

This translation of Regulations on Management of Captive Bears is unofficial and was completed by Education for Nature – Vietnam (ENV), June 19, 2006

The Ministry of Agriculture
and Rural Development

Socialist Republic of Vietnam
Independence - Freedom - Happiness

Regulation on Management of Captive Bears

(Issued together with Decision No. 47/2006/QD-BNN issued on June 6, 2006 by the Minister of Agriculture and Rural Development)

Article 1: Range and target of application

This regulation stipulates management of bears that are living outside of the wild (referred to hereafter as “captive bears”) and of the organizations, households, individuals in Vietnam, the Vietnamese living abroad, the international individuals or organizations who take actions involved in bear keeping within the territory of Vietnam (referred hereafter as “bear keepers”)

Article 2: Management policy

1. Only bears that have been implanted with microchips in accordance with Decision No. 02/2005/QD-BNN - stipulated on January 5, 2005 by the Minister of Agriculture and Rural Development stipulating regulations on captive bear management - may be kept.
2. Bear keepers are responsible for keeping the bear(s) until their death in accordance with the stipulations of this regulation and the existing law.
3. The State does not recognize the ownership of these captive bears by the bear keepers.
4. Every bear that is kept in violation of the stipulations of this regulation will be confiscated. Those bears' keepers shall be held legally responsibility in accordance with the regulations of existing law.

Article 3. Prohibited activities

1. Sale, purchase, advertisement, import, export, re-export, temporary import of bears and bear products in violation of the law.
2. Slaughter, exploitation, transportation and businesses involving bear bile and bear parts.

Article 4. Movement of facilities keeping bears implanted with chips

Bear keepers are allowed to move bear facilities when they meet following requirements:

1. The bears have been implanted with microchips in accordance with Decision No. 02/2005/QD-BNN on issuance of stipulation on the management of captive bears.
2. Bear keepers have filled in the form to request movement of bear facilities, which has thereafter been confirmed by the FPD of the province or city directly under the central government (referred to hereafter as “Provincial FPD”) under whose jurisdiction the facilities are currently located. In provinces where there is no FPD, the relevant Provincial Department of Agriculture and Rural Development is responsible for confirming the move request. A bear facilities movement request form is attached to this regulation.
3. The receipt of bear microchipping - in compliance with the regulation on captive bears issued together with the Decision No. 02/2005/QD-BNN issued on January 5, 2005 by the Minister of Agriculture and Rural Development - shall be available during the movement of the bears.

4. In cases where the bears are moved out of the provinces or cities directly under the central government, a special transportation license shall be issued by the provincial FPD where the bears are currently kept - in compliance with the Article 5 of the regulation on forest product control and management issued together with Decision No. 59/2005/QĐ-BNN of October 10, 2005 by the Minister of Agriculture and Rural Development - shall be available prior to the movement.
5. Bear keepers shall notify the Provincial FPDs of where the bear(s) will be placed prior to its movement for their review and examination of the facilities.
6. Bear keepers are responsible for ensuring safety for bears and the environment; and must accompany the bear(s) during the movement.

Article 5. Settlement of implanted bears' offspring

1. Bear keepers shall keep offspring that must be recorded in an FPD log book within a maximum period of one year from the date in which the baby bear was born, and whose parents have been implanted with an e-chip.
2. The provincial FPDs shall supervise and confiscate the offspring of the implanted bears to transfer to the rescue centers.

Article 6. Settlement of the bears that are voluntarily turned over to the State by bear keepers, the bears confiscated in accordance with the regulation stipulated by the State and the bears stipulated in Article 5 of this regulation.

1. Bears voluntarily turned over to the State and bears confiscated by the state authorities can be transferred to the one of following organizations:
 - a. Bear rescue centers, wildlife rescue centers
 - b. Zoos, domestic research and training centers for research and environment education purposes.
 - c. International wildlife conservation organizations

The National FPD shall guide and supervise the transference of bears in accordance with Vietnam's law and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

2. Bear rescue centers shall release bears that are capable of adapting to the wild and other safe conditions and rescue and keep the bears that cannot be released back into the wild.
3. In the case of bears that are infected and at risk of transmitting disease or the bears that cannot be transferred in accordance with the stipulation of item 1 in this article, the provincial FPD shall coordinate the disposal and incineration of these bears in accordance with the regulation of the law.

Article 7. Responsibilities of bear keepers

1. To keep the bears that have been recorded in a log book and implanted with e-chips and the offspring of adult bears that have been recorded in a log book and implanted with e-chips in accordance with Item 1, Article 5 of this Regulation, until they have been transferred.
2. To ensure that the bear cages are big enough for the bears to easily move around; to ensure safe conditions for people, bears and other domestic animals, and ensure environmental proper sanitation. Bear keepers are directly responsible under the law in the event that a captive bear (under their care) attacks or kills people, or damage the environment.

3. To complete a periodic report every six months and provide unscheduled reports upon-demand on the status of their captive bears (reproduction, infection, death and other problems) to the local FPD.

Article 8. Responsibilities of State management authorities

1. The National FPD is tasked with implementation of the regulation, summarizing and doing a report on the management of captive bears throughout the country for the Ministry of Agriculture and Rural Development.
2. The Provincial FPDs are in charge of:
 - a. Advising the People's Committees of provinces or cities directly under the central government on management and the number of captive bears within their area, coordinating propaganda, and guiding on implementation of this regulation for the bear keepers; sending staff to carry out monitoring every six-months and unscheduled monitoring if necessary.
 - b. Guiding the sub-level units to receive periodic and unscheduled reports from bear keepers - stipulated in Item 3, Article 7 of this regulation; confirming newly-born bears, dead bears, bears that moved to another place and newly arrived bears; issuing a special shipping license for bears being moved out of the province or cities under the central government.
 - c. Monitoring to discover actions in violation of this regulation and stipulations of existing law; settling or advising the state authorities on settlement of violations.
 - d. Working in cooperation with the concerned authorities to (destroy and) incinerate bears stipulated in Item 3, Article 6 of this regulation.
 - e. Updating the records on the status of captive bears; summarizing and making annual reports to the National FPD on management of captive bears within the area.
 - f. In provinces where there are no FPD, the Provincial Department of Agriculture and Rural Development shall take up the duties stipulated in Item 2 of this article.

Article 9. Settlement of violations

1. Individuals and organizations, violating regulations on the management of captive bears and regulations of existing law, shall be, depending on the circumstances and the level of the violation, subject to administrative fines or prosecution in accordance with the existing regulations and laws of the Socialist Republic of Viet Nam.
2. Settlement of confiscated bears shall be implemented in accordance with the stipulations in Article 2 of the Regulation.

Article 10. Budget for implementation of captive bear management.

1. State budget
 - a. Local budget shall cover the cost of captive bear management in localities for which there is a provincial FPDs or a Provincial Department of Agriculture and Rural Development in provinces in places where there is no FPD.
 - b. Ministry of Agriculture and Rural Development shall cover the cost of guiding and implementing this regulation for the National FPD.
2. Donations by domestic and foreign individuals, organizations that are interested in bear conservation.

On behalf of the MARD Minister
(signed)
Deputy Minister
Hua Duc Nhi

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*Form to request movement of bears that have been recorded in a log book
and implanted with e-chips
(for household and individual bear keepers only)*

The Socialist Republic of Vietnam
Independence – Freedom – Happiness

Respectfully addressed to:

Full name (household, individual):

ID No.: issued on by

Address:.....

The bear(s) that has/ have been recorded in a log book for being implanted with microchip(s) is/ are described as follows:

1. Species: Sex: Weight:

Characteristics: Microchip number:

2.

(If the number of the bear is high, a list of the bears should be attached)

The bear(s) who has/ have been being kept in (*current address*)..... is/
are requested to be moved to (*new address*)

Reasons of movement:

I undertake to conform to all the state's regulations on management of captive bears.

(The record of the above-listed bears is enclosed)

Sincerely yours,

Confirmed by the local FPD

....., date month year

(date, month, year of signature and stamp by the
head of the FPD should be specified)

Formed filled by
(sign and specify full name)

Translated by Thu Hang dated June 14, 2006

Please note: Translated by Education for Nature – Vietnam. This translation is unofficial in nature. The Vietnamese language version of this story can be obtained by contacting ENV