

**THE GOVERNMENT OF
VIETNAM**

No. 37/2024/ND-CP

SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness

Hanoi, April 04, 2024

DECREE

**AMENDMENTS TO SOME ARTICLES OF GOVERNMENT'S DECREE NO.
26/2019/ND-CP DATED MARCH 08, 2019 ON GUIDELINES FOR
IMPLEMENTATION OF THE LAW ON FISHERIES.**

Pursuant to the Law on Government Organization dated June 19, 2015; the Law on amendments to some Articles of Law on Government Organization and Law on Local Government Organization dated November 22, 2019;

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

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

The Government promulgates Decree on amendments to some Articles of the Government's Decree No. 26/2019/ND-CP dated March 08, 2019 on guidelines for implementation of the Law on Fisheries.

Article 1. Amendments to some Articles of the Government's Decree No. 26/2019/ND-CP dated March 08, 2019 on guidelines for implementation of the Law on Fisheries

1. Clauses 16, 17, 18, 19, 20, 21, 22 and 23 shall be added to Article 3 as follows:

“16. “Storm shelter for fishing vessels” means a dedicated area for fishing vessels to shelter from storms, including storm shelter infrastructure, logistics establishments, water areas where vessels anchor, channels to the storm shelter and administrative zones.

a) Storm shelter infrastructure includes dykes; breakwaters; channels; anchorages (piers, mooring buoys, mooring chains and anchor blocks); system of buoys, markers and signs; lighting system; and communication system.

b) Logistics establishments of the storm shelter include establishments providing minimum essential services (freshwater, food, communication information, health, supplies, minor repairs, rescue and incident handling) for fishers and fishing vessels to meet urgent requirements and handle accidents.

c) Water areas where vessels anchor are water areas in front of the wharf, anchorage water areas, channels to anchorages and water areas intended for provision of logistics services.

d) Channels to the storm shelter are channels which connect water areas where vessels are operating with water areas where vessels anchor.

dd) Administrative zones include infrastructure and equipment serving management and operation of activities of the storm shelter (accommodation, management, security; internal road system; electricity, water, wastewater treatment, fire safety; equipment).

17. "Large fishery center" means an area associated with economically or socially advantaged fisheries in terms of natural resources or infrastructure. It has own boundaries and operational regulations and acts as a focal point for production, trade and fishing logistics services in a continuous and interconnected manner to reduce costs and enhance competitiveness. The large fishery center includes special functional zones and dedicated facilities.

a) Special functional zones include areas intended for processing of fishery products; repair and manufacture of fishing gears, shipbuilding and provision of machinery and equipment for fishing vessels, maritime equipment and communication information; storm shelters; fishing vessel registries; local fishery resource surveillance authorities, wharfs where fishery patrol vessels anchor; rescue centers.

b) Dedicated facilities include research and training institutions, financial centers and exhibition and fair centers which serve fishing activities.

18. "Bycatch fishing of endangered, precious and rare aquatic species" means endangered, precious and rare aquatic species being caught or injured or killed due to bycatch fishing by humans.

19. "Recreational fishing" means fishing which serves amusement, recreation, relaxation and experience purposes.

20. "Monitoring equipment supplier" means a unit publicly announced by the fishery authority affiliated to the Ministry of Agriculture and Rural Development according to regulations.

21. "Vessel serving aquaculture, marine protection and co-management in aquatic resource protection" means a floating vessel with or without an engine used to serve aquaculture, marine protection and co-management in aquatic resource protection. This vessel shall be registered and inspected according to regulations applicable to a fishing vessel.

22. "Offshore zone" includes 06 areas:

- a) Area 1 is the area north of latitude 17°00'N
- b) Area 2 is the area situated from latitude 14°00'N to latitude 17°00'N.
- c) Area 3 is the area situated from latitude 10°00'N to latitude 14°00'N.
- d) Area 4 is the area south of latitude 10°00'N and east of longitude 108°00'E.
- dd) Area 5 is the area south of latitude 10°00'N, situated from longitude 105°00'E to longitude 108°00'E.
- e) Area 6 is the area west of longitude 105°00'E".

23. "Provincial fishery authority" means a sub-department assigned to perform state management of fisheries and fisheries resources surveillance or a Department of Agriculture and Rural Development (with regard to province where there is no fishery sub-department).

2. Clause 9 shall be added to Article 4 as follows:

"9. In case of natural disasters or epidemics, if it is impossible to carry out on-site inspection and assessment to grant licenses, certificates and written approvals, and inspection of maintenance of eligibility requirements:

- a) The competent authority shall make online assessment when requirements for resources and technical means are fulfilled; relevant physical or electronic documents shall be provided for the inspecting authority; or suspension or temporary extension of licenses, certificates and written approvals shall be given; the inspection of maintenance of eligibility requirements shall be suspended or the duration for such inspection shall be temporarily extended.
- b) Each organization/individual engaged in production, trade and assessment of conformity shall be responsible to the law for the accuracy of information, photos and documents provided for the license-issuing agency. The on-site assessment will be done after natural disasters and epidemics are controlled in provinces in accordance with regulations of law; if the organization/individual commits violations against regulations of law, the organization/individual will have license immediately revoked and be sanctioned according to regulations of law.
- c) The Ministry of Agriculture and Rural Development shall provide professional and technical guidelines for implementation of measures in necessary cases in point a and point b of this Clause."

3. Article 8 shall be amended as follows:

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

1. It is prohibited from catching species classified into Group I, except for the case where such species is caught for the purpose of conservation, scientific research, creation of original breeds or international cooperation.

2. Species classified into Group II may be caught when the conditions specified in Section II Appendix II hereof are satisfied.

3. When failing to meet the conditions specified in Section II Appendix II hereof, 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 fishery authority affiliated to the Ministry of Agriculture and Rural Development and comply with regulations on access to genetic resources.

4. Creators of original breeds and producers of breeds of endangered, precious and rare aquatic species shall release at least 0.1% of total number of individuals annually produced into natural water areas. Procedures for recovery of endangered, precious and rare species of aquatic organisms shall be carried out as follows:

a) Each creator/producer shall send a report on the preceding year's production of breeds and a plan for recovery of endangered, precious and rare species of aquatic organisms of the current year to the fishery authority of the province where it is headquartered before January 30, every year by email or in person.

b) 07 days before the recovery of endangered, precious and rare species of aquatic organisms, the creator/producer shall send a written notification to the provincial fishery authority in person or by email for cooperation.

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) The individual that remains alive shall be released into its natural habitat; if it is injured, it shall be transferred to the aquatic species rescue center so that it is nurtured and cured before being released into its natural habitat;

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

c) If the exhibit that is a dead individual or part thereof cannot be transferred according to regulations in point b of this Clause or 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, environmental protection and quarantine of plants.

6. Procedures for rescuing endangered, precious or rare aquatic species that is injured or stranded shall be carried out as follows:

- a) Any organization and individual that finds an endangered, precious or rare aquatic species injured or stranded shall notify the provincial fishery authority or the aquatic species rescue center;
- b) If the provincial fishery authority receives information or 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 which receives endangered, precious and rare aquatic species transferred shall make a transfer record, 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 may use it as a specimen to serve dissemination and education or transfer it to the Vietnam National Museum of Nature or research institute. 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 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 fishery authority affiliated to the Ministry of Agriculture and Rural Development 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 district authority in handling it in accordance with practices and regulations of laws on veterinary medicine, environmental protection and quarantine of plants.

9. During the process of fishing, any organization/individual that detects or unintentionally catches endangered, precious or rare aquatic species shall be responsible for recording information on a fishing logbook, assessing health status and handling it as follows:

- a) If the species remains alive, it shall be released into the fishing area.

b) If the species is injured, it shall be rescued according to rescue procedures specified in Clause 6 of this Article.

c) If the species is injured to such an extent that it is impossible to cure it or dead, regulations in Clause 8 of this Article shall be applied.

4. Article 10 shall be amended as follows:

“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 buoys 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 or the organization assigned to manage MPAs;

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

d) Patrol, inspection, control and handling of violations;

dd) Monitoring and supervision of natural resources, environment and archaeology;

e) Incident response at sea, rescue of endangered, precious or rare species, preservation of marine ecosystem.

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

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

b) Recovery and regeneration of aquatic animals and plants, and marine ecosystem in accordance with the guidelines and approval of the competent authority and under the supervision of the MPA management unit or the organization assigned to manage MPAs;

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

d) Innocent passage of fishing vessels, vessels and other waterway vehicles without stopping or anchoring, except for force majeure.

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 performed by the MPA management unit or the organization assigned to manage MPAs; buildings serving aquaculture and ecotourism.

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

- a) The activities specified in Clause 3 of this Article;
- b) Construction of infrastructure which serves socio - economic development but does not harm other subdivisions and ecosystems in the MPA.

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.”

5. Article 11 shall be amended as follows:

- a) Point a Clause 1 Article 11 shall be amended as follows:

“a) carry out investigations, surveys, researches and application of science and technology and international cooperation in marine protection within its scope of management

- b) Point dd Clause 1 Article 11 shall be amended as follows:

“dd) While performing their duties within an MPA, officials of the MPA management unit or the organization assigned to manage the MPA are entitled to make a record on administrative violations against regulations in fishery, handle violations or transfer them to the person having the power to impose penalties as prescribed by law;”

- c) Point e Clause 1 Article 11 shall be amended as follows:

“e) Cooperate in scientific research, recovery and regeneration of aquatic animals and plants, and natural ecosystems within an MPA in accordance with regulations of law; cooperate in the fields of ecotourism, leisure and other services within the MPA in accordance with regulations of law;”

- d) Point h shall be added to Clause 1 Article 11 as follows:

“h) Manage aquaculture and fishing activities within the MPA.”

- dd) Clause 3 shall be added to Article 11 as follows:

“3. An MPA management unit shall exercise the rights to and assume the responsibilities for management, protection of environment and conservation of nature and biodiversity in accordance with regulations of law.”

6. Article 13 shall be amended as follows:

“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 or the organization assigned to manage the MPA 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 or the organization assigned to manage the MPA;
- c) Notify the MPA management unit or the organization assigned to manage the MPA of results of investigation, scientific research, education and training; domestically or internationally published documents (if any);
- d) Pay costs incurred in connection with services and supervision to the MPA management unit or the organization assigned to manage the MPA according to regulations, except for those in connection with investigation and scientific research.

2. Every provider of aquaculture and ecotourism services within an MPA has the following obligations:

- a) 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 issued by the MPA management unit or the organization assigned to manage the MPA;
- 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 or the organization assigned to manage the MPA as prescribed.

e) Eligible organizations and individuals that have demands for aquaculture and fishing within the MPA shall register with the MPA management unit or the organization assigned to manage the MPA.

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 or the organization assigned to manage the MPA 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.”

7. Point b Clause 1 Article 15 shall be amended as follows:

“b) Recurrent expenditures: expenditures on activities of the MPA management unit or the organization assigned to manage the MPA; on other recurrent activities related to the MPA.”

8. Point a Clause 1, Clause 6 and Clause 7 shall be amended and Clauses 8 and 9 shall be added to Article 21 as follows:

a) Point a Clause 1 Article 21 shall be amended as follows:

“a) Fishery authorities affiliated to the Ministry of Agriculture and Rural Development shall issue, re-issue and revoke certificates of eligibility for, and inspect the maintenance of eligibility requirements for production or raising of aquatic breeds with respect to producers and raisers of parent aquatic breeds and producers and raisers of both parent aquatic breeds and aquatic breeds that are not parent aquatic breeds;”

b) Clause 6 Article 21 shall be amended as follows:

"6. Duration for maintenance of eligibility requirements

a) The duration for maintenance of eligibility requirements by a producer or raiser is 12 months. In case the producer or raiser has been issued with the certificate of conformity by the conformity assessment organization according to regulations of law, the duration for maintenance of eligibility requirements is 24 months.

b) Maintenance of eligibility requirements by a producer or raiser shall be inspected within 90 days from the end date of the 12-month period and 180 days from the end date of the 24-month period. The 12-month and 24-month periods begin on the date of the first certificate of eligibility of the producer or raiser or the date of the previous inspection according to regulations.

c) The inspecting authority shall notify the producer or raiser of the time for inspection of maintenance of eligibility requirements at least 05 days in advance. The inspection of maintenance of eligibility requirements shall follow contents specified in Form No. 03.NT Appendix III enclosed with this Decree. After 05 working days from the end of inspection, the inspecting authority shall notify the inspected producer or raiser of inspection results and duration for maintenance of eligibility requirements.

d) During the duration for maintenance of eligibility requirements, if the producer or raiser does not wish to maintain eligibility requirements according to regulations, the notification shall be sent to the competent authority specified in Clause 1 of this Article for revocation of certificate of eligibility for production or raising of aquatic breeds and public declaration on the website of the fishery authority affiliated to the Ministry of Agriculture and Rural Development.”

c) Clause 7 Article 21 shall be amended as follows:

“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 as follows:

a) If the producer or raiser fails to maintain eligibility requirements according to regulations in one of the points a,b,d Clause 1 Article 24 of the Law on Fisheries and Clause 1 Article 20 of this Decree, the competent authority shall take actions against the violation and issue a decision on revocation of or request another competent authority to revoke the certificate of eligibility for production or raising of aquatic breeds, and publish a notification thereof on the website of the fishery authority affiliated to the Ministry of Agriculture and Rural Development;

b) If the producer or raiser fails to maintain or maintains eligibility requirements specified in point c Clause 1 Article 24 of the Law on Fisheries and Clause 2 Article 20 of this Decree in an inadequate manner but is not capable of taking remedial measures, the competent authority shall take actions against the violation and issue a decision on revocation of or request another competent authority to revoke the certificate of eligibility for production or raising of aquatic breeds, and publish a notification thereof on the website of the fishery authority affiliated to the Ministry of Agriculture and Rural Development;

c) If the producer or raiser commits a violation against regulations in point a or point c Clause 4 Article 25 of the Law on Fisheries, the competent authority shall take administrative actions against the violation as prescribed and issue a decision on

revocation of or request another competent authority to revoke the certificate of eligibility for production or raising of aquatic breeds, and publish a notification thereof on the website of the fishery authority affiliated to the Ministry of Agriculture and Rural Development.”

d) Clause 8 and Clause 9 shall be added to Article 21 as follows:

“8. When engaging in one, some or all stages of the process of production or raising of aquatic breeds that have declarations of applicable standard or declarations of their conformity with corresponding national technical regulations submitted by another producer or raiser, the producer or raiser issued with the certificate of eligibility for production or raising of aquatic breeds shall:

a) produce or raise aquatic breeds in accordance with the requirements specified in the certificate and make a written agreement on applied standards, scope and duration of application.

b) fulfill the obligations specified in points b,c,dd,e,g and h Clause 2 Article 26 of the Law on Fisheries. Keep records and retain documents during the production or raising and assign copies thereof to the producer or raiser whose aquatic breeds have declarations of applicable standard or declarations of their conformity with corresponding national technical regulations submitted for the tracing purpose

9. When producing or raising aquatic breeds at another producer or raiser issued with the certificate of eligibility, the producer or raiser whose aquatic breeds have declarations of applicable standard or declarations of their conformity with corresponding national technical regulations submitted shall fulfill all obligations specified in points a, d and g Clause 2 Article 26 of the Law on Fisheries, retain documents during the production and raising.”

9. Point c Clause 2 Article 22 shall be amended as follows:

“c) A research outline approved by the competent state management agency (if the aquatic species is imported for the purpose of scientific research).”

10. Point b Clause 7 Article 26 shall be amended as follows:

“b) Within 01 working day from the date on which the decision on recognition of aquatic breed testing results is issued, the fishery authority affiliated to the Ministry of Agriculture and Rural Development shall publicize the decision on its web portal.”

11. Point b Clause 5, Clause 6, Clause 7 shall be amended and Clause 9 shall be added to Article 28 as follows:

a) Point b Clause 5 Article 28 shall be amended as follows:

“b) On-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 of the Law on Fisheries;”

b) Clauses 6 and 7 Article 28 shall be amended as follows:

"6. Maintenance inspection time

a) The duration for maintenance of eligibility requirements by the producer of aquafeeds and treatment products is 12 months. In case the producer has been issued with the certificate of conformity by the conformity assessment organization according to regulations of law, its maintenance of eligibility requirements shall be inspected within 24 months.

b) Maintenance of eligibility requirements by the producer shall be inspected within 90 days from the end date of the 12-month period and 180 days from the end date of the 24-month period. The 12-month and 24-month periods begin on the date of the first certificate of eligibility of the producer or raiser or the date of the previous inspection according to regulations.

c) The inspecting authority shall notify the producer of the time for inspection of maintenance of eligibility requirements at least 05 days in advance; the inspection of maintenance of eligibility requirements shall follow contents specified in Form No. 13.NT Appendix III enclosed with this Decree. After 05 working days from the end of inspection, the inspecting authority shall notify the inspected producer of inspection results and duration for maintenance of eligibility requirements.

d) During the duration for maintenance of eligibility requirements, if the producer does not wish to maintain eligibility requirements according to regulations, the producer shall notify the competent authority specified in Clause 1 of this Article for revocation of the certificate of eligibility for production of aquafeeds and treatment products and public declaration on the website of fishery authority affiliated to the Ministry of Agriculture and Rural Development.

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 as follows:

a) If the producer fails to maintain eligibility requirements according to regulations in one of the points a,b,d,e Clause 1 Article 32 of the Law on Fisheries and Clauses 1 and 2 Article 27 of this Decree, the competent authority shall take actions against the violation and issue a decision on revocation of or request another competent authority to revoke the certificate of eligibility for production of aquafeeds and treatment products, and publish a notification thereof on the website of the fishery authority affiliated to the Ministry of Agriculture and Rural Development

b) If the producer fails to maintain eligibility requirements or maintains eligibility requirements in an inadequate manner but is not capable of taking remedial measures to fulfill the requirements specified in point dd Clause 1 Article 32 of the Law on Fisheries and Clause 3 Article 27 of this Decree, the competent authority shall take actions against the violation and issue a decision on revocation of or request another competent authority to revoke the certificate of eligibility for production of aquafeeds and treatment products, and publish a notification thereof on the website of the fishery authority affiliated to the Ministry of Agriculture and Rural Development.

c) If the producer commits a violation against regulations in point a or point c Clause 4 Article 34 of the Law on Fisheries, the competent authority shall take administrative actions against such violation as prescribed and issue a decision on revocation of or request another competent authority to revoke the certificate of eligibility for production of aquafeeds and treatment products, and publish a notification thereof on the website of the fishery authority affiliated to the Ministry of Agriculture and Rural Development.”

c) Clause 9 shall be added to Article 28 as follows:

“9. The following establishments are not required to obtain the certificate of eligibility for production of aquafeeds: producers of aquafeeds that are not subject to declaration of conformity; initial producers (farming, breeding, aquaculture, harvesting and fishing establishments).”

12. Article 29 shall be amended as follows:

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

1. The authority inspecting quality of imported aquafeeds and treatment products is the Ministry of Agriculture and Rural Development.

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.

4. Aquafeeds and treatment products shall be tested by the laboratory designated by the Ministry of Agriculture and Rural Development or registered according to regulations of law. In case a designated testing laboratory (in case such aquafeeds and treatment products shall be tested in order to serve state inspection) or registered testing laboratory (in case such aquafeeds and treatment products shall be tested in order to serve activities of organizations/individuals) is not available, aquafeeds and treatment products shall be tested at a laboratory designated or registered 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 fishery authority affiliated to the Ministry of Agriculture and Rural Development shall decide a testing method.”

13. Point b Clause 2 and Clause 4 Article 30 shall be amended as follows:

a) Point b Clause 2 Article 30 shall be amended as follows:

“b) A confirmation of the applicant’s organization of or participation in a fair or exhibition in Vietnam (if aquafeeds/treatment products are imported for display thereof at a fair or exhibition) which contains information on organization time and location, products (name, main components, uses, instructions about use and preservation of each product), quantity, weight and plan to dispose products at the end of the fair or exhibition, and responsibilities of the relevant parties.”

b) Clause 4 Article 30 shall be amended as follows:

“4. Live fishery products imported as aquafeeds:

a) Organizations/individuals are permitted to import fishery products included in the List of aquatic species licensed for sale in Vietnam to use them as aquafeeds. In case of import of fishery products as aquafeeds which have not yet been included in the List of aquatic species licensed for sale in Vietnam, organizations/individuals shall take fishery product testing according to regulations in Article 26 of this Decree.

b) Procedures for importing aquatic species licensed for sale in Vietnam to use them as aquafeeds shall comply with regulations in Article 30 of this Decree.”

14. Article 36 shall be amended as follows:

“Article 36. Registration of cage aquaculture and main aquatic species

1. The competent authority issuing a certificate of registration of cage aquaculture and main aquatic species is the provincial fishery authority.

2. Aquaculture forms include cage aquaculture, aquaculture on scaffolds, tidal flat containment, aquaculture at sea, natural lagoons, rivers and lakes shall be registered.

3. An application for registration includes:

a) An application form (Form No. 26.NT in the Appendix III hereof);

b) A floor plan of the pond/cage confirmed by the establishment owner.

4. 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) A floor plan of the pond/cage confirmed by the establishment owner (in case of change of production scale); documentary evidences in the case of change of the establishment owner.

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

- a) The applicant shall submit an application to the provincial fishery authority;
- b) Within 07 working days from the receipt of the satisfactory application, according to local planning, plan, program and project on development of aquaculture approved by the competent authority and other relevant regulations, the provincial fishery authority shall consider issuing a certificate according to the Form No. 28.NT in the Appendix III hereof. In case of refusal, a written reply which specifies reasons shall be provided.

6. 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 production scale is changed; aquaculture subject is changed.

7. Revocation of certificate of registration of cage aquaculture and main aquatic species

- a) The certificate of registration of cage aquaculture and main aquatic species shall be revoked in one of the following cases: its contents are erased or changed; or the certificate holder commits a violation that leads to revocation of the certificate;
- b) Any authority that has the power to issue the certificate also has the power to revoke it.”

15. Point b Clauses 3 and 4 shall be amended and point c Clause 5, Clause 6, Clause 7 shall be added to Article 37 as follows:

a) Point b Clause 3 Article 37 shall be amended as follows:

“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, conduct on-site inspection (if necessary) at the proposed sea area 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.

b) Clause 4 Article 37 shall be amended as follows:

“4. Re-issuance or renewal of the mariculture license.

a) Cases of re-issuance or renewal of the mariculture license: the mariculture license shall be considered for re-issuance in case it is lost or damaged or the information on the application is changed; renewal in case it is still valid for at least 60 days.

b) An application for re-issuance or renewal of the mariculture license includes:

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

Report on production results (Form No. 30A.NT in the Appendix III hereof);

Report on results of environment protection appraised by the competent authority according to regulations;

A certified copy of Decision on transfer of marine aquaculture site (in case of renewal of the license);

A copy of document prepared by the competent authority which shows the changed information on the applicant (in case of re-issuance of the license).

c) Procedures for re-issuance or renewal of the mariculture license:

The applicant shall send an application to the competent authority specified in Clause 1 of this Article.

Within 15 working days from the receipt of the satisfactory application, the competent authority shall consider re-issuing/renewing the license. In case of rejection of the application, a response and explanation shall be provided in writing.”

c) Point c shall be added to Clause 5 Article 37 as follows:

“c) When it is detected that one of the violations specified in point a of this Clause is committed, the competent authority specified in point b of this Clause shall issue a decision to revoke the mariculture license.”

d) Clause 6 and Clause 7 shall be added to Article 37 as follows:

“6. The validity period of the mariculture license shall not exceed the period specified in Clause 4 Article 44 of the Law on Fisheries. When the license expires, if the organization/individual wishes to continue to use sea areas for aquaculture, the period may be extended once or multiple times but total extension period shall not exceed 20 years.

7. In case of transfer of the right to use sea areas, the organization/individual hiring or receiving the right to use sea areas as capital contribution shall be responsible to the law for obligations to aquaculture and use of sea areas.

a) If the transferee continues to carry out the aquaculture project of the transfer, the transferee shall change information in the mariculture license according to Clause 4 of this Article;

b) If the transferee fails to continue to carry out the aquaculture project of the transfer, the transferee shall follow procedures for issuing the mariculture license according to Clause 2 and Clause 3 of this Article.”

16. Article 38 shall be amended as follows:

“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 fishery authority affiliated to the Ministry of Agriculture and Rural Development;

b) Within 90 days from the receipt of the satisfactory application, the fishery authority affiliated to the Ministry of Agriculture and Rural Development shall appraise the application; organize site survey at the sea areas (if necessary); and consult the Ministry of Agriculture and Rural Development about seeking opinions from the local authority of the area where the sea areas exist, Ministry of National Defense, Ministry of Foreign Affairs, Ministry of Public Security, and Ministry of Natural Resources and Environment. The enquired authorities shall reply within 30 days from the date of receipt of documents that seek opinions. By the aforementioned deadline, if these authorities fail to reply in writing, it deems that they have agreed.

If those are concurring with opinions, within 05 working days, the fishery authority affiliated to the Ministry of Agriculture and Rural Development 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 fishery authority affiliated to the Ministry of Agriculture and Rural Development shall consult the Ministry of Agriculture and Rural Development to notify the Prime Ministry for instructions. After receiving instructions

from the Prime Minister, within 07 working days, the Minister of Agriculture and Rural Development shall issue 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. Re-issuance or renewal of the license:

a) Cases of re-issuance or renewal of the mariculture license: the mariculture license shall be re-issued in case it is lost or damaged or the information on the application is changed; shall be considered for renewal in case it is still valid for at least 60 days.

b) An application for re-issuance or renewal of the mariculture license includes:

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

Report on production results (Form No. 30A.NT in the Appendix III hereof);

Report on results of environment protection appraised by the competent authority according to regulations;

A certified copy of Decision on transfer of marine aquaculture site, mariculture license (in case of renewal of the license);

A copy of document prepared by the competent authority which shows the changed information on the applicant (in case of re-issuance of the license).

c) Procedures for re-issuance or renewal of the mariculture license:

The applicant shall send an application to the competent authority specified in Clause 1 of this Article.

Within 30 working days from the receipt of the satisfactory application, the competent authority shall consider re-issuing/renewing the license. In case of rejection of the application, a response and explanation shall be provided in writing.

5. The validity period of the mariculture license shall comply with regulations in Article 37 of this Decree.

6. 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 Ministry of Agriculture and Rural Development has the power to revoke and issue a Decision to revoke the license.

7. In case of transfer of the right to use sea areas for aquaculture, the organization/individual hiring or receiving the right to use sea areas as capital contribution shall be responsible to the law for obligations to aquaculture and use of sea areas.

a) If the transferee continues to carry out the aquaculture project of the transfer, the transferee shall change information in the mariculture license according to Clause 4 of this Article;

b) If the transferee fails to continue to carry out the aquaculture project of the transfer, the transferee shall follow procedures for issuing the mariculture license according to Clause 2 and Clause 3 of this Article;

17. Clause 2 and point b Clause 3 Article 41 shall be amended as follows:

a) Clause 2 Article 41 shall be amended as follows:

“2. The establishment in charge of breeding of endangered, precious and rare aquatic species shall satisfy all eligibility requirements specified in Article 24 of the Law on Fisheries and Article 20 of this Decree. The establishment in charge of 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 specified in Article 38 of the Law on Fisheries and Article 34 of this Decree.”

b) Point b Clause 3 Article 41 shall be amended:

“b) Regarding endangered, precious and rare aquatic species not included in CITES Appendices, the establishment shall apply for a certificate of eligibility for aquaculture according to regulations in Article 35 of this Decree.”

18. Clause 1 Article 42 shall be amended as follows:

“1. Offshore fishing zones include:

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 determined according to United Nations Convention on Law of the Sea – UNCLOS.”

19. Clause 4, Clause 5 and Clause 6 shall be added to Article 43 as follows:

“4. Quota conversion for Licenses for fishing in offshore zones:

a) When transferring the right of ownership of fishing vessels among provinces and central- affiliated cities, holders of licenses for fishing in offshore zones shall ensure that total quotas for licenses for fishing in offshore zones assigned by the Ministry of Agriculture and Rural Development are not increased.

Quota conversion for fishing licenses among industries in total quotas assigned shall be decided by provincial People's Committees in such a way to ensure that the fishing industry in provinces and cities will develop towards only conversion to any industry that protects aquatic resources and comply with regulations of law.

b) Any transferee of right of ownership of fishing vessels shall comply with regulations on issuance of written approvals under Article 62 of the Law on Fisheries and Article 57 of this Decree and register fishing vessels according to regulations. Departments of Agriculture and Rural Development in provinces and central-affiliated cities where transferors of right of ownership of fishing vessels are located shall notify quota conversion for licenses for fishing in offshore zones (Form No. 01A.KT Appendix IV enclosed with this Decree) to those in provinces and central-affiliated cities where transferees of right of ownership of fishing vessels are located after issuing written approvals according to regulations; fishing vessel registration agencies shall follow procedures for deregistering fishing vessels and register fishing vessels according to regulations.

5. Authorities in landlocked provinces and central- affiliated cities shall review and determine the number of existing fishing vessels and their operation areas, and fishing licenses issued to fishing vessels with a length of from 06 meters to less than 15 meters before the effective date of this Decree. After that, they shall send reports to People's Committees of coastal provinces and central-affiliated cities where fishing vessels operate for inclusion in quotas for licenses for fishing in coastal zones and inshore zones of such provinces and cities and cooperation in management of fishing vessels.

6. Vessels with a length of at least 06 meters shall enter ports in order for products to be loaded and unloaded.”

20. Article 44 shall be amended as follows:

“Article 44. Regulations on management of fishing vessel monitoring system

1. The fishing vessel monitoring system shall meet requirements specified in Appendix VII enclosed with this Decree.

2. The fishing vessel monitoring system software at the monitoring equipment supplier shall meet the following requirements:

a) Being capable of connecting and receiving information and data from the fishing vessel monitoring system;

b) Ensuring continuous connection to transmit full information and data from the fishing vessel monitoring system to the monitoring data center affiliated to the fishery authority under the Ministry of Agriculture and Rural Development;

c) Receiving information from the fishing vessel monitoring system software in order to transmit it to the fishing vessel monitoring system according to the format prescribed by the monitoring data center affiliated to the fishery authority under the Ministry of Agriculture and Rural Development;

d) Keeping data confidential according to regulations of law.

3. Functions of fishing vessel monitoring system software at the monitoring data center affiliated to the fishery authority under the Ministry of Agriculture and Rural Development:

a) The software 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 manage, inspect and monitor activities of fishing vessels at sea and entry into and exit from ports; the revision to data on fishing vessels is prohibited;

b) The software must display vessel location in real time, time, speed, course, alarm signals, last data update time, weather information, fishery information and status of the monitoring equipment, and send information to the monitoring equipment via the software at the monitoring equipment supplier; display main equipment according to the declared code enclosed with the fishing license and backup 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) Software must clearly display coordinates of fishing zones, zones where fishing is prohibited, fishing ports, islands and archipelagos under Vietnamese sovereignty that have been delimited and Vietnam's historic waters.

4. Management of fishing vessel monitoring system

a) The fishery authority under the Ministry of Agriculture and Rural Development shall:

Unify management of the fishing vessel monitoring system and fishing vessel monitoring data nationwide, manage system and grant rights to access and use fishing vessel monitoring data to local authorities, fishing port agencies and organizations designated and forces that enforce laws on fishing at sea; directly handle fishing vessel monitoring data with regard to fishing vessels with a length of at least 24 meters.

Build and operate the fishing vessel monitoring system, and ensure that information and data are received and processed promptly; if it is detected that the fishing vessel loses signal or has crossed the zone permitted for fishing at sea, the fishery authority shall send notification by one of the following forms: phone, email, or data to focal points receiving and processing fishing vessel monitoring information of Departments of Agriculture and Rural Development in coastal provinces and central- affiliated cities, Vietnam Fisheries Surveillance, Vietnam Coast Guard, Vietnam Border Guard in order to organize inspection, control, settlement, consolidation and report according to regulations and rules on cooperation among units.

b) Departments of Agriculture and Development of coastal provinces and cities shall manage and process fishing vessel monitoring data of provinces and cities; process monitoring data of vessels with a maximum length of from 15 meters to less than 24 meters; access fishing vessel monitoring database to serve management of fishing vessels, traceability and handling of violations within their management. Fishery authorities of coastal provinces and cities shall manage and process monitoring data on fishing vessels of provinces and cities and fishing vessels of other provinces and cities when they operate in waters within their management; access fishing vessel monitoring database to serve management of fishing vessels, traceability and handling of violations within their jurisdiction.

c) Departments of Agriculture and Development of provinces and central- affiliated cities, Vietnam Fisheries Surveillance, Vietnam Coast Guard, Vietnam Border Guard shall appoint focal points receiving fishing vessel monitoring information and send information about such focal points to the fishery authority under the Ministry of Agriculture and Rural Development, and process data of the fishing vessel monitoring system. They shall send reports on handling results to the fishery authority under the Ministry of Agriculture and Rural Development (via On-duty Department operating fishing vessel monitoring systems) by email or in writing for consolidation on a periodical (by 20th every month) or ad hoc (if required) basis.

d) When installing monitoring equipment, the vessel owner shall declare information about installation and activation of the equipment according to the Form No. 01.KT in the Appendix IV hereof; and provide information about monitoring of his/her vessel from the monitoring data center affiliated to the fishery authority under the Ministry of Agriculture and Rural Development and the monitoring data center under the monitoring equipment supplier upon request.

dd) The provincial fishery authority shall manage and inspect installation and activation of the monitoring equipment.

e) The captain or the vessel owner must ensure that monitoring equipment operates 24/24 from the moment a fishing vessel leaves port until it returns. In case the monitoring equipment loses signal, the captain or the vessel owner shall use another equipment that records the vessel location and report the location to the management agency at port when the vessel enters the port, and use another communication equipment and report the vessel location to the fishery authority under the Ministry of Agriculture and Rural Development and the provincial fishery authority where the fishing vessel is registered (via On-duty Department operating fishing vessel monitoring systems) 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; the captain or the vessel owner shall strictly comply with warnings given by the monitoring equipment, and must not operate their fishing vessel crossing boundaries of zones permitted for fishing at sea.

g) 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;

h) Monitoring data shall be used as a legal ground for managing activities of fishing vessels, imposing penalties for administrative violations, handling disputes over fishing gears, stating fishery products originating from catches and providing benefits in the fishery sector.

5. Responsibility of the monitoring equipment supplier

a) Update and manage information about fishing vessels and their owners, codes of fishing vessel monitoring equipment and container seal numbers. The information is automatically transmitted to the monitoring data center affiliated to the fishery authority under the Ministry of Agriculture and Rural Development. Conduct inspection and take responsibility for the accuracy of information before updating it on the fishing vessel monitoring system software of the monitoring equipment supplier; notify the vessel owner of the expiration of the vessel monitoring equipment 30 days in advance; be prohibited from making disconnection without permission when the fishing vessel is operating at sea;

b) Install the monitoring equipment at a fixed location in a part attached to the fishing vessel's hull. There must be manual (the manual shall contain at least: 24/24 telephone number, contact address of the supplier); the equipment shall be protected by fixing container seal on the vessel upon installation or after repair;

c) Promptly tackle equipment technical issues and provide information related to the equipment; cooperate in handling violations at the request of the competent authority; handle loss of signal of its monitoring equipment; send monitoring data that has not yet been submitted to the monitoring data center affiliated to the fishery authority under the Ministry of Agriculture and Rural Development enclosed with a written certification in case of force majeure events;

d) Submit quarterly, biannual, annual or ad hoc reports on results to the fishery authority under the Ministry of Agriculture and Rural Development, Departments of Agriculture and Rural Development in provinces and central-affiliated cities where fishing vessels are registered according to Form No. 01B.KT Appendix IV enclosed with this Decree upon request;

dd) Before supplying the fishing vessel monitoring equipment, notify in writing the fishery authority under the Ministry of Agriculture and Rural Development for consolidation and public disclosure on its web portal;

e) Ensure transmission of data from the equipment to the monitoring data center affiliated to the fishery authority under the Ministry of Agriculture and Rural Development;

g) Assume responsibility in case the data cannot be transmitted from the equipment to the monitoring data center due to technical errors.

6. 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; when being transmitted to other specialized agencies, monitoring data must be encoded according to regulations;

c) Monitoring data shall be stored 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 be responsible for keeping data confidential and providing data in an accurate manner; only provide monitoring data upon request of fishery authorities when obtaining approval from the fishery authority under the Ministry of Agriculture and Rural Development.

7. Management, installation, dismantlement and replacement of monitoring equipment

a) The provincial fishery authority shall establish and issue procedures for installation, dismantlement and replacement of fishing vessel monitoring equipment and manage such installation, dismantlement and replacement,

b) Upon installation, dismantlement and replacement of monitoring equipment, the vessel owner shall notify the local fishery authority according to Form No. 01.KT Appendix IV enclosed with this Decree to serve inspection and verification according to regulations and request the supplier to update such installation, dismantlement and replacement to the database. If the monitoring equipment is damaged, before the equipment is dismantled,

the provincial fishery authority shall be notified to make a record of equipment status prior to dismantlement and replacement.

c) Upon installation of the monitoring equipment, it shall be protected by fixing container seal according to the specimen of lead notified by the fishery authority under the Ministry of Agriculture and Rural Development; each container seal used for each equipment shall have an independent container seal number and the container seal number shall include abbreviated name of the supplier and order number of the container seal. After installing the monitoring equipment, the equipment supplier shall notify the fishery authority under the Ministry of Agriculture and Rural Development and the provincial fishery authority to inspect the installation of the equipment and update it to the monitoring database.”

21. Point b Clause 1, Clause 4, point b Clause 5 shall be amended and Clause 6 shall be added to Article 45 as follows:

a) Point b Clause 1 Article 45 shall be amended as follows:

“b) Photocopy of the fishing vessel safety certificate if the fishing vessel is required to be registered;”

b) Clause 4 Article 45 shall be amended as follows:

“4. The validity period of the initial fishing license shall not exceed the remaining period of the fishing quota.”

c) Point b Clause 5 Article 45 shall be amended as follows:

“b) When it is found that one of the violations specified in Clause 5 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.

d) Clause 6 shall be added to Article 45 as follows:

“6. A fishing vessel may have 01 secondary vocation, except for trawling and fishing logistics. A fishing logistics vessel must not have any other vocation.”

22. Article 45a shall be added after Article 45 as follows:

“Article 45a. Supervisors on Vietnamese fishing vessels operating within Vietnam’s waters

1. A supervisor on a Vietnamese fishing vessel shall satisfy the following conditions:

a) Being a Vietnamese citizen;

b) Attaining fitness and possessing skills to work on the fishing vessel for a long term at sea;

c) Completing refresher training or training courses in supervision of fishing activities.

2. Rights and responsibilities of the supervisor:

a) Be enabled to work, eat and rest during working period;

b) Be provided with travel expenses, per diem, salary, allowances, insurance and other benefits and expenses according to applicable regulations in case he/she is appointed by the state agency; be paid for expenses according to the contract in case he/she is hired to perform supervision task on the fishing vessel;

c) Access and use facilities and equipment of the vessel which are necessary to perform tasks;

d) Access dossiers of the fishing vessel, including registration certificate of fishing vessel, fishing vessel safety certificate, fishing license, directory book of fishing vessels' crew members, fishing logbook and relevant documents;

dd) Access marine equipment, nautical charts, radios, echo sounders, fishfinders, radar, communication equipment and other equipment; approach the deck during the period on which fishing gears are dropped and packed up and access aquatic specimens for collection and sampling;

e) Be supplied with medical and sanitary equipment; food and accommodation that meet standards applied to crew members working on the fishing vessel;

g) Attend refresher training and training courses in supervision tasks performed by supervisors on the fishing vessel;

h) Carry out tasks under the contract or as assigned by the state agency;

i) Follow code of conduct and comply with regulations on security of information related to activities of the fishing vessel, crew members, vessel owner and collected data and information;

k) Ensure independence, objectivity and fairness upon performance of supervisions tasks on the fishing vessel;

k) Regularly discuss relevant issues and tasks with the captain.

3. Rights of the vessel owner and captain

a) Be notified at least 07 days in advance of the allocation of supervisors work on the fishing vessel for the upcoming trip in case these supervisors are appointed by the state agency; be informed about the rights and obligations to implementation of the supervisory program on the fishing vessel;

b) Request supervisors to comply with general rules and regulations of law;

c) The captain may consider and comment about reports submitted by supervisors and has the right to provide additional opinions and information on such reports.

4. Responsibilities of the vessel owner and captain

a) Receive, allocate working, eating and resting places to and enable supervisors appointed by the state agency to work on the fishing vessel according to the Plan to carry out the supervisory program approved by the Ministry of Agriculture and Rural Development; notify in writing the local fishery authority of assignment of supervisors on the fishing vessel before signature of contracts with supervisors for monitoring and manage;

b) Assign a crew member to accompany the supervisor when he/she performs tasks in dangerous areas;

c) Inform sailors about the time supervisors are on board and disseminate their rights and responsibilities when these supervisors perform their tasks on the fishing vessel;

d) Assist supervisors in embarking and disembarking safely at the notified or agreed location and time;

dd) Notify supervisors for at least fifteen minutes before casting and hauling in the net;

e) Allow and assist supervisors to access full dossiers of the fishing vessel, including registration certificate of fishing vessel, fishing vessel safety certificate, fishing license, directory book of fishing vessels' crew members and fishing logbook in order to conduct inspection and record information about the fishing vessel and trip;

g) Allow supervisors to access fishing space and products, marine equipment, nautical charts, communication and information equipment and other fishing equipment in order to enable these supervisors to collect science data, samples and record other relevant information;

h) Do not threaten, bribe supervisors or interfere in their activities that affect performance of supervision tasks by these supervisors;

i) Give funding under contracts signed with supervisors or pay some expenses for implementation of the supervisory Program approved by the Ministry of Agriculture and Rural Development.

5. The Ministry of Agriculture and Rural Development shall develop a program framework and provide training and refresher training for supervisors; develop and organize implementation of the supervisory program on an annual basis or by each period according to regulatory requirements or requirements imposed by the import market. The Program shall contain the basic contents, including objectives, implementation contents (fishery industry to be supervised, trip number, supervision areas), products delivered and implementation funding.”

23. Article 46 shall be amended as follows:

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

1. Point b Clause 1 Article 53 of the Law on Fisheries is elaborated as follows:

a) The fishing vessel with a maximum length of at least 15 meters shall be fitted with a monitoring equipment capable of automatically transmitting information through the satellite communications system and must not violate illegal fishing regulations;

b) 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 and emergency position-indicating radio beacons (EPIRB).

2. Point d Clause 1 Article 53 of the Law on Fisheries is elaborated as follows:

a) It must be assigned an IMO number according to regulations in case the fishing vessel operates in waters under the management of the regional fishery organization or waters of another country or territory upon request;

b) There must be observers in accordance with regulations of the regional fisheries management organization or coastal countries.

c) 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 issued by the fishery authority under the Ministry of Agriculture and Rural Development if the fishing license is issued for the purpose of conducting fishing activities within waters under the jurisdiction of the regional fisheries management organization.”

24. Clause 4 Article 48 shall be amended as follows:

“4.Procedures:

a) The applicant for issuance, re-issuance and renewal of license for fishing operations of foreign ships in the Vietnam waters shall submit an application to the fishery authority affiliated to the Ministry of Agriculture and Rural Development;

b) After receiving the satisfactory application, the fishery authority affiliated to the Ministry of Agriculture and Rural Development shall submit a list of crew members and fishers working on board a fishing vessel to the Ministry of Agriculture and Rural Development, which will collect opinions thereon from the Ministry of Public Security and the Ministry of National Defense. Within 10 working days from the date of receipt of the written request for opinions, the Ministry of Public Security and the Ministry of National Defense shall reply in writing. Within 05 working days from the date of receipt of opinions from the Ministry of Public Security and the Ministry of National Defense, the fishery authority affiliated to the Ministry of Agriculture and Rural Development shall consider issuing or re-issuing the license for fishing operations of foreign ships in the Vietnam waters according to Form No. 15.KT Appendix IV enclosed with this Decree;

c) Within 05 working days from the date of receipt of the satisfactory application, the fishery authority affiliated to the Ministry of Agriculture and Rural Development shall issue the renewed license for fishing operations of foreign ships in the Vietnam waters according to the Form No. 16.KT in the Appendix IV hereof;

d) After issuing, re-issuing and renewing the license for fishing operations of foreign ships in the Vietnam sea, the Ministry of Agriculture and Rural Development shall notify the People's Committee of province where there are foreign ships that operate in the Vietnam waters and the Ministry of Public Security, the Ministry of National Defense and the Ministry of Foreign Affairs for cooperation in monitoring and management;

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

25. Article 49 shall be amended as follows:

“Article 49. Regulations applied to foreign fishing vessels entering or leaving fishing ports or anchored within fishing port water areas

1. When entering, leaving or anchored within Vietnam’s fishing port water areas, 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.

2. Declaration shall be made and foreign fishing vessels entering or leaving fishing ports or anchored within fishing port water areas shall be subject to inspection and control by competent authorities according to regulations of law.”

26. Clause 3 Article 51, Clause 3 Article 52, Clause 3 Article 53 shall be amended as follows:

“3. The quality management system shall be established and applied; there must be technical procedures according to national technical regulation on classification and construction of fishing vessels

27. Clause 3 Article 54 shall be amended as follows:

“3. Procedures for inspection of maintenance of fulfillment of eligibility requirements for building and modifying fishing vessels, issuance or re-issuance of certificates of eligibility for building and modifying fishing vessels:

a) The applicant shall submit an application to the fishery authority of province where the fishing vessel building and modification facility is located;

b) Within 07 days from the receipt of the satisfactory application, the provincial fishery authority shall inspect and assess the fulfillment of eligibility requirements by the facility according to Form No. 03A.TC Appendix V enclosed with this Decree; If the facility fails to satisfy all eligibility requirements, the facility shall take corrective actions. After taking corrective actions, the facility shall notify the provincial fishery authority in writing to inspect the correction (if necessary);

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 provincial fishery authority shall issue the certificate of eligibility for building and modifying fishing vessels according to the Form No. 04.TC in the Appendix V hereof; in case of rejection of the application, a response and explanation shall be provided in writing;

d) The duration for inspection of maintenance of eligibility for building and modifying fishing vessels is 12 months. In case the facility has been issued with the certificate of conformity by the conformity assessment organization according to regulations of law, its maintenance of fulfillment of eligibility requirements shall be inspected within 24 months. The provincial fishery authority shall notify the facility of the time for inspection of maintenance of eligibility requirements at least 05 days in advance; the inspection of maintenance of fulfillment of eligibility requirements shall follow contents specified in Form No. 03A.TC Appendix V enclosed with this Decree. After 05 working days from the end of inspection, the inspecting authority shall notify the inspected facility of inspection results and duration for maintenance of eligibility requirements.”

28. Article 54a shall be added after Article 54 as follows:

Article 54a. Institutions providing training and refresher training for crew members working on fishing vessels

1. Requirements to be satisfied by an institution providing training and refresher training for crew members working on a fishing vessel

a) It must be an institution having training and refresher training functions and established according to regulations of law;

b) There must be facilities, equipment and lecturers that meet requirements specified in Appendix XII enclosed with this Decree;

c) There must be training and refresher training programs and textbooks according to regulations; the institution must establish and maintain the application of a quality management system according to ISO 9001 or equivalent.

2. Rights and obligations of the institution:

a) Collect fees for training and refresher training according to regulations;

b) Send a written notification according to Form No. 04A.TC enclosed with this Decree to the fishery authority affiliated to the Ministry of Agriculture and Rural Development for at least 30 days before the institution provides training and refresher training for crew members;

c) Ensure that facilities, equipment and lecturers meet requirements according to regulations;

d) Give training and refresher training for crew members according the program framework issued by the Ministry of Agriculture and Rural Development.”

29. Article 56 shall be amended as follows:

“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 shall sign fixed-term labor contracts of at least 12 months or indefinite contracts according to regulations of law with 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; during the period of execution of contracts with the registry, the registrars must not sign fixed-term labor contracts of at least 3 months with other employers; 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) The registry shall sign fixed-term labor contracts of at least 12 months or indefinite contracts according to regulations of law with 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; during the period of execution of contracts with the registry, the registrars must not sign fixed-term labor contracts of at least 3 months with other employers; 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) The registry shall sign fixed-term labor contracts of at least 12 months or indefinite contracts according to regulations of law with registrars obtaining at least a level 5 of VQF Advanced Diploma in ship hull engineering, marine engineering and fishing; during the period of execution of contracts with the registry, the registrars must not sign fixed-term labor contracts of at least 3 months with other employers; there must be at least 01 Class II registrar;

c) The registry must establish and maintain the application of a quality management system according to ISO 9001 or equivalent; or establish procedures for technical inspection and supervision of fishing vessels in accordance with national technical regulations on classification and construction of fishing vessels.”

30. Clauses 2 and 3 shall be amended and Clause 4, Clause 5 shall be added to Article 57 as follows:

“2. The applicant shall submit an application to the provincial fishery authority.

3. Within 03 working days from the receipt of the satisfactory application, according to quota on issuance of the fishing license and specific criteria laid down by the province, the provincial fishery authority shall appraise the application 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.

4. If the approval for purchase of fishing vessels from another province or central-affiliated city is granted, there must be a written notification of quota conversion for the

license for fishing in offshore zone given by the Department of Agriculture and Rural Development of province where the organization/individual selling fishing vessels is located and in accordance with specific criteria laid down by the province.

5. Within 30 days from the date of completion of documents on sale, purchase, charter of bareboat, import, donation, inheritance, and wining auction of fishing vessel, the organization/individual shall follow procedures for granting registration at the competent registry according to regulations.”

31. Clause 2 and point b Clause 3 Article 58 shall be amended as follows:

“2. Documents mentioned in Points b, c, d and dd Clause 1 of this Article must be translated into Vietnamese language. Documents specified in point d Clause 1 of this Article must be consularly legalized as prescribed by law.”

“b) Within 15 days from the date of receipt of the satisfactory application, the fishery authority under the Ministry of Agriculture and Rural Development shall make inspection and comparison with the applicable IUU vessel lists published by FAO (Food and Agriculture Organization of the United Nations) and regional fisheries management organizations, compare the vessel registration certificate and the ensign to verify the origin of the fishing vessel (for used vessels), inspect the list of previous flag countries, name of the vessel, zones and the species of fish caught in the last two years (a copy of relevant fishing license is enclosed) and confirmation of the previous flag country that the vessel registration was not cancelled due to previous illegal fishing, and then 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;

32. Article 61 shall be amended as follows:

“Article 61. Contents and procedures for opening and closing fishing ports, and designating 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) Document on establishment of fishing port management organization;

c) Document showing the rights to use land and water areas of the port;

d) Record of commissioning and putting the fishing port into use (applicable to fishing ports that have been completely built after the effective date of this Decree);

dd) Notice about channel of the port and water areas in front of the wharf (except for class III fishing port).

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 days from the receipt of the satisfactory application, the competent authority shall consider the application, carry out a site survey of the fishing port (if necessary) and decide to open the fishing port according to the Form No. 10.TC in the Appendix V hereof when all conditions are satisfied according to regulations. 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. Closing of a fishing port:

- a) The authority competent to close a fishing port is the authority competent to open the fishing port. This authority 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.

4. Designated fishing port which offshore fishing vessels enter:

- a) A designated fishing port which offshore fishing vessels enter shall meet the following requirements: it has been opened as prescribed; the depth of the channel to the port and water areas in front of the wharf shall be such that fishing vessels may enter the port; there must be forces in charge of control of fishing vessels entering and leaving the port and supervision of production of aquatic species handled through the port and IUU vessels
- b) Departments of Agriculture and Rural Development of provinces and central-affiliated cities shall carry out site surveys of fishing ports (if necessary), propose designated fishing ports which offshore fishing vessels enter according to Form No. 11A.TC Appendix V enclosed with this Decree and send reports to the fishery authority affiliated to the Ministry of Agriculture and Rural Development for consolidation and submission to the Ministry of Agriculture and Rural Development which publishes designated fishing ports The list of designated fishing ports which offshore fishing vessels enter shall be published on the website of the fishery authority affiliated to the Ministry of Agriculture and Rural Development.

5. Fishing ports designated to trace fishery raw materials:

a) A fishing port designated to trace fishery raw materials shall meet the following requirements: it has been opened as prescribed; there must be forces (at least 02 persons qualified for fishery and fishery database access computer systems) in charge of control of fishing vessels entering and leaving the port and supervision of production of aquatic species handled through the port and IUU vessels; if the designated fishing port violates regulations on tracing fishery raw materials or no longer meets the aforesaid requirements, it will be removed from the list of designated fishing ports;

b) Departments of Agriculture and Rural Development of provinces and central-affiliated cities shall carry out site surveys of fishing ports (if necessary), propose fishing ports eligible to trace fishery raw materials and send reports to the fishery authority affiliated to the Ministry of Agriculture and Rural Development for consolidation and submission to the Ministry of Agriculture and Rural Development which publishes eligible fishing ports. The list of fishing ports eligible to trace fishery raw materials shall be published on the website of the fishery authority affiliated to the Ministry of Agriculture and Rural Development.

6. Designated fishing port which foreign fishing vessels enter:

a) A designated fishing port which foreign fishing vessels enter shall meet the following requirements: it has been opened as prescribed; the depth of the channel and water areas in front of the wharf shall be such that foreign fishing vessels may enter the port; it is built in a location favorable for control of entry, exit, import and export of aquatic species by competent authorities;

b) Departments of Agriculture and Rural Development of provinces and central-affiliated cities shall carry out site surveys of designated fishing ports which foreign fishing vessels enter (if necessary) according to Form No. 11B.TC Appendix V enclosed with this Decree and send reports to the fishery authority affiliated to the Ministry of Agriculture and Rural Development for consolidation and submission to the Ministry of Agriculture and Rural Development which publishes designated fishing ports. The list of designated fishing ports which foreign fishing vessels enter shall be published on the website of the fishery authority affiliated to the Ministry of Agriculture and Rural Development and sent to relevant organizations and individuals for management and monitoring.

7. Departments of Agriculture and Rural Development of provinces and central-affiliated cities shall be responsible for management, direction, inspection and provision of guidance for organizations managing fishing ports within their provinces and cities on professional expertise, supervision of fishing vessels, production of aquatic species and quantity of goods handled through ports; inspection and handling of administrative violations in fishing ports according to regulations of law; provision of guidelines for organizations managing fishing ports for collection and receipt of fishing logbooks and reports and updation of fishing logbook data on the national database on fishing vessels according to regulations.”

33. Article 66 shall be amended as follows:

“Article 66. Purchasing, selling, storing, pre-processing, processing and transporting aquatic species and products thereof included in the List of endangered, precious and rare aquatic species

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

- a) Specimens of endangered, precious and rare aquatic species must be of legal origin as prescribed by law;
- b) A record on pre-processing and processing of endangered, precious and rare aquatic species and products thereof must be made in order to serve inspection and management of endangered, precious and rare aquatic species at the request of the competent authority;
- c) Finished products sold on the market must be labeled in accordance with regulations of law on goods labeling;
- d) Regulations in Article 96 and Article 97 of the Law on Fisheries are satisfied.

2. Aquatic species and products thereof included in the List of endangered, precious and rare aquatic species will be purchased, sold, stored and transported when regulations in points a,c and d Clause 1 of this Article are satisfied.”

34. Article 70 shall be amended as follows:

“Article 70. Supervision of foreign fishing vessels, vessels carrying and transferring aquatic species and products thereof entering Vietnam's ports

1. Authority to publish or remove ports from the list of designated ports:

- a) 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 fishing vessels, vessels carrying and transferring aquatic species and products thereof originating 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).
- b) The Ministry of Agriculture and Rural Development shall take charge and cooperate with the Ministry of Transport in removing ports from the list of designated ports that allow the entry of foreign fishing vessels, vessels carrying and transferring aquatic species and products thereof originating from catches for the purposes of import, temporary import, re-export and transit thereof through Vietnam in case where these

ports fail to meet liability requirements applied to designated ports according to regulations of The Agreement on Port State Measures (to prevent, deter and eliminate illegal, unreported and unregulated fishing under the provisions of the Food and Agriculture Organization of the United Nations (FAO).

2. Vessels subject to control:

Fishing logistic vessels that provide human resources, fuel, fishing gears and other equipment at the waters of foreign countries and enter ports for the use of services; foreign fishing vessels, vessels carrying and transferring aquatic species and products thereof originating from catches that enter ports for the purposes of import, temporary import, re-export and transit thereof through Vietnam.

3. Giving notification before a vessel's entry into a port:

Any organization or individual that has a foreign vessel specified in Clause 2 Article 70 shall send a notification to a competent authority of the Ministry of Agriculture and Rural Development according to the Form No. 17.KT in the Appendix IV hereof, enclosed with photocopies of documents specified in point b Clause 5 in person, by post or online (national single-window system, online public service, e-software, email, fax) in English or Vietnamese language (original documents that are not written in English must be translated into English and the English translations must be notarized or authenticated according to regulations) 72 hours prior to its entry into a port.

4. Conducting inspections to decide to allow or refuse the vessel's entry into the port:

Within 72 hours from the receipt of the notification, the competent authority of the Ministry of Agriculture and Rural Development shall inspect and verify information on whether the vessel is included in the list of IUU vessels or fishery products of the fishing vessel and aquatic species and products thereof on board are included in CITES and decide to:

a) allow the vessel to enter the port and notify the vessel owner or his/her legal representative, the Maritime Administration according to Form No. 17A.KT Appendix IV enclosed with this Decree if it does not engage in unreported, unregulated, illegal fishing or support illegal fishing;

b) refuse the entry of the vessel and notify competent authorities at the port, and send notification to the flag State, neighboring coastal states, regional fisheries management organizations and relevant organizations in one of the following cases:

The vessel is included in the lists of illegal fishing vessels published by neighboring coastal states, regional fisheries management organizations and relevant international organizations;

There are requests from neighboring coastal states, regional fisheries management organizations and relevant international organizations.

5. On-site inspection on board upon its entry into the port:

a) 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 and do not interfere in exchange of information between the captain and competent authorities of the flag state according to international laws; if necessary, a representative of the flag state and international experts may be invited to join the inspection;

b) Documents to be presented to the inspecting authority: registration certificate of fishing vessel; fishing license; transfer license, reports on transfer and information on the vessel engaged in the transfer (fishing license; transfer license; registration certification, declaration provided by the captain); vessel's hold diagram; copy of license for import of aquatic species originating from catches and included in CITES (in case where there is any aquatic species included in CITES); other documents related to the information specified in Form No. 17.KT Appendix IV enclosed with this Decree.

6. Contents of on-site inspection upon the vessel's entry into the port:

a) Inspecting the accuracy of information declared in Form No. 17.KT Appendix IV enclosed with this Decree in comparison to documents stored on the vessel;

b) Inspecting volume and components of aquatic species and products thereof, fishing gears and relevant equipment on board in comparison to those declared in Form No. 17.KT Appendix IV enclosed with this Decree;

c) Comparing the declared volume and actual volume of goods loaded/unloaded at the port to finalize the record according Form No. 18.KT Appendix IV enclosed with this Decree

7. Procedures for on-site inspection upon the vessel's entry into the port:

a) The inspector shall present his/her inspector card to the captain;

b) Carry out the inspection according to clause 6 of this Article and information specified in the Form No.17.KT in the Appendix IV hereof;

c) The captain shall provide the declared information and present documents specified in point b Clause 5 of this Article and those related to the contents of inspection and the declared information before the vessel enters the port;

d) Make inspection record according to Form No. 18.KT under Appendix IV attached to this Decree;

dd) Notify and process inspection results according to regulations in clause 8 of this Article.

8. Notification and processing of on-site inspection results upon the vessel's entry into the port:

a) The competent authority of the Ministry of Agriculture and Rural Development shall refuse the unloading of aquatic species and products thereof into the port and request another competent authority to compel the vessel to leave Vietnam's territory (except for force majeure due to humanitarian factors) and request (according to Form No. 17A.KT Appendix IV) this authority to refuse to provide services at the port, and at the same time notify inspection results and measures against violations to the flag state, the coastal state, the regional fisheries management organization, FAO, relevant international organizations and state of which the captain of such fishing vessel is the citizen if one of the following cases occurs:

Imported aquatic species and products thereof are caught by the vessel without the license or with the invalid license according to regulations of the flag state or the competent coastal state;

Imported aquatic species and products thereof are carried or transferred by the vessel without the license or with the invalid license according to regulations of the flag state or the competent coastal state;

Imported aquatic species and products thereof are caught by the vessel without the license or with the invalid license within the water area under the jurisdiction of the regional fisheries management organization;

Imported aquatic species and products thereof are carried or transferred by the vessel without the license or with the invalid license within the water area under the jurisdiction of the regional fisheries management organization;

There are evidences that imported aquatic species and products thereof are caught in excess of the quota granted by the competent coastal state or the regional fisheries management organization;

There are evidences that imported aquatic species and products thereof on board are caught against regulations of the competent coastal state or those on management and preservation measures within the water area under the jurisdiction of the regional fisheries management organization or evidences that the vessel engages in illegal fishing or supports illegal fishing according to regulations in Article 60 of the Law on Fisheries;

Imported aquatic species and products thereof are caught by the vessel included in the list of IUU vessels published by the flag state or the competent coastal state or the regional fisheries management organization.

b) The inspection record according to Form No. 18.KT Appendix IV enclosed with this Decree is made into 02 copies, each of which is kept by the captain and the inspecting authority.

c) The competent authority under the Ministry of Agriculture and Rural Development shall:

Withdraw the decision to refuse the uploading of aquatic species and products thereof into the port or the request for refusal to provide services at the port by the Maritime Administration when there are evidences that the findings mentioned in point a of this Clause are based on insufficient or inaccurate grounds or these grounds are no longer applied.

Notify the vessel owner or the legal representative of the vessel, management authorities at the port, the flag state, the coastal state, the regional fisheries management organization, FAO, relevant international organizations and state of which the captain of such fishing vessel is the citizen of this withdrawal.

9. After custom clearance is granted, in case of receipt of the notification of aquatic species and products thereof caught against IUU Regulation from the flag state, the coastal state, the regional fisheries management organization, FAO, relevant international organizations, the competent authority shall handle administrative violations against regulations on fisheries as per the law.

10. Standards to be satisfied by and rights of an inspector:

a) Standards:

The inspector must be an official or public employee working at the competent authority affiliated to the Ministry of Agriculture and Rural Development and assigned to control the foreign fishing vessel, vessel carrying and transferring aquatic species and products thereof entering Vietnam's port; he/she must be qualified and expert in law on fisheries and regulations of the Agreement on Port State Measures and possess inspection skills upon request.

b) Rights of the inspector:

Request the captain, crew members, the goods owner and the ship agent to provide documents according to regulations;

Collect documents and evidences related to the vessel, aquatic species and products thereof on board to serve the inspection;

Board the vessel and inspect its areas related to information to be inspected; access the vessel monitoring system and the automatic identification system of the vessel (if any), fishing gears, hold diagram and other relevant equipment on board;

Attend refresher training and training courses on inspection according to the Agreement on Port State Measures;

Exchange information with presiding agencies of the flag state and other states, the regional fisheries management organization and relevant international organizations in order to verify information about the vessel, aquatic species and products thereof on board;

Request the national presiding agency to invite the representative of the flag state and international experts to join the inspection if necessary; propose establishment of an Interdisciplinary inspectorate or hiring of interpreters (if necessary);

Make request for suspension of loading/uploading or require port management authorities to stop providing services at the port.

11. The inspector shall be responsible for conducting inspection on the principles specified in point a Clause 5 of this Article.”

35. Article 70a shall be added to Article 70 as follows:

70a. Control of imported aquatic species and products thereof processed from catches and transported by container vessels to Vietnam

1. 48 hours before the shipment arrives at the port, an organization/individual importing aquatic species and products thereof originating from catches into Vietnam and transporting them by a container vessel shall make declaration and send an application to the competent authority of the Ministry of Agriculture and Rural Development to carry out appraisal, verify that the origin of imported fishery raw materials does not violate IUU Regulation and serve inspection in person, by post or online (national single-window system, online public service, e-software, email, fax). The application includes:

a) Information on the shipment according to Form No. 17B.KT under Appendix IV attached to this Decree;

b) A copy of bill of lading with regard to imported aquatic species and products thereof originating from catches;

c) Certificate of origin of aquatic species processed from catches issued by a competent authority of the exporting country of to the shipment or Document confirming or certifying that aquatic species originate from catches issued by a competent authority of the exporting country of to the shipment

d) If the certificate or document specified in point c of this Clause is not available, a copy of the fishing license of the vessel is required. Regarding shipments of *Xiphias gladius* and species subject to inspection under annual plans to inspect and control aquatic species and products thereof originating from catches that are imported, temporarily

imported, re-exported and transited through Vietnam by container vessels issued by the Ministry of Agriculture and Rural Development, a copy of the fishing license and the Captain's statement of the fishing vessel are required. The Captain's statement shall contain pieces of information about the fishing vessel of aquatic species and products thereof imported into Vietnam, including: name, registration number (IMO/international call sign/hull markings/registration number of RFMO (if any), the flag state, number of the fishing license, type of fishing gears, fishing time and location; date and time of first arrival and confirmation that aquatic species are caught according to applicable regulations and management and preservation measures. The Captain's statement shall bear signature of the captain of the fishing vessel.

2. The competent authority under the Ministry of Agriculture and Rural Development shall:

a) Consolidate information provided by the organization/individual to serve inspection after import and related to IUU Regulation as per law with regard to container vessels carrying imported aquatic species and products thereof that are not subject to inspection under annual plans to inspect and control aquatic species and products thereof originating from catches that are imported, temporarily imported, re-exported and transited through Vietnam by container vessels issued by the Ministry of Agriculture and Rural Development;

b) Appraise every application certifying that the origin of imported aquatic species and products thereof does not violate Illegal Fishing Regulation with regard to each shipment of *Xiphias gladius* and species subject to inspection under annual plans to inspect and control aquatic species and products thereof originating from catches that are imported, temporarily imported, re-exported and transited through Vietnam by container vessels issued by the Ministry of Agriculture and Rural Development; Contents to be appraised include inspection of validity and legality of the information and application sent by the goods owner according to regulations in clause 1 of this Article; inspection and comparison with the fishing quota of each country, fishing region and species allowed to be caught according to regulations.

If the information and application are satisfactory, the competent authority of the Ministry of Agriculture and Rural Development shall send a notification to the goods owner within 48 hours from the time of receipt of the satisfactory application and the customs authority at the checkpoint for cooperation in completion of import clearance procedures according to Form No. 17C.KT Appendix IV enclosed with this Decree;

If it is suspected that imported aquatic species are caught and transferred against IUU Regulation according to the declared information and application upon import, the competent authority under Ministry of Agriculture and Rural Development shall notify the goods owner and appoint inspectors meeting standards specified in clause 10 Article 10 to cooperate with the customs authority at the checkpoint to conduct on-site inspection of fishery products on board the container vessel and complete the inspection record according to Form No. 17D.KT Appendix IV enclosed with this Decree. In case where

species components cannot be determined, the sampling shall be conducted to serve inspection:

Handle inspection results:

According to inspection results, in case it is detected that imported aquatic species and products thereof are caught by the vessel included in the list of IUU vessels published by the flag state or the competent coastal state or the regional fisheries management organization; or caught or transferred by the vessel without the license or with the invalid license according to regulations of the flag state or the competent coastal state; or caught or transferred by the vessel without the license or with the invalid license within the water area of the regional fisheries management organization; or there are evidences that aquatic species and products thereof are caught in excess of the quota granted by the competent coastal state or the regional fisheries management organization or caught against regulations of the competent coastal state or regulations on management and preservation measures within the water area under the jurisdiction of the regional fisheries management organization or the vessel engages in illegal fishing or supports illegal fishing according to regulations in Article 60 of the Law on Fisheries, the competent authority shall notify the goods owner and the customs authority at the checkpoint to handle the shipment of aquatic species and products thereof in accordance with regulations of law according to Form No. 17C.KT Appendix IV enclosed with this Decree.

In case the inspection results are satisfactory, the competent authority shall notify the goods owner and the customs authority in order to follow procedures for clearance of the imported shipments according to regulations.

3. In case where aquatic species and products thereof transported by the container vessel are caught against IUU Regulation as notified by the flag state or the competent coastal state or regional fisheries management organizations and relevant international organizations:

a) If the shipment has not entered the port, the competent authority under the Ministry of Agriculture and Rural Development shall cooperate with relevant agencies to prevent uploading/loading the shipment;

b) If the shipment has been unloaded at the port and is under customs control, the competent authority under the Ministry of Agriculture and Rural Development shall cooperate with relevant agencies in notifying importers for handling as per law and mandatory re-export of the shipment;

c) If customs clearance has been granted to the shipment, regulations on imposition of administrative penalties in the fishery sector shall be applied.

4. In case where it is suspected that the shipment of aquatic species and products thereof violates IUU Regulation as notified by the flag state or the competent coastal state or

regional fisheries management organizations and relevant international organizations or through inspection of the collected information:

a) If the shipment has not entered the port or has entered the port but customs clearance has not been granted to the shipment, the competent authority under the Ministry of Agriculture and Rural Development shall cooperate with relevant agencies to conduct inspection according to regulations in point b clause 2 of this Article. If violations are not found, the inspection results shall be sent to the goods owner to complete clearance procedures. If violations are found, the shipment shall be compulsorily re-exported and handled as per law;

b) If customs clearance has been granted to the shipment, the competent authority under the Ministry of Agriculture and Rural Development shall cooperate with relevant agencies to conduct inspection. If violations are found, they shall be handled according to regulations on imposition of administrative penalties in the fishery sector.

5. It is required to handle inspection results after import related to IUU Regulation as per law with regard to container vessels carrying imported aquatic species and products thereof that are not subject to inspection under annual plans to inspect and control aquatic species and products thereof originating from catches that are imported, temporarily imported, re-exported and transited through Vietnam by container vessels issued by the Ministry of Agriculture and Rural Development in accordance with point b clause 2 of this Article. The inspection record shall be made according to Form No. 17D.KT Appendix IV enclosed with this Decree.

6. According to the actual situation, the competent authority under the Ministry of Agriculture and Rural Development shall formulate and implement annual plans to inspect and control aquatic species and products thereof originating from catches that are imported, temporarily imported, re-exported and transited through Vietnam by container vessels.”

36. Article 70b shall be added as follows:

“Article 70b. Responsibilities of relevant agencies and organizations

1. The competent authority under the Ministry of Agriculture and Rural Development shall:

a) Take charge of and cooperate with relevant forces at ports in controlling aquatic species originating from catches;

b) Preside over the development of a cooperative mechanism which serves exchange of information with coastal states on allowable quotas for aquatic species caught for the purpose of import into Vietnam.

c) Organize supervision of classification of tuna species caught, transported and carried by foreign vessels at storage warehouses according to regulations of Article 70 of this Decree; take test samples in case of any suspected signs or upon request; select enterprises for supervision according to practical requirements or in a random manner for management;

d) Take random control measures at import factories in order to ensure that the declared production and types are accurate and consistent with species quotas granted by the coastal state or the regional fisheries management organization.

2. A port operator shall:

a) Provide human resources, working places, means and equipment for competent state agencies to perform tasks according to regulations;

b) Submit a report to the competent authority under the Ministry of Agriculture and Rural Development on the actual production of goods loaded and unloaded at the port enclosed with detailed information on vehicle number, customer name, weighing date, weight of vehicle and goods, empty vehicle weight, goods weight and hold code immediately after loading and unloading.

3. Maritime administrations at ports shall appoint persons to participate in on-site inspections on vessels at the request of the competent authority under the Ministry of Agriculture and Rural Development.

4. Captains, vessel owners, goods owners, and enterprises importing aquatic species and products thereof originating from catches shall comply with regulations on inspection and control, and provide information and documents as required by inspectors and inspectorates according to regulations of law; goods owners shall provide relevant documents to serve control and management by chain.

5. Organizations and individuals shall be responsible for complying with regulations of law when they inspect and control vessels, aquatic species and products thereof originating from catches and entering ports for the purposes of import, temporary import, re-export and transit through Vietnamese territory.

6. An importer shall:

a) Be responsible for reporting to the competent authority of the Ministry of Agriculture and Rural Development on the actual production and components of aquatic species imported after classification in comparison with the declared contents according to Form No. 17.KT, Appendix IV enclosed with this Decree and submitting a copy of the customs declaration granted customs clearance within 60 days from the date of commencement of loading and unloading at the port;

b) Provide documents according to the information declared in Form No. 17B, Appendix IV for the competent authority under the Ministry of Agriculture and Rural Development to carry out inspection according to Clause 2, Article 70a upon request;

c) Not mix imported fishery materials originating from catches with domestic fishery materials originating from catches in the same shipment exported;

d) Enable the competent authority under the Ministry of Agriculture and Rural Development to supervise the classification at the storage warehouse.

7. Departments of Agriculture and Rural Development shall be responsible for cooperating with the competent authority of the Ministry of Agriculture and Rural Development to carry out inspections of foreign vessels entering ports when required.

37. Point c clause 1 shall be amended and points i, k, l, m and n shall be added to Clause 1 Article 71 as follows:

a) Point c Clause 1 Article 71 shall be amended:

“c) Design documents providing technical guidelines in the fishery sector; sets of indicators for monitoring and evaluation of co-management in aquatic resource protection and recovery;”.

b) Points i, k, l, m and n shall be added to Clause 1 Article 71 as follows:

“i) Establish and issue technical procedures for handling fishing vessels that fail to maintain connection with monitoring equipment and fishing vessels that pass beyond the boundary permitted for fishing at the sea;

k) Give public fishing logistics services, manage, operate and renovate fishing ports and storm shelters for fishing vessels according to the Government’s regulations on commissioning, ordering and tendering for public goods and services funded by the state budget's regular expenditures

l) Formulate and implement the supervisory program on every fishing vessel; grant funding to carry out this program; establish a database on supervisors working on board fishing vessels and their documents; promote international cooperation and exchange of supervisors, and share data on supervisors according to regulations of law;

m) Take charge and cooperate with the Ministry of Finance in adopting measures for control of origin of aquatic species and products thereof imported into Vietnam; inspect enterprises engaged in import of aquatic species and products thereof into Vietnam;

n) Preside over and cooperate with relevant agencies in formulating the plan to inspect and control aquatic species and products thereof originating from catches that are imported, temporarily imported, re-exported and transited through Vietnam by container

vessels in accordance with international standards in each period; promulgate procedures for inspecting and controlling such aquatic species and products thereof (if necessary or as required by international organizations); develop software to receive information provided by organizations/individuals for control and management.”

38. Point b Clause 3 Article 71 shall be amended as follows:

“b) Direct the General Department of Customs not to grant customs clearance to shipments of aquatic species and products thereof originating from illegal fishing; cooperate with the competent authority controlling aquatic species originating from catches and imported into Vietnam under the Ministry of Agriculture and Rural Development to have solutions to control aquatic species originating from catches and imported into Vietnam by container vessels.

Before the 25th of every month, the Ministry of Finance (General Department of Customs) shall provide information and documents on shipments of aquatic species originating from catches and imported into Vietnamese territory for the competent authority controlling aquatic species originating from catches and imported into Vietnam under the Ministry of Agriculture and Rural Development in order to serve monitoring, inspection and control of the origin. The information includes import time; number of customs declaration granted customs clearance; name of importing enterprise; name of exporting enterprise; exporting country, uploading port, loading port, volume of goods, components of species, code of goods and original currency value.”

39. Clause 4 Article 71 shall be amended as follows:

“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 inspect aquatic species within the sea border and the field under its management according to regulations of law; cooperate with specialized authorities at fishing ports in inspecting fishing vessels and crew members entering and leaving fishing ports and storm shelters as prescribed by law;

c) Direct Coast Guard to handle fishing, aquaculture, purchase and sale, transport, collection and pre-processing of aquatic species and products thereof within their areas, waters and fields according to regulations of law;

d) Direct Navy, Border Guard and Coast Guard to cooperate with and assist Fisheries Resources Surveillance in enforcing laws at sea as prescribed by law;

dd) 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.”

40. Point c shall be added to Clause 5 Article 71 as follows:

“c) Set up forces in charge of patrolling, controlling and handling violations against regulations on fisheries committed by fishing vessels, crew members and people working on board foreign fishing vessels on waterways, within Vietnam’s waters and other waters as per law;

41. Clause 8 and Clause 9 shall be added to Article 72 as follows:

“8. Promulgate regulations on management of recreational fishing within their provinces.

9. Designate agencies and units to inspect and control fishing vessels at ports after there are decisions to open fishing ports. With regard to fishing ports that were officially opened, within 30 days from the effective date of this Decree, they shall designate agencies and units to inspect and control fishing vessels at ports.”

Article 2. Addition, replacement and annulment of some words, phrases, points, clauses and articles of the Government’s Decree No. 26/2019/ND-CP dated March 08, 2019 on guidelines for implementation of the Law on Fisheries.

1. The phrase “liên doanh” (joint venture) in Clause 3 Article 12 shall be annulled.

2. Point b Clause 2 Article 35 shall be annulled.

3. The word “ngoài” (outside) shall be added before the phrase “vùng biển Việt Nam” (Vietnam's waters) in clause 3 Article 47.

4. The phrase “thuộc Tổng cục Thủy sản” (affiliated to the Directorate of Fisheries) after the phrase “Cục Kiểm ngư là cơ quan” (Department of Fisheries Resources Surveillance is an agency) in point a clause 1 Article 62 shall be annulled.

5. Point c Clause 1 Article 64 shall be annulled.

6. Points b,m,o,p Clause 2 and Clause 3 Article 65 shall be annulled.

7. The phrase “hoặc tổ chức được giao quản lý khu bảo tồn biển” (or the organization assigned to manage the MPA) shall be added after the phrase “Ban quản lý khu bảo tồn biển” (the MPA management unit).

8. The phrase “khu neo đậu tránh trú bão cho tàu cá” (storm shelters for fishing vessels) shall be added after the phrase “cảng cá” (fishing ports) in point a clause 1 Article 71.

9. The phrase “Giấy đăng ký tàu cá số: TS; cấp ngày tháng năm” (Fishing Vessel Registration Certificate No.TS; date of issuance:) shall be added after the phrase “hết thời hạn ngày tháng năm” (Expiry date:) in Form No. 03.KT Appendix IV.

10. The phrase “Tổng cục Thủy sản” (Directorate of Fisheries) shall be replaced by the phrase “Cơ quan quản lý nhà nước về thủy sản thuộc Bộ Nông nghiệp và Phát triển nông thôn” (the fishery authority affiliated to the Ministry of Agriculture and Rural Development).

11. The phrase “Pristidae” shall be replaced by the phrase “Pristidae” in No.41 Appendix IX; the phrase “Hippocampus keloggi” shall be replaced by the phrase “Hippocampus kelloggi” in No.18 and the phrase “Khối lượng 500 g/con trở lên” shall be replaced by the phrase “Có nguồn gốc từ nuôi trồng” in No. 58 Appendix X.

12. The Form No. 01.NT Appendix III shall be replaced by Form No. 01 Appendix I enclosed with this Decree; Form No. 02.NT Appendix III shall be replaced by Form No. 02 Appendix I enclosed with this Decree; Form No. 03.NT Appendix III shall be replaced by Form No. 03 Appendix I enclosed with this Decree; Form No. 04.NT Appendix III shall be replaced by Form No. 04 Appendix I enclosed with this Decree; Form No. 09.NT Appendix III shall be replaced by Form No. 05 Appendix I enclosed with this Decree; Form No. 11.NT Appendix III shall be replaced with Form No. 06 Appendix I enclosed with this Decree; Form No. 12.NT Appendix III shall be replaced by Form No. 07 Appendix I enclosed with this Decree; Form No. 13.NT Appendix III shall be replaced by Form No. 08 Appendix I enclosed with this Decree; Form No. 14.NT Appendix III shall be replaced by Form No. 09 Appendix I enclosed with this Decree; Form No. 15.NT Appendix III shall be replaced by Form No. 10 Appendix I enclosed with this Decree; Form No. 16.NT Appendix III shall be replaced by Form No. 11 Appendix I enclosed with this Decree; Form No. 20.NT Appendix III shall be replaced by Form No. 12 Appendix I enclosed with this Decree; Form No. 24.NT Appendix III shall be replaced by Form No. 13 Appendix I enclosed with this Decree; Form No. 26.NT Appendix III shall be replaced by Form No. 14 Appendix I enclosed with this Decree; Form No. 29.NT Appendix III shall be replaced by Form No. 15 Appendix I enclosed with this Decree; Form No. 31.NT Appendix III shall be replaced by Form No. 17 Appendix I enclosed with this Decree.

13. Form No. 30A.NT shall be added to Appendix III as Form No. 16 Appendix I enclosed with this Decree.

14. Form No. 01.KT Appendix IV shall be replaced by Form No. 20 Appendix I enclosed with this Decree; Form No. 02.KT Appendix IV shall be replaced by Form No. 21 Appendix I enclosed with this Decree; Form No. 04.KT Appendix IV shall be replaced by Form No. 22 Appendix I enclosed with this Decree; Form No. 17.KT Appendix IV shall be replaced by Form No. 23 Appendix I enclosed with this Decree; Form No. 18.KT Appendix IV shall be replaced by Form No. 28 Appendix I enclosed with this Decree; Form No. 05.TC Appendix V shall be replaced by Form No. 31 Appendix I enclosed with this Decree; Form No. 06.TC Appendix V shall be replaced by Form No. 32 Appendix I enclosed with this Decree; Form No. 09.TC Appendix V shall be replaced by Form No. 33 Appendix I enclosed with this Decree; Form No. 10.TC Appendix V shall be replaced by Form No. 34 Appendix I enclosed with this Decree.

15. Form No. 01A.KT Appendix IV shall be added as Form No. 18 Appendix I enclosed with this Decree; Form No. 01B.KT Appendix IV shall be added as Form No. 19 Appendix I enclosed with this Decree; Form No. 17A.KT Appendix IV shall be added as Form No. 24 Appendix I enclosed with this Decree; Form No. 17B.KT Appendix IV shall be added as Form No. 25 Appendix I enclosed with this Decree; Form No. 17C.KT Appendix IV shall be added as Form No. 26 Appendix I enclosed with this Decree; Form No. 17D.KT Appendix IV shall be added as Form No. 27 Appendix I enclosed with this Decree; Form No. 03A.TC Appendix V shall be added as Form No. 29 Appendix I enclosed with this Decree; Form No. 04A.TC Appendix V shall be added as Form No. 30 Appendix I enclosed with this Decree; Form No. 11A.TC Appendix V shall be added as Form No. 35 Appendix I enclosed with this Decree; Form No. 11B.TC Appendix V shall be added as Form No. 36 Appendix I enclosed with this Decree.

16. Appendix II shall be replaced by Appendix II enclosed with this Decree; Appendix VII shall be replaced by Appendix III enclosed with this Decree; Appendix VIII shall be replaced by Appendix IV enclosed with this Decree.

17. Appendix XI. Minimum sizes of aquatic species allowed to be caught in natural water areas shall be added as Appendix V enclosed with this Decree.

18. Appendix XII. List of facilities and lecturers of institutions providing training and refresher training for crew members working on board fishing vessels shall be added as Appendix VI enclosed with this Decree.

19. Appendix XIII. Requirements to be satisfied by monitoring equipment installed on fishing vessels shall be added as Appendix VII enclosed with this Decree.

Article 3. Implementation

1. This Decree comes into force as of May 19, 2024.

2. Transition clauses:

a) Any pangasius farm issued with a certificate of identification number of pangasius pond according to regulations before the effective date of this Decree is not required to follow procedures for registration of main aquatic species if no changes are made; each provincial fishery authority shall carry out conversion and issue a certificate of registration of main aquatic species according to Form No. 28.NT Appendix III enclosed with Decree No. 26/2019/ND-CP to the pangasius farm. If any change is made, the pangasius farm shall follow procedures for registration of main aquatic species according to regulations in this Decree.

b) Any Vietnamese entity, foreign investor or foreign-invested business entity engaged in aquaculture at the sea before the effective date of this Decree shall apply for a license according to regulations in Decree No. 26/2019/ND-CP within 12 months from the effective date of this Decree.

c) Any institution providing training and refresher training for crew members working on board fishing vessels that operates before the effective date of this Decree shall send a notification according to Form No. 04A.TC Appendix V enclosed with the Decree No. 26/2019/ND-CP to the fishery authority under the Ministry of Agriculture and Rural Development within 90 days from the effective date of this Decree.

d) Any license, certificate, written certification, diploma or approval in the fishery sector issued before the effective date of this Decree shall remain valid until its expiry date or it is re-issued according to regulations.

dd) Any application for administrative procedures that has been submitted before the effective date of this Decree shall be processed according to applicable regulations at the time of submission of the application. The regulations set forth in this Decree which are more favorable for entities shall prevail.

e) Regarding monitoring equipment installed on a fishing vessel before the effective date of this Decree, the vessel owner shall update and add technical functions according to regulations in this Decree before December 31, 2026.

**ON BEHALF OF THE GOVERNMENT
PP. PRIME MINISTER
DEPUTY PRIME MINISTER**

Tran Luu Quang

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