-CP dated …….2017 of the Government on the management of access to genetic resources and the sharing of benefits arising from their utilization.

Article 3. Responsibilities of the ACCESSOR

1. With regard to the access to genetic resources:

- Only conduct survey and collection of genetic resources according to the plan on access to genetic resources after obtaining the license for access to genetic resources, issued by the competent national authority;

- Only access the genetic resources as provided for in Article 1 of this contract.

2. With regard to the utilization of genetic resources:

- Only utilize genetic resources for the purpose of access as specified in this contract;

- For the development of commercial products, the Accessor must report periodically to the competent national authority and the Provider information on the

revenue from the utilization and commercialization of products from genetic resources, in accordance with the regulations on the utilization of genetic resources.

3. Change of intent: The change in access to and utilization of genetic resources shall comply with the provisions of Clause 1, Article 14 of Decree No. ..... /2017/ND-CP dated …….2017 of the Government on the management of access to genetic resources and the sharing of benefits arising from their utilization.

4. With regard to intellectual property rights for innovative results based on access to genetic resources:

- The ACCESSOR must ensure the source or origin of genetic resources of the Provider when registering intellectual property rights for innovative results based on access to and use of genetic resources.

- When carrying out the commercialization of intellectual property rights for innovative results based on accessed genetic resources, the ACCESSOR must ensure benefit-sharing under Article 2 of this Contract and ensure compliance with the rules defined in Clause 2, Article 22 of the Decree No...../2017/ND-CP dated …….2017 of the Government on the management of access to genetic resources and the sharing of benefits arising from their utilization.

5. Transfer of accessed genetic resources to a third party: must comply with the provisions of Clause 2, Article 14 of the Decree No...../2017/ND-CP dated …….2017 of the Government on the management of access to genetic resources and the sharing of benefits arising from their utilization.

6. Sharing of benefits: Implement sharing of benefits as in Article 2 of this Contract.

7. Informing and reporting: To conduct reporting regime according to the provisions of the Decree on access to genetic resources and the sharing of benefits arising from their utilization.

8. Payments for the Provider and related parties: fees, charges, and taxes as prescribed.

9. Other obligations as mutually agreed.

Article 4. Responsibilities of the PROVIDER

1. Coordinate with the Accessor upon request in the process of applying for a license for access to genetic resources.

2. To provide genetic resources to users as stipulated in Article 1of this Contract.

3. Other obligations as mutually agreed.

Article 5. Dispute resolution

All disputes associated with this Contract related to access to genetic resources and the sharing of benefits arising from their utilization shall be settled in accordance with the provisions of Vietnamese law and treaties to which the Socialist Republic of Vietnam is a member.

Article 6. Reporting and accounting

The ACCESSOR shall be responsible for maintaining and accurately updating the full accounting records and reports related to this Contract, including:

1. Transactions that have been made;

2. A separate report on receipts and invoices;

3. Accounting records must be available and accessible for checking, and made under generally accepted accounting standards;

4. Reports on and records of revenues derived from the exploitation and utilization of genetic resources/traditional knowledge on genetic resources must be accessible to ensure correct payments.

5. The ACCESSOR must archive accounting records and reports related to specimens for ….. years after expiry or termination of the Contract, save when the Contract expires or terminates prior to its term.

6. Other agreements.

Apart from the above-mentioned contents, depending on each specific case, the parties may agree on the following contents:

- Taxes, fees.

- Agreement on confidentiality of information in accordance with the law

- Insurance.

- Access to files and records.

- Amendment and supplement of the contract.

- Termination and liquidation of the Contract.

- Cases of force majeure.

- Other relevant content.

The Contract was made into….. original copies (each consisting of ….. sheet,…. pages). Each party shall keep ….. copies, one (01) shall be sent to the competent national authority./.

THE ACCESSOR	**THE PROVIDER**
(Title, full name, sign and seal of a legal entity)	*(Title, full name, sign and seal of a legal entity)*

Contract on access to genetic resources and benefit-sharing between (the Accessor)…. and (the Provider)…. at…. (accessed place or registered address of the Provider)
01 (one) original copy shall be archived by the Commune-level People's Committee

(Location), date... month... year...
CHAIRMAN/CHAIRWOMAN OF COMMUNE PEOPLE'S COMMITTEE
(Signature, Full name, Stamp)

Detailed plan on access to genetic resources and benefit-sharing

(Attached with the Contract for access to genetic resources and benefit-sharing)

1. General information on genetic resources

- Accessed genetic resource: Common name, scientific name, and other name

- Samples of Accessed genetic resource;

- Quantity/amount of accessed genetic resource, specify the number of samples, quantity/amount, weight, individuals…

- Purpose of access to genetic resources

- Duration: (Planned access duration: From …. To…. (maximum 3 years)

- Expected access place:

Access in the wild:

+ Location: Specifying plots, sub-zones for forests, and geographical coordinates for other ecosystems

+ Boundary: describe the natural boundary, attached with diagrams, maps with the smallest chart scale of 1: 10,000;

+ Area of Expected access place:

+ Current status of the ecosystem, fauna and flora in the accessed area.

- *Access to genetic resources at biodiversity conservation facilities and collections*:

Information on genetic resources to be accessed at biodiversity conservation facilities or collections (duration and place where genetic resources have been collected).

2. Access Method

- Access method and implementation method (means, tools and equipment to access and utilize, period/session for collection.)

- Domestic individuals/organizations involved in the collection process (Specify names, address, contact points….)

3. Impact assessment of access to genetic resources on conservation and social – economy.

- Impact assessment conducted in accessed places where biodiversity, ecosystems, and the socio-economy may be affected.

- Solutions proposed to prevent and mitigate the above impacts.

4. Plan to utilize genetic resources

- Purpose and expected results of the utilization of genetic resources

- The utilization of traditional knowledge associated with genetic resources, including identification of the characteristics, value and benefits of genetic resources (if any, describe traditional knowledge associated with genetic resources and identify

communities and individuals that provide traditional knowledge if there is a difference compared to the Provider managing these genetic resources.)

- Domestic organizations and individuals engaged in conducting research and development of commercial products from genetic resources and their derivatives (clearly stating name, address and contact person....)

- Expected place to conduct research and development of commercial products from genetic resources and their derivatives.

- Activities incurred (if any):

+ Taking genetic resources out of the territory of the Socialist Republic of Vietnam (details on quantity / volume and number of times taking genetic resources out of the territory of Vietnam);

+ Transfer of genetic resources to a third party without any change of intent.

(Attach with information on organizations and individuals receiving genetic resources, the expected time to transfer genetic resources abroad, and expected use activity)

5. Commitment to share the benefits from using genetic resources

(Method and implementation of benefit-sharing from the utilization of genetic resources as agreed in contract for access to genetic resources and benefit-sharing between the ACCESSOR and PROVIDER)

Sample Form 04

COMPETENT NATIONAL AUTHORITY	**THE SOCIALIST REPUBLIC OF VIETNAM** **Independence – Freedom – Happiness**
No.: /QĐ-….	*(Place), date……*

DECISION

On licensing for access to genetic resources

(Application reference number on (date).....)

MINISTER OF……..

Pursuant to Decree No. ...../201…/ND-CP dated ..... of the Government regulating the functions, duties, powers and organizational structure of authorized state agencies;

Pursuant to Decree No. ..../2017/ND-CP dated.....2017 of the Government on the management of access to genetic resources and the sharing of benefits arising from their utilization;

Considering the dossier requesting a license for access to genetic resources ... (name of organization/individuals);

According to the request of the standing subordinate unit,

DECIDES:

Article 1. The competent national authority grants the License to:

- For organization: full name of the organization; number of the business license or decision on the establishment, date and place of issue; name of representative of the organization; position; name of the liaison's representative; address; phone; fax; E-mail address.

- For individual:

+ Full name; Citizenship Identification Number or equivalent, date and place of issue; address; phone; fax; E-mail address; Qualification and professional field of the individual;

+ Information of the Guarantor organization: name of the organization; number of the business license of the organization or decision on the establishment, date and place of issue; name of representative of the organization; position; address; phone; fax.

+ Number, notation; Place and date of issue; name of the guarantee document; name of organization issuing such guarantee document;

Article 2. Scope of access to and utilization of genetic resources:

1) Accessed genetic resource: Common name, scientific name, and other name

2) Samples of the accessed genetic resource; Quantity/amount of accessed genetic resource.

3) Purpose of access to genetic resources:

4) Planned access duration: From …. To….

5) Expected access place

6) Provider (name, detail contact)

7) Information of the parties utilizing the genetic resources and the place where genetic resource activities will be implemented.

8) Information on the use of traditional knowledge of genetic resources.

9) Information on the taking of genetic resources out of the territory of the Socialist Republic of Vietnam.

Article 3. Organizations/individuals shall take responsibility for:

1) Utilization of genetic resources for the purpose of "..." (Purpose of application);

2) Implement the Genetic Resources Access Plan issued with this Decision;

3) Implement the contents of the Contract for Access to Genetic Resources and Benefit-Sharing No. ... date ... month ... year .... between (the Accessor) and (the Provider) certified by the Commune People's Committee of… date ... month ... year ....;

4) Comply with the reporting obligations and other relevant regulations when accessing and using genetic resources and their derivatives originating from within Vietnam.

Article 4. This Decision takes effect from its signing till date …. month…. year

Article 5. Heads of the standing subordinate unit, ...and Organizations/individuals ... are responsible for the implementation of this Decision./.

Recipients:
- As Article 5;
- National focal point;
- The Communal People's Committees;
- Archives: Clerical, ...

MINISTER
(Signed and sealed)

Sample form 05

THE SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom - Happiness

REQUEST FOR RENEWAL OF LICENSE FOR ACCESS TO GENETIC RESOURCE

To: Competent national authority

1. General information

General information on the individual or organization requesting renewal of the license for access to genetic resources:

- For organization: full name of the organization; number of the business license or decision on the establishment, date and place of issue; name of the representative of the organization; position; name of the liaison's representative; address; phone; fax; E-mail address.

- For individual:

+ Full name; Citizenship Identification Number or equivalent, date and place of issue; address; phone; fax; E-mail address;

+ Information on the science and technology organization to which the individual is a member: full name of the organization; ; number of the business license of the organization or decision on the establishment, date and place of issue; The name of the representative of the organization; position; address; phone; fax.

Already being granted a License for access to genetic resources under Decision No ... / QD ... day ... month ... year .. . of the head of the competent national authority.

2. Summary of the status and result of access to genetic resources and benefit-sharing.

3. Request for renewal of license for access to genetic resources

The reason (the reason and explanation): .....

Extended time: From ..... to .....

4. **Documents enclosed with this application:**

(List of required documents is prescribed in the provisions of Clause 2, Article 17 of Decree No. ..../ 201 ../ ND-CP dated ... month ... year ... 201 of the Government on the management of access to genetic resources and the sharing of benefits arising from their utilization);

(Name of the organization or individual requesting) shall be fully responsible before the law of the Socialist Republic of Vietnam for the truthfulness of the information and data provided in this application and the attached documents.

Kindly requesting ……..…to consider and allow the "applicant" to renew the license for access to genetic resources for the above-mentioned purposes.

(Place), date …… …

Applicant

(Title, full name, sign and seal to a legal entity)

Sample form 06

THE COMPETENT NATIONAL AUTHORITY	**THE SOCIALIST REPUBLIC OF VIETNAM** **Independence – Freedom - Happiness**
Ref: /QD …..	*(Place), date…….*

DECISION
On Renewal of License for Access to Genetic Resources

MINISTER OF MINISTRY OF…….

Pursuant to Decree No. ...../201…/ND-CP dated ..... of the Government regulating the functions, duties, powers and organizational structure of authorized state agencies;

Pursuant to Decree No. ..../2017/ND-CP dated.....2017 of the Government on the management of access to genetic resources and the sharing of benefits arising from their utilization;

Considering the dossiers requesting the renewal of the license for access to genetic resources ... (name of organization);

According to the request of the standing subordinate unit,

DECIDES:

Article 1. To extend the duration for access to genetic resources under the Decision No ..… date **...** of the head of the competent national authority granting the License for access to genetic resources from …. Date ….month ….. year to …. Date ….month ….. year.

Article 2. The content is not amended in this Decision and shall comply with the Decision No ... / QD ....Day ... month ... year ... of the Minister ....on granting access to genetic resources.

Article 3. This Decision takes effect from its signing till date …. month…. year

Article 4. Heads of the standing subordinate unit, ...and Organizations/individuals ... are responsible for the implementation of this Decision. /.

Recipients:
- As Article 4;
- National focal point;
- The Communal People's Committees;
- Archive: Clerical, ...

MINISTER
(Signed and sealed)

Sample form 07

COMPETENT NATIONAL AUTHORITY	**THE SOCIALIST REPUBLIC OF VIETNAM** **Independence – Freedom - Happiness**
Ref: /QĐ-….	*(Place), date…….*

DECISION

On the withdrawal of the Decision to grant a license for access to genetic resources

MINISTER OF MINISTRY OF…….

Pursuant to Decree No. ...../201…/ND-CP dated ..... of the Government regulating the functions, duties, powers and organizational structure of authorized state agencies;

Pursuant to Decree No. ..../2017/ND-CP dated.....2017 of the Government on the management of access to genetic resources and the sharing of benefits arising from their utilization;

According to the request of the standing subordinate unit,

DECIDES:

Article 1. To withdraw the Decision No ... date ... of the head of the competent national authority which granted the license for access to genetic resources.

... (name of organization/individual) granted the license for access to genetic resources in Decision No ..... must immediately stop accessing genetic resources in Vietnam and perform the following obligations:

....

Article 2. This decision takes effect from the date of its signing.

Article 3. Heads of standing subordinate unit, ... and Organizations/individuals ... are responsible for the implementation of this Decision. /.

Recipients:
- As Article 3;
- National focal point;
- The Communal People's Committees;
- Archive: Clerical, ...

MINISTER
(Signed and sealed)

Sample form 08

THE SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom - Happiness

REQUEST TO TRANSFER GENETIC RESOURCES ABROAD FOR STUDY/ RESEARCH FOR NON-COMMERCIAL PURPOSES

To: Competent national authority

1. Information on domestic science and technology organizations, students, and doctoral students:

- For science and technology organizations: full name of the organization; number of the business license for science and technology activity registration, date and place of issue; name of the representative; position; address; phone; fax;

- For individuals: full name; Citizenship Identification number or equivalent, date and place of issue; address; phone; fax; E-mail address. General information of the science and technology organization or training institution in which the student or doctoral student is studying.

2. Purpose for taking genetic resources abroad

☐ Research for non-commercial purposes

☐ Study

3. Information on genetic resources abroad

No	Content	Information
1.	Name of genetic resources	(*Common name, scientific name and other name)*
2.	Accessed place	*(Address, Coordinates of place that genetic resources have been collected)*
3.	Duration	
4.	Sample of genetic resources	*(Part to be accessed, collected)*
5.	Amount/ quantity collected	
6.	Describe how it was collected	*(means, equipment, tools)*
7.	Traditional knowledge on genetic resources (if available)	
8.	The quantity/volume of genetic resources under application to be transferred abroad	

4. Information on Provider

- For organizations: full name of the organization; number of the business license, date and place of issue; number the establishment decision or the certificate of land or water surface use right, date of issue and place of issue; name of the

representative of the organization; position; The name of the organization's liaison representative; address; phone; fax; E-mail address.

- For individuals: full name; Citizenship Identification Number or equivalent, date and place of issue; Number of the certificate on land, water surface use right where the genetic resources are accessed, date of issue and place of issue; address; phone; fax; E-mail address.

5. Information on the utilization of genetic resources abroad

To provide specific information on foreign organizations and individuals cooperating and receiving genetic resources for study.

6. Documents enclosed with the application (list of required documents is prescribed in Article 20 of Decree No...../2017/ND-CP dated ... month ... year ... of the Government on the management of access to genetic resources and the sharing of benefits arising from their utilization, and other documents, if any).

7. Commitment

(Name of science and technology organization/ student/ doctoral student) commits to:

- Only use genetic resources to be transferred abroad for study/ research for non-commercial purposes;

- The transfer of genetic resources to a third party is not allowed;

- Comply with reporting obligations as stipulated in Decree No. ..../ 2017 / ND-CP dated ... month ... year ... 2017 of the Government on the management of access to genetic resources and the sharing of benefits arising from their utilization;

- Ensure and take full responsibility before the laws of the Socialist Republic of Vietnam for the truthfulness of the information and data provided in this application and attached documents.

Kindly requesting ……..…to consider and allow the "applicant" to transfer the above-mentioned genetic resources abroad for study/research for non-commercial purposes.

(Place), date ……

Applicant
(Title, full name, sign and seal to a legal entity)

Sample form 9

COMPETENT NATIONAL AUTHORITY	**THE SOCIALIST REPUBLIC OF VIETNAM** **Independence – Freedom - Happiness**
Ref: /QĐ-….	*(Place), date……*

DECISION

On allowing genetic resources to be transferred abroad for study/research for non-commercial purposes

MINISTER OF MINISTRY OF…….

Pursuant to Decree No. ...../201…/ND-CP dated ..... of the Government regulating the functions, duties, powers and organizational structure of authorized state agencies;

Pursuant to Decree No. ..../2017/ND-CP dated.....2017 of the Government on the management of access to genetic resources and the sharing of benefits arising from their utilization;

At the proposal of the dossiers requesting to transfer genetic resources abroad for study/research for non-commercial purposes of ... (domestic science and technology organization/individual);

According to the request of (name of the standing subordinate unit),

DECIDES:

Article 1. Information on science and technology organization/individual that are allowed to be transferred abroad

- For science and technology organization: full name of the organization; number of the business license for science and technology activity registration, date and place of issue; Name of the representative; position; address; phone; fax;

- For individual: full name; Citizenship Identification number or equivalent, date and place of issue; address; phone; fax; E-mail address. (General information of the science and technology organization or training institution where the student or doctoral student studies)

Article 2. Information on genetic resources

1) Accessed genetic resources: Common name, scientific name, and other name

2) Samples of accessed genetic resources;

3) Information of the Provider

4) Accessed place

5) Amount/ quantity of genetic resources to be transferred out of Vietnam

6) Expected foreign place for utilization of genetic resources (name of research organization, training institution, contact details).

Article 3. Responsibilities of (name of science and technology organization/ individual) under the license:

1) Only use genetic resources to be transferred out of the territory of the Socialist Republic of Vietnam for….(study/ research for non-commercial purpose);

2) Must not transfer proposed genetic resources to a third party;

3) Comply with reporting obligations as stipulated in Decree No. ..../ 2017./ ND-CP dated ... month ... year ... 2017 of the Government on the management of access to genetic resources and the sharing of benefits arising from their utilization and other related laws.

Article 4. This decision takes effect from the date of signing.

Article 5. Heads of standing subordinate unit, ...and…..(name of science and technology organization/individual) ... ... are responsible for the implementation of this Decision. /.

Recipients:
- .....;
- Custom Agency;
Archive: Clerical, ...

MINISTER
(Signed and sealed)