

LEGAL DOCUMENTS

THE GOVERNMENT

Decree No. 102/2012/ND-CP of November 29, 2012, on the organization and operation of the fisheries resources surveillance force

Pursuant to the December 25, 2001 Law on Organization of the Government;

Pursuant to the November 26, 2003 Fisheries Law;

Pursuant to the November 15, 2010 Law on Inspection;

Pursuant to the June 20, 2012 Law on Handling of Administrative Violations;

Pursuant to the June 21, 2012 Law on the Sea of Vietnam;

Pursuant to Document No. 209/UBTVQH13-PL of July 18, 2012 of the National Assembly Standing Committee on the establishment of the fisheries resources surveillance force;

At the proposal of the Minister of Agriculture and Rural Development,

The Government promulgates the Decree on the organization and operation of the fisheries resources surveillance force.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree defines the functions, tasks, powers and organization of the fisheries resources surveillance force; tasks, powers and responsibilities of members of the fisheries resources surveillance force, crewmembers of fisheries resources surveillance vessels; conditions to ensure the operation of the fisheries resources surveillance force; relationship between the fisheries resources surveillance force and other functional forces; and state management of fisheries resources surveillance.

Article 2. Subjects of application

This Decree applies to state agencies, domestic organizations and individuals; and foreign organizations and individuals conducting fisheries activities in Vietnam's maritime zones.

Chapter II

POSITION, FUNCTIONS, TASKS, POWERS AND ORGANIZATION OF THE FISHERIES RESOURCES SURVEILLANCE FORCE

Article 3. Position and functions of the fisheries resources surveillance force

The fisheries resources surveillance force is a specialized force of the State under the Directorate of Fisheries of the Ministry of Agriculture and Rural Development, performing the functions of patrol, inspection, control, detection and handling of violations, and the specialized fisheries inspection in Vietnam's maritime zones.

Article 4. Tasks and powers of the fisheries resources surveillance force

1. To advise on, propose and participate in the formulation of mechanisms, policies and legal documents on fisheries resources surveillance as assigned and decentralized.

2. To patrol, examine, control, inspect, detect and handle violations of fisheries law in Vietnam's maritime zones in accordance with law.

3. To sanction administrative violations, to apply measures to prevent and stop violation of fisheries law committed by domestic and foreign organizations and individuals conducting fisheries activities in Vietnam's maritime zones.

4. To request related agencies, organizations and individuals to provide information and documents necessary for the patrol, examination, control, inspection, detection and handling of violations of fisheries law.

5. To propagate and disseminate Vietnamese law and international law on fisheries; to guide fishermen and organizations as well as individuals operating in the maritime zones to observe fisheries law.

6. To participate in the prevention and combat of disasters and coordinate in search, rescue and salvage activities; to participate in the protection of national sovereignty, sovereign rights and jurisdiction over the maritime zones as provided by law.

7. To participate in international cooperation on fisheries in accordance with treaties which Vietnam has signed or acceded to.

8. To assume the prime responsibility for, and coordinate with related agencies and organizations in, providing professional and skill

training and retraining for members of the fisheries resources surveillance force, civil servants, public employees and crewmembers of fisheries resources surveillance vessels.

9. To perform specialized inspection and other assigned tasks in accordance with law.

Article 5. Organizational structure of the fisheries resources surveillance agency

1. The Department of Fisheries Resources Surveillance is a body attached to the Directorate of Fisheries under the Ministry of Agriculture and Rural Development.

The Department of Fisheries Resources Surveillance has regional Fisheries Resources Surveillance Sub-Departments, professional sections and non-business units.

2. The Department of Fisheries Resources Surveillance and regional Fisheries Resources Surveillance Sub-Departments have the legal-person status, offices and separate seals and may open accounts at the State Treasury.

3. The Minister of Agriculture and Rural Development shall define the functions, tasks, powers and organizational structure of the Department of Fisheries Resources Surveillance.

Chapter III

MEMBERS OF THE FISHERIES
RESOURCES SURVEILLANCE FORCE
AND CREWMEMBER OF FISHERIES
RESOURCES SURVEILLANCE VESSELS

Article 6. Members of the fisheries resources surveillance force

1. Members of the fisheries resources surveillance force (force members) are civil servants appointed into the force member's rank to perform fisheries resources surveillance tasks.

2. Force members are provided with force member cards, uniforms and specialized equipment.

Article 7. Crewmembers of fisheries resources surveillance vessels

1. A fisheries resources surveillance vessel's crewmembers include:

a/ Civil servants appointed into the rank of crewmember of fisheries resources surveillance vessel;

b/ Other persons working onboard a fisheries resources surveillance vessel under labor contracts.

2. Crewmembers of a fisheries resources surveillance vessel are provided with uniforms.

3. The Minister of Agriculture and Rural Development shall define the tasks, responsibility and powers of crewmembers of fisheries resources surveillance vessels.

Article 8. Powers and responsibilities of force members

1. To request related agencies, organizations and individuals to provide information and documents necessary for the patrol, examination, control, inspection, detection and handling of violations of fisheries law.

2. To sanction administrative violations and apply measures to prevent and stop acts of

administrative violation in accordance with law.

3. To use means, supporting tools and special-use equipment when performing official duties in accordance with law.

4. To wear force member uniforms, badges, rank stripes and plates as prescribed.

5. To exercise the powers of force members as prescribed by the inspection law.

Chapter IV

CONDITIONS FOR FISHERIES RESOURCES SURVEILLANCE ACTIVITIES

Article 9. Policies toward force members and crewmembers of fisheries resources surveillance vessels

1. Force members are entitled to wages, seniority allowance, occupational responsibility liability allowance and other allowances as prescribed by law.

2. Crewmembers of fisheries resources surveillance vessels are entitled to wages, occupational preference allowance and other benefits as prescribed by law.

3. If force members or crewmembers of fisheries resources surveillance vessels are wounded or die while being on duty, they will be considered and recognized as war invalids or martyrs and enjoy law-prescribed benefits and policies.

Article 10. Uniforms and equipment of the fisheries resources surveillance force

1. Uniforms of the fisheries resources surveillance force are annually supplied by the State in accordance with law.

2. The fisheries resources surveillance force is equipped with special-use communication devices, special means and equipment and necessary tools for self-defense and performing their tasks in accordance with law.

3. The Minister of Agriculture and Rural Development shall specify uniforms of the fisheries resources surveillance force.

Article 11. Fisheries resources surveillance vessels

1. Fisheries resources surveillance vessels are official-duty vessels of the fisheries resources surveillance agency used for the patrol, examination, control, inspection, detection and handling of violations of fisheries law; search, rescue and salvage at sea; support of fishermen; protection of national sovereignty, sovereign rights and jurisdiction over the maritime zones, and other tasks of the fisheries resources surveillance force.

2. The Minister of Agriculture and Rural Development shall prescribe the paint colors, number signs, standards and operation norms of fisheries resources surveillance vessels.

Article 12. Operation funding sources

Investment capital and operation funds of the fisheries resources surveillance force are allocated from the state budget and other funding sources as prescribed by law.

Chapter V

COORDINATION BETWEEN THE FISHERIES RESOURCES SURVEILLANCE FORCE AND RELATED FORCES

Article 13. Coordination principles

1. To conform with the functions, tasks and powers of each agency and force defined by law, assuring no overlap and uniformity of specialized state management.

2. To be active and timely, ensuring centralized and unified direction and administration in order to create an integrated strength for the protection of national sovereignty and security in the maritime zones, protection of fishermen and aquatic resources.

Article 14. Coordination contents

1. Exchange of information and documents.

2. Formulation and promulgation or submission to competent authorities for promulgation of legal documents on fisheries resources surveillance.

3. Patrol, inspection, examination, control, detection and handling of violations of fisheries law.

4. Protection of fishermen, national sovereignty and security in Vietnam's maritime zones.

5. Propagation and dissemination of and education about fisheries law for organizations and individuals operating on the sea; protection of state assets, the life and assets of people and

crafts engaged in fisheries activities in Vietnam's maritime zones.

6. Search, rescue and salvage and response to incidents on the sea, protection of aquatic resources, prevention and combat of marine environmental pollution.

7. Grant of permission for civil servants and public employees of other agencies or forces to embark fisheries resources surveillance vessels for performing their tasks upon request.

8. International cooperation activities.

9. Organization of specialized professional training and retraining.

10. Other coordinated activities related to fisheries resources surveillance.

Article 15. Mobilization of forces and means

1. In case of emergency and necessity to increase forces and means for timely prevention of violations of fisheries law, the Minister of Agriculture and Rural Development may issue mobilization orders proposing related ministers and chairpersons of provincial-level People's Committees to mobilize forces and means for preventing violations of fisheries law; the General Director of the Directorate of Fisheries may issue orders to mobilize forces and means of local agencies assigned to perform the tasks of inspection, examination and control to protect aquatic resources.

The Director of the Department of Fisheries Resources Surveillance shall organize the execution of mobilization orders.

2. Organizations and individuals with mobilized forces and means shall abide by the mobilization orders of competent persons.

3. Mobilization order-executing agencies shall pay all expenses for mobilized organizations and individuals in accordance with law.

Chapter VI

STATE MANAGEMENT OF FISHERIES RESOURCES SURVEILLANCE

Article 16. Responsibilities of the Ministry of Agriculture and Rural Development

1. To be answerable to the Government for the management, leading and direction of the fisheries resources surveillance force.

2. To formulate, review, amend or supplement and submit to competent authorities for promulgation or promulgate according to its competence legal documents on fisheries resources surveillance; to assume the prime responsibility for, and coordinate with related ministries and sectors in, formulating, promulgating or submitting to competent agencies for promulgation specific mechanisms for coordination between the fisheries resources surveillance force and other relevant forces.

3. To assume the prime responsibility for, and coordinate with the Ministry of Home Affairs in, defining working positions and formulating the payroll of civil servants of the Department of Fisheries Resources Surveillance, submitting to competent authorities for decision in accordance with law on the management of its civil servant payroll; formulating professional standards of civil

servant ranks applicable to force members and crewmembers of fisheries resources surveillance vessels.

4. To assume the prime responsibility for, and coordinate with the Ministry of Planning and Investment, the Ministry of Finance and related agencies in, proposing the Prime Minister for consideration and decision the building of fisheries resources surveillance vessels.

5. To assume the prime responsibility for, and coordinate with the Ministry of Finance in, guiding the management and use of operation funds of the fisheries resources surveillance force and the payment for expenses by agencies executing competent persons' orders for mobilization of forces and means.

6. To provide unified professional and operation direction of the fisheries resources surveillance force; to direct the inspection and examination of activities of the fisheries resources surveillance force.

7. To direct and examine the management and provision of uniforms, badges, rank stripes, banners, plates and force member cards of the fisheries resources surveillance force, equipment for activities of fisheries resources surveillance vessels and administrative violation-handling forms of the fisheries resources surveillance force as provided for by law.

8. To direct the training and retraining of human resources for the fisheries resources surveillance force.

9. To ensure funds for the fisheries resources surveillance force to perform the assigned tasks and functions.

Article 17. Responsibilities of related ministries, sectors and provincial-level People's Committees

1. The Ministry of Home Affairs shall assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development and other related agencies in, submitting to competent authorities for decision the civil servant payroll of the Department of Fisheries Resources Surveillance; defining the ranks and rank codes of force members, crewmembers of fisheries resources surveillance vessels who are civil servants; submitting to the Prime Minister for decision the regime of allowance and benefits for force members and crewmembers of fisheries resources surveillance vessels.

2. The Ministry of National Defense shall direct the navy, border guard and marine police forces to coordinate with and support the fisheries resources surveillance force in accordance with law.

3. The Ministry of Public Security shall assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development in, specifying the equipment, the management and use of supporting tools and special-use equipment in the performance of the functions and tasks of the fisheries resources surveillance force.

4. The Ministry of Finance shall assure operation funds for the fisheries resources surveillance force in accordance with the Law on State Budget.

5. The Ministry of Labor, War Invalids and

Social Affairs shall assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Rural Development in, issuing specific regulations on entitlement to benefits like war invalids and martyrs applicable to force members and crewmembers of fisheries resources surveillance vessels who are wounded or die in the cases prescribed by the Ordinance on Preferential Treatment of People with Meritorious Services to the Revolution.

6. The Ministry of Foreign Affairs shall coordinate with the Ministry of Agriculture and Rural Development in international cooperation related to activities of the fisheries resources surveillance force.

7. Ministries, sectors and provincial-level People's Committees shall coordinate with the Ministry of Agriculture and Rural Development in performing the tasks of the fisheries resources surveillance force in accordance with law.

agencies, heads of government-attached agencies, chairpersons of provincial-level People's Committees, related agencies, organizations and individuals shall implement this Decree.-

On behalf of the Government

Prime Minister

NGUYEN TAN DUNG

Chapter VII

IMPLEMENTATION PROVISIONS

Article 18. Effect

This Decree takes effect on January 25, 2013.

Article 19. Implementation responsibilities

1. The Minister of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with related ministries and sectors in, guiding the implementation of this Decree.

2. Ministers, heads of ministerial-level