

THE GOVERNMENT

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THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

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DECREE

GUIDELINES FOR IMPLEMENTATION OF THE LAW ON FISHERIES

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

Pursuant to the Law on Fisheries dated November 21, 2017;

At the request of the Minister of Agriculture and Rural Development;

The Government hereby promulgates a Decree to provide guidelines for implementation of the Law on Fisheries.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Decree elaborates Clause 10 Article 10, Point b Clause 3 Article 13, Clause 4 Article 16, Clause 5 Article 21, Point a Clause 2 Article 23, Article 24, Clause 5 Article 25, Clause 5 Article 27, Clause 4 Article 28, Clause 2 Article 32, Clause 5 Article 34, Clause 6 Article 35, Clause 5 Article 36, Clause 5 Article 38, Clause 3 Article 39, Clause 3 Article 40, Clause 1 Article 48, Point dd Clause 2 Article 50, Clause 3 Article 51, Clause 2 Article 53, Clause 7 Article 56, Point k Clause 2 Article 57, Clause 4 Article 64, Clause 4 Article 66, Clause 2 Article 68, Point d Clause 1 and Point d Clause 2 Article 78, Clause 4 Article 79, Clause 2 Article 89, Clause 3 Article 94, Clause 7 Article 98, and Clause 3 Article 99 of the Law on Fisheries and guidelines for implementation of the Law on Fisheries.

Article 2. Regulated entities

This Decree applies to Vietnamese and foreign organizations and individuals carrying out fishing activities or related to fishing activities in land, islands, archipelago and waters of Vietnam; Vietnamese organizations and individuals carrying out fishing activities outside the waters of Vietnam.

Article 3. Definitions

For the purposes of this Decree, the terms below shall be construed as follows:

1. “intensive aquaculture” means the aquaculture that is carried out under the condition that the growth and production of aquatic species are kept under control and the growth of aquatic species entirely depends on the aquafeeds.
2. “semi-intensive aquaculture” means the aquaculture that is carried out under the condition that the growth and production of aquatic species are partially kept under control and the growth of aquatic species entirely depends on natural feeds and aquafeeds.
3. “coastal route” means a broken line made up of straight lines that join points 01 to 18. The coordinates of points 01 to 18 are defined by longitude and latitude specified in the Appendix IV-A hereof.
4. “inshore route” means a broken line made up of straight lines that join points from 01’ to 18’. The coordinates of points from 01’ to 18’ are defined by longitude and latitude specified in the Appendix IV-A hereof.
5. “fishing vessel monitoring system” means a system integrated with equipment that is installed on a fishing vessel connected to the fishing vessel monitoring data center (hereinafter referred to as “the monitoring data center”) to manage and monitor the voyage and activities of the fishing vessels in the waters.
6. “monitoring equipment installed on board a fishing vessel” means the terminal equipment that receives, stores and transmits information about activities of the fishing vessel and is activated and set to transmit data to the monitoring data center.
7. “fishery transshipment” means an act of transferring the catch from one vessel to another vessel.
8. “subdivision under strict protection of a marine protected area (MPA)” means the waters, island, archipelago or coastal waters that is defined to defend the integrity and status quo, and monitor natural developments of aquatic animals and plants, and marine ecosystem.
9. “ecological recovery subdivision of an MPA” means the waters, island, archipelago or coastal waters that is defined to recover and regenerate aquatic animals and plants, and marine ecosystem.
10. “service and administration subdivision of an MPA” means the waters, island, archipelago or coastal waters that is defined to provide services, carry out administration-related activities and controlled fishing activities.
11. “ecotone of an MPA” means the waters, island, archipelago or coastal waters that surrounds or is adjacent to the inside boundary of a protected area in order to prevent and mitigate adverse external impacts on the protected area.

12. “aquatic resource fishing logistics vessel” includes vessels engaging in exploration, search for and trapping of aquatic resources, vessels engaging in transport (transshipment, processing) of fishery products, except container vessels.

13. “illegal fishing” means fishing activities conducted by Vietnamese or foreign vessels without permission in maritime waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations; conducted by fishing vessels flying the flag of States that are contracting parties to a relevant regional fisheries management organization, but which operate in contravention of the conservation and management measures adopted by that organization and by which those States are bound, or of relevant provisions of the applicable international law; or conducted by fishing vessels in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

14. “unreported fishing” means fishing activities which have not been reported, or have been misreported, to the Vietnamese authority, in contravention of Vietnam’s laws and regulations; or which have been undertaken in the area of competence of a relevant regional fisheries management organization and have not been reported, or have been misreported, in contravention of the reporting procedures of that organization.

15. “unregulated fishing” means fishing activities conducted in the area of application of a relevant regional fisheries management organization by fishing vessels without nationality, by fishing vessels flying the flag of a State not party to that organization or by any other fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or conducted in areas or for fish stocks in relation to which there are no applicable conservation or management measures by fishing vessels in a manner that is not consistent with State responsibilities for the conservation of living marine resources under international law.

Article 4. General provisions on completion of administrative procedures specified in this Decree

1. Submission of documents serving administrative procedures: according to the methods for receipt of documents and returning of results adopted by the authority handling administrative procedures, organizations and individuals shall submit documents whether in person or by post or online (national single-window system, online public service, software, email or fax). To be specific:

a) If documents are submitted in person or by post: the documents must be originals or certified true copies or photocopies bearing the seal of the competent authority;

b) If documents are submitted online, the documents must be scanned or photocopied from the originals.

2. Number of documents: 01 set.

3. Time limit for replying to the adequacy of documents:

a) If documents are submitted in person, the authority handling administrative procedures shall inspect documents and give a response as soon as an organization/organization submits the documents.

b) If documents are submitted by post or online, within 02 working days, the authority handling administrative procedures shall inspect their adequacy. If the documents are inadequate, it shall notify the organization/individual.

4. Methods for paying fees and charges for completing administrative procedures: organizations and individuals shall pay fees and charges in accordance with applicable regulations to the authority handling administrative procedures, whether in person or by wire transfer or another appropriate mean.

5. Methods for returning results: the authority handling administrative procedures shall return results directly at the document receipt area or by post or online.

6. In case any regulations herein are contrary to the regulations laid down in Clauses 1, 2, 3, 4 or 5 of this Article, such regulations shall apply.

7. Documents written in a foreign language shall be translated into Vietnamese language.

8. Organizations and individuals shall take responsibility for the legitimacy of the submitted documents.

Chapter II

PROTECTION AND DEVELOPMENT OF AQUATIC RESOURCES

Section 1. CO-MANAGEMENT OF AQUATIC RESOURCE PROTECTION

Article 5. Recognizing and assigning management to communities

1. An application for recognition and assignment of management to a community includes:

a) An application form (Form No. 01.BT in the Appendix I hereof);

b) A plan for protection and catching of aquatic resources in area where co-management is expected to take place application form (Form No. 02.BT in the Appendix I hereof);

c) Charter of the community (Form No. 03.BT in the Appendix I hereof);

d) Information about the community (Form No. 04.BT in the Appendix I hereof);

dd) An original minutes of meeting of the community (Form No. 05.BT in the Appendix I hereof).

2. Procedures for recognizing and assigning management to a community:

a) The community representative shall submit an application specified in Clause 1 of this Article to the competent authority as prescribed in Clause 2 Article 10 of the Law on Fisheries;

b) Within 03 working days from the receipt of the satisfactory application, the competent authority shall publish the aquatic resource protection and catching plan on mass media and at the People's Committee of the district, People's Committee of the commune and residential area where the co-management is expected to take place;

c) Within 60 days from the date of publishing the plan, the competent authority shall appraise the application, carry out a site inspection (if necessary) and issue a decision to recognize and assign management to the community using the Form No. 06.BT in the Appendix I hereof. In case of rejection of the application, a response and explanation shall be provided in writing.

3. The appraisal of application for recognition and assignment of management to a community shall cover at least:

a) The satisfaction of conditions specified in Clause 1 Article 10 of the Law on Fisheries;

b) The conformity of the plan for protection and catching of aquatic resources in area where co-management is expected to take place and the community's charter which has been approved by at least 2/3 of the number of community members with regulations of the law on fishers, relevant laws and local current condition.

4. An application for amendments to the decision on recognition and assignment of management to a community includes:

a) An application form (Form No. 07.BT in the Appendix I hereof);

b) Information about the community (Form No. 04.BT in the Appendix I hereof) in case of renaming of the community and change of the community representative);

c) A report on assessment of implementation result and draft plan for aquatic resource protection and catching in case of amendments to the aquatic resource protection and catching plan; change or addition of location, boundary of the assigned geographical area or scope of management;

d) A report on assessment of implementation result and draft charter in case of amendments to the charter of the community;

dd) An original minutes of meeting of the community about amendments (Form No. 05.BT in the Appendix I hereof).

5. Procedures for amendments to the decision on recognition and assignment of management to a community:

a) In case of renaming of the community, change of the community representative and charter, the community representative shall submit an application specified in Clause 4 of this Article to the competent authority as prescribed in Clause 2 Article 10 of the Law on Fisheries. Within 07 working days from the receipt of the satisfactory application, the competent authority shall consider issuing the amendment decision. In case of rejection of the application, a response and explanation shall be provided in writing;

b) In case of change or addition of the location, boundary of the assigned geographical area or scope of management or amendment to aquatic resource protection and catching plan, regulations laid down in Clauses 2, 3 and 4 of this Article shall be complied with;

c) The decision on amendments to the decision on recognition and assignment of management to a community is made using the Form No. 08.BT in the Appendix I hereof.

Article 6. Reporting of operation of a community

1. The community shall submit an annual or ad hoc report on its operation to the competent authority and the fishery authority of the province as prescribed in Clause 2 Article 10 of the Law on Fisheries by November 10.

2. A report shall contain at least: name of the community, number of members, result of implementation of the aquatic resource protection and catching plan, result of implementation of the charter, amendments made during the reporting period, proposals and recommendations (if any).

Section 2. MANAGEMENT OF ENDANGERED, PRECIOUS AND RARE AQUATIC SPECIES

Article 7. List of endangered, precious and rare aquatic species and criteria for determining whether an aquatic species is endangered, precious or rare

1. Endangered, precious and rare aquatic species are classified into 2 groups, including Group I and Group II.

2. An endangered, precious or rare aquatic species shall be classified into Group I if the following criteria are met:

a) The species carries rare and precious genes so that it is preserved and selected to serve aquaculture or contains substances or active ingredients with specific biological effects used as raw materials for preparation of medicinal products or is highly profitable when commercialized or plays a decisive role in maintaining the balance of other species in the biome or has representativeness or uniqueness of an geographic area.

b) There has been a very small number of species in nature or the species is in great danger of extinction if there is an observed or estimated population size reduction of at least 50% over the last 05 years by the time of assessment or a population size reduction of at least 50%, projected to be met within the next 05 years.

3. An endangered, precious or rare aquatic species shall be classified into Group II if the following criteria are met:

a) The species meets the criterion specified in Point a Clause 2 of this Article.

b) There has been a very small number of species in nature or the species is in great danger of extinction if there is an observed or estimated population size reduction of at least 20% over the last 05 years by the time of assessment or a population size reduction of at least 20%, projected to be met within the next 05 years.

4. The List of endangered, precious and rare aquatic species is provided in the Appendix II hereof.

5. The Ministry of Agriculture and Rural Development shall carry out review and assessment, and submit amendments to the List of endangered, precious and rare aquatic species to the Government.

Article 8. Management and protection of endangered, precious and rare aquatic species

1. Species classified into Group I shall be caught to serve one of the following purposes: conservation, scientific research, creation of original breeds and international cooperation.

2. Species classified into Group II shall be caught to serve one of the following purposes: conservation, scientific research, creation of original breeds and international cooperation or satisfy the conditions specified in Section II Appendix II hereof.

3. Organizations and individuals catching endangered, precious and rare aquatic species for the purpose of conservation, scientific research, creation of original breeds or international cooperation shall obtain a written approval from the Directorate of Fisheries and submit reports on implementation results to the Directorate of Fisheries.

4. On an annual basis, creators of original breeds and producers of breeds of endangered, precious and rare aquatic species shall cooperate with the fishery authority of the province to release at least 0.1% of total number of individuals produced into natural waters.

5. Endangered, precious and rare aquatic species that is an exhibit or evidence confiscated in accordance with the Criminal Code or the Criminal Procedure Code shall be handled as follows:

a) If the individual remains alive, release it into its natural habitat; if it is injured, transfer it to the aquatic species rescue center so that it is nurtured and cured before being released into its natural habitat;

b) If the exhibit is a part or the individual is dead, transfer it to the Vietnam National Museum of Nature or research institute so that it can be used as a specimen and for display, research, dissemination, education or destroyed in accordance with Vietnam's law;

c) If it is confirmed that the exhibit is sick and likely to cause dangerous disease, it is required to destroy it immediately. The destruction shall comply with applicable regulations of the laws on veterinary medicine, protection and quarantine of plants.

6. Procedures for rescuing endangered, precious or rare aquatic species that is injured or stranded:

a) Any organization and individual that find an endangered, precious or rare aquatic species injured or stranded shall notify the fishery authority of the province or the aquatic species rescue center;

b) If the fishery authority of the province receives information or receives species transferred by the organization/individual, it is required to notify the aquatic species rescue center so that it gives first aid and nurtures the species while waiting for the transfer;

c) The aquatic species rescue center shall receive endangered, precious and rare aquatic species transferred by the fishery authority of the province or the organization/individual catching the species. The record on transfer of endangered, precious and rare aquatic species is made using the Form No. 09.BT in the Appendix I hereof.

7. The aquatic species rescue center shall:

a) rescue, cure, nurture and assess the adaptability of the rescued aquatic species before releasing them into their natural habitat. If the rescued species is dead during the rescue and cure, the rescue center shall transfer it to the Vietnam National Museum of Nature or research institute so that it can be used as a specimen. If the rescued species is not able to live in its natural habitat, the rescue center shall nurture or transfer it to a competent organization or individual for the purpose of research, dissemination or education;

b) submit an annual or ad hoc report on rescue of endangered, precious and rare aquatic species to the Directorate of Fisheries by November 20.

8. If the dead endangered, precious or rare aquatic species is not kept, stored or produced for the purpose of research, dissemination or education, the fishery authority of the province shall cooperate with the local authority in handling it in accordance with practices and regulations of laws on veterinary medicine and environmental protection.

Article 9. Catching of endangered, precious and rare aquatic species

1. An application for approval for catching of endangered, precious and rare aquatic species includes:

- a) An application form (Form No. 10.BT in the Appendix I hereof);
- b) A catching plan (Form No. 11.BT in the Appendix I hereof);
- c) An original or certified true copy of the national agreement on international cooperation in donation and exchange of endangered, precious and rare aquatic species if the species is caught for the purpose of international cooperation;
- d) A decision on approval for outline for scientific research, conservation or creation of original breeds issued by the competent authority or description of the outline for scientific research, conservation or creation of original breeds if the species is caught for the purpose of scientific research, conservation or creation of original breeds;
- dd) An applicant's document defining its functions and tasks in the case of scientific research, conservation or creation of original breeds.

2. Procedures for granting written approval for catching of endangered, precious and rare aquatic species:

- a) The applicant shall submit an application specified in Clause 1 of this Article to the Directorate of Fisheries;
- b) Within 20 working days from the receipt of the satisfactory application, the Directorate of Fisheries shall appraise it, consult the MPA management unit if the species is caught within the MPA and grant the written approval using the Form No. 12.BT in the Appendix hereof. In case of rejection of the application, a response and explanation shall be provided in writing.

3. The written approval for catching of endangered, precious and rare aquatic species is effective until completion of the task in conservation, scientific research, creation of original breeds or international cooperation.

4. The Directorate of Fisheries shall revoke the written approval for catching of endangered, precious and rare aquatic species if the organization/individual fails to comply with the written approval or plan for catching of endangered, precious and rare aquatic species.

Section 3. REGULATIONS ON MPA MANAGEMENT

Article 10. Management of activities carried out within MPAs and ecotone

1. Activities allowed to be conducted within a subdivision under strict protection of a marine protected area include:

- a) Floating of bouys for marking boundary of waters;
- b) Investigation and scientific research with the competent authority's approval and under the supervision of the MPA management unit;

c) Environmental dissemination and education, biodiversity conservation and aquatic resource protection.

2. Activities allowed to be conducted within an ecological recovery subdivision include:

a) The activities specified in Clause 1 of this Article;

b) Recovery and regeneration of aquatic animals and plants, and marine ecosystem.

c) Ecotourism, which must not harm aquatic resources and marine ecosystem;

d) Innocent passage of fishing vessels, vessels and other waterway vehicles.

3. Activities allowed to be conducted within a service and administration subdivision include:

a) The activities specified in Clause 2 of this Article;

b) Aquaculture and fishing activities;

c) Provision of ecosystem services and ecotourism;

d) Construction of infrastructure serving operations of the MPA management unit and buildings serving ecotourism and aquaculture.

4. Activities allowed to be conducted within an ecotone include:

a) The activities specified in Clause 3 of this Article;

b) Construction of infrastructure serving socio - economic development.

5. The abovementioned activities (specified in Clauses 1, 2, 3 and 4 of this Article) conducted within MPAs shall comply with relevant regulations of law and MPA management regulation.

Article 11. Rights and responsibilities of the MPA management unit

1. An MPA management unit has the right to:

a) carry out investigations, surveys, scientific researches and international cooperation in marine protection within its scope of management;

b) cooperate in environmental training, dissemination and education, biodiversity conservation and aquatic resource protection within an MPA;

c) collect charges and fees for activities conducted within an MPA;

d) cooperate with organizations and individuals in carrying out investigations and scientific researches, recovering and regenerating aquatic animals and plants, and marine ecosystem within an MPA;

dd) While performing their duties within an MPA, officials of the MPA management unit are entitled to make a record on administrative violations against regulations in fishery and transfer it to the person having the power to impose penalties as prescribed by law;

e) engage in trade and sign joint venture or association agreements in the fields of ecotourism, leisure, scientific research, recovery and regeneration of aquatic animals and plants, and marine ecosystems and other services within an MPA in accordance with regulations of law;

g) comment on the investigation, scientific research, education, training and project execution related to the MPA under its management; request the competent authority to suspend the investigation, scientific research, education, training and project execution by an organization or individual if such organization/individual fails to comply with the plan or conduct activities that have adverse impacts on the MPA.

2. An MPA management unit has the responsibility to:

a) manage and protect MPA according to the MPA management regulation and relevant regulations of law;

b) prepare an overall plan for ecotourism, leisure and entertainment development within the MPA and submit it to a competent authority for approval;

c) prepare and organize the implementation of the MPA management plan every year, every 05 years and every 10 years after obtaining the approval of the competent authority; take precautions against pollution and diseases; prevent violations against law within the MPA;

d) organize research, conservation, protection, regeneration, recovery and development of aquatic plants and animals, and marine ecosystem within the MPA; rescue endangered, precious and rare aquatic species in accordance with regulations of law; carry out monitoring, collect information and data, update database of biodiversity and water environment quality;

dd) supervise the investigation, scientific research, education, training and projects executed within the MPA;

e) Raise awareness of residential community within and around the MPA about aquatic resource protection and protection of habitat of aquatic species and biodiversity conservation.

g) cooperate with the fisheries resources surveillance force, Coast Guard, Environmental Police Agency, Border Guard and local authorities or request the People's Committee of the province to mobilize the fisheries resources surveillance force to carry out patrol, inspection and supervision, and take actions against violations of law within the MPA;

- h) cooperate with local authorities and relevant organizations and individuals in assisting in securing the livelihood of residential community within and around the MPA;
- i) promulgate guidelines and regulations on vehicles and activities conducted within the MPA;
- k) consider proposing adjustment to the area of the MPA; area and location of dedicated subdivisions of the MPA and ecotone;
- l) install and float bouys to mark boundary of MPA, boundaries of dedicated subdivisions and install bouys on cruise ships at anchor;
- m) submit an annual or ad hoc report on MPA management the Directorate of Fisheries affiliated to the Ministry of Agriculture and Rural Development by November 20.

Article 12. Rights and responsibilities of organizations and individuals whose operation involves MPAs

1. Participate in communication, education and improvement of awareness about biodiversity protection and conservation; recovery and regeneration of aquatic animals and plants, and marine ecosystem within an MPA.
2. Cooperate with the MPA management unit in investigation, scientific research, education and training; providing ecotourism services within the MPA in accordance with regulations of this Decree, regulations of the MPA management unit and relevant regulations of law.
3. Sign joint venture or association agreements with the MPA management unit in the fields of ecotourism, leisure, scientific research, recovery and regeneration of aquatic animals and plants, and marine ecosystems and other services within the MPA in accordance with regulations of law.
4. Engage in aquaculture and fishing in accordance with regulations of this Decree, regulations of the MPA management unit and relevant regulations of law.

Article 13. Obligations of organizations and individuals whose operation involves MPAs

1. Every organization or individual engaging in investigation, scientific research, education and training within an MPA has the following obligations:
 - a) Submit an investigation, scientific research, education and training plan to the MPA management unit 10 days before the investigation, scientific research, education and training;
 - b) Carry out investigation, scientific research, education and training in accordance with regulations of this Decree and MPA management regulation and under the guidance and supervision of the MPA management unit;
 - c) Notify the MPA management unit of results of investigation, scientific research, education and training; domestically or internationally published documents (if any);

d) Pay costs incurred in connection with services to the MPA management unit, except for those in connection with investigation and scientific research.

2. Every provider of ecotourism services related to an MPA has the following obligations:

b) Provide ecotourism, leisure and entertainment services according to the approved overall plan for ecotourism, leisure and entertainment development within the MPA;

b) Comply with MPA management regulation and regulations of this Decree, and be under the supervision of the MPA management unit;

c) Protect biodiversity and environment; participate in cleaning up the environment, recovering and regenerating aquatic animals and plants, and marine ecosystem within the MPA.

d) Disseminate regulations of law on environmental protection and biodiversity protection to tourists;

dd) Pay costs incurred in connection with services to the MPA management unit as prescribed.

3. Residential communities, households and individuals living within and around an MPA have the following obligations:

a) Comply with MPA management regulation, regulations of the MPA management unit and relevant regulations of law;

b) Protect the environment and biodiversity within the MPA;

c) Participate in recovery and regeneration of aquatic animals and plants, and marine ecosystem within the MPA.

Article 14. Funding of an MPA

Funding of an MPA is provided by:

1. state budget.

2. revenue received from services for which organizations and individuals whose operation involves the MPA pay as prescribed in Point d Clause 1 and Point dd Clause 2 Article 13 of this Decree.

3. donations of domestic and foreign organizations and individuals.

4. other funding sources prescribed by law.

Article 15. Management and use of funding of an MPA

1. Expenditures of state budget provided for a state-owned MPA include:

a) Expenditures on investment: expenditures on construction, upgrading and improvement of infrastructure; on procurement of equipment for MPA management; other investment expenditures (if any) related to the MPA in accordance with regulations. The management and allocation of expenditures on execution of projects serving MPA management shall comply with applicable regulations of law on public investment;

b) Recurrent expenditures: expenditures on activities of the MPA management unit; on other recurrent activities related to the MPA.

2. The making of estimate and management of use of state budget provided for an MPA shall comply with regulations of the law on state budget.

3. Revenue from services rendered at an MPA shall be managed and used in accordance with applicable regulations.

4. Donations of domestic and foreign organizations and individuals shall be managed and used in accordance with regulations of the law on use of donations and relevant regulations of law.

5. Other funding sources shall be managed and used in accordance with applicable regulations.

SECTION 4. AQUATIC RESOURCE PROTECTION AND DEVELOPMENT FUND

Article 16. Functions and tasks of the aquatic resource protection and development fund

1. The aquatic resource protection and development fund provides assistance for programs, projects and non-project activities in the field of aquatic resource conservation, protection, regeneration and development that are not specified in the budget plan nationwide.

2. The aquatic resource protection and development fund shall perform the following tasks:

a) Encourage, receive and manage funding provided by domestic and foreign voluntary contributors, sponsors, charities and trustees;

b) Organize the appraisal, decide to provide assistance, inspect, supervise and commission programs, projects and non-project activities supported by the fund;

c) Comply with regulations on finance, statistics, accounting and auditing specified in the Law on budget; submit reports on management and use of the funds to a competent authority;

d) Perform other tasks as assigned by the competent authority.

Article 17. Organizational structure of the aquatic resource protection and development fund

1. Name of the aquatic resource protection and development fund:

a) Central government fund, which is Vietnam aquatic resource protection and development fund (hereinafter referred to as “the central government fund”);

b) Provincial fund, which is “the aquatic resource protection and development fund of [specify name of the province or central-affiliated city]” (hereinafter referred to as “the provincial fund”).

2. Organizational structure of the fund:

a) Board of Trustees;

b) Internal Auditors;

c) Executive Office.

3. The Board of Trustees, Internal Auditors and Executive Office are specified in the fund’s Charter promulgated by the fund creator.

Article 18. Mechanism of the aquatic resource protection and development fund

1. The aquatic resource protection and development fund has a separate legal status, seal and accounts opened at banks and State Treasury in accordance with regulations of law; operate in the form of a public service provider established by a competent authority.

2. The central government fund has the responsibility to:

a) manage and use funding sources as prescribed in Article 19 of this Decree;

b) provide guidance, inspect and supervise the management and use of funding sources provided by the fund;

c) provide guidance and exchange experience in management and operation of the fund;

d) provide funding and technical assistance to the provincial fund and community fund through programs, projects and non-project activities (if any).

3. The provincial fund has the responsibility to:

a) manage and use funding sources as prescribed in Article 19 of this Decree;

b) provide funding and technical assistance to the community fund through programs, projects and non-project activities;

c) receive, manage and use funding sources and technical assistance provided by the central government fund (if any);

d) be subject to the central government fund's inspection and supervision of funding sources provided by the central government fund;

dd) submit an annual or ad hoc report on management and use of funding to the central government fund, which will submit a consolidated report to the Ministry of Agriculture and Rural Development.

Article 19. Management and use of funding of the aquatic resource protection and development fund

1. The funding for formation of the aquatic resource protection and development fund is specified in Clause 4 Article 21 of the Law on Fisheries.

2. The central government fund provides funding for:

a) propagation and education; introduction of typical examples of aquatic resource protection and development nationwide;

b) recovery of ecosystem, regeneration of aquatic resources; career change and livelihood maintenance nationwide;

c) execution of programs and projects and performance of non-project activities entrusted by domestic and foreign organizations and individuals nationwide;

d) operations of the fund in accordance with applicable regulations;

dd) the provincial fund and community fund.

3. The provincial fund provides funding for:

a) The activities specified in Points a, b, c and d Clause 2 of this Article within the province;

b) the community fund.

4. The aquatic resource protection and fund shall provide assistance to domestic organizations, individuals, households and communities that execute programs and projects, and perform non-project activities specified in Clause 2 of this Article.

5. The aquatic resource protection and fund shall provide total or partial funding for execution of programs or projects or performance of non-project activities specified in Clause 2 of this Article.

6. A program, project or non-project activity shall be appraised and approved as follows:

a) The applicant shall submit an application for assistance, enclosed with a description of the program, project or non-project activity to the Executive Office;

b) The Executive Office shall take charge and cooperate with competent authorities in carrying out appraisal and request the Board of Trustees to consider granting approval;

c) After the Board of Trustees issues an approval decision, the Director of the fund shall notify the applicant.

7. The applicant shall execute the program or project or perform the non-project activity according to the approval decision and notify the Executive Office of results.

8. The execution of a program or project or performance of a non-project activity shall be inspected and assessed as follows:

a) The Executive Office shall direct and organize the annual or ad hoc inspection and assessment of execution of a program or project or performance of a non-project activity supported by the aquatic resource protection and development fund;

b) When necessary, the Executive Office may hire a consultancy to carry out inspection and assessment.

9. A revenue and expenditure plan and financial statement shall be prepared as follows:

a) The revenue and expenditure plan shall be approved by the Board of Trustees, and submitted to the Ministry of Agriculture and Rural Development if the plan is prepared by the central government fund and the People's Committee of the province if the plan is prepared by the provincial fund;

b) The financial statement shall be prepared in accordance with applicable regulations.

10. Accounting, auditing, property management and financial disclosure regimes:

a) Apply public sector accounting regime to undertake accounting tasks;

b) Manage and use property in accordance with regulations of the laws on management and use of property and on management and use of public property;

b) Follow financial disclosure regime in accordance with regulations of law.

Chapter III

AQUACULTURE

Section 1. MANAGEMENT OF AQUATIC BREEDS

Article 20. Eligibility requirements to be satisfied by producers and raisers of aquatic breeds

1. Infrastructure and equipment serving production and raising of aquatic breeds specified in Point a Clause 1 Article 24 of the Law on Fisheries shall be elaborated as follows:

- a) The feedwater and wastewater treatment system and system of ponds, tanks and cages must meet quality control and biosafety requirements; warehouses containing equipment and raw materials must meet storage requirements laid down by the manufacturer and supplier; the living area must be separated from the production and raising area.
- b) Equipment must meet quality and biosafety control requirements; equipment for waste collection and treatment must not adversely impact the production and raising area.

2. Point c Clause 1 Article 24 of the Law on Fisheries shall be elaborated as follows:

It is required to build and apply a quality and biosafety control system, which is composed of water for production and raising; aquatic breeds during manufacturing process; wastewater and waste collection and treatment; destruction of the carcasses of dead aquatic animals or sick aquatic animals that have to be destroyed; prevention of escape of aquatic breeds and entry of undesired animals; feeds, medicine and aquaculture environment treatment products.

Article 21. Issuance, re-issuance and revocation of certificates of eligibility for production or raising of aquatic breeds and inspection of maintenance of eligibility requirements

1. The power to issue, re-issue and revoke certificates of eligibility for production or raising of aquatic breeds and inspect maintenance of eligibility requirements:

- a) The Directorate of Fisheries shall issue, re-issue and revoke the certificate of eligibility for production or raising of aquatic breeds in the case of parent aquatic breeds; and inspect the maintenance of eligibility requirements by producers and raisers of parent aquatic breeds;
- b) Fishery authorities of provinces shall issue, re-issue and revoke certificates of eligibility for production or raising of aquatic breeds, and inspect the maintenance of eligibility requirements by producers and raisers of aquatic breeds within provinces, except for the case specified in Point a of this Clause.

2. An application for issuance of the certificate of eligibility for production or raising of aquatic breeds includes:

- a) An application form (Form No. 01.NT in the Appendix III hereof);
- b) A description of the infrastructure of the producer or raiser (Form No. 02.NT in the Appendix III hereof).

3. An application for re-issuance of the certificate of eligibility for production or raising of aquatic breeds includes:

- a) An application form (Form No. 01.NT in the Appendix III hereof);

- b) Documentary evidences for changes in the case of change of information about the applicant;
- c) An original of the issued certificate of eligibility for production or raising of aquatic breeds, except for the case in which the certificate is lost.

4. Procedures for issuance or re-issuance of the certificate of eligibility for production or raising of aquatic breeds:

- a) Procedures for issuing a certificate of eligibility: the applicant shall submit an application to the competent authority specified in Clause 1 of this Article.

Within 10 working days from the receipt of the satisfactory application, the competent authority shall inspect the fulfillment of eligibility requirements by the producer or raiser according to the Form No. 03.NT in the Appendix III hereof. In case of failure to satisfy eligibility requirements, the producer or raiser shall take corrective actions. After taking corrective actions, notify the competent authority in writing. In case the producer or raiser satisfies all eligibility requirements, within 03 working days from the end of the inspection, the competent authority shall issue the certificate according to the Form No. 04.NT in the Appendix III hereof. In case of rejection of the application, a response and explanation shall be provided in writing;

- b) Procedures for re-issuing the certificate of eligibility: the applicant shall submit an application to the competent authority specified in Clause 1 of this Article. Within 03 working days from the receipt of the satisfactory application, the competent authority shall re-issue the certificate according to the Form No. 04.NT in the Appendix III hereof. In case of rejection of the application, a response and explanation shall be provided in writing.

5. Contents of the inspection:

- a) Inspection of applications for issuance or re-issuance of the certificate;
- b) Site inspection of the production or raising site according to Article 23, Clause 1 Article 24 of the Law on Fisheries and Article 20 of this Decree;
- c) Inspection of the fulfillment of obligations upon production or raising of aquatic breeds according to Clause 2 Article 26 of the Law on Fisheries.6. Maintenance of eligibility requirements by a producer or raiser shall be inspected within 12 months. In case the producer or raiser has been issued with the certificate of conformity, its maintenance of eligibility requirements shall be inspected within 24 months.

7. When the producer or raiser is found committing one of the violations specified in Clause 4 Article 25 of the Law on Fisheries, the competent authority shall take actions against such violation and issue a decision on revocation of the certificate of eligibility for production or raising of aquatic breeds, and publish a notification thereof on the mass media.

Article 22. Import of aquatic breeds

1. Any organization or individual that wishes to import aquatic breeds on the List of aquatic species licensed for sale in Vietnam in the Appendix VIII hereof for the purpose of scientific research or display at fairs and exhibitions shall obtain a license from the Directorate of Fisheries.

2. An application for the license to import aquatic breeds includes:

a) An application form (Form No. 05.NT in the Appendix III hereof);

b) A photo or drawing of the aquatic species to be imported, enclosed with its Vietnamese name, scientific name or English name (if any);

c) A research outline approved in accordance with regulations of the law on science and technology (if the aquatic species is imported for the purpose of scientific research);

d) Documentary evidences for participation in the fair or exhibition; plan for handling of aquatic species after the end of the fair or exhibition (if the aquatic species is imported for the purpose of display at a fair or exhibition)

3. Procedures for issuing a license to import aquatic breeds:

a) The applicant shall submit an application specified in Clause 1 of this Article to the Directorate of Fisheries;

b) Within 05 working days from the receipt of the satisfactory application, the Directorate of Fisheries shall appraise the application and issue the license to import aquatic breeds according to the Form No. 06.NT in the Appendix III hereof. In case of rejection of the application, a response and explanation shall be provided in writing;

c) The Directorate of Fisheries shall carry supervision or request the fishery authority of the province where the scientific research is done or the display at fair or exhibition takes place in writing to carry out supervision.

4. When an aquatic breed imported into Vietnam is found likely to affect the quality, environment and biosafety, the Ministry of Agriculture and Rural Development shall consider and decide to inspect aquatic breed management and production system in the exporting country.

a) The inspectorate includes the Directorate of Fisheries and relevant units;

b) It is required to inspect legislative documents about quality, environment and biosafety management related to the aquatic breed and the regulatory authority's capacity for implementation thereof in the exporting country; fulfillment of quality, environment and biosafety requirements by the producer and exporter of aquatic breeds;

c) Inspection results shall be published and remedial measures shall be taken.

Article 23. Export of aquatic breeds

1. Any organization or individual that wishes to export aquatic breeds on the List of aquatic species prohibited from export and List of exported aquatic species subject to certain conditions but fails to satisfy conditions for scientific research or international cooperation shall comply with Article 69 of this Decree.

2. The List of aquatic species prohibited from export and List of exported aquatic species subject to certain conditions are provided in the Appendix IX and Appendix X respectively.

Article 24. Naming of aquatic breeds

1. Each aquatic breed shall be given one name only.

2. An aquatic breed shall not be given a new name if the new name:

a) is the same as that of another breed;

b) consists of numbers only;

c) commits ethical violations;

d) easily causes confusion about the characteristics of such aquatic breed.

Article 25. Conditions to be satisfied by the aquatic breed testing organization

Points b and c Clause 2 Article 28 of the Law on Fisheries shall be elaborated as follows:

1. Infrastructure and technical equipment:

a) There must be a testing laboratory sufficiently competent to monitor, inspect and assess parameters according to the testing outline;

b) In case the testing is carried out during the aquatic breed production or raising, regulation set forth in Point a Clause 1 Article 24 of the Law on Fisheries and Clause 1 Article 20 of this Decree shall be complied with. In case the testing is carried out during the commercial aquaculture, the regulation set forth in Point b Clause 1 Article 38 of the Law on Fisheries and Article 34 of this Decree shall be complied with.

2. Biosafety and environmental safety requirements: it is required to take measures to separate the testing aquaculture area from the breed production area and commercial aquaculture area.

Article 26. Contents and procedures for aquatic breed testing

1. The Directorate of Fisheries shall receive and appraise applications for aquatic breed testing and approve aquatic breed testing outlines.

2. An application for aquatic breed testing includes:

- a) An application form (Form No. 07.NT in the Appendix III hereof);
- b) An original testing outline (Form No. 08.NT in the Appendix III hereof).

3. Procedures:

a) The applicant shall submit an application for aquatic breed testing to the Directorate of Fisheries;

b) Within 10 working days from the receipt of the sufficient application, the Directorate of Fisheries shall appraise the application. If the application is satisfactory, inspect the fulfillment of eligibility requirements by the testing organization according to the Form No. 09.NT in the Appendix III hereof. The Directorate of Fisheries shall approve the testing outline and issue the decision on approval for testing according to the Form No. 10.NT in the Appendix III hereof, and issue the license to import aquatic breeds to the applicant for the testing purpose (in the case of imports). In case of rejection of the application, a response and explanation shall be provided in writing.

c) The Directorate of Fisheries shall request the fishery authority of the province where the testing is carried out in writing to supervise the testing.

4. Contents of the testing: according to biological characteristics of each aquatic species and purposes, make a testing outline to examine the distinctness, stability and uniformity in productivity, quality and disease resistance, and assess harmful effects of the tested species.

5. Testing supervision:

a) Supervising authority is the fishery authority of the province where the testing is carried out;

b) The supervision shall be carried out according to the aquatic breed testing outline approved by the Directorate of Fisheries;

c) Within 05 working days from the end of the testing, the testing organization shall submit a testing report to the Directorate of Fisheries.

6. Testing inspection: The Directorate of Fisheries shall organize the inspection of aquatic breed testing according to the approved testing outline.

7. Recognition of aquatic breed testing results:

c) Within 15 days from the receipt of the testing report, the Directorate of Fisheries shall organize the assessment of testing results and issue a decision on recognition of the aquatic breed testing result. In case of failure to recognize the testing result, a response and explanation shall be provided in writing;

b) Regarding the aquatic breed that is not included in the List of aquatic species licensed for sale in Vietnam, after issuing the decision on recognition of the aquatic breed testing result, within 10 working days, the Directorate of Fisheries shall consult the Ministry of Agriculture and Rural Development, which will request the Government to include such aquatic breed in the List of aquatic species licensed for sale in Vietnam.

Section 2. AQUAFEEDS AND AQUACULTURE ENVIRONMENT TREATMENT PRODUCTS

Article 27. Eligibility requirements to be satisfied by producers of aquafeeds and aquaculture environment treatment products

1. Point c Clause 1 Article 32 of the Law on Fisheries shall be elaborated as follows:

a) The producer's factory must have a solid structure and well-drained floor, and follow a sequence from raw materials to finished products; the wall, ceiling, partition wall and doors must meet quality and biosafety control requirements; the warehouse containing equipment, raw materials and finished products must ensure no cross-contamination and meet storage requirements laid down by the manufacturer and supplier;

b) Equipment in contact with raw materials and finished products must meet control and biosafety quality requirements; equipment for waste collection and treatment must not cause environmental pollution in the production area. The producer that produces microbial biomass to produce biological preparations and microorganisms must have equipment for creating medium, storing and culturing microorganisms.

2. Point d Clause 1 Article 32 of the Law on Fisheries shall be elaborated as follows: there must be a laboratory or hire a laboratory licensed to inspect quality during production.

3. Point dd Clause 1 Article 32 of the Law on Fisheries shall be elaborated as follows: It is required to prepare and apply the quality and biosafety control system to each product. The system is composed of water for production; raw materials, packaging, finished products; manufacturing process; recycling; sample storage; verification, calibration and correction of equipment; control of undesired animals; factory cleaning, waste collection and treatment.

Article 28. Issuance, re-issuance and revocation of the certificate of eligibility for production of aquafeeds and aquaculture environment treatment products

1. The power to issue, re-issue and revoke certificates of eligibility for production of aquafeeds and aquaculture environment treatment products (hereinafter referred to as "treatment products"):

a) The Directorate of Fisheries shall inspect, issue, re-issue and revoke certificates and inspect the maintenance of eligibility requirements for production of aquafeeds and treatment products if producers are foreign investors or foreign-invested business entities;

b) Fishery authorities of provinces shall inspect, issue, re-issue and revoke certificates, and inspect the maintenance of eligibility requirements for production of aquafeeds and treatment products within provinces, except for the producers specified in Point a of this Clause.

2. An application for issuance of the certificate of eligibility for production of aquafeeds and treatment products includes:

a) An application form (Form No. 11.NT in the Appendix III hereof);

b) A description of eligibility requirements (Form No. 12.NT in the Appendix III hereof).

3. An application for re-issuance of the certificate of eligibility for production of aquafeeds and treatment products includes:

a) An application form (Form No. 11.NT in the Appendix III hereof);

b) Documentary evidences for changes if the changes are related to the applicant specified in the certificate;

c) An original of the issued certificate of eligibility for production of aquafeeds and treatment products, except for the case in which the certificate is lost.

4. Procedures for issuance or re-issuance of the certificate of eligibility for production of aquafeeds and treatment products:

a) Procedures for issuing a certificate of eligibility for production of aquafeeds and treatment products: the applicant shall submit an application to the competent authority specified in Clause 1 of this Article. Within 10 working days from the receipt of the sufficient application, the competent authority shall appraise the application. If the application is satisfactory, inspect the fulfillment of eligibility requirements by the producer and make an inspection record according to the Form No. 13.NT in the Appendix III hereof. In case of failure to satisfy eligibility requirements, the producer shall take corrective actions. After taking corrective actions, notify the competent authority in writing. In case the producer satisfies all eligibility requirements, within 03 working days from the end of the inspection, the competent authority shall issue the certificate of eligibility for production of aquafeeds and treatment products according to the Form No. 14.NT in the Appendix III hereof. In case of rejection of the application, a response and explanation shall be provided in writing;

b) Procedures for re-issuing the certificate of eligibility for production of aquafeeds and treatment products: the applicant shall submit an application to the competent authority specified in Clause 1 of this Article. Within 03 working days from the end of the satisfactory application, the competent authority shall re-issue the certificate of eligibility for production of aquafeeds and treatment products according to the Form No. 14.NT in the Appendix III hereof. In case of rejection of the application, a response and explanation shall be provided in writing.

5. Contents of inspection of fulfillment of eligibility requirements for production of aquafeeds and treatment products:

- a) Inspection of applications for issuance of the certificate of eligibility for production of aquafeeds and treatment products;
- b) Site inspection of fulfillment of eligibility requirements by the producer of aquafeeds and treatment products according to Article 27 of this Decree and Article 32;
- c) Inspection of the fulfillment of obligations upon production of aquafeeds and treatment products according to Clause 1 Article 37 of the Law on Fisheries.

6. The maintenance of eligibility requirements by the producer of aquafeeds and treatment products shall be inspected within 12 months. In case the producer has been issued with the certificate of conformity, its maintenance of eligibility requirements shall be inspected within 24 months.

7. When the producer is found committing one of the violations specified in Clause 4 Article 34 of the Law on Fisheries, the competent authority shall take actions against such violation and issue a decision on revocation of the certificate of eligibility for production of aquafeeds and treatment products, and publish a notification thereof on the mass media.

8. When engaging in one, some or all stages of the process of producing the products that have declarations of applicable standard or declarations of their conformity submitted by another producer, the producer issued with the certificate of eligibility for production of aquafeeds and treatment products shall:

- a) produce products in accordance with the requirements specified in the certificate. Before production, send a notification to the Directorate of Fisheries and the fishery authority of the province;
- b) fulfill the obligations specified in Points a and e Clause 1 Article 37 of the Law on Fisheries. Keep records and retain documents during the production and assign copies thereof to the producer whose products have declarations of applicable standard or declarations of their conformity submitted for the tracing purpose;
- c) When producing products at another producer issued with the certificate of eligibility, the producer whose products have declarations of applicable standard or declarations of their conformity submitted shall fulfill all obligations specified in Points b, d, dd and e Clause 1 Article 37 of the Law on Fisheries, retain documents during the production and label goods in accordance with regulations of law on goods labeling.

Article 29. Inspection of quality of imported aquafeeds and treatment products

1. The inspecting authority is the Ministry of Agriculture and Rural Development or the authorized fishery authority of the province.

2. Contents and procedures for inspection of quality of imported aquafeeds and treatment products shall comply with regulations of the law on product quality.

3. Samples of aquafeeds and treatment products shall be taken in accordance with national standards and national technical regulations. In case a national standard or national technical regulation on sampling is not available, samples shall be taken randomly. The sample collector shall be provided with training in sampling by the Directorate of Fisheries.

4. Aquafeeds and treatment products shall be tested by the laboratory designated by the Ministry of Agriculture and Rural Development. In case a designated testing laboratory is not available, aquafeeds and treatment products shall be tested at a laboratory designated to carry out tests in the field of food, feeds, veterinary drugs, agrochemicals and fertilizers if an appropriate testing method is available. In case testing methods are yet to be designated or an agreement on such testing methods is yet to be reached, the Ministry of Agriculture and Rural Development shall decide on a testing method.

Article 30. Import of aquafeeds and treatment products

1. Importers of aquafeeds/treatment products imported as prescribed in Clause 2 Article 36 of the Law on Fisheries shall obtain a license from the Directorate of Fisheries.

2. An application for import of aquafeeds/treatment products includes:

a) An application form (Form No. 15.NT in the Appendix III hereof);

b) A confirmation of the applicant's participation in a fair or exhibition in Vietnam (if aquafeeds/treatment products are imported for display thereof at a fair or exhibition);

c) A research outline approved in accordance with regulations of the law on science and technology (if aquafeeds/treatment products are imported for research purpose).

3. Procedures for issuing the license to import aquafeeds/treatment products:

a) Any organization or individual that wishes to import aquafeeds/treatment products for display thereof at a fair or exhibition or scientific research shall submit an application to the Directorate of Fisheries;

b) Within 05 working days from the receipt of the satisfactory application, the Directorate of Fisheries shall issue the import license according to the Form No. 16.NT in the Appendix III hereof. In case of rejection of the application, a response and explanation shall be provided in writing;

c) The Directorate of Fisheries shall request the fishery authority of the province in writing to supervise the applicant's participation in the fair/exhibition or scientific research.

4. If live fishery products are imported as aquafeeds, the applicant shall comply with regulations on import of live fishery products.

5. When aquafeeds/treatment products imported into Vietnam are found likely to affect the quality, environment and biosafety, the Ministry of Agriculture and Rural Development shall consider and decide to inspect aquafeed and treatment product management and production system in the exporting country.

a) The inspectorate includes the Directorate of Fisheries and relevant units;

b) It is required to inspect legislative documents about quality, environment and biosafety management related to production of aquafeeds and treatment products and the regulatory authority's capacity for implementation thereof in the exporting country; fulfillment of quality, environment and biosafety requirements by the producer of aquafeeds and treatment products;

c) Inspection results shall be published and remedial measures shall be taken.

Article 31. Eligibility requirements to be satisfied by aquafeed and treatment product testing organization

1. Points b Clause 2 Article 35 of the Law on Fisheries shall be elaborated as follows:

a) There must be a testing laboratory sufficiently competent to analyze and assess technical parameters according to the testing outline;

b) In case the testing is carried out during the aquatic breed production or raising, regulation set forth in Point a Clause 1 Article 24 of the Law on Fisheries and Clause 1 Article 20 of this Decree shall be complied with. In case the testing is carried out during the commercial aquaculture, the regulation set forth in Point b Clause 1 Article 38 of the Law on Fisheries and Clauses 1 and 2 Article 34 of this Decree shall be complied with.

2. Point c Clause 2 Article 35 of the Law on Fisheries shall be elaborated as follows: it is required to take measures to separate the testing aquaculture area from the breed production area and commercial aquaculture area. Tested products and packaging thereof must not pollute the environment.

Article 32. Procedures for aquafeed and treatment product testing

1. An application for aquafeed and treatment product testing includes:

a) An application form (Form No. 17.NT in the Appendix III hereof);

b) A testing outline (Form No. 18.NT in the Appendix III hereof);

c) A description of eligibility requirements (Form No. 19.NT in the Appendix III hereof).

2. Procedures for licensing aquafeed and treatment product testing:

a) The applicant shall submit an application for aquafeed and treatment product testing to the Directorate of Fisheries.

b) Within 20 days from the receipt of the sufficient application, the Directorate of Fisheries shall appraise it. If the application is satisfactory, the Directorate of Fisheries shall inspect the fulfillment of eligibility requirements by the testing organization according to the Form No. 20.NT in the Appendix III hereof. In case of failure to satisfy eligibility requirements, the testing organization shall take corrective actions. After taking corrective actions, notify the Directorate of Fisheries in writing. If the application is satisfactory and the testing organization satisfies eligibility requirements, the Directorate of Fisheries shall approve the testing outline and issue the decision on approval for testing according to the Form No. 21.NT in the Appendix III hereof, and issue the license to import aquafeeds/treatment products to the applicant (in the case of imports). In case of rejection of the application, a response and explanation shall be provided in writing.

3. Testing inspection: The Directorate of Fisheries shall organize the site inspection of testing area at least once during the testing.

4. Testing supervision: The fishery authority of the province where the testing is carried out shall supervise the testing within the province. The supervision shall be carried out according to the approved outline.

5. Recognition of testing results:

a) After the testing is done, the applicant that has its aquafeeds/treatment products tested shall submit a testing report to the Directorate of Fisheries. Within 10 working days from the receipt of the testing report, the Directorate of Fisheries shall organize the assessment of testing results and issue a decision on recognition of the aquafeed/treatment product testing result according to the Form No. 22.NT in the Appendix III hereof. In case of rejection of the application, a response and explanation shall be provided in writing;

b) After recognizing the testing result, the Directorate of Fisheries shall request the Ministry of Agriculture and Rural Development make additions to the List of chemicals, biological preparations, microorganisms and feed ingredients allowed to be used in aquaculture in Vietnam.

Article 33. Contents of aquafeed and treatment product testing

1. Contents of aquafeed testing:

a) Inspection of product ingredients and quality according to corresponding applicable standards and technical regulations prior to the testing;

b) Assessment of properties and uses of the product: growth capacity; survival rate over periods of development of the testing subject; feed conversion rate; other technical parameters specified in the product dossier;

c) Assessment of safety level with respect to health of humans and aquaculture subjects, and environment during use: antimicrobial and toxic chemical residues in the fishery product to be tested and environment (specify this in the testing outline); assessment of changes to environmental parameters.

2. Contents of treatment product testing

a) Inspection of product ingredients and quality according to corresponding applicable standards and technical regulations prior to the testing;

b) Assessment of properties and uses of the product through assessment of changes to physical, chemical and biological parameters in the culture environment; other technical documents specified in the product dossier;

c) Assessment of safety level with respect to health of humans and aquaculture subjects, and environment during use: product ingredient residues in the environment and animals upon harvesting of products that have chemical ingredients; heavy metal residues in the environment and animals upon harvesting; survival rate and growth rate of the aquaculture subject.

Section 3. AQUACULTURE

Article 34. Eligibility requirements to be satisfied by aquaculture establishments

Points b Clause 1 Article 38 of the Law on Fisheries shall be elaborated as follows:

1. Infrastructure of pond or tank aquaculture establishments:

b) The edge of the pond must be made of a material that does not pollute the environment, harm the aquatic species and ensure no water leakage. The waste dump must be separated from the area where dead aquatic species are contained and handled and from the culture area, and not affect the environment;

b) If the aquaculture establishment has an area where equipment, tools and raw materials are contained, it is required to meet storage requirements of the manufacturer and supplier. If the aquaculture establishment has living and hygiene areas, it is required to ensure that domestic wastewater and waste do not affect the culture area;

c) In the case of intensive or semi-intensive aquaculture establishment, it is required separate the feedwater treatment system from the wastewater treatment system, arrange an appropriate sludge site, put up signs and comply with regulations laid down in Points a and b of this Clause.

2. Infrastructure of cage and pen aquaculture (hereinafter referred to as “cage aquaculture”) establishments:

b) The cage frame, bouys, nets and pens must be made of a material that does not pollute the environment, harm aquatic species and prevent the escape of aquatic species. It is required to have waterway traffic warning equipment. The waste dump must be separated from the area where dead aquatic species are contained and handled, and not affect the environment;

b) If the aquaculture establishment has an area where equipment, tools and raw materials are contained, it is required to meet storage requirements laid down by the manufacturer and supplier. If the aquaculture establishment has living and hygiene areas, it is required to ensure that domestic wastewater and waste do not affect the culture area.

3. Equipment used for aquaculture must be made of a material that facilitates the cleaning, is not toxic to aquatic species and does not pollute the environment.

Article 35. Issuance and revocation of the certificate of eligibility for aquaculture at the request of organizations and individuals

1. The fishery authority of the province shall issue and revoke the certificate of eligibility for aquaculture at the request of an organization or individual.

2. An application for issuance of the certificate includes:

a) An application form (Form No. 23.NT in the Appendix III hereof);

a) Certificate of land use right or decision on transfer of marine aquaculture site or contract on leasing of land use right or marine aquaculture site for aquaculture purpose;

c) A map of cage locations/Culture area map.

3. Procedures for granting a certificate:

a) The applicant shall submit an application to the fishery authority of the province;

b) Within 10 working days from the receipt of the satisfactory application, the fishery authority of the province shall carry out a site inspection at the establishment according to the Form No. 24.NT in the Appendix III hereof. If the establishment satisfies all eligibility requirements, the fishery authority of the province shall issue the certificate according to the Form No. 25.NT in the Appendix III hereof. In case of rejection of the application, a response and explanation shall be provided in writing.

4. The certificate shall be valid for 24 months.

5. Revocation of the certificate:

- a) The certificate shall be revoked in one of the following cases: the certificate's contents are erased or changed or the establishment no longer satisfies eligibility requirements specified in Clause 1 and 2 Article 38 of the Law on Fisheries or the establishment commits other violations, which result in the revocation of the certificate;
- b) The power to revoke the certificate: any authority that has the power to issue the certificate also has the power to revoke it.
- c) When the establishment is found committing one of the violations specified in Point a of this Clause, the competent authority shall issue a decision on revocation of the certificate of eligibility for aquaculture and publish a notification thereof on the mass media.

Article 36. Registration of cage aquaculture and main aquatic species

1. The fishery authority of the province is the authority in charge of receiving and appraising applications for registration of cage aquaculture and main aquatic species and issue the certificate of registration of aquaculture and main aquatic species.

2. An application for registration includes:

- a) An application form (Form No. 26.NT in the Appendix III hereof);
- b) Certificate of land use right when allocated or leased out land for aquaculture or license to engage in aquaculture within the safety perimeter of hydraulic works and hydropower works or decision on transfer of marine aquaculture site or contract on leasing of land use right or marine aquaculture site for aquaculture purpose;
- c) A floor plan of the pond/cage confirmed by the establishment owner.

3. An application for re-registration includes:

- a) An application form (Form No. 27.NT in the Appendix III hereof);
- b) An original of the issued certificate of registration (except in the case it is lost);
- c) Documentary evidences in the case of change of the establishment owner; a floor plan of the pond/cage confirmed by the establishment owner in the case of change of area of the aquaculture pond and purpose.

4. Procedures for registration and re-registration of cage aquaculture and main aquatic species:

- a) The applicant shall submit an application to the fishery authority of the province;
- b) Within 05 working days from the receipt of the satisfactory application, the fishery authority of the province shall consider issue a certificate according to the Form No. 28.NT in the Appendix III hereof.

5. Cage aquaculture and main aquatic species shall be re-registered in one of the following cases: the certificate of registration is lost or torn; the establishment owner or pond area is changed; aquaculture subject is changed or purpose is changed.

Article 37. Issuance of mariculture licenses to Vietnamese organizations and individuals

1. The power to issue mariculture licenses:

a) Fishery authorities of provinces shall issue licenses for marine aquaculture to Vietnamese organizations and individuals within the waters extending 06 nautical miles from the lowest average waterline in multiple years;

b) The Directorate of Fisheries shall issue licenses for marine aquaculture to Vietnamese organizations and individuals within waters extending 06 nautical miles, border waters between provinces or central-affiliated cities and waters located outside and inside waters extending 06 nautical miles.

2. An application for issuance of the mariculture license includes:

a) An application form (Form No. 29.NT in the Appendix III hereof);

b) A description of the aquaculture project (Form No. 30.NT in the Appendix III hereof);

c) An aquaculture environmental impact assessment report or a commitment to environmental protection and environmental protection plan appraised by a competent authority as prescribed;

d) A map of marine aquaculture site enclosed with coordinates of the corner points of the marine aquaculture site to be transferred.

3. Procedures for issuing a mariculture license:

a) The applicant shall submit an application to the competent authority specified in Clause 1 of this Article;

b) Within 45 days from the receipt of the satisfactory application, the competent authority shall appraise the application, consult the environment authority and relevant unit and consider issuing the mariculture license according to the Form No. 31.NT in the Appendix III hereof if all regulations are complied with. In case of rejection of the application, a response and explanation shall be provided in writing.

4. The mariculture license shall be re-issued in case it is lost or damaged or its contents are revised:

a) The applicant shall submit an application form for re-issuance of the license according to the Form No. 29.NT in the Appendix III hereof to the competent authority specified in Clause 1 of this Article;

b) Within 15 days from the receipt of the application, the competent authority shall consider re-issuing the license. In case of rejection of the application form, a response and explanation shall be provided in writing;

5. Revocation of the mariculture license:

a) The license shall be revoked in one of the following cases: the license's contents are erased or changed or regulations specified in the license are not complied with;

b) The power to revoke the license: any authority that has the power to issue the license also has the power to revoke it.

Article 38. Issuance of mariculture licenses to foreign investors and foreign-invested business entities

1. The authority that has the power to issue mariculture licenses to foreign investors and foreign-invested business entities is the Ministry of Agriculture and Rural Development.

2. The application for issuance of mariculture license is specified in Clause 2 Article 37 of this Decree.

3. Procedures for issuing a mariculture license:

a) The applicant shall submit an application for issuance of mariculture license to the Directorate of Fisheries;

b) Within 90 days from the receipt of the satisfactory application, the Directorate of Fisheries shall appraise the application and consult the Ministry of Agriculture and Rural Development about seeking opinions from the local authority of the area where the waters exists, Vietnam Fisheries Society, Vietnam Seaculture Association, Ministry of National Defense, Ministry of Foreign Affairs, Ministry of Public Security, Ministry of Planning and Investment, Ministry of Natural Resources and Environment, Ministry of Industry and Trade, Ministry of Culture, Sports and Tourism and Ministry of Transport. Where necessary, the Directorate of Fisheries shall carry out site inspection or survey of the marine aquaculture site specified in the mariculture license applied for;

c) After collection of opinions from ministries, local authorities and relevant units: if those are concurring opinions, within 05 working days, the Directorate of Fisheries shall consult the Minister of Agriculture and Rural Development about issuing the mariculture license according to the Form No. 31.NT in the Appendix III hereof. If there is at least 01 dissenting opinion, the Ministry of Agriculture and Rural Development shall notify the Prime Minister for instructions. After receiving instructions from the Prime Minister, the Directorate of Fisheries shall consult the Minister of Agriculture and Rural Development about issuing the mariculture license according to the Form No. 31.NT in the Appendix III hereof. In case of rejection of the application, a response and explanation shall be provided in writing.

4. The mariculture license shall be re-issued in case it is lost or damaged or its contents are revised:

a) The applicant shall submit an application form for re-issuance of the license according to the Form No. 29.NT in the Appendix III hereof to the Directorate of Fisheries;

b) Within 20 days from the receipt of the application form, the Directorate of Fisheries shall consider and consult the Minister of Agriculture and Rural Development about issuing the license to the applicant. In case of rejection of the application form, a response and explanation shall be provided in writing.

5. Revocation of the mariculture license:

a) The license shall be revoked in one of the following cases: the license's contents are erased or changed or regulations specified in the license are not complied with;

b) The authority that has the power to revoke the license is the Ministry of Agriculture and Rural Development;

c) When the establishment is found committing one of the violations specified in Point a of this Clause, the Minister of Agriculture and Rural Development shall issue a decision on revocation of the mariculture license and publish a notification thereof on the mass media.

Article 39. Tracing of aquatic species included in Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and endangered, precious and rare aquatic species derived from aquaculture

1. An application for tracing includes:

a) An application form (Form No. 32.NT in the Appendix III hereof);

b) Certificate of origin of aquatic species included in Appendices of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) or endangered, precious and rare aquatic species derived from nature if the individual derived from nature is used for rearing, breeding and artificial propagation.

c) Documents proving that the individual was confiscated if the individual derived from nature is used for rearing, breeding and artificial propagation;

d) Documents about import of specimen if the imported specimen is used for rearing, breeding and artificial propagation;

dd) A book of rearing, breeding and artificial propagation of endangered, precious and rare aquatic species, which is made using the Form No. 33.NT in the Appendix III hereof. Regarding CITES-listed aquatic species, regulations of the law on management of endangered, precious and rare plant animals and plants and enforcement of CITES shall be complied with.

2. Procedures:

- a) The applicant shall submit an application to the fishery authority of the province;
- b) Within 07 working days from the receipt of the satisfactory application, the fishery authority of the province shall consider carrying out a site inspection of the breeding, rearing and artificial propagation establishment (if necessary) and issue the certificate of origin according to the Form No. 34.NT in the Appendix III hereof. In case of rejection of the application, a response and explanation shall be provided in writing.

Article 40. Tracing of CITES-listed aquatic species, and endangered, precious and rare aquatic species derived from nature

1. The fishery authority of the province shall trace CITES-listed aquatic species, and endangered, precious and rare aquatic species derived from nature.

2. An application for tracing includes:

- a) An application form (Form No. 32.NT in the Appendix III hereof);
- b) A registration certificate of fishing vessel if fishing vessel is used for fishing;
- c) Written approval for catching of endangered, precious and rare aquatic species;
- d) Fishing vessel charter if the applicant granted the written approval for catching of endangered, precious and rare aquatic species uses fishing vessel for fishing but is not the vessel owner;
- dd) A fishing report and fishing logbook.

3. Tracing procedures:

- a) The applicant shall submit an application specified in Clause 2 of this Article to the fishery authority of the province;
- b) Within 03 working days from the receipt of the satisfactory application, the fishery authority of the province shall carry out inspection and issue the certificate of origin. In case of rejection of the application, a response and explanation shall be provided in writing.

4. Procedures for tracing a specimen of endangered, precious or rare aquatic species derived from nature before the effective date of the regulation on prohibition against catching thereof:

- a) An application for tracing includes: an application form made according to the Form No. 32.NT in the Appendix III hereof; documentary evidences for specimen origin confirmed by the fishing port management organization or People's Committee of the commune or fishery authority of the province at the time of exploitation; sale or donation contract notarized at the time of sale or donation if the applicant does not directly exploit the specimen.

b) Tracing procedures: The applicant shall submit an application specified in Point a of this Clause to the fishery authority of the province. Within 07 working days from the receipt of the satisfactory application, the fishery authority of the province shall inspect and verify the application, and issue the certificate of origin according to the Form No. 35.NT in the Appendix III hereof. In case of rejection of the application, a response and explanation shall be provided in writing.

Article 41. Eligibility requirements to be satisfied by a breeding, rearing and artificial propagation establishment and procedures for certifying an establishment eligible for breeding, rearing and artificial propagation of CITES-listed aquatic species, and endangered, precious and rare aquatic species

1. Eligibility requirements to be satisfied by a CITES-listed aquatic species breeding, rearing and artificial propagation establishment:

a) Satisfy eligibility requirements specified in the Decree on management of endangered, precious and rare plant animals and plants and enforcement of CITES;

b) Satisfy eligibility requirements specified in Articles 38 of the Law on Fisheries and Article 34 of this Decree.

2. The establishment in charge of breeding, rearing and artificial propagation of endangered, precious and rare aquatic species, except the aquatic species specified in Clause 1 of this Article shall satisfy all eligibility requirements applied to the aquaculture establishment as prescribed in Article 38 of the Law on Fisheries and Article 34 of this Decree.

3. Procedures for certifying an establishment eligible for breeding, rearing and artificial propagation of endangered, precious and rare aquatic species:

a) Regarding CITES-listed aquatic species, regulations of the law on management of endangered, precious and rare plant animals and plants and enforcement of CITES shall be complied with;

b) Regarding endangered, precious and rare aquatic species not included in CITES Appendices, regulations set forth in Article 35 of this Decree shall be complied with.

Chapter IV

FISHING

Section 1. MANAGEMENT OF ACTIVITIES OF VIETNAM ORGANIZATIONS AND INDIVIDUALS CONDUCTING FISHING ACTIVITIES IN WATERS

Article 42. Zoning for fishing activities

Clause 1 Article 48 of the Law on Fisheries shall be elaborated as follows:

1. Vietnam's waters shall be divided into 3 fishing zones as follows:

a) Coastal zone, which is delimited by the waterline along the coast and coastal route. Regarding an island, coast zone is the waters extending up to 06 nautical miles from the average line of tide in multiple years around the coast of the island;

b) Inshore zone, which is delimited by the coastal route and inshore route;

c) Offshore zone, which is delimited by the inshore route and outer boundary of the exclusive economic zone of Vietnam's waters.

2. People's Committees of the two adjacent coastal provinces shall, according to geographical characteristics of the coastal waters, reach an agreement on delimitation and announcement of boundary of coastal fishing zone between the two provinces.

Article 43. Management of activities of fishing vessels within Vietnam's waters

1. Regarding aquatic resource catching vessels:

a) Vessels with a maximum length of at least 15 meters are allowed to carry out activities within offshore zones but not allowed to carry out activities within coastal and inshore zones;

b) Vessels with a maximum length of from 12 meters to less than 15 meters are allowed to carry out activities within inshore zones but not allowed to carry out activities within offshore and coastal zones;

c) Vessels with a maximum length of less than 12 meters that carry out activities within coastal zones are not allowed to carry out activities within inshore and offshore zones. These vessels are only allowed to carry out activities within the coastal zone of the province where they are registered, except for the cases where there is an agreement on activities of fishing vessels within the coastal zone of People's Committees of the two provinces.

2. Regarding aquatic resource fishing logistics vessels:

a) Vessels with a maximum length of at least 15 meters are allowed to carry out activities within coastal, inshore and offshore zones.

b) Vessels with a maximum length of from 12 meters to less than 15 meters are allowed to carry out activities within inshore and coastal zones but not allowed to carry out activities offshore zones;

c) Vessels with a maximum length of less than 12 meters are allowed to carry out activities within coastal zones but not allowed to carry out activities within the inshore and offshore zones.

3. Regulations on flag flying:

a) Vietnamese fishing vessels must fly the national flag of the Socialist Republic of Vietnam (hereinafter referred to as "the national flag") on top of the mizzenmast; for vessels without mizzenmast, the national flag shall be flown on top of the main mast;

b) Any Vietnamese organization or individual that charters a foreign fishing vessel shall fly Vietnamese flag as prescribed in Point a of this Clause.

Article 44. Regulations on management of fishing vessel monitoring system

1. Requirements applied to the fishing vessel monitoring system:

a) The system shall be connected and synchronized with the one installed at the central government monitoring data center and monitoring data centers of 28 coastal cities and provinces.

b) The system shall transmit automatically the following information in at least 12 locations per day through the satellite communications system every 02 hours: location of the vessel (longitude, latitude) and time (minute/hour/date/month/year) to the equipment installed on the fishing vessel with a maximum length of at least 24 meters; and warn the master when the vessel has crossed the permissible maritime boundary.

The system shall transmit the following information in at least 08 locations per day through the satellite communications system or Global System for Mobile Communications (GSM) or ground wave communications system every 03 hours by using MF, HF or VHF: location of the vessel (longitude, latitude) and time (minute/hour/date/month/year) to the equipment installed on the fishing vessel with a maximum length of from 15 meters to less than 24 meters; and warn the master when the vessel has crossed the permissible maritime boundary;

c) Deviations in coordinates of fishing vessel location received from GPS and thus displayed on the fishing vessel monitoring equipment (hereinafter referred to as "the monitoring equipment") must not exceed 500 m and must have 99% reliability;

d) Each equipment must have its own identity code;

dd) The system shall operate normally in marine environment according to national standards and national technical regulations of Vietnam.

2. Functions of fishing vessel monitoring system software at the monitoring data center:

a) Software at the monitoring data center must be compatible with Microsoft Windows, Android and IOS, and have an intuitive Vietnamese interface. Software must be able to manage all information of fishing vessels provided with monitoring equipment; provide information to central government authorities and local authorities to inspect and monitor activities of fishing vessels; and manage fishing logbooks and fight against illegal fishing;

b) The software interface must display vessel location, time, speed, course, alarm signals, last data update time, weather information and status of the monitoring equipment, and send information to the monitoring equipment.

c) Software must have access, search, tabulation, reporting and data gathering functions in accordance with regulations of the Ministry of Agriculture and Rural Development on provision, management and use of data from the monitoring equipment, and must be able to create a vessel management zone and send automatic warnings upon the exit/entry of vessels from/into such zone;

d) Software must connect and transmit information to the data center of the monitoring equipment supplier; grant privileges to organizations and individuals entitled to use fishing vessel monitoring data;

dd) The electronic map must clearly show information about Vietnam's exclusive economic zone, islands and archipelagoes, zones prohibited from fishing, no fishing zones and fishing ports provided by Vietnam's competent authorities.

3. Management and use of fishing data information and data:

a) The Directorate of Fisheries shall unify management of the fishing vessel monitoring system and fishing vessel monitoring data nationwide, manage system and assign local authorities to extract monitoring data and process monitoring data of fishing vessels with a maximum length of at least 24 meters;

b) Departments of Agriculture and Development of coastal provinces and cities shall manage and extract monitoring data of provinces and process monitoring data of vessels with a maximum length of from 15 meters to less than 24 meters;

c) Fishing vessel management organizations at fishing ports shall be designated and allowed by the Ministry of Agriculture and Rural Development to extract and use monitoring data from the fishing vessel monitoring system as assigned;

d) Every monitoring equipment supplier shall update and manage information about vessels, vessel owners and vessel monitoring equipment, automatically transmit it to the central government monitoring data center and monitoring data centers of 28 provinces and cities, and handle loss of signal of its monitoring equipment. After installing equipment on the fishing vessel, the equipment supplier shall notify the Directorate of Fisheries and Department of Agriculture and Rural Development for inspection. Quarterly, biannual, annual or ad hoc reports shall be submitted at the request of the Directorate of Fisheries and Department of Agriculture and Rural Development. Before supplying equipment, the monitoring equipment supplier shall report the specimen of lead to the Directorate of Fisheries.

dd) The vessel owner shall declare information about installation of monitoring equipment according to the Form No. 01.KT in the Appendix IV hereof and send the declaration to the monitoring equipment supplier; pay costs of purchase, installation, maintenance and other

services for the monitoring equipment supplier and provide information about monitoring of his/her vessel from the monitoring data center upon request.

The vessel owner shall install the monitoring equipment in a location that ensures its smooth operation and instructions for installation should be available; there must be manual (the manual shall contain at least: 24/24 telephone number, contact address of the supplier); the vessel owner may control status of equipment directly or through accessories. Monitoring equipment shall be protected by fixing leads on the vessel upon installation or after repair;

e) Roadmap for installation of monitoring equipment: Vessels with a maximum length of at least 24 meters, trawling and tuna fishing vessels with a maximum length of from 15 meters to less than 24 meters and vessels with a maximum length of from 15 meters to less than 24 meters must be fitted with the monitoring equipment before July 01, 2019, January 01, 2020 and April 01, 2020 respectively;

g) The master must ensure that monitoring equipment operates 24/24 from the moment a fishing vessel leaves port until it returns. In case the monitoring equipment is damaged, the master must use another communication equipment and report the vessel location to the central government monitoring data center and monitoring data centers of 28 coastal cities and provinces every 06 hours and take the vessel to the port for repair within 10 days from the date on which the monitoring equipment is damaged;

h) Foreign fishing vessels operating within Vietnam's waters must install monitoring equipment in accordance with technical requirements and regulations on management and use of fishing vessel monitoring system and data specified in this Article;

i) Monitoring data shall be used as a legal ground for managing activities of fishing vessels, impose penalties for administrative violations, handling disputes over fishing gears and stating fishery products processed from catches.

4. Data security:

a) Data stored in server of the monitoring equipment supplier should not be deleted or changed during the storage period;

b) Data transmitted between the monitoring equipment and the server of the monitoring equipment supplier must be encoded to ensure information security during the transmission; data from the server of the monitoring data center must be encoded when being transmitted to other specialized agencies must be encoded as prescribed;

c) Monitoring data shall be stored in the server of the monitoring data center and monitoring equipment supplier for at least 36 months. Data storage and processing servers of the monitoring equipment supplier shall be located in Vietnam;

d) The monitoring equipment supplier shall secure and provide monitoring data in an accurate manner, and shall not provide monitoring data for other organizations and individuals without the approval of the Directorate of Fisheries.

Article 45. Issuance, re-issuance and revocation of fishing licenses

1. An application for issuance of the fishing license includes:

a) An application form (Form No. 02.KT in the Appendix IV hereof);

b) Photocopies of the registration certificate of fishing vessel and fishing vessel safety certificate if the fishing vessel is required to be registered;

c) Photocopies of the certificate/diploma of fishing vessel master and certificate/diploma of fishing vessel chief engineer if the fishing vessel is required to have the certificate/diploma of fishing vessel master and certificate/diploma of fishing vessel chief engineer.

2. An application for re-issuance of the fishing license includes:

a) An application form (Form No. 03.KT in the Appendix IV hereof);

b) An original of the issued fishing license in the case of change of information specified in the license;

3. Procedures for issuance and re-issuance of the fishing license:

a) The applicant shall submit an application to the fishery authority of the province;

b) Within 06 working days (in case of issuance of new license), 03 working days (in case of re-issuance of license) from the receipt of the satisfactory application, the competent authority shall issue or re-issue the fishing license according to the Form No. 04.KT in the Appendix IV hereof;

c) In case of rejection of the application, a response and explanation shall be provided in writing.

4. The expiration date of the fishing license is the same as that of the fishing quota.

5. Revocation of the fishing license:

a) Any authority that has the power to issue the fishing license also has the power to revoke it;

b) When it is found that one of the violations specified in Clause 2 Article 50 of the Law on Fisheries is committed, the competent authority shall issue a decision on revocation of the fishing license and publish a notification thereof on the mass media.

Article 46. Eligibility requirements to be satisfied by fishing vessel operating outside Vietnam's waters

A fishing vessel operating outside Vietnam's waters must satisfy the following eligibility requirements:

1. It must have a maximum length of at least 15 meters and not violate illegal fishing regulation.
2. It must be assigned an IMO number.
3. There must be observers in accordance with regulations of the regional fisheries management organization or coastal countries.
4. Crew members and fishers working on board a fishing vessel must obtain a certificate of completion of a course on fisheries management within international waters if the fishing license is issued for the purpose of conducting fishing activities within waters under the jurisdiction of the regional fisheries management organization.
5. The fishing vessel must be fitted with marine communications equipment, including VHF radio transmitters and receivers maintaining a continuous DSC watch on Channel 70 or 16; MF/HF radio transmitters and receivers; NAVTEX receiver, emergency position-indicating radio beacons (EPIRB) and GPS equipment.
6. The fishing vessel must be fitted with monitoring equipment capable of automatically transmitting information through the satellite communications system.

Article 47. Granting approval for fishing vessels operating outside Vietnam's waters or issuing licenses for fishing vessels operating in waters under the jurisdiction of regional fisheries management organizations

1. An application for approval for a fishing vessel includes:
 - a) An application form for approval (Form No. 05.KT in the Appendix IV hereof) or an application for license (Form No. 06.KT in the Appendix IV hereof);
 - b) A certified true copy and Vietnamese translation of the fishing contract approved by the competent authority of the other nation and territory in case of applying for the approval;
 - c) A photocopy of the registration certificate of fishing vessel;
 - c) A photocopy of the fishing vessel safety certificate;
 - dd) List, photos and number of passports of crew members and fishers working on board;
 - e) Photocopies of the certificate/diploma of fishing vessel master and certificate/diploma of fishing vessel chief engineer;

g) A certificate of completion of a course on fisheries management within international waters in case of issuing the license for fishing vessel operating in waters under the jurisdiction of the regional fisheries management organization.

2. Procedures:

The applicant for approval for fishing vessels operating outside Vietnam's waters shall submit an application to the Directorate of Fisheries. Within 10 working days from the receipt of the sufficient application, the Directorate of Fisheries shall provide a response and explanation in writing in case of rejection of the application. If the application is satisfactory, the Directorate of Fisheries shall consider and grant:

a) An application form for approval (Form No. 07.KT in the Appendix IV hereof) or an application for license (Form No. 08.KT in the Appendix IV hereof);

b) Crew member list and fishers working on board (Form No. 09.KT in the Appendix IV hereof);

3. After granting the approval or license, within 02 working days from the date on which the approval or license is granted, the Directorate of Fisheries shall send a notification according to the Form No. 10.KT in the Appendix IV hereof to the People's Committee of the province where the fishing vessel operates within Vietnam's waters, and the Ministry of National Defense, Ministry of Public Security and Ministry of Foreign Affairs.

4. Upon receipt of the approval or license and relevant documents, the applicant shall submit the original of the granted license for fishing vessels operating within Vietnam's waters.

5. Any organization or individual that wishes to receive the fishing license the organization or individual submitted shall submit an application form to the Directorate of Fisheries. Within 02 working days from the receipt of the application form, the Directorate of Fisheries shall return the fishing license which the organization or individual submitted.

Section 2. MANAGEMENT OF FOREIGN VESSELS OPERATING WITHIN VIETNAM'S WATERS

Article 48. Issuance, renewal, re-issuance and revocation of license to foreign organizations and individuals having their vessels operating within Vietnam's waters

1. An application for issuance of license includes:

a) An application form (Form No. 11.KT in the Appendix IV hereof);

b) Certified true copies of documents specified in Article 55 of the Law on Fisheries;

c) Crew member list and fishers working on board (Form No. 12.KT in the Appendix IV hereof).

2. An application for re-issuance of license includes:

a) A re-application form (Form No. 13.KT in the Appendix IV hereof);

b) The issued license (if the license is torn);

c) A report on changes of the fishing vessel or fishing gear (if any).

3. An application form for renewal of the license includes:

a) An application form (Form No. 14.KT in the Appendix IV hereof);

b) The fishing vessel safety certificate;

c) A report on activities of the fishing vessel during the effective period of the license;

d) A fishing logbook (if the vessel catches aquatic resources).

4. Procedures:

a) The applicant for issuance, re-issuance and renewal of license for fishing operations of foreign ships in the Vietnam sea to the Directorate of Fisheries;

b) Within 10 working days (in case of issuance of new license), 07 working days (in case of re-issuance of license) from the receipt of the satisfactory application, the Directorate of Fisheries shall issue or re-issue the license for fishing operations of foreign ships in the Vietnam sea according to the Form No. 15.KT in the Appendix IV hereof;

c) Within 06 working days from the receipt of the satisfactory application, the Directorate of Fisheries shall issue the renewed license for fishing operations of foreign ships in the Vietnam sea according to the Form No. 16.KT in the Appendix IV hereof;

d) In case of rejection of the application, a response and explanation shall be provided in writing.

5. Procedures for revocation of the license:

a) Any authority that has the power to issue the fishing license also has the power to revoke it;

b) When it is found that one of the violations specified in Clause 5 Article 56 of the Law on Fisheries is committed, the competent authority shall issue a decision on revocation of the license for fishing operations and publish a notification thereof on the mass media.

Article 49. Regulations applied to foreign fishing vessels entering fishing ports

1. The Ministry of Agriculture and Rural Development shall publish a list of fishing ports designated to allow the entry of foreign fishing vessels and send a list of designated fishing ports to the Food and Agriculture Organization of the United Nations.

2. Foreign vessels are allowed to enter Vietnam's fishing ports, except for the case in which the foreign vessels appear on the List of vessels engaged in illegal fishing, transport and transshipment and supporting illegal fishing. Every foreign vessel shall notify the fishing port management organization 24 hours prior to its entry into a Vietnam's fishing port according to the Form No. 17.KT in the Appendix IV hereof.

3. The fishing port management organization shall approve the foreign vessel in order for the customs authority and border guard force to complete entry and exit procedures as prescribed; notify the local fishery authority or the inspection office of the port to inspect and verify information about origin of fishery products on board. The inspection and verification shall be carried out as prescribed in Clauses 3, 4, 5 and 6 Article 70 of this Decree.

4. After information has been inspected and verified, the Directorate of Fisheries shall immediately notify countries related to the vessel and vessel schedule.

5. When entering, leaving or anchored within Vietnam's fishing port waters, foreign vessels must fly Vietnamese flag on top of the highest mast of the vessel and fly flag of the country where the vessel is registered on the lower mast.

Chapter V

MANAGEMENT OF FISHING VESSELS, SHIPS OF FISHERY AUTHORITIES, FISHING PORTS AND SHELTERED ANCHORAGES FOR FISHING VESSELS

Article 50. Classification of fishing vessel building and modification facilities

Fishing vessel building and modification facilities shall be classified as follows:

1. Class I facilities: build and modify all types of fishing vessels according to shell materials.
2. Class II facilities: build and modify fishing vessels with a maximum length of less than 24 meters according to shell materials.
3. Class III facilities: build and modify fishing vessels with a maximum length of less than 15 meters according to shell materials.

Article 51. Eligibility requirements to be satisfied by a steel fishing vessel building and modification facility

1. There must be factories and necessary equipment according to Section 1 in the Appendix VI hereof.
2. There must be a quality control and management department and technical staff according to Section 4 in the Appendix VI hereof.

3. There must be a quality management system certification according to ISO 9001 or equivalent (applicable to Class I and Class II facilities); there must be technical procedures according to national technical regulation on classification and construction of fishing vessels (applicable to Class III facilities).

Article 52. Eligibility requirements to be satisfied by a wooden fishing vessel building and modification facility

1. There must be factories and necessary equipment according to Section 2 in the Appendix VI hereof.

2. There must be a quality control and management department and technical staff according to Section 5 in the Appendix VI hereof.

3. There must be a quality management system certification according to ISO 9001 or equivalent (applicable to Class I and Class II facilities); there must be technical procedures according to national technical regulation on classification and construction of fishing vessels (applicable to Class III facilities).

Article 53. Eligibility requirements to be satisfied by a new material fishing vessel building and modification facility

1. There must be factories and necessary equipment according to Section 3 in the Appendix VI hereof.

2. There must be a quality control and management department and technical staff according to Section 6 in the Appendix VI hereof.

3. There must be a quality management system certification according to ISO 9001 or equivalent (applicable to Class I and Class II facilities); there must be technical procedures according to national technical regulation on classification and construction of fishing vessels (applicable to Class III facilities).

Article 54. Issuance, re-issuance and revocation of certificates of eligibility for building and modifying fishing vessels

1. An application for issuance of the certificate of eligibility includes:

a) An application form (Form No. 01.TC in the Appendix V hereof);

b) A description of eligibility requirements (Form No. 02.TC in the Appendix V hereof).

2. An application for re-issuance of the certificate of eligibility includes:

a) An application form (Form No. 03.TC in the Appendix V hereof);

b) The issued certificate of eligibility.

3. Procedures for issuance and re-issuance of the certificate of eligibility:

a) The applicant shall submit an application to the Department of Agriculture and Rural Development of the province where the fishing vessel building and modification facility is located;

b) Within 07 working days from the receipt of the sufficient application, the Department of Agriculture and Rural Development shall inspect and assess the fulfillment of eligibility requirements by the facility. If the facility fails to satisfy all eligibility requirements, the facility shall take corrective actions. After taking corrective actions, the facility shall notify the Department of Agriculture and Rural Development in writing to inspect and assess the fulfillment of eligibility requirements by the facility;

c) If the application is satisfactory and the facility satisfies all eligibility requirements, within 03 working days from the end of the inspection/assessment, the Department of Agriculture and Rural Development shall issue the certificate of eligibility for building and modifying fishing vessels according to the Form No. 04.TC in the Appendix V hereof;

d) In case of rejection of the application, a response and explanation shall be provided in writing.

4. Procedures for revocation of the certificate of eligibility:

a) Any authority that has the power to issue the certificate of eligibility for building and modifying fishing vessels also has the power to revoke it;

b) If the facility is found committing one of the violations specified in Clause 3 Article 64 of the Law on Fisheries, the competent authority shall issue a decision on revocation of the issued certificate of eligibility and publish a notification thereof on the mass media.

Article 55. Classification of fishing vessel registries and regulations on registration of ships of fishery authorities

1. Fishing vessel registries shall be classified as follows:

a) Class I registries: grant registration to all types of fishing vessels;

b) Class II registries: grant registration to fishing vessels with a maximum length of less than 24 meters;

c) Class III registries: grant registration to fishing vessels with a maximum length of less than 15 meters.

2. Regulations on registration of ships of fishery authorities:

a) Organizations in charge of managing ships of fishery authorities are entitled to select fishing vessel registries or other registries to apply for registration;

b) Supervision of technical and environmental safety and quality of ships of fishery authorities shall be carried out in accordance with registration regulations of the selected registry.

Article 56. Eligibility requirements to be satisfied by a fishing vessel registry

1. Regarding Class I fishing vessel registry:

a) The registry shall be established by the competent authority (in case of a public registry) or established in accordance with regulations of the Law on Enterprises and Law on Cooperatives; the fishing vessel registry must be legally and financially independent of the organizations and individuals trading, building, modifying and designing fishing vessels;

b) The registry must have necessary infrastructure and equipment: data storage and input equipment, equipment connected to the Internet and transmitting data to relevant authorities involved in fishing vessel registration, tools and equipment serving technical inspection according to the Appendix VII hereof;

c) The registry must have registrars obtaining at least a bachelor's degree in ship hull engineering, marine engineering, electric engineering, fishing, heat and refrigeration engineering or fisheries product processing. There must be at least 01 Class I registrar and 02 Class II registrars;

d) The registry must establish and maintain the application of a quality management system according to ISO 9001 or equivalent.

2. Regarding Class II fishing vessel registry:

a) The registry must satisfy the eligibility requirements specified in Points a, b and d Clause 1 of this Article;

b) Registrars must obtain at least a bachelor's degree in ship hull engineering, marine engineering, electric engineering, fishing, heat and refrigeration engineering or fisheries product processing. There must be at least 02 Class II registrars.

3. Regarding Class III fishing vessel registry:

a) The registry must satisfy the eligibility requirements specified in Points a and b Clause 1 of this Article;

b) Registrars must obtain at least a level 5 of VQF Advanced Diploma in ship hull engineering, marine engineering and fishing. There must be at least 01 Class II registrar;

c) A procedure for technical inspection and supervision of fishing vessels must be established in accordance with the national technical regulation on classification and construction of fishing vessels.

4. Class I and Class II fishing vessel registries are allowed to establish their affiliated branches near the fishing vessel anchorages or fishing vessel building and modification facilities. Each branch must satisfy the eligibility requirement specified in Point b Clause 1 of this Article and must have registrars obtaining at least a bachelor's degree in ship hull engineering, marine engineering, electric engineering, fishing, heat and refrigeration engineering or fisheries product processing. There must be at least 02 Class II registrars if the branch is affiliated to the Class I fishing vessel registry and at least 01 Class II registrar if the branch is affiliated to Class II fishing vessel registry.

Article 57. Granting approval for building, modification, chartering and purchase of Vietnamese fishing vessels

1. An application form for approval for building, modification, chartering and purchase of Vietnamese fishing vessels includes an application form made using Form No. 05.TC in the Appendix V hereof.

2. The applicant shall submit an application to the Department of Agriculture and Rural Development.

3. Within 03 working days from the receipt of the satisfactory application, the Department of Agriculture and Rural Development shall appraise the application according to quota on issuance of the fishing license and specific criteria laid down by the province and consider granting approval according to the Form No. 06.TC in the Appendix V hereof. In case of rejection of the application, a response and explanation shall be provided in writing.

Article 58. Issuance of license to import fishing vessels

1. An application for issuance of the license to import fishing vessels:

a) An application form (Form No. 07.TC in the Appendix V hereof);

b) Fishing vessel import contract or bareboat charter;

c) A photocopy of the fishing vessel safety certificate or photocopies of documents about fishing vessel classification whose remaining effective period is at least 06 months, issued by the registry of the home country of the vessel (the photocopies must bear the seal of the importer);

d) A photocopy of registration certificate of fishing vessel if the fishing vessel has been used (the photocopy must bear the seal of the importer);

dd) Shipbuilding contract and contract completion note in the case of newly built fishing vessel.

2. Documents mentioned in Points b, c, d and dd Clause 1 of this Article must be translated into Vietnamese language.

3. Procedures for issuance of the license to import fishing vessels:

a) The applicant shall submit an application to the Directorate of Fisheries;

b) Within 07 working days from the receipt of the satisfactory application, the Directorate of Fisheries shall consider issuing the license to the applicant according to the Form No. 08.TC in the Appendix V hereof. In case of rejection of the application, a response and explanation shall be provided in writing;

c) The license to import fishing vessels and charter bareboat shall be sent to the applicant and relevant authorities: Department of Agriculture and Rural Development of the province where the fishing vessel owner registers his/her permanent address, Border Guard High Command affiliated to the Ministry of National Defense and General Department of Customs affiliated to the Ministry of Finance.

Article 59. Regulations on donated fishing vessels

1. The donation of fishing vessels means a foreign Government or foreign organization/individual donating fishing vessels to Vietnamese Government or Vietnamese organization/individual to serve fishing or public service activities related to fisheries.

2. The Directorate of Fisheries shall, according to the demand, current situation and external relations, decide on the receipt of fishing vessels donated by foreign Government, organizations and individuals to Vietnamese regulatory authorities.

3. Vietnamese organizations and individuals receiving fishing vessels donated by foreign organizations and individuals shall satisfy all conditions specified in Clause 2 Article 66 of the Law on Fisheries.

4. Procedures for import of fishing vessels donated by foreign organizations and individuals to Vietnamese organizations and individuals are specified in Article 58 of this Decree.

Article 60. Regulations on depth of channels to ports and port waters

1. Regarding Class I fishing ports: the depth of channels to ports and port waters must be enough for fishing vessels with a maximum length of at least 24 meters to leave and enter the ports.

2. Regarding Class II fishing ports: the depth of channels to ports and port waters must be enough for fishing vessels with a maximum length of at least 15 meters to leave and enter the ports.

Article 61. Contents and procedures for opening and closing fishing ports

1. An application for opening of a fishing port:

- a) An application form (Form No. 09.TC in the Appendix V hereof);
- b) A permit for construction of the fishing port;
- c) Photocopies of fishing port's regulations and plan for operation of fishing port;
- d) A photocopy of the decision on establishment of fishing port management organization;
- dd) A record of commissioning of the fishing port that has put into operation enclosed with an as-built drawing;
- e) Notice to mariners about channel of the port and waters in front of the wharf;
- g) Documents certifying the performance of the following tasks specified in the report and requirements specified in the decision on approval for the environmental impact assessment report;
- h) A record on fire safety commissioning.

2. Procedures for opening a fishing port:

- a) The fishing port management organization shall submit an application specified in Clause 1 of this Article to the competent authority specified in Clause 3 Article 79 of the Law on Fisheries;
- b) Within 06 working days from the receipt of the satisfactory application, the competent authority shall consider the application, carry out a site survey of the fishing port and decide to open the fishing port according to the Form No. 10.TC in the Appendix V hereof. In case of rejection of the application, a response and explanation shall be provided in writing;
- c) Within 02 days from the date of issuing the decision on opening of the fishing port, the competent authority shall publish it on the mass media.

3. The decision on opening of fishing port shall contain at least name of the fishing port; type of fishing port; coordinate of the fishing port; entrance of the channel, depth and width of the channel to the port; length of the wharf; size and type of the largest fishing vessel that is able to enter a port; handling capacity; date on which the fishing port starts its operation.

4. Closing of a fishing port:

- a) The competent authority specified in Clause 3 Article 79 of the Law on Fisheries shall issue a decision on closing of the fishing port in one of the cases specified in Clause 2 Article 79 of the Law on Fisheries, and revoke the issued decision on opening of the fishing port;

b) The decision on closing of fishing port shall be made using the Form No. 11.TC in the Appendix V hereof.

Chapter VI

FISHERIES RESOURCES SURVEILLANCE

Article 62. Organizational structure of the fisheries resources surveillance force

1. Organizational structure of central fisheries resources surveillance force:

a) Department of Fisheries Resources Surveillance is an agency affiliated to the Directorate of Fisheries affiliated to the Ministry of Agriculture and Rural Development. The Department of Fisheries Resources Surveillance includes specialized divisions, regional Sub-departments of Fisheries Resources Surveillance and Fisheries Resources Surveillance Center;

b) A regional Sub-department of Fisheries Resources Surveillance includes specialized divisions, fisheries resources surveillance fleets and fisheries resources surveillance stations;

c) Departments of Fisheries Resources Surveillance and regional Sub-departments of Fisheries Resources Surveillance have separate legal status, head office, seal and account opened at the State Treasury;

d) Fisheries resources surveillance stations affiliated to regional Sub-departments of Fisheries Resources Surveillance have a separate seal to carry out administrative transactions and impose penalties for administrative violations within their power.

2. Fisheries resources surveillance forces of coastal provinces and central-affiliated cities are organizations affiliated to fishery authorities of provinces and established by People's Committees of provinces.

Article 63. Benefits for fisheries resources surveillance members

1. Seniority allowance of fisheries resources surveillance officials whose salaries are paid according to their ranks:

a) After 5 years (60 months in total) of continuously working for the fisheries resources surveillance, the seniority allowance is equal to 5% of the current salary plus (+) the leadership allowance and extra-seniority allowance (if any);

b) From the sixth year onwards, 1% shall be added.

2. Responsibility allowance of fisheries resources surveillance officials whose salaries are paid according to their ranks:

a) Principal fisheries resources surveillance members are entitled to the responsibility allowance that is equal to 20% of their current salary plus (+) the leadership allowance and extra-seniority allowance (if any);

b) Fisheries resources surveillance members are entitled to the responsibility allowance that is equal to 25% of their current salary plus (+) the leadership allowance and extra-seniority allowance (if any);

c) Middle fisheries resources surveillance members are entitled to the responsibility allowance that is equal to 30% of their current salary plus (+) the leadership allowance and extra-seniority allowance (if any).

3. Incentive allowance of officials whose salaries are paid according to ranks of fisheries resources surveillance ship officers:

a) Principal fisheries resources surveillance ship officers are entitled to the incentive allowance that is equal to 40% of their current salary plus (+) the leadership allowance and extra-seniority allowance (if any);

b) Fisheries resources surveillance ship officers are entitled to the incentive allowance that is equal to 45% of their current salary plus (+) the leadership allowance and extra-seniority allowance (if any);

c) Middle fisheries resources surveillance ship officers are entitled to the incentive allowance that is equal to 50% of their current salary plus (+) the leadership allowance and extra-seniority allowance (if any).

4. Officials, public employees and employees working on board fisheries resources surveillance ships are entitled to a hazard and danger allowance equal to 30% of the statutory pay rate.

5. Officials, public employees and employees working on board fisheries resources surveillance ships during the period they actually perform their duties within Vietnam's waters are entitled to special allowance, attraction allowance and region-based allowance. To be specific:

a) The special allowance is equal to 50% of their current salary plus (+) the leadership allowance and extra-seniority allowance (if any);

b) The attraction allowance is equal to 70% of their current salary plus (+) the leadership allowance and extra-seniority allowance (if any);

c) The region-based allowance is equal to 70% of the statutory pay rate.

The special allowance, attraction allowance and region-based allowance specified in Points a, b and c Clause 5 of this Article is equal to the monthly allowance divided by (:) 22 days multiplied by (x) days on which duties are actually performed within Vietnam's waters.

6. Responsibility allowance:

a) Masters of fisheries resources surveillance ships are entitled to a responsibility allowance equal to 50% of the statutory pay rate;

b) Mates and chief engineers of fisheries resources surveillance ships are entitled to a responsibility allowance equal to 30% of the statutory pay rate;

c) Engineering officers and bosuns are entitled to a responsibility allowance equal to 20% of the statutory pay rate.

7. Per diem at sea: During their voyage, officials, public employees and employees working on board fisheries resources surveillance ships are entitled to a per diem equal to 20% of the statutory pay rate/person/day of travel at sea.

Article 64. Funding sources for fisheries resources surveillance activities

1. The state budget shall provide funding for fisheries resources surveillance activities according to applicable distribution of the state budget:

a) The central government budget shall provide funding for activities of the central fisheries resources surveillance force, including: investment; recurrent expenditures;

b) The local government budget shall provide funding for activities of fisheries resources surveillance forces of coastal provinces and central-affiliated cities, including: investment; recurrent expenditures;

c) The fishery resource surveillance authority shall, according to the ability to balance budget and administrative fines of the year preceding the current year, make an annual estimate of operating funding for the plan year and submit it to the finance authority at the same level, which will submit it to a competent authority in accordance with the Law on State Budget and its instructional documents. Revenue from fines shall be used to cover recurrent costs of fisheries resources surveillance.

2. Other funding sources prescribed by law.

Article 65. Expenditures on fisheries resources surveillance activities

1. Expenditures on operation of the fisheries resources surveillance force shall comply with Government's regulations on exercise of autonomy over employment of permanently employed employees and use of administrative management funding by regulatory authorities.

2. Expenditures on fisheries resources surveillance activities from the funding annually provided by the state budget:

- a) Expenditures on hotline watch which ensures issues arising from fishing at sea between Vietnam and neighboring countries are handled and other watch-related duties assigned by the competent authority;
- b) Allowances and per diem at sea for officials, fisheries resources surveillance members, fisheries resources surveillance ship officers and employees working on board fisheries resources surveillance ships during their voyage;
- c) Expenditures on organization of fisheries resources surveillance conferences, seminars, reviews and training courses;
- d) Expenditures on purchase of materials and fuels for fisheries resources surveillance ships involved in inspection, patrol, control and specialized inspection; natural disaster management, search and rescue and incident response at sea; cooperation with relevant forces in patrolling, inspecting and taking actions against foreign fishing vessels violate Vietnam's waters and prevention of Vietnamese fishing vessels from violation of foreign waters; protection of sovereignty in Vietnam's waters and islands;
- dd) Expenditures on buying insurance for fisheries resources surveillance fleets (insurance for people working on board fisheries resources surveillance ships, insurance for fisheries resources surveillance ships and boats); and other taxes and fees prescribed by law;
- e) Expenditures on collection and purchase of information from collaborators, processing of information, documents and evidences relating to fisheries resources surveillance and specialized inspection; expenditures on carrying out investigation and soliciting expert assessment of issues concerning fisheries resources surveillance and specialized inspection;
- g) Expenditures on hiring docking location and anchorage for fisheries resources surveillance fleets and violating ships held in custody by the fisheries resources surveillance force;
- h) Expenditures on periodic and unexpected repair of fisheries resources surveillance ships and boats;
- i) Expenditures on procurement of fisheries resources surveillance vehicles, ships and boats, military weapons, combat gears, specialized equipment and clothing for fisheries resources surveillance forces; procurement of lost raw materials and equipment, medicines and medical equipment for giving first aid on fisheries resources surveillance ships and boats;
- k) Expenditures on management of fisheries resources surveillance database, maintenance and operation of fisheries resources surveillance information system;
- l) Expenditures on propagation of information and broadcasting of hot news on fisheries resources surveillance, and on dissemination of laws on fisheries resources surveillance; on design and printing of forms used in fisheries resources surveillance;

m) Wages, salaries and salary-based amounts paid to officials whose salaries are not covered by state budget in accordance with applicable regulations of law on employment contract;

n) Expenditures on unexpectedly rewarding collectives and individuals for making outstanding contributions to the patrol, inspection and control, thereby ensuring proper enforcement of law on fisheries and to the protection of sovereignty at sea;

o) Expenditures on exchanging experience, cooperating with fisheries resources surveillance forces of other countries in carrying out patrol and inspection at sea;

p) Expenditures on providing assistance in case any official or fisher is injured or dead while performing their duties at sea; no more than VND 5 million/dead person, VND 2 million/injured person;

q) Other expenditures related to fisheries resources surveillance activities.

3. Revenue from administrative fines collected by the fisheries resources surveillance shall be used for:

a) paying wages, salaries and salary-based amounts to officials whose salaries are not covered by the state budget; unexpectedly rewarding collectives and individuals for making outstanding contributions to the patrol, inspection and control, thereby ensuring proper enforcement of law on fisheries and to the protection of sovereignty at sea;

b) exchanging experience and cooperating with fisheries resources surveillance forces of other countries in carrying out patrol and inspection at sea;

c) providing assistance in case any official or fisher is injured or dead while performing their duties at sea; no more than VND 5 million/dead person, VND 2 million/injured person.

Chapter VII

SALE, PRELIMINARY PROCESSING, PROCESSING, EXPORT AND IMPORT OF FISHERY PRODUCTS

Article 66. Processing of endangered, precious and rare aquatic species

Organizations and individuals involved in processing of endangered, precious and rare aquatic species must satisfy the following requirements:

1. Specimens of endangered, precious and rare aquatic species must be of legal origin as prescribed by law;

2. A record on processing of endangered, precious and rare aquatic species and products thereof must be made;

3. Finished products sold on the market must be labeled in accordance with regulations of law on goods labeling;

4. Regulations on food safety and disease safety must be complied with.

Article 67. Export, import, re-export and transit of CITES-listed aquatic species, and endangered, precious and rare aquatic species

1. Organizations and individuals issued with the import license are not required to obtain a license for import of endangered, precious and rare aquatic species on the List of aquatic species licensed for sale in Vietnam, except for CITES-listed aquatic species.

2. Organizations and individuals are entitled to re-export and transit endangered, precious and rare aquatic species in accordance with regulations of the Law on Foreign Trade Management.

3. The issuance of the license for export of endangered, precious and rare aquatic species that appear on the List of aquatic species prohibited from export or fail to satisfy conditions for scientific research or international cooperation mentioned in the List of exported aquatic species subject to certain conditions shall comply with Article 69 of this Decree.

4. Upon export, import, re-export or introduction from the sea of CITES-listed endangered, precious and rare aquatic species, regulations of the law on management of endangered, precious and rare plant animals and plants and enforcement of CITES, and regulations of this Decree shall be complied with.

Article 68. Introduction from the sea of endangered, precious and rare aquatic species

1. Introduction from the sea of endangered, precious and rare aquatic species means the transportation into Vietnam of specimens of endangered, precious and rare aquatic species which were taken in the marine environment not under the jurisdiction of any State.

2. Upon introduction from the sea of CITES-listed endangered, precious and rare aquatic species, regulations of the law on management of endangered, precious and rare plant animals and plants and enforcement of CITES, and regulations of this Decree shall be complied with.

3. Upon introduction from the sea of specimens of endangered, precious and rare aquatic species, except for species mentioned in Clause 2 of this Article, regulations set forth in Article 40 of this Decree shall be complied with.

Article 69. Issuance of license to export aquatic species

1. Any organization or individual that wishes to export an aquatic species that appears on the List of aquatic species prohibited from export or the List of exported aquatic species subject to certain conditions but fails to satisfy conditions for scientific research or international cooperation shall submit an application to the Directorate of Fisheries.

2. An application for issuance of the license to export aquatic species includes:

a) An application form (Form No. 36.NT in the Appendix III hereof);

b) Documents proving the aquatic species is exported for the purpose of scientific and international cooperation.

3. Procedures for issuance of the license to export aquatic species:

a) Within 10 working days, the Directorate of Fisheries shall consider the application and submit it to the Ministry of Agriculture and Rural Development, which will consult the Prime Minister;

b) The Directorate of Fisheries shall consult the Ministry of Agriculture and Rural Development about considering issuing the license to export aquatic species according to the Form No. 37.NT in the Appendix III hereof to the applicant after obtaining the consent from the Prime Minister. In case the application is rejected or unsatisfactory, the Directorate of Fisheries shall provide a response and explanation in writing.

Article 70. Control of import, temporary import, re-export, temporary export, re-import and transit of fishery products originating from illegal, unreported and unregulated fishing

1. The Ministry of Agriculture and Rural Development shall take charge and cooperate with the Ministry of Transport in designating and publishing a list of ports that allow the entry of foreign vessels engaged in transport and transshipment of fishery products processed from catches for the purposes of import, temporary import, re-export and transit thereof through Vietnam and send a list of designated fishing ports to the Food and Agriculture Organization of the United Nations (FAO).

2. Any organization or individual that has a vessel engaged in transport of fishery products processed from catches for the purposes of import, temporary import, re-export and transit thereof through Vietnam shall notify a competent authority of the Ministry of Agriculture and Rural Development according to the Form No. 17.KT in the Appendix IV hereof through the national single-window system 24 hours prior to its entry into a port.

3. Within 24 hours from the receipt of the notification, the competent authority of the Ministry of Agriculture and Rural Development shall inspect and verify information about origin of fishery products on board the vessel and decide to:

a) allow the vessel to enter the port and notify the port authority if it does not engage in illegal fishing or support illegal fishing;

b) refuse the entry of the vessel and notify the port authority if it is suspected of engaging in illegal fishing or supporting illegal fishing except for force majeure. Publish and notify the decision on entry refusal to the flag state, neighboring coastal states, regional fisheries management organizations and relevant organizations.

4. Inspect information relating to a foreign vessel upon its entry into a port:

a) The competent authority of the Ministry of Agriculture and Rural Development is entitled to inspect the foreign vessel after its entry into a port (except in the case where the container ship is sealed with lead and does not unload fishery products in Vietnam) or at the request of the flag state and coastal state concerned;

b) Inspection principles: Ensure equality and transparency, ensure no discrimination and do not cause any trouble during the inspection; do not affect quality of fishery products on board; inspectors must be qualified and expert in law on fisheries; if necessary, invite a representative of the flag state to join the inspection;

c) Contents of inspection: information about the vessel (name, number, IMO number); information about the vessel owner, fishing license, transshipment license, production and components of aquatic species, fishing gears and documents prescribed by CITES (if any);

d) Documents to be presented to the inspecting authority: fishing license, registration certificate of fishing vessel; transshipment license, transshipment reports and information about free alongside ship (license, certificate) and documents about the transshipment ship; other documents relating to the information declared prior to entry;

dd) Inspection procedures: the inspector shall present his/her inspector card to the master; carry out the inspection according to Point c of this Clause and information specified in the Form No.18.KT in the Appendix IV hereof; the master must provide declared information, documents specified in Point d of this Clause, documents concerning inspection contents and information declared prior to entry; make an inspection record according to the Form No.18.KT in the Appendix IV hereof; notify and process inspection results.

5. Notify and process inspection results:

a) The inspection record is made into 02 copies, each of which is kept by the master and the inspecting authority. The record shall be sent to the flag state via the email published by FAO;

b) When there are grounds to believe that the shipment originates from illegal fishing or the fishing vessel engages in illegal fishing or supports illegal fishing, the competent authority of the Ministry of Agriculture and Rural Development shall refuse the unloading of fishery products into the port, request the port management unit to refuse to provide services at the port and notify inspection results and measures against violations to the flag state, coastal states, regional fisheries management organizations, FAO, relevant international organizations and state of which the master of such fishing vessel is the citizen.

6. In case the entry of the fishing vessel has been refused but it deliberately enters the port or enters the port due to force majeure, the port authority shall notify the Ministry of Agriculture and Rural Development for carrying out an inspection under the Agreement on Port State Measures and make an inspection record according to the Form No. 19.KT in the Appendix IV

hereof; take actions against violations (if any). In case the fishing vessel has to be forced to leave Vietnam's territory, it is required to notify the state related to the vessel and its schedule.

Chapter VIII

STATE MANAGEMENT OF FISHERIES

Article 71. Responsibilities of relevant ministries

1. The Ministry of Agriculture and Rural Development shall:

a) provide consistent directions for aquatic resource protection, aquaculture, fishing, management of fishing vessels and ships of fishery authorities, fishing ports, processing, export and import of fishery products and fisheries resources surveillance;

b) Prepare a plan for and organize the management, inspection, training and dissemination of law on co-management in aquatic resource protection, aquatic resource protection and development, marine conservation and directly organize the management of national MPAs located in at least two provinces; aquaculture; fishing; assurance of safety of people and fishing vessels; management of fishing vessels and ships of fishery authorities, fishing ports, sheltered anchorages for fishing vessels; processing, export, import and sale of fishery products; tracing of fishery products, and fisheries resources surveillance nationwide;

c) Design documents providing technical guidelines for aquaculture, fishing, co-management in aquatic resource protection, fishing gears, fishing methods, assurance of safety of people and fishing vessels conducting activities at sea; sets of indicators for monitoring and evaluation of co-management in aquatic resource protection;

d) Inspect and supervise the compliance with regulations on management of endangered, precious and rare aquatic species; tracing of endangered, precious and rare aquatic species from aquaculture and nature; establishments in charge of breeding, rearing and artificial propagation of endangered, precious and rare aquatic species including CITES-listed species; enforcement of CITES;

dd) propose policies tailored for fishing activities;

e) Establish national database on fisheries; unify management of fishing vessel monitoring system; make regulations on technical management of fishing vessel monitoring system;

g) Authorize its affiliates and local governments to manage fishing activities; inspect the management of fishing activities by local governments; assign the Directorate of Fisheries to receive and handle administrative procedures and organize the implementation of this Decree within its power;

h) Organize the implementation of regulations set forth in Clause 2 Article 101 of the Law on Fisheries 2017.

2. The Ministry of Transport shall:

- a) take charge and cooperate with the Ministry of Agriculture and Rural Development in ensuring maritime security and protecting marine environment with respect to activities of fishing vessels and fishing ports;
- b) cooperate with the Ministry of Agriculture and Rural Development in managing the transport of fishery products through ports, logistics services, fishing vessels at ports and inland waterway ports under its management according to the Agreement on Port State Measures.

3. The Ministry of Finance shall:

- a) impose fees and charges according to this Decree and regulations of law on fees and charges in the fisheries field;
- b) direct the General Department of Customs not to grant customs clearance to shipments of fishery products originating from illegal fishing;
- c) cooperate with the Ministry of Agriculture and Rural Development in managing the transport of fishery products through ports, logistics services and fishing vessels at ports under the Agreement on Port State Measures.

4. The Ministry of National Defense shall:

- a) direct law enforcement officers at sea to inspect and control Vietnamese and foreign fishing vessels entering and leaving ports and operating at sea as prescribed by law.
- b) direct the Border Guard to cooperate with specialized authorities at fishing ports in inspecting fishing vessels and crew members entering and leaving fishing ports as prescribed by law;
- c) direct Navy, Border Guard and Coast Guard to cooperate with and assist Fisheries Resources Surveillance in enforcing laws at sea as prescribed by law;
- d) cooperate with the Ministry of Agriculture and Rural Development in managing fishing vessels, crew members and people working on board foreign fishing vessels within Vietnam's waters and Vietnamese fishing vessels operating within waters.

5. The Ministry of Public Security shall:

- a) cooperate with the Ministry of Agriculture and Rural Development in managing fishing vessels, crew members and people working on board foreign fishing vessels within Vietnam's waters and Vietnamese fishing vessels operating within waters;
- b) cooperate with the Ministry of Agriculture and Rural Development in performing management of fisheries.

6. The Ministry of Natural Resources and Environment shall take charge and cooperate with the Ministry of Agriculture and Rural Development in providing guidance and inspecting the environmental protection and management of land and marine aquaculture sites by People's Committees of provinces.

Article 72. Responsibilities of People's Committees of provinces

1. Organize the implementation of regulations set forth in Clause 1 Article 102 of the Law on Fisheries 2017.

2. Conduct activities related to fisheries management as assigned in this Decree.

3. Direct Departments of Agriculture and Rural Development and fishery authorities of provinces to implement regulations as assigned in this Decree.

4. Prepare a plan for and organize the management, inspection, training and dissemination of law on co-management in aquatic resource protection, aquatic resource protection and development, marine conservation; aquaculture; fishing; management of fishing vessels and ships of fishery authorities, fishing ports, sheltered anchorages for fishing vessels; processing, export, import and sale of fishery products, and fisheries resources surveillance within provinces within their power;

5. Direct, instruct and assist People's Committees at all levels and people in organizing co-management in aquatic resource protection. Direct governments at all levels and competent authorities to take charge and cooperate with communities in carrying out patrol and supervision, and taking actions against violations within their power in areas where the co-management takes place. Before November 20 or on an ad hoc basis, submit a report on co-management in aquatic resource protection to the Directorate of Fisheries affiliated to the Ministry of Agriculture and Rural Development. Prepare a plan and providing funding for organizing co-management in aquatic resource protection.

6. Mobilize provincial fisheries resources surveillance force in carrying out patrol and supervision, and taking actions against violations within MPAs at the request of the MPA management unit.

7. Direct and inspect operation of the provincial fisheries resources surveillance force, cooperation between the fisheries resources surveillance force and relevant authorities within provinces; provide fisheries resources surveillance ships and boats; weapons, combat gears and specialized vehicles; uniforms, badges and signal flags to the fisheries resources surveillance force as prescribed by law.

Chapter IX

IMPLEMENTATION CLAUSE

Article 72. Transitional clauses

1. Organizations that have been operating through co-management in aquatic resource protection before the effective date of this Decree shall review and complete the application for recognition and assignment of management as prescribed in this Decree before January 01, 2021.
2. MPAs established before the effective date of this Decree shall review, amend and complete the Regulation on MPA management as prescribed in this Decree before January 01, 2020.
3. Organizations and individuals engaged in cage aquaculture or main aquatic species raising before the effective date of this Decree shall apply for registration as prescribed in this Decree within 12 months from the effective date of this Decree.
4. Certificates, licenses and approval granted before the effective date of this Decree shall remain effective until new ones or they are granted as prescribed in this Decree.
5. Producers and raisers of aquatic breeds of main aquatic species and producers of aquafeeds and treatment products that have operated before the effective date of this Decree may keep operating and are required to apply for the certificate of eligibility before January 01, 2020.
6. If producers and raisers of aquatic breeds other than those specified in Clause 5 of this Article have operated before the effective date of this Decree, they may keep operating and are required to apply for the certificate of eligibility before January 01, 2021.
7. Fishing vessel building and modification facilities operating before the effective date of this Decree may keep operating and are required to apply for the certificate of eligibility before October 01, 2019.
8. Fishing vessel registries operating before the effective date of this Decree may keep operating within their jurisdiction and are required to apply for the certificate of eligibility before January 01, 2020.
9. Fishing vessels operating before the effective date of this Decree may keep operating within their jurisdiction and are required to apply for opening of port before October 01, 2020.
10. Applications for issuance of certificates, licenses and approval that have been submitted before the effective date of this Decree but not yet been completely processed shall be processed in accordance with regulations of law at the time of submission.
11. Fishery development assistance policies promulgated before the effective date of this Decree may continue to be applied until they are expired or documents replacing or repealing such policies are available.
12. Inspection of quality of imported aquatic breeds, aquaculture feeds and treatment products shall be carried out according to national standards and internal standards published by organizations and individuals before January 01, 2020.

13. Inspection of quality of imported aquatic breeds, aquaculture feeds and treatment products shall be carried out according to the inspection procedures according to the Decree No. 39/2017/ND-CP dated April 04, 2017 and its instructional documents before January 01, 2020.

Article 74. Effect

1. This Decree comes into force from April 25, 2019.

2. This Decree replaces the following documents:

a) Government's Decree No. 27/2005/ND-CP dated March 08, 2005;

b) Government's Decree No. 59/2005/ND-CP dated May 04, 2005;

c) Government's Decree No. 14/2009/ND-CP dated February 13, 2009;

d) Government's Decree No. 32/2010/ND-CP dated March 30, 2010;

dd) Government's Decree No. 33/2010/ND-CP dated March 31, 2010;

e) Government's Decree No. 52/2010/ND-CP dated May 17, 2010;

g) Government's Decree No. 53/2012/ND-CP dated June 20, 2012;

h) Government's Decree No. 66/2005/ND-CP dated May 19, 2005;

i) Government's Decree No. 80/2012/ND-CP dated October 08, 2012;

k) Government's Decree No. 102/2012/ND-CP dated November 29, 2012;

l) Government's Decree No. 57/2008/ND-CP dated May 02, 2008;

m) Government's Decree No. 55/2017/ND-CP dated May 09, 2017;

n) Contents related to aquafeeds specified in the Government's Decree No. 39/2017/ND-CP dated April 04, 2017, Government's Decree No. 100/2017/ND-CP dated August 18, 2017 and Article 3 of the Decree No. 123/2018/ND-CP dated September 17, 2018;

o) Articles 15, 16, 17 and 18 of the Government's Decree No. 66/2016/ND-CP dated July 01, 2016;

3. This Decree repeals the following documents:

a) Prime Minister's Directive No. 22/2006/CT-TTg dated June 30, 2006;

- b) Decision No. 57/2008/QD-BNN dated May 02, 2008 of the Minister of Agriculture and Rural Development;
- c) Circular No. 01/2011/TT-BNN dated January 05, 2011 of the Minister of Agriculture and Rural Development;
- d) Circular No. 101/2008/TT-BNN dated October 15, 2008 of the Minister of Agriculture and Rural Development;
- dd) Decision No. 26/2014/TT-BNNPTNT dated August 25, 2014 of the Minister of Agriculture and Rural Development;
- e) Decision No. 20/2006/QD-BTS dated December 01, 2006 of the Minister of Agriculture and Rural Development;
- g) Directive No. 05/2007/CT-BTS dated July 31, 2007 of the Minister of Fisheries;
- h) Directive No. 10/2005/CT-BTS dated December 08, 2005 of the Minister of Fisheries;
- i) Directive No. 03/2006/CT-BTS dated March 27, 2006 of the Minister of Fisheries.

Article 75. Responsibility for implementation

Ministers, heads of ministerial agencies, heads of Governmental agencies, People's Committees of provinces and central-affiliated cities and relevant authorities are responsible for the implementation of this Decree./.

**ON BEHALF OF THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Xuan Phuc

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