

GOVERNMENT

THE SOCIALIST REPUBLIC OF VIETNAM
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No: 26/2019/ND-CP

Hanoi, day 08 month 3 year 2019

DECREE

Regulating a number of articles and measures to implement the Fisheries Law

Pursuant to Law on Governmental Organization dated June 19, 2015;
Pursuant to Fisheries Law dated November 21, 2017;
At the request of Minister of Agriculture and Rural Development;
The Government hereby promulgates Decree on regulating a number of articles and measures to implement the Fisheries Law,

Chapter I

GENERAL PROVISIONS

Article 1. Governing Scope

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

Article 2. Subjects of application

This Decree shall be applied to Vietnamese and foreign organizations and individuals engaged in or related to fisheries activities conducted on Vietnam's inland, island(s), and seas; Vietnamese organizations and individuals engaged in fisheries activities beyond jurisdiction of Vietnam.

Article 3. Definition of terms

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

1. *Intensive Aquaculture*: is aquaculture which growth process can be controlled and thus production and growth of cultured aquatic species is entirely depending on artisanal feed sources.

2. *Semi-intensive aquaculture* is aquaculture which growth process can partly be controlled and thus production and growth of cultured aquatic species is depending on artisanal and natural feed sources.

3. *Coastal zone* is defined by polylines linking points from No. 01 to No. 18 which have the exact coordinates as determined by longitude and latitude indicated in Annex IV-A of this Decree.

4. *Inshore zone* is defined by polylines linking points from No. 01' to No. 18' which have the exact coordinates as determined by longitude and latitude indicated in Annex IV-A of this Decree.

5. *Fishing vessel monitoring system* is a system integrated by the equipment installed on fishing vessels and connected to fishing vessel monitoring data center for managing and tracking routes and operations of fishing vessels at sea.

6. *Tracking device to be installed on the fishing vessel* is a terminal device to receive, storage and transmit information relating to activities of fishing vessel; this device is activated and installed to transmit data to fishing vessel monitoring center.

7. *Transshipment* means transferring catch, fish or fisheries products from one fishing vessel to another.

8. *Strict protected zones of marine protected areas* mean sea areas, islands, archipelago and coastal areas determined to conserve the integrity and keep the status quo and observe variation of aquatic animals and plants and natural ecosystems at sea.

9. *The ecological rehabilitation zones of marine protected areas* mean sea, island(s), archipelago and coastal areas where are determined to implement activities for recovering and regenerating aquatic animals and plants and natural ecosystems at sea.

10. *Administrative and service zones* mean sea, island(s), archipelago and coastal areas where to perform service-administrative activities and to control fisheries activities.

11. *Buffer zone of marine protected areas* mean sea, island(s), archipelago and coastal areas where are surrounding or adjacent to internal boundaries of a marine protected area to prevent or mitigate any external negative impact for MPA.

12. *Logistic vessels* for fishing are vessels for exploring aquatic resources, searching and attracting, transporting (transshipping, processing) of fishes and fishery products, except container ships.

13. *Illegal fishing* is the fisheries operation undertaken by Vietnamese or foreign fishing vessels in waters under the jurisdiction of a State without permission or contrary to the laws and regulations of that country or a fishing vessel flagging flage of a State that has signed an agreement with a regional fisheries management organization but operating in contravention with conservation and management measures of that organization which the flag State has obligations to comply, or operating in contravention with provisions of applicable international law or fishing vessels violate national law or international obligations, including international laws and obligations of countries cooperating with a relevant regional fisheries management organization.

14. *Unreported fishing* is fishing activities which have not been reported or misreported to competent authorities, in contravention with laws and regulations of Vietnam; or undertaken in authorization areas of a relevant regional fisheries management organization which have not been reported or misreported which are in contravention with any reporting procedures of that organization.

15. *Unregulated fishing* means fishing activities operated in authorization areas of a regional fisheries management organization involved by stateless vessel, fishing vessels flagging flage of a state or territorial which is not belonging that organization, or by any fishing entity operating fisheries activities in a manner in contravention with conservation and management measures of that organization or operated by fishing vessels in the area or exploit aquatic species which is not subject to the application of conservation or management measures in a manner in contravention with the national responsibility for conservation of the aquatic source in the international law.

Article 4. General provisions on the implementation of administrative procedures in this Decree

1. Submitting the application for the implementation of administrative procedures: Depending on availability of services on receipt and return of results by competent agency, the applicant shall submit the application either directly or by post or online (via national one-stop scheme, online public services, electronic software, email, fax):

a) In the case to be submitted directly or by post: The application shall be the original or authenticated copy or a copy with an official stamp of the applicant;

b) For case of to be submitted online : The application shall be scanned from the original one.

2. Number of dossiers: 01 set.

3. Processing time to feedback if the application are completed or not:

a) In the case to be submitted directly: The competent authority shall check the application and feedback immediately;

b) In the case to be submitted via postal services or online: Within 2 working days, the competent authority shall check the application and if it is incomplete as prescribed, the competent authority shall clearly notify for applicant to supplement.

4. Method of payment of fees and charges for implementing administrative procedures: Organizations and individuals shall pay charges and fees according to current regulations by either directly to the competent authority or by bank transfer or other money transfer services.

5. Method of returning results: The competent authority shall return results either by directly at their offices or via postal services or online.

6. In case if this Decree has different provisions compared to the provisions of Clauses 1, 2, 3, 4 and 5 of this Article, that provisions shall be applied.

7. All documents of the application shall be translated into Vietnamese.

8. Organizations and individuals shall be responsible for the legality of the submitted application.

Chapter II

PROTECTION AND DEVELOPMENT OF FISHERIES RESOURCES

Session 1. FISHERIES RESOURCES CO-MANAGEMENT

Article 5. Recognition and authorization for community organizations;

1. Application for recognizing and authorizing to community organizations include:

a. Application form (according to the form No 01.BT Annex 1).

b. A plan for aquatic resource management and exploitation at proposed area for co-management according to the form No 02.BT Annex 1 of this Decree;

c. Operational regulations of community organizations according to the form No 03.BT Annex 1 of this Decree;

d. Information of community organizations according to the form No. 04.BT Annex1 of this Decree.

đ. The meeting minutes of community organizations according to the form No 05.BT. Annex1 of this Decree.

2. Procedures to recognize and authorize to community organizations as follows:

a. The representative of the community organization shall submit 01 application regulated at the Clause 1 of this Article to competent authority according to the Clause 2, Article 10 of the Fisheries Law;

b. Within 3 working days subject to application received completely, the competent agency shall publicly announce a plan for aquatic resource management and exploitation on mass media, office of the People's Committee of the district, commune and residential area where co-management can be implemented;

c. Within 60 days from the notification date regulated at Point b of this Clause, the competent authority shall evaluate the application and check at the field (if needed), and issue a Decision on recognition and authorization for community organizations according to Form No.06.BT Annex 1 of this Decree. In case of refusal of recognition and authorization to community organizations, the competent authority shall reply in writing and clearly state the refusal reasons therefor.

3. Evaluate the application of recognition and authorization for community organizations, including the following principal contents:

a. Fulfill requirements specified at the Clause 1, Article 10 of the Fisheries Law.

b. The suitability of the management plan for aquatic resource management and exploitation in proposed area for co-management and Operational regulations of community organizations to be approved by at least two thirds of the members of the community organization in the light of the fisheries law, regulations and local management practices;

4. An application to amend or supplement the decision on the recognition and authorization of management rights to a community organization shall include:

a) Application (according to the form No 07.BT Annex 1).

b) Information about community organization regulated at Form 04.BT of Annex I of this Decree in the case of names of the representatives of the community organization and/or the name of the community were changed.

c) Evaluation report on implementation results and draft new plan for aquatic resource management and exploitation for cases of amendment and supplementation of the plan for aquatic resource management and exploitation; location and boundaries of geographical areas assigned; scope of assigned rights

d) Evaluation report on implementation results and draft new regulations for cases of amendment and supplementation of the Regulation on operation of community organizations;

đ) Original meeting minutes of community organizations on the contents proposed for amendment and supplement according to Form No. 05.BT Annex I issued together with this Decree.

5. The procedures for amending and supplementing the content of the decision to recognize and authorize management rights to community organizations as follows:

a) In case of changing the names of community organization and community organization representative and operational regulations of community organization: Community organization representatives send an application according to the provisions of Clause 4 of this Article to competent agencies as stipulated in Clause 2, Article 10 of the Fisheries Law. Within 7 working days from the date of receiving the complete application, the competent agency shall consider and issue a revised and supplemented decision. In case of not issuing the amended or supplemented decision, the competent agency shall reply in writing and clearly state the reason;

b) In case of amendment and supplementation of the location and boundary of the assigned geographical area; scope of assigned rights; plan for aquatic resource management and exploitation: comply with the provisions of Clauses 2, 3 and 4 of this Article;

c) Decide to amend and supplement the content of the decision to recognize and authorize management rights to community organizations according to Form 08.BT Annex I of this Decree.

Article 6. Reporting requirements of community organizations

1. Community organizations report to competent agencies regulated at the Clause 2, Article 10 of the Fisheries Law and provincial-level management agencies in charge of periodic community organization's activities before 10 November every year or extraordinarily upon request.

2. Reports of community organizations include the following main contents: Name of community organization; number of participants; results of implementing the plan for aquatic resource management and exploitation; results of implementing the Regulation on activities of community organizations; changes in the reporting period; proposals and recommendations (if any).

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

Article 7. List and criteria for identifying rare, specious and endangered aquatic species

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

2. Endangered, precious and rare aquatic species belonging to the Group I with following criteria:

a) With precious and rare gene types to conserve and select breeds for aquaculture or contain specific bio-active substances or active substances used as raw materials for medicinal products of the health service or have a high profitability when commercialized or play an important role in maintaining ecosystem balance among communities or high representative or uniqueness in natural aquatic areas.

b) Very rare in nature or in great danger of extinction is determined by the level of population decline of at least 50% according to observation or assessment in the last 5 recent years or is forecasted to decline at least 50% in the next 5 years.

3. Endangered, precious and rare aquatic species belonging to the Group II with following criteria:

a) Meet the criteria specified at Point a, Clause 2 of this Article.

b) Very rare in nature or in great danger of extinction is determined by the level of population decline of at least 20% according to observation or assessment in the last 5 recent years or is forecasted to decline at least 20% in the next 5 years.

4. A list of endangered, precious and rare aquatic species specified in Annex II issued together with this Decree.

5. The Ministry of Agriculture and Rural Development organizes the review, evaluation and submission to the Government for amendments and supplements to the List of endangered, precious and rare aquatic species.

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

1. Group I shall only be exploited for one of the following purposes: Conservation, scientific research, research for development of original breed sources and international cooperation.

2. Group II shall only be exploited for one of the following purposes: Conservation, scientific research, research for development of original breed sources and international cooperation or meet the requirements specified in Part II, Annex II of this Decree.

3. Organizations and individuals that exploit endangered, precious and rare aquatic species for the purpose of conservation, scientific research, research for development of original breed sources and international cooperation shall be approved by the Directorate of Fisheries by a written approval and report to the Directorate of Fisheries on the results of implementation.

4. Annually, organizations and individuals want to conduct research for development of original breed sources and produce breeds of endangered, precious and rare aquatic species shall coordinate with the provincial-level state

management agency in charge of aquatic products to release at least 0,1% of individuals in total production into natural waters.

5. Endangered, precious and rare aquatic species being material evidences of confiscated administrative violations or case evidence confiscated according to the criminal law and criminal procedure legislation shall be handled as follows:

a) In case of healthy living individuals, they shall be released to the natural environment; In case of injured individuals shall be handed over to establishments with the function of rescuing aquatic species before releasing them into the natural environment;

b) In case of material evidences are body parts or dead individuals, they shall be handed over to Vietnam Nature Museum or scientific research agencies for making specimens, display, research, propaganda, education or destroyed according to Vietnamese law;

c) If the material evidence is confirmed to be ill, it is possible to destroy immediately. Destruction shall be carried out in accordance with current provisions of the legislation on veterinary, protection and quarantine.

6. The process of rescuing endangered, precious and rare aquatic species injured or stranded is carried out as follows:

a) Organizations and individuals, when detecting endangered, precious and rare aquatic species are injured or stranded, shall notify the provincial-level state management agencies of fisheries or competent authorities with the function of rescuing aquatic species;

b) If the provincial-level state management agency in charge of fisheries receives information or receives handover from organizations or individuals, it must notify the establishment with the function of salvaging aquatic species; providing first aid and nurturing during the time of waiting for handover;

c) Establishments with the function of rescuing aquatic species shall receive endangered precious and rare aquatic species from provincial-level state management agencies in charge of fisheries or exploiting organizations and individuals. Minutes of handing over endangered, precious and rare aquatic species shall comply with Form No. 09.BT Annex I issued together with this Decree.

7. Responsibilities of agencies with function of rescuing aquatic species:

a) Organize to rescue, culture and evaluate adaptability of rescued aquatic species before releasing them into their natural habitats. In case the rescued species dies in the process of rescuing, the rescue agencies shall hand it over to the Vietnam Nature Museum or a scientific research agency for making a specimen. In case the rescued species is incapable of living in the natural environment, the rescue agencies either culture or hands over to responsible organizations and individuals for purposes of research, education and propaganda;

b) Report to the Directorate of Fisheries on the results of rescue of endangered, precious and rare aquatic species before November 20 every year or when required.

8. In case the endangered, precious and rare aquatic species are not preserved and manipulated specimens for purposes of research, propagation and education, the provincial-level state management agency shall coordinate with local authorities to organize the handling in accordance with the customs and regulations of the law on veterinary and environmental protection.

Article 9. Exploitation of endangered precious and rare aquatic species

1. An application requesting the approval of the exploitation of endangered, precious and rare aquatic species include:

a) The application according to Form No. 10.BT Annex I of this Decree;
b) Exploitation plan according to Form No. 11.BT Annex I of this Decree;
c) The original or certified copy of the national-level international cooperation signing document on the grant, donation or exchange of endangered, precious and rare aquatic species for cases of exploitation for international cooperation purposes;

d) A decision to approve the initial proposal/outline of scientific research, conservation, research and breeding by competent agencies or overseeing the conservation outline, scientific research and initial breeding research for with the case of exploitation for the purpose of conservation, scientific research, initial breeding research;

đ) Documents specifying the functions and tasks of the organization requesting the granting of written approval for cases of scientific research, conservation and research to create original seed sources.

2. The order of granting documents approving the exploitation of endangered, precious and rare aquatic species is as follows:

a) Organizations and individuals shall send dossiers according to the provisions of Clause 1 of this Article to the Directorate of Fisheries;

b) Within 20 days after receiving the complete dossier, the Directorate of Fisheries shall organize the evaluation of the dossier; to consult the MPA Management Board in case of exploiting endangered, precious and rare aquatic species in marine conservation zones and issue a written approval according to Form No. 12.BT Annex I promulgated together with This decree. In case of disapproval, it must reply in writing, clearly stating the reason.

3. Documents approving the exploitation of endangered, precious and rare aquatic species that are effective according to the time of performing the task of conservation, scientific research, initial breeding research and international cooperation.

4. The Directorate of Fisheries shall revoke the written approval of exploitation of endangered, precious and rare aquatic species in cases where organizations and individuals fail to comply with the contents of the written approval or the plan on exploitation of dangerous aquatic species. level, precious and rare.

SECTION 3. MANAGEMENT REGULATION OF MARINE PROTECTED AREA (MPA)

Article 10. Management of activities on MPAs and buffer zones

1. Activities are carried out in strict protection zones including:
 - a) Dropping buoys to mark the sea border;
 - b) Investigation and scientific research after being approved by a competent state agency and subject to supervision by the MPA Management Board;
 - c) Propaganda, environmental education, biodiversity conservation and protection of aquatic resources.
2. Activities carried out in ecological rehabilitation zones include:
 - a) Activities specified in Clause 1 of this Article;
 - b) Restoring and reproducing aquatic and animal species and marine ecosystems;
 - c) Ecotourism activities without causing harms to aquatic resources and marine ecosystems;
 - d) Fishing vessels, ships and other waterway means are not harmful.
3. Activities implemented in the service-administrative zone include:
 - a) Activities specified in Clause 2 of this Article;
 - b) Aquaculture and fishing;
 - c) Organizing eco-tourism services and activities;
 - d) Construction of infrastructure for operation of the MPA Management Board; works for eco-tourism and aquaculture.
4. Activities carried out in the buffer zone include:
 - a) Activities specified in Clause 3 of this Article;
 - b) Construction of infrastructure works for socio-economic development.

5. Activities in MPA prescribed in Clauses 1, 2, 3 and 4 of this Article must comply with relevant law provisions and the Regulation on management of MPA.

Article 11. Rights and responsibilities of MPA management Board

1. The rights of the MPA management board:

a) Conducting surveys, monitoring, scientific research and international cooperation on marine conservation within the scope of management;

b) Cooperation in training, propaganda, environmental education, biodiversity conservation and protection of aquatic resources in marine protected areas;

c) Collecting charges and fees as prescribed for activities in MPAs;

d) Coordinate with organizations and individuals to conduct investigation, scientific research, restoration and regeneration of aquatic animal and plant species and natural marine ecosystems in the conservation area;

e) Staffs and employees of the MPA Management Board while on duty in the MPAs may make records of administrative violations in the fishery sector and transfer competent authorities to handle violations according to provisions of law;

e) Can conduct business, joint ventures and cooperation in eco-tourism, convalescence, scientific research, restoration and regeneration of aquatic animals, plants, natural marine ecosystems and other service activities in MPAs according to law provisions;

g) Opinion on the investigation, scientific research, education and training activities and projects related to the assigned marine protected areas; Proposing the competent authority to suspend the investigation, scientific research, education, training and project activities of organizations and individuals in case they fail to comply with the right purpose, content, plan or have activities that adversely affect marine protected areas.

2. Responsibilities of MPA management Board

a) Managing and protecting MPA according to the Regulation on management of MPA and relevant law provisions;

b) Develop a master plan on development of eco-tourism, convalescence and entertainment in the marine conservation zone and submit it to competent authorities for approval;

c) Formulate and organize the implementation of annual, five-year and 10-year marine protected area management plans after being approved by competent authorities; pollution prevention measures, disease prevention and control; prevent law violations in MPA;

d) Organizing research, conservation, protection, regeneration, restoration and development of aquatic animal and plant species and marine ecosystems in MPA; rescuing endangered, precious and rare aquatic species

according to law provisions; monitoring, collecting information, data, updating database on biodiversity and water environmental quality;

d) Supervising investigation, scientific research, education, training activities and projects implemented in marine protected areas;

e) Propagate, educate and raise awareness about the protection of aquatic resources, protect the habitat of aquatic species and conserve biodiversity for communities living in and around MPA;

g) Organizing and coordinating with the Fisheries Surveillance Force, the Coast Guard, the Environmental Police, the Border Guard and local authorities or proposing the provincial People's Committee to arrange the Fisheries Surveillance Force to conduct patrol, checking, controlling and handling violations of marine protected areas;

h) Coordinate with local authorities and related organizations and individuals to support the implementation of livelihood activities for communities living in and around the MPA;

i) Issue guidelines and regulations for vehicles and activities in marine protected areas;

k) Research and propose to adjust the area of marine protected areas; area, location of functional sub-zones of marine conservation zones and buffer zones;

l) Install and drop buoys to mark the boundaries of marine protected areas, boundaries of functional zones and install buoys for tourist boats to anchor;

m) Reporting to provincial state fisheries management agencies on and the Ministry of Agriculture and Rural Development (through the Directorate of Fisheries) on the management of marine protected areas periodically before November 20 every year or unexpected when requested.

Article 12. Rights of organizations and individuals engaged in activities related to MPA

1. Participate in communication, education and awareness raising activities on biodiversity conservation and protection; restoration and regeneration of fauna, flora species and natural ecosystems in MPA;

2. Coordinate with the Management Board of the MPA to conduct investigation, scientific research, education and training activities; Organize ecotourism services in MPA according to the provisions of this Decree, the management boards of MPA and the relevant regulations;

3. Joint venture, associated with MPA management board in the field of ecotourism, scientific research, convalescence, restoration and regeneration of

fauna and flora species and natural ecosystems and other services activities in the MPA in accordance with the law;

4. Conducting aquaculture and fisheries under the provisions of this Decree, the management board of MPA and relevant regulations.

Article 13. Obligations of organizations and individuals engaged in activities related to MPA

1. Organizations and individuals conducting survey, scientific research, education and training in MPA have the following obligations:

a) Providing the plans for survey, scientific research, education and training in the MPA to the MPA Management Board before 10 (ten) days of conducting;

b. Conduct surveys, scientific research, education and training in accordance with the law, the MPA Management Regulation and guidance and supervision of MPA Management Board;

c. Notify the MPA Management Board of the results of scientific research, education, training; documents published domestically or internationally (if any);

d. Expenses for service charges for the MPA Management Board as prescribed, except for scientific investigation and research activities.

2. For organizations and individuals engaged in ecotourism services related to MPA, the following obligations:

a) Implement eco-tourism, convalescence and entertainment activities according to the overall scheme on development of eco-tourism, convalescence and recreation in marine conservation areas already approved by competent agencies;

b) Comply with the Regulation on management of marine protected areas, regulations of MPA Management Board, supervision of MPA Management Board;

c) Protection of biodiversity and environment; participate in activities of environmental cleanup, restoration and regeneration of aquatic animal and plant species and marine ecosystems in MPA;

d) Disseminating legal provisions on environmental protection and biodiversity protection for tourists;

đ) Payment of service costs to the MPA Management Board as prescribed.

3. For communities, households and individuals living in and around marine protected areas, the obligation is:

a) Comply with the regulations on management of marine protected areas, regulations of the MPA Management Board and relevant laws;

b) Protection of environment and biodiversity in MPA;

c) To participate in activities of regenerating and restoring aquatic animal and plant species and marine ecosystems in conservation MPA.

Article 14. Financial sources for MPAs

1. State budget that is allocated in accordance with the provisions of law;

2. Service revenue sources shall be paid by organizations and individuals engaged in MPA-related activities according to the provisions of Point d, Clause 1 and Point đ, Clause 2, Article 13 of this Decree.

3. Support from domestic and international organizations and individuals;

4. Other financial sources as prescribed by the law.

Article 15. Management and use of financial sources of MPAs

1. State budget expenditures for marine protected areas of the state are as follows:

a. Development investment expenditures include: Investment in construction, upgrading and renovation of infrastructure; procurement of equipment for MPA management; Other investments related to marine protected areas in accordance with the law (if any). The management and allocation of development investment expenditures to implement projects serving the management of marine protected areas shall comply with the current law on public investment;

b) Regular expenditures include: Activities of the MPA Management Board; other regular activities related to marine protected area management;

2. The developing and use of state budget for MPA shall comply with the provisions of law on the state budget.

3. Service revenue sources of MPAs shall be managed and used according to current law provisions.

4. Funding sources of domestic and foreign organizations and individuals shall be managed and used according to the provisions of law on the use of aid sources and relevant law provisions.

5. Other financial sources shall be managed and used according to current law provisions.

SECTION 4. AQUATIC RESOURCES PROTECTION AND DEVELOPMENT FUND

(Guidance for Clause 5 Article 21)

Article 16. Functions, duties of aquatic resources protection and development fund

1. Aquatic resources protection and development fund has the function of assisting programs, projects, non-project activities in the field of fisheries conservation, protection, regeneration and development not included in the budget plan nationwide.

2. Duties of the Aquatic Resource Protection and Development Fund shall include:

a. Mobilize, receive and manage aids, donation, voluntary contributions from domestic and international organizations and individuals;

b. Appraise, decide on support, inspection, supervision and acceptance of results of programs, projects or non-project activities funded by the Fund;

c. Implement regulations on finance, statistics, accounting and audit; report the management and use of Fund to the competent authority;

d. Implement other duties assigned by the competent authority or prescribed by law.

Article 17. Organizational structure of Aquatic resources protection and development Fund

1. The name of Aquatic resources protection and development Fund is provided for as follows:

a. Fund at central level is Vietnam Aquatic Resources Protection and Development Fund (hereinafter referred to as Central Fund);

b. Fund at provincial level are started with the phrase "Aquatic Resources Protection and Development Fund" followed by the name of the province (hereinafter referred to as Provincial Fund).

2. Fund management and executive Board includes:

a. Fund Management Council;

b. Control Board of Fund;

c. Executive body of Fund.

3. Fund Management Council, Control Board and executive body are prescribed in regulations on organization and operation of the Fund promulgated by the fund establishment agency.

Article 18. The operation mechanism of the Aquatic Resource Protection and Development Fund

1. The Aquatic Resource Protection and Development Fund has legal status, offices, own stamps and is entitled to open accounts at the State Treasury as

prescribed by the law; organizes and operates as a public non-business unit established by the competent State agencies.

2. Responsibilities of Central Fund:

a. Provide technical and financial support for Provincial Fund and Community Fund through plans, projects, non-project activities;

b. Guide, monitor and inspect the use and management of the financial support from the Central Fund;

c. Guide and share experience on fund management.

d. Providing technical and financial support to the provincial fund and community fund through programs, projects and non-project activities (if any)

3. Responsibilities of Provincial Fund

a. Management and use of financial resources in accordance with Article 19 of this Decree;

b. Provide technical and financial support for the Community Fund through programs, projects and non-project activities

c. Receive and manage the proper use of the financial support from Central Fund (if any);

d. Be subject to inspection and supervision of the Central Fund for the use of the financial support from Central Fund;

đ. Report the use and management of the financial support to the Central Fund for submission of report to Ministry of Agriculture and Rural Development.

Article 19. Financial management and use of Aquatic Resources Protection and Development Fund

1. The financial resources constitute the fisheries resource protection and development fund according to the provisions of Clause 4, Article 21 of the Fisheries Law

2. The central fisheries resource protection and development fund is spent on the following major activities:

a. Organization of propaganda and education; disseminate and replicate the typical examples of aquatic resource protection and development nationwide;

b. Restoring ecosystems, regenerating aquatic resources; supporting career change, creating sustainable livelihoods nationwide;

c. Carry out other programs, projects and non-project activities entrusted by domestic and foreign organizations and individuals nationwide;

d. Expenditures for operation of the Fund's apparatus and expenses for professional operations of the Fund according to current regulations

đ. Funding support for the Provincial Fund and Community Fund.

3. The fisheries resource protection and development fund at the provincial level is spent on the following major activities:

a. Activities specified at Points a, b, c and d, Clause 2 of this Article in the province;

b. Funding support for the Community Fund.

4. The Aquatic Resources Protection and Development Fund supports domestic organizations, individuals, households and community organizations that have programs or projects or non-project activities according to the contents prescribed in Clause 2 of this Article.

5. The Aquatic Resources Protection and Development Fund shall provide fully or partly non-refundable support for the implementation of programs, projects or non-project activities specified in Clause 2 of this Article.

6. Appraisal and approval of programs, projects or non-project activities:

a. Organizations and individuals requesting assistance shall send their document requests for support, enclosed with their explanations on programs, projects or non-project activities to the Fund's executive Agency.

b. The Fund's Executive Agency shall preside and coordinate with the functional agencies in appraising and reporting to the Fund Managing Council for consideration and approval.

c. After the Fund's Management Board issues a decision approving it, the Fund Director informs the beneficiary and has implemented.

7. Organizations, individuals, households and community organizations implementing programs and projects and non-project activities under the approved decisions and reporting on the implementation results to the Fund Managing Agencies

8. Monitoring and evaluating the implementation of programs, projects or non-project activities:

a. The Fund's Executive Agency shall direct, inspect and evaluate the implementation of programs, projects or non-project activities supported by the Aquatic Resource Protection and Development fund annually or irregularly.

b. In case of necessity, the Fund Managing Agencies may hire consultants to inspect and evaluate the implementation of programs or projects or non-project activities supported by the Aquatic Resources Protection and Development Fund.

9. To set up financial revenue and expenditure plans and annual financial settlement reports

a. The financial revenue and expenditure plans shall be approved by the Fund Managing Council and submitted to the Ministry of Agriculture and Rural Development for approval at central-level funds and submitted to the provincial-level People's Committees for approval at provincial-level funds.

b. Financial statement of the Fund in accordance with current laws.

10. Accounting, auditing, asset management and financial publicity

a. Use the administrative and public-service accounting regime to the accounting tasks.

b. Manage and use assets in accordance with the law on management and use of state property.

c. Implement the regime of reporting and financial publicity as prescribed by law.

Chapter III AQUACULTURE

Section 1

MANAGEMENT OF AQUATIC SEEDLINGS

Article 20. Conditions for establishments of aquatic seedlings producers

1. Material and equipment for producing and nursing of aquatic seedlings, stipulated in Point a, Clause 1, Article 24 of the Fisheries Law, shall be specified as follows:

a) Water supply and wastewater treatment systems and pond, tank and cage systems shall be ensured to meet the requirements of quality control and biosecurity; equipment and material storage areas shall be ensured to meet the requirements of manufacturers and suppliers; employees' living areas shall be ensured to separate from production and nursing areas;

b) Equipment and devices shall ensure to meet the requirements of quality control and biosecurity; waste collection and treatment equipment shall not cause negative impacts on production and nursing areas.

2. Point c, Clause 1, Article 24 of the Fisheries Law is stipulated specifically as follows:

It is necessary to build and apply a system of quality and biosafety control including the following contents: Water supply for production and nursing; aquatic seedlings for the production process; sanitation, collection and treatment of wastewater and wastes; destroying aquatic animals that die or become infected with destroyed diseases; control aquatic seedlings released into the external environment and harmful animals entering the establishments; food, medicine, aquatic environmental treatment products.

Article 21. Issuance, re-issuance and withdrawal of certificates of establishments eligible for aquatic seedlings production and nursing; inspection to maintain basic conditions for establishments

1. The competent authorities will issue, re-issue and withdraw certificates of establishments eligible for aquatic seedling production and nursing and inspect to maintain the basic conditions of the establishments as follows:

a) The Directorate of Fisheries issues, re-issues and withdraw certificates of eligibility for aquatic seedling production and nursing establishments of parental aquatic seedlings; check and maintain the conditions for production and nursing establishments for parental aquatic seedlings;

b) The provincial competent authorities will issue, re-issue and withdraw certificates of eligibility for aquatic seedling production and nursing establishments; check and maintain the conditions for production and nursing establishments in their province, except for the cases stipulated at Point a of this Clause.

2. The application to request issuance of certificates of establishments eligible for aquatic seedling production and nursing include:

a) An application form to request a certificate of eligibility for aquatic seedling production and nursing establishments according to Form No. 01.NT, Annex III issued together with this Decree;

b) An explanatory document on material and technical equipment of aquatic seedling production and nursing establishments according to Form No. 02.NT Annex III issued together with this Decree.

3. The application to request re-issuance of certificates of eligibility for aquatic seedling production and nursing include:

a) An application form to request re-issuance according to Form No. 01. NT, Annex III issued together with this Decree;

b) Evident documents to proof any changes of organizations and individuals;

c) Certificate of eligibility for production and nursing of aquatic seedlings was issued except with the case lost.

4. Procedures for issuance and re-issuance of certificates for eligible establishments:

a) The procedures of issuance a certificate of eligible establishments: Organizations and individuals shall submit application to competent authorities defined in Clause 1 of this Article.

Within 10 working days after receiving a complete and valid application, the competent agencies shall check the conditions of the establishment according to Form No. 03.NT, Annex III of this Decree; In case of inspection and evaluation at establishments that fail to meet conditions, the establishments shall implement correction actions; after the implementation of the correction actions, the establishment shall submit a written notice to the competent agencies to organize the examination and evaluation of the basic conditions; If the establishment meets the conditions, within 03 working days from the end of the inspection, the competent agency shall issue a Certificate according to Form No. 04.NT Annex III of this Decree. In case of the requirements do not meet, the competent authority shall inform in writing, clearly stating the reason of no issuance;

b) Procedures of re-issuance of certificate of eligible establishments: Organizations and individuals shall submit application to competent agencies defined in Clause 1 of this Article. Within 03 working days from the date of receipt of a complete dossier, the competent agency shall re-issue a Certificate according to Form No. 04.NT Annex III of this Decree. In case of the requirements do not meet, the competent authority shall inform in writing, clearly stating the reason of no issuance.

5. Inspection contents include:

a) Check the registration application for re-issuance of Certificate;

b) Reality inspection at the establishment is conducted according to the provisions of Articles 23 and 1, Article 24 of the Fisheries Law and Article 20 of this Decree;

c) Check the performance of obligations in the production and nursing of aquatic seedlings under Clause 2, Article 26 of the Law on Fisheries.

6. Time for inspection to maintain conditions of aquatic seedling production and nursery establishments is 12 months; In case the establishment has been evaluated and issued a certificate of system conformity with the standard, the time for checking and maintaining the condition is 24 months.

7. When detecting an establishment violating one of the cases stipulated in Clause 4, Article 25 of the Fisheries Law, the competent agency shall provide sanctions and issue a decision to withdraw the certificate of eligibility establishments and publish the violation cases on mass media.

Article 22. Import of aquatic seedlings

1. Organizations and individuals that wish to import aquatic seedlings for purposes of scientific research or exhibition at fairs which are not on the list of aquatic species stipulated in Annex VIII of this Decree, shall be licensed by the Directorate of Fisheries.

2. Application to request importation of aquatic seedlings include:

a) An application form according to Form No. 05. NT, Annex III of this Decree;

b) Pictures of aquatic species requesting for importation together with Vietnamese, scientific and English names (if any);

c) A research proposal which was approved by a scientific research agency or state management agencies (for cases of import for scientific research);

d) Documents to proof of imported species used for fairs and exhibitions; plan to handle aquatic species after the fair or exhibition ends (for cases of import for display at fairs and exhibitions).

3. Order of licensing the import of aquatic seedlings:

a) Organizations and individuals wishing to import aquatic seedlings not yet on the list of aquatic species permitted for business in Vietnam shall submit their dossiers to the Directorate of Fisheries;

b) Within 5 working days after receiving a complete and valid dossier, the General Department of Fisheries shall organize the evaluation of dossiers and issue import permits to organizations and individuals according to Form No. 06.NT Annex III issued together with this Decree. In case of refusal to issue the import permits, the General Department of Fisheries shall reply in writing, clearly stating the reasons;

c) The Directorate of Fisheries shall supervise or issue a written request to the provincial-level state management agency in charge of fisheries where scientific research and exhibitions are carried out at the fair or exhibition to do the inspection.

4. When detecting that aquatic seedlings imported into Vietnam are at risk of affecting quality, environment, biosafety, the Ministry of Agriculture and Rural Development shall consider and decide to inspect the management system, aquatic seed production in exporting countries:

a) Composition of inspection team: The Directorate of Fisheries and related units;

b) Inspection contents: System of legal documents on quality management, environment, biosafety related to aquatic seedlings and enforcement capacity of management agencies in exporting countries; quality, environment and biosafety conditions at aquatic seed production and export establishments in Vietnam;

c) Notify and publicize the inspection results and decide handling measures for each specific case.

Article 23. Export of aquatic seedlings

1. Organizations and individuals that wish to export aquatic seedlings named in the List of aquatic species banned from export and the list of conditional export aquatic species but fail to satisfy the conditions for scientific research and international cooperation shall comply with the provisions of Article 69 of this Decree.

2. List of aquatic species banned from export specified in Annex IX, List of conditional export aquatic species specified in Annex X of this Decree.

Article 24. Naming of aquatic seedlings

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

2. Aquatic seedlings may not be given new names in the following cases:

a) Coincide with the genus name that already exists;

b) Only including with numbers;

c) Violate social ethics;

d) Easy to confuse with features and characteristics of the aquatic species.

Article 25. Conditions for testing establishments of aquatic seedlings

Points b and c, Clause 2, Article 28 of the Fisheries Law are specified as follows:

1. Technical facilities and equipment include:

a) Having a qualified laboratory according to current regulations to monitor, test and evaluate the criteria according to the testing proposal;

b) In case of testing the stage of production or rearing aquatic seedlings, they shall satisfy the provisions at Point a, Clause 1, Article 24 of the Fisheries Law and Clause 1, Article 20 of this Decree. In case of commercial phase testing, it must satisfy the provisions at Point b, Clause 1, Article 38 of the Fisheries Law and Article 34 of this Decree.

2. Conditions on biosecurity and environmental protection: Experimental farming areas must have measures to separate from seedlings and other commercial aquaculture areas.

Article 26. Contents, order and procedures for testing aquatic seedlings

1. The Directorate of Fisheries shall receive and appraise registration application of aquatic seedling testing and approve a testing proposal for aquatic seedlings.

2. Dossiers of application for testing aquatic seedlings include:

a) An application for registration according to the Form No. 07.NT Annex III issued together with this Decree;

b) Testing outline is according to Form No. 08.NT Annex III of this Decree.

3. Implementation procedures:

a) Organizations and individuals wishing to test aquatic seedlings shall submit dossiers to the Directorate of Fisheries;

b) Within 10 working days from the receipt date of complete dossiers, the Directorate of Fisheries shall evaluate the application, if the application meet the requirements, check the conditions of testing establishments according to Form No. 09.NT. Annex III of this Decree. The General Department of Fisheries approves the testing proposal and promulgates a decision to permit testing according to Form No. 10.NT Annex III of this Decree and at the same time issues import permits for aquatic seedlings to organizations and individuals for testing purposes (for imported products); In case of unsatisfactory, the answer must be in writing, stating clearly the reason.

c) The Directorate of Fisheries shall issue a written request to the provincial-level state management agency of fisheries where the testing is conducted.

4. Contents of testing aquatic seedlings: Based on biological characteristics of each aquatic species and the purpose of use to develop a testing proposal to determine the difference, stability and uniformity of productivity. quality, disease resistance and evaluation of impacts of tested species.

5. Testing monitoring:

a) Monitoring agency: The provincial-level state management agency in charge of fisheries where the test is conducted;

b) Monitoring contents: According to the content of the aquatic seedling testing proposal approved by the Directorate of Fisheries;

c) Within 05 working days from the end of the experiment, the testing unit submits a report on the monitoring results to the Directorate of Fisheries.

6. Examination of test activities: The Directorate of Fisheries shall organize the inspection of aquatic seedling testing activities; contents of examination according to the contents of the approved testing outline.

7. Recognizing results of testing aquatic seedlings:

a) Within 15 days after receiving the testing results report, the Directorate of Fisheries shall organize the evaluation of testing results and issue decisions to recognize the results of testing aquatic seedlings. In case of non-recognition, it must reply in writing, clearly stating the reason;

b) Within 10 working days after issuing the decision to recognize the results of testing aquatic seedlings, the Directorate of Fisheries advises to the Ministry of Agriculture and Rural Development to submit to the Government for adding to the List of aquatic species allowed to do business in Vietnam.

Section 2
**AQUACULTURE FEEDS, PRODUCTS FOR ENVIRONMENTAL
TREATMENT IN AQUACULTURE**

Article 27. Conditions for feed production establishments and aquaculture environmental treatment products

1. Point c, Clause 1, Article 32 of the Fisheries Law is stipulated as follows:

a) Having a firm structure with a foundation with no water accumulation, interconnection and one way from raw materials to finished products; walls, ceilings, partitions, doors to ensure quality control and biosafety requirements; zones containing equipment, raw materials, and finished products to ensure not cross contamination each other and ensure the preservation requirements of manufacturers and suppliers;

b) Equipment exposed to raw materials and finished products are ensured to meet the requirements of quality control and biosafety; equipment for waste collection and treatment are ensured not to pollute the production area environment. If the establishments produce microorganism biomass for the production of microbial biological preparations, they must have equipment for creating environment, storing and culturing microorganisms.

2. Point d, Clause 1, Article 32 of the Fisheries Law is stipulated as follows: Having a testing laboratory or having a qualified laboratory for quality inspection in the production process.

3. Point d, Clause 1, Article 32 of the Law on Fisheries is specified as follows: It is necessary to build and apply a quality control system, biosafety for each product including the contents of water for production; raw materials, packaging, finished products; production process; recycling; storing samples; inspection, calibration and calibration of equipment; pest control; factory cleaning, waste collection and treatment.

Article 28. Issuance, re-issuance and withdrawal of certificates of eligibility for aquatic feed production, aquaculture environment treatment products

1. Competence to issue, re-issue and revoke certificates of establishments eligible for aquatic feed production and aquaculture treatment products:

a) The Directorate of Fisheries inspects, issues, re-issues, withdraw and inspect to maintain the Certificate of eligibility for aquatic feed production and aquatic environment treatment products for foreign investors, foreign-invested economic organizations;

b) State management agencies at provincial level inspect, issue, re-issue, revoke and check and maintain certificates of establishments eligible for production of

aquatic feeds and aquaculture environment treatment products at their corresponding province, except for production establishments stipulated at Point a of this Clause.

2. Dossiers of application for certificates of establishments eligible for aquatic feed production conditions, aquatic environment treatment products include:

a) An application for a certificate of eligibility for production under Form No. 11.NT Annex III of this Decree;

b) The explanation of the conditions of the production establishment according to Form No. 12.NT enclosed with Annex III of this Decree.

3. Dossiers of application for re-issuance of certificates of eligibility for aquatic animal feed production, aquatic environment treatment products include:

a) An application for re-issuance of a certificate of eligibility for production under Form No. 11.NT Annex III of this Decree;

b) Documents evidencing the change of contents in case of changing information related to organizations and individuals;

c) Certificate of eligibility for production of aquatic feeds, aquatic environment treatment products has been issued, unless the Certificate is lost.

4. The order of issuing and re-issuing certificates of eligibility for aquatic animal feed production and aquatic environment treatment products:

a) The order of issuing certificates of eligibility for production of aquatic feeds and aquatic environment treatment products: Production establishments shall submit dossiers to competent agencies defined in Clause 1 of this Article. Within 10 working days, from the date of receipt of a valid dossier, the competent agency shall evaluate the contents of the dossier, if the satisfactory dossier is submitted, the conditions of the production establishment and the establishment shall be checked. Inspection records will be according to Form No. 13.NT Annex III of this Decree; In case of inspection and evaluation at establishments fail to meet conditions, the establishments shall implement correction actions; after implementing the correction actions, the establishment shall inform by a written notice to the competent authority to organize the inspection and evaluation of the basic conditions. In case the results of inspection of basic conditions are satisfactory, within 3 working days from the end of the inspection, the inspection agency shall issue a certificate of eligibility for production of aquatic feeds and aquatic environment treatment products according to Form No. 14.NT Annex III of this Decree. In case of failure to grant a Qualified Certificate, the inspection agency shall reply in writing and clearly state the reason;

b) Order of re-issuance of Certificate of eligibility for production of aquatic feed and aquatic environment treatment products: Production establishments shall submit the dossiers to competent agencies defined in Clause 1 of this Article.

Within 03 working days, from the date of receiving a valid dossier, the competent agency shall re-issue a certificate of eligibility for aquatic feed production, aquatic product environmental treatment products according to a form. No. 14.NT

Annex III of this Decree; In case of do not issue the certificate, the inspection agency shall reply in writing and clearly state the reason.

5. Contents of inspection of conditions for production of aquatic feeds and aquatic environment treatment products:

a) Examination of registration dossiers for issuance and re-issuance of certificates of eligibility for aquatic animal feed production, aquatic environment treatment products;

b) Actual inspection of the conditions of the establishment at the place of producing aquatic feed, the product of processing aquatic environment according to the provisions of Article 27 of this Decree and Article 32, Clause 1, Article 37 of the Law of Water production;

c) Checking on the performance of obligations in the production of aquatic feed, aquatic environmental treatment products.

6. The period of checking and maintaining the conditions of aquatic feed production establishments and aquaculture treatment products is 12 months; In case the establishment has been evaluated and issued a certificate of system conformity with the standard, the time for checking and maintaining the condition is 24 months.

7. When detecting a violation of one of the cases specified in Clause 4, Article 34 of the Fisheries Law, the competent agency shall handle the violation and issue a decision to withdraw the certificate of eligibility on mass media.

8. The establishment has a certificate of eligibility for production of aquatic feeds, products for processing aquatic environment when participating in one, some or all of the process of producing products announced by other establishments. application and announcement of conformity:

a) Manufacturing products must comply with the conditions stated in the Certificate. Before production, they must notify in writing to the Directorate of Fisheries and the provincial-level state management agencies in charge of fisheries for supervision and management;

b) Performing obligations as stipulated in points a and e, Clause 1, Article 37 of the Fisheries Law and making records, keeping records in the production process and assigning a copy to the establishments that have announced the products standard application and announcement of conformity to store for traceability;

c) Establishments having products announcing conformity and publication standards when they produce at other establishments with certificates of eligible establishments must fulfill their obligations according to the provisions of Points b, d and e, e, Clause 1, Article 37 of the Fisheries Law and record keeping in the production process, labeling of goods according to the law on goods labels.

Article 29. Quality control of aquatic feeds and imported aquatic environment treatment products

1. Inspection agencies: The Ministry of Agriculture and Rural Development or the authorized provincial-level state management agency of fisheries.

2. Contents, order and procedures for checking the quality of aquatic feeds, products for processing imported aquatic environment according to law provisions on product and goods quality.

3. Taking samples for quality inspection shall comply with national standards and national technical regulations. In case there are no national standards, national technical regulations on sampling, random sampling is carried out according to the standards announced by the manufacturer. Sample takers, who are from agencies of aquatic product quality control and environment treatment products for import- export and market circulation, must be professionally trained by the Directorate of Fisheries on the sampling of aquatic feed, aquaculture environmental treatment products.

4. Testing of aquatic feeds and environment treatment products, which have been assigned by the testing laboratories to be implemented by the Ministry of Agriculture and Rural Development. In the absence of a designated laboratory for aqua feeds and aquatic environmental treatment products, it should be carried out in the laboratory in the field of food, animal feed, veterinary medicine, plant protection products and fertilizer protection if indicated by the test method must have appropriate test sample. In case the test methods are not specified or not agreed, the Ministry of Agriculture and Rural Development decides the testing method to be applied.

Article 30. Import of aquatic feeds and aquatic environmental treatment products

1. The imported aquatic feeds and aquatic environment treatment products under the provisions of Clause 2, Article 36 of the Law on Fisheries must be licensed by the General Department of Fisheries.

2. Dossiers of registration of import of aquatic feeds and aquatic environment treatment products include:

a) An application for import registration according to Form No. 15.NT Annex III of this Decree;

b) A Certificate to proof organization or participation in fairs and exhibitions in Vietnam (for cases of importation for introduction at fairs and exhibitions);

c) Approved research proposal according to the law on science and technology (for import cases for research).

3. The order of licensing the import of aquatic feeds and aquatic environment treatment products:

a) Organizations and individuals wishing to import aquatic feeds and aquatic environment treatment products for display at fairs, exhibitions or scientific research shall submit the dossiers to Directorate of Fisheries;

b) Within 05 working days from the date of receiving valid dossiers, the Directorate of Fisheries shall issue import permits according to Form No. 16.NT Annex III of this Decree. In case of refusal of licensing, Directorate of Fisheries shall inform by writing with clearly stating the reason;

c) The Directorate of Fisheries sends a document to the provincial state management agency of fisheries to propose the supervision of participation in fairs, exhibitions and scientific researches of those organizations and individuals registering for entry.

4. In case of importing alive aquatic products for use as aquatic feeds, organizations and individuals shall comply with regulations on import of alive aquatic products.

5. When detecting aquatic feed, aquatic environment treatment products imported into Vietnam are at risk of affecting quality, environment and biosafety, the Ministry of Agriculture and Rural Development will consider and decide on the inspection of the management and production system of aquatic feeds and aquatic environmental treatment products in the exporting countries:

a) Composition of inspection team: The Directorate of Fisheries and related units;

b) Inspection contents: System of legal documents on quality, environmental and biosafety management of aquatic feed production, aquaculture environmental treatment products and real capacity examination of regulatory agencies in the exporting country; conditions for quality, environment and biosafety assurance at exporting establishments into Vietnam;

c) Notify and publicize the inspection results and decide the handling measures for each specific case.

Article 31. Conditions for testing establishments of aquatic feeds and aquatic environment treatment products

1. Point b, Clause 2, Article 35 of the Fisheries Law is prescribed as follows:

a) Having a testing laboratory or renting the resources in the provision of satisfying the capable of analyzing and evaluating technical criteria according to the testing proposal;

b) In case of testing the stage of production or nursing the aquatic seedlings, the testing organization shall satisfy the provisions at Point a, Clause 1, Article 24 of the Fisheries Law and Clause 1, Article 20 of this Decree. In case of commercial phase testing, the testing organization shall satisfy the

provisions at Point b, Clause 1, Article 38 of the Fisheries Law and Clauses 1 and 2, Article 34 of this Decree.

2. Point c, Clause 2, Article 35 of the Fisheries Law is prescribed as follows: Experimental farming areas shall have fences or measures to separate them from other commercial production and aquaculture areas. The product or packaging of testing products are not allowed to pollute the environment.

Article 32. Processes and procedures for testing aquatic feeds and aquatic environment treatment products

1. Dossiers of registration for testing aquatic feed and aquatic environment treatment products include:

a. Application for registration according to Form No. 17.NT Annex III issued together with this Decree;

b. The original of the test outline according to Form No. 18.NT Appendix III issued together with this Decree;

c. The explanation of the conditions of the establishment conducting testing according to Form No. 19.NT Appendix III issued together with this Decree.

2. Implementation order for testing aquatic feed, aquaculture environmental treatment products:

a) Organizations and individuals registering for testing aquatic feeds and aquatic environment treatment products shall submit the dossiers to the Directorate of Fisheries;

b) Within 20 days from the date of receipt of a complete and valid dossier, the Directorate of Fisheries shall organize the evaluation of that registration for testing; if the dossiers meet the requirements, the conditions of testing establishments shall be examined according to Form No. 20.NT Annex III issued together with this Decree; In case of inspection and evaluation at establishments that fail to meet conditions, the establishments shall remedy; After remedying the facility, there is a written notice to the General Department of Fisheries to organize the inspection and evaluation of the basic conditions. In case the dossiers and conditions of the testing establishments meet the requirements, the General Department of Fisheries shall approve the testing outline and issue testing decisions according to Form No. 21.NT Annex III issued together with this Decree, to issue permits for import of aquatic feeds and aquatic environment treatment products (if they are imported products). In case of failure, a written reply must be given and the reason must be clearly stated.

3. Examination of testing activities: The Directorate of Fisheries organizes an actual inspection at the place where the testing is conducted at least once during the testing process.

4. Supervision of survey activities: The provincial state-owned fisheries management agency conducts a field test to supervise testing activities. Content supervised is according to the approved outline.

5. Accreditation of test results:

a) After the end of the experiment, the establishment of aquatic feed and environment treatment product reports the testing results to the Directorate of Fisheries. Within 10 working days after receiving the test result report, the General Department of Fisheries shall organize the evaluation of the testing results and issue a decision to recognize the results of testing aquatic feed and treatment products according to Form No. 22.NT Annex III of this Decree. In case of non-recognition, it must reply in writing and state the reasons;

b) After recognizing the test results, the Directorate of Fisheries shall submit to the Ministry of Agriculture and Rural Development for adding to the List of permitted chemicals, bio-preparations, microorganisms and raw materials to be used in aquaculture in Vietnam.

Article 33. Contents of testing for aquatic feed, aquatic environment treatment products

1. Contents of testing aquatic feed:

a) Checking ingredients and product quality according to announced standards and relevant technical regulations before conducting tests;

b) Assessment of characteristics and uses of products: Assessing the ability of growth and development; survival rate through the development stages of the test subjects; feed conversion ratio; other technical specifications stated in the product profile;

c) Assessing safety for human health, breeding objects and environment during usage: Residue of antibiotics, toxic chemicals in tested seafood and environment (specifically stated in the outline) test); Evaluate volatility of environmental indicators.

2. Contents of testing aquatic product environmental treatment products include:

a) Check ingredients and product quality according to announced standards and relevant technical regulations before conducting tests;

b) Evaluate the properties and uses of products by evaluating the changes in physical, chemical and biological criteria in the culture environment; other technical specifications stated in the product profile;

c) Assess the safety for human health, breeding objects and environment during usage: Residual components of the product in the environment and in animals when harvested for component products chemical; heavy metal residues in

the environment, in animals when harvested; survival rate and growth rate of breeding objects.

Section 3

AQUACULTURE

Article 34. Conditions for aquaculture establishments

Point b, Clause 1, Article 38 of the Fisheries Law is implemented as follows:

1. Facilities for aquaculture establishments in ponds (swamps/tunnels), tanks:
 - a) Bank of Ponds (swamps / tunnels), tanks made of materials which do not cause environmental pollution, not harmful to breeding aquatic animals, do not leak water; garbage dumps must be separated from places of storing and treating dead aquatic products and separate from farming areas, without affecting to the environment;
 - b) In cases the aquaculture establishments have areas for storing equipment, tools, the materials must ensure preservation requirements of manufacturers and suppliers; aquaculture establishments with living and sanitation zones must ensure the waste water and daily-life wastes not to affect farming areas;
 - c) In case of intensive or semi-intensive aquaculture establishments, they must have separated water and wastewater treatment systems; suitable sludge storage place; suitable signboards to guide each zone and meet the provisions at Points a and b of this Clause.

2. Facilities for aquaculture establishments by cages and pens (hereinafter referred to as cage aquaculture):

- a) Frame of cages, buoys, nets and pens must be made of materials which do not cause environmental pollution, not harmful to breeding aquatic animals and not allow aquatic animals to escape into the environment; have warning devices for navigation activities; The waste storage areas must be separated from the place where the dead aquatic products are treated, not affecting the environment.
- b) In cases where aquaculture establishments have areas for storing equipment, tools, the materials must ensure preservation requirements of manufacturers and suppliers; Aquaculture establishments with living and sanitation zones must ensure the waste water and daily-life wastes not to affect to the farming areas.

3. Equipment used in aquaculture must be made of materials that are easy to clean and not toxic to aquatic animals, without causing environmental pollution.

Article 35. Issuance and revocation of certificates of establishments eligible for aquaculture production at the request of organizations and individuals

1. Provincial-level state management agencies of fisheries shall issue, re-issue and withdraw certificates of establishments eligible for aquaculture when required by organizations and individuals.

2. Dossiers of application for certificates include:
 - a) The application according to Form No. 23.NT Annex III of this Decree;
 - b) Certificate of land use right or Decision on allocation of the sea area or lease contract of land use right and marine area for aquaculture;
 - c) Location map of cages / Site map.
3. Order of issuing Certificate:
 - a) Establishments wishing to have certificates shall submit the dossiers to provincial-level state management agencies of fisheries;
 - b) Within 10 working days from the date of receipt of complete dossiers as prescribed, the provincial-level state management agency of fisheries shall conduct the actual inspection at the establishment according to Annex 24.NT Annex III of this Decree; satisfactory test results, provincial-level state management agencies of fisheries shall issue certificates according to Form No. 25.NT Annex III of this Decree. In case of failure to issue a Certificate, the provincial-level state management agency of fisheries must reply in writing, clearly stating the reason.
4. Validation time of Certificate: 24 months.
5. Revocation of Certificate:
 - a) The certificate is withdrawn in one of the following circumstances: Being removed, deleted, changed the contents of the Certificate or the establishment no longer meets the conditions prescribed in Clause 1 and 2 Article 38 of the Law of Fisheries or other violations that are required by law to revoke the Certificate;
 - b) Competence to revoke the Certificate: the agency who have authority will issue the Certificate;
 - c) Upon detecting that an establishment violates one of the cases specified at Point a of this Clause, the competent agency shall issue a Decision to revoke the certificate of eligibility for aquaculture conditions and notify the information. on mass media.

Article 36. Registration of aquaculture of cages, key aquatic seedling animals

1. The provincial-level state management agency of fisheries receives, evaluates and issues a certificate of registration of aquaculture cages, key aquatic breeding animals.
2. Registration dossier includes:
 - a) An application for registration according to Form No. 26.NT Annex III issued together with this Decree;
 - b) Certificate of land use right when being allocated or leased land for aquaculture or permit for aquaculture activities within the scope of protection of irrigation works or hydropower plants or deciding on the allocation of marine areas or contract for renting land use rights and marine areas for aquaculture;

- c) Site plan of the location of the pond / cage with certification by the owner.
3. Dossiers of re-registration include:
- a) Re-registration application, made according to Form No. 27.NT Annex III of this Decree
 - b) The original certificate of registration has been issued (except for the case of loss);
 - c) In case of a change, the owner of the farming establishment must have proof; changing the area of the pond, the purpose of use must have a plan of the location of the pond / cage with the certification of the owner.
4. The order of registration / re-registration of aquaculture cages, key aquatic breeding animals include:
- a) Owners of aquaculture establishments shall submit dossiers to provincial-level state management agencies of fisheries;
 - b) Within 05 working days, from the date of receiving the complete dossier as prescribed, the provincial fisheries management agency shall consider and issue a Certificate according to Form No. 28.NT Annex III issued with the Decree.
5. Re-registration of aquaculture of cages and aquatic products for main aquaculture when falling into one of the following cases: lost registration certificates; torned; change owners' farms; changing pond area; changing breeding objects; change purpose of use.

Article 37. Licensing for marine aquaculture for Vietnamese organizations and individuals

1. Competence to issue the marine aquaculture licenses:
- a) The provincial-level state management agency of fisheries shall issue the marine aquaculture licenses to Vietnamese organizations and individuals within the sea area from the lowest average sea edge in many years to 06 nautical miles under the scope of management;
 - b) The Directorate of Fisheries shall issue the licenses for marine aquaculture to Vietnamese organizations and individuals in the sea area beyond 6 nautical miles and the sea area bordering the central provinces and cities and sea areas within and outside of 6 nautical miles.
2. A dossier of application for marine aquaculture includes:
- a) Application for registration in accordance with Form No. 29. NT Annex III of this Decree;
 - b) The explanation of the aquaculture project according to Form No. 30. NT Annex III of this Decree;
 - c) Report on assessment of aquaculture environment impact or environmental protection commitment and environmental protection plan appraised by competent agencies according to regulations;

d) Diagram of the sea area with coordinates of the corner points of the proposed sea area.

3. Procedures for marine aquaculture licensing:

a) Organizations and individuals submit the dossiers to competent agencies defined in Clause 1 of this Article;

b) Within 45 days from the date of receipt of a complete dossier, the competent agency evaluates the dossier, consults the state management agency in charge of natural resources, environment and related units and consider and provide a license according to Form No. 31NT Annex III of this Decree if meeting the regulations. In case of non-licensing, a written reply must be given and the reasons therefor must be clearly stated.

4. Re-issuance of the license in case of being lost, damaged or changed, supplemented with information:

a) Organizations and individuals submit the requests for re-issuance according to Form No. 29.NT Annex III of this Decree to competent agencies defined in Clause 1 of this Article;

b) Within 15 days after receiving the request for re-issuance of a license, the competent agency shall consider and re-issue the license. In case of non-re-issuance, reply must be made in writing, clearly stating the reason.

5. Revocation of license:

a) The license is revoked in one of the following circumstances: The license is removed, deleted or changed; failing to comply with the contents specified in the License; when there is a decision to revoke the allocated sea area for aquaculture;

b) Competence to revoke the License: The competent agency is entitled to issue and/or revoke the License.

Article 38. Licensing of aquaculture on the sea for foreign investors and foreign-invested economic organizations

1. Competent Agency who entitles to provide license marine aquaculture permits to foreign investors and foreign-invested economic organizations is the Ministry of Agriculture and Rural Development.

2. Dossiers for license is according to Clause 2, Article 37, issued together with this Decree.

3. Procedures for license:

a) Organizations and individuals wishing to have a license shall submit dossiers to the Directorate of Fisheries;

b) Within 90 days from the date of receipt of complete dossiers as prescribed, the Directorate of Fisheries shall evaluate submitted application; advise the Ministry of Agriculture and Rural Development to consult with corresponding local authorities, Vietnam Fisheries Association, Seaculture Association, Ministry

of Defense, Ministry of Foreign Affairs, Ministry of Police, Ministry of Planning and Investment, Ministry of Natural Resources and Environment, Ministry of Industry and Trade, Ministry of Culture, Sports and Tourism, Ministry of Transport. In case of necessity, the Directorate of Fisheries shall organize a physical inspection and survey at places where organizations and individuals apply for aquaculture permits;

c) After synthesizing and receiving opinions of relevant ministries, branches, localities and units; In case all opinions agree, within 05 working days, the Directorate of Fisheries advises the Minister of Agriculture and Rural Development to grant aquaculture licenses at sea according to Form No. 31NT Appendix III. issued with this Decree. In case there is at least 01 opinion disagreeing on the granting of marine aquaculture licenses to foreign investors, foreign-invested economic organizations and the Ministry of Agriculture and Rural Development shall report to the Prime Minister for directing opinions; within 07 working days after obtaining the opinion of the Prime Minister, the Directorate of Fisheries advises the Minister of Agriculture and Rural Development to grant permits for aquaculture on the sea according to the Form No. 31.NT Appendix III issued together with this Decree. In case of refusal to permit the Directorate of Fisheries to reply in writing, clearly stating the reason.

4. Re-issuance of license in case of being lost, damaged, changed or supplemented with information:

a) Organizations and individuals shall submit applications according to Form No. 29.NT Annex III of this Decree to the Directorate of Fisheries;

b) Within 20 days after receiving a written request for a permit, the Directorate of Fisheries shall consider and advise the Minister of Agriculture and Rural Development to issue permits to organizations and individuals. In case of non-re-issuance, it must reply in writing and clearly state the reason.

5. Withdrawal of the aquaculture license:

a) The license is revoked in one of the following circumstances: The license is removed, deleted or changed; failing to comply with the contents specified in the License; when there is a decision to revoke the allocated sea area for aquaculture;

b) The authority to revoke the License is the Minister of Agriculture and Rural Development;

c) When detecting an establishment violating one of the cases specified at Point a of this Clause, the Minister of Agriculture and Rural Development shall issue a Decision to withdraw the permit and inform the information on mass media.

Article 39. Verification of origin of aquatic species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Endangered, precious and rare aquatic species originated from aquaculture

1. Application for confirmation includes:

a) Application for certification of origin according to Form 32.NT Appendix III issued with this Decree;

b) Certificate of origin of aquatic species in the Appendix of the Convention on international trade in endangered wild animal and plant species or endangered precious and rare aquatic species exploited from nature for use cases Use of natural resources derived from natural growth, breeding and artificial cultivation;

c) Documents evidencing personal origin after handling confiscation according to the provisions of law in case of using individuals originating from after confiscation for rearing, breeding and artificial propagation.;

d) Import documents of specimens in case of using specimens originating from imports for rearing, breeding and artificial propagation;

f) Recording books for monitoring the process of rearing, reproducing and artificially cultivating for endangered, precious and rare aquatic species according to Form No. 33.NT, Annex III of this Decree. Endangered, precious and rare aquatic species under the Annex of the International Convention on trading endangered wild animals and plants shall comply with the provisions of the Decree on guiding the management of wild forest flora and fauna and enforcement of the International Convention on trading endangered wild animals and plants.

2. Implementation procedures:

a) Organizations and individuals submit the dossiers to provincial-level state management agencies of fisheries;

b) Within 07 working days after receiving a complete and valid dossier, the provincial-level state management agency of fisheries shall conduct the actual inspection at the breeding, growing and planting establishments to issue certificates of origin according to Form No. 34.NT Annex III of this Decree; In case of failure to issue a Certificate of Origin, this agency must reply in writing and state clearly the reasons.

Article 40. Certification of origin of aquatic species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Endangered, precious and rare aquatic species originated from nature

1. The provincial-level state management agency of fisheries shall certify the origin of aquatic species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora; endangered, precious and rare aquatic species exploited from the nature.

2. Application dossiers for certification of origin:

a) Application for certification of origin according to Form No. 32.NT Annex III of this Decree;

b) Fishing vessel registration certificate, if fishing vessel are used for fishing;

c) Written approval of exploitation of endangered, precious and rare aquatic species;

d) Fishing vessel lease contract, for organizations and individuals provided with written approval of exploitation of endangered precious and rare aquatic species using fishing ships for exploitation but not being the ship owners;

e) Fishing trip report and fishing logbook.

3. Procedures of certification:

a) Organizations and individuals shall submit the dossiers according to the provisions of Clause 2 of this Article to provincial-level state management agencies of fisheries;

b) Within 03 working days after receiving a valid dossier, the provincial-level state management agency of fisheries shall organize the inspection and issue a certificate of origin, in case of failure to provide a certificate. The agency must have a written reply and clearly state the reason.

4. The order and procedures for certifying specimens of endangered precious and rare aquatic species exploited from the nature before the effective date of the forbidden:

a) The application for certification includes: Application for certification of origin according to Form 32.NT Annex III of this Decree; documents proving the origin of natural exploited specimens, certified by the fishing port management organizations or commune-level People's Committees or provincial-level state management agencies of fisheries at the time of exploitation; contracts of buying, selling, giving and giving notarized prizes at the time of purchase, sale, donation to organizations or individuals that are not directly exploiters;

b) Verification procedures: Organizations and individuals shall submit dossiers as prescribed at Point a of this Clause to provincial-level state management agencies of fisheries; Within 07 working days after receiving a complete and valid dossier, the provincial-level state management agency of fisheries shall inspect and verify the dossier and provide a certificate of origin according to Form No. 35.NT Annex III of this Decree; In case of refusal, the provincial-level state management agency of fisheries shall inform by a written document and clearly state the reason.

Article 41. Basic conditions, processes and procedures for certifying establishments eligible for reproduction, growing and artificial propagation of aquatic species under the Annex of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

1. Basic conditions for establishments to be certified are stipulated in the Annex of CITES Convention are as follows:

a) Meeting the conditions stipulated in the Decree on the management of endangered, precious and rare forest flora and fauna and implementing the

Convention on International Trade in Endangered Species of Wild Fauna and Flora;

b) Meet the conditions specified in Article 34 of this Decree and Article 38 of the Fisheries Law.

2. Conditions for reproduction, growth and artificial propagation establishments of endangered, precious and rare aquatic species except aquatic species prescribed in Clause 1 of this Article fully meet the conditions of aquaculture establishments specified in Article 38 of the Fisheries Law and Article 34 of this Decree.

3. Competence, order and procedures for certifying establishments eligible for reproduction, growth and artificial propagation of endangered, precious and rare aquatic species:

a) For endangered, precious and rare aquatic species under the Annex of CITES Convention, the provisions of the Decree on the management of endangered, precious and rare forest flora and fauna and implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora shall be implemented;

b) For endangered, precious and rare aquatic species not included in CITES Annex, the provisions of Article 35 of this Decree shall be complied with.

Chapter IV CAPTURE FISHERIES

SECTION 1.

MANAGEMENT OF VIETNAMESE ORGANIZATIONS AND INDIVIDUALS ENGAGING IN FISHING OPERATIONS AT SEA

Article 42. Fishing zones

Clause 1 of Article 48 of the Fisheries Law is specified as follows:

1. Vietnam's sea area is divided into three fishing zones as follows:

a) The coastal zone is limited by the seawater edge along the coast and the coastal line. For islands, the coastal zone is limited by average tidal level of many years around the island's coastline up to 6 nautical miles;

- b) Inshore zone is limited by coastal and inshore lines;
- c) The offshore zone is limited by the inshore line and the outer boundary of the exclusive economic zone of Vietnam's waters.

2. The People's Committees of two neighboring provinces and municipalities along the coast depending on geographical characteristics of the coastal areas shall consult, identify and announce the boundaries of the coastal fishing areas between two provinces.

Article 43. Management of fishing vessels in Vietnam's waters

- 1. For fishing vessels:
 - a) Fishing vessels of 15 meters and over in maximum-length shall operate in offshore areas and not allowed to operate in coastal and inshore areas;
 - b) Fishing vessels of 12 to less than 15 meters in maximum-length shall operate in inshore areas and not allowed to operate in coastal and offshore areas;
 - c) Fishing vessels of 12 meters and under in maximum-length shall operate in coastal areas and not allowed to operate in inshore and offshore areas; a vessel to be registered in a province, it shall only be operated in the coastal zone of that province; unless there is an fishing agreement in the coastal areas of the People's Committees among two related provinces.
- 2. For logistic vessels engaged in fisheries activities:
 - a. Vessels of 15 meters and over in maximum length shall operate in coastal, inshore, and offshore areas;
 - b. Vessels of 12 to less than 15 meters in maximum-length shall operate in coastal and inshore areas and not allowed to operate in offshore areas ;
 - c. Vessels of 12 meters and under in maximum-length shall operate in coastal areas and not allowed to operate in inshore and offshore areas.
- 3. Regulations for flying the flag
 - a. Vietnamese fishing vessels shall fly the national flag of the Socialist Republic of Vietnam (hereinafter referred to as National flag) at the top of the steering column; for fishing vessels without the steering column, the National flag shall be flown at the top of the main column.
 - b. In the case of foreign fishing vessels are chartered by Vietnamese organizations or individuals, they shall fly the Vietnamese flag under the provisions of Point a of this Clause.

Article 44. Regulations on managing fishing vessel monitoring system

1. Requirements of tracking equipment installed on fishing vessels (VMS equipment):

a) It shall be connected and synchronized with the fishing vessel monitoring system software installed at VMS Data Center at Central level and 28 coastal provinces and municipalities;

b) Transmit automatically via satellite information system at least 12 positions/day with frequency of 02 hours/time with following information: vessel position (longitude, latitude), time (minute / hour / day / month / year) for equipment installed on fishing vessels of 24 meters and over in maximum length; giving warnings for vessel's captain once vessel go beyond unauthorization areas at sea.

Automatically transmitted by one of the methods via satellite information system, GSM mobile communication system, ground wave information system using minimum MF, HF, VHF bands with 08 positions / day with frequency of 3 hours / time information: vessel position (longitude, latitude), time (minute / hour / day / month / year) for equipment installed on fishing vessels with the largest length from 15 meters to less than 24 meters; alerting the captain when the vessel crosses the allowed boundary at sea;

c) Possible error of location of fishing vessel received from GPS global positioning system on VMS not exceeding 500 meters and with 99% reliability;

d) Each device must have an independent identification code;

e) Must ensure normal operation at seas according to Vietnamese standards and regulations.

2. Features of software at VMS data center

a) Software at the VMS data center must be compatible with Microsoft Windows, Android, IOS operating systems and has an visible Vietnamese interface. Ability to manage all information on fishing vessels installing tracking equipment; provide information for state management agencies at central and local levels to inspect and supervise the operation of fishing vessels; manage fishing logbook and combat IUU fishing;

b) Software interface showing vessel position, time, velocity, direction, alarm signal, the latest update time, weather information; the operating status of the VMS and send information to vessel monitoring equipment;

c) Having the function of accessing, searching, tabulating, reporting and statistics on data according to the regulations of the Ministry of Agriculture and Rural Development such as provision, management and use of data from vessel

monitoring equipment, create area for vessel management and send automated alerts when vessels enter/leave the area;

d) Connect and transmit information to the data center of VMS supplier; assign the right to use to organizations and individuals entitled to use VMS data;

đ) The electronic map used must clearly show Vietnam's exclusive economic zones, islands and archipelagoes under Vietnamese sovereignty, prohibited fishing areas and fishing ports provided by the competent authority of Vietnam.

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

a) The Directorate of Fisheries shall manage fishing vessel monitoring system and VMS data nationwide; admin the system and decentralize for local authorities to use and analyze VMS data for fishing vessels beyond 24 m;

b) Department of Agriculture and Rural Development in coastal provinces and municipalities shall manage, analyze and use their provincial VMS data; process VMS data for vessels from 15m to less than 24 m;

c) Fishing port authorities managing fishing ports which are designated and announced by the Ministry of Agriculture and Rural Development are allowed to exploit and use VMS data by access rights;

d) VMS service providers have responsibility for updating and managing information on vessel, vessel owner, VMS equipment and transmiss automatically data to the VMS Data Centers at D-FISH and 28 coastal provinces; handle with signal errors of VMS equipment supplied by their company. After installing VMS on fishing vessel, the VMS service providers must notify the Directorate of Fisheries and the Department of Agriculture and Rural Development to inspect the installation of equipment. The VMS service providers shall report quarterly, bi-annually, annually or upon request of the Directorate of Fisheries, Department of Agriculture and Rural Development. The VMS service providers before supplying equipment shall report and inform the sealed sign for the Directorate of Fisheries for summary and public announcement;

d) Vessel owners shall declare information on installation of tracking equipment according to form No. 01.KT of Annex IV of this Decree and send them to VMS supplier for updating into databases; vessel owners shall pay for purchasing the equipment, installation, maintenance and other services for VMS suppliers. Vessel owners shall be provided fishing vessel tracking information from the VMS Data Center upon request.

Vessel owners shall install fishing vessel tracking equipment in place to ensure the best operating status of the equipment, with a user manual (on the board with minimum information: a phone number for customer support operating at 24/24 hours, contact address of service provider; The master can control the operating status of the equipment directly or through accessories; instructions for installing equipment; VMS device shall be sealed by the service providers at a regular location on board when newly installed or repaired;

g) Roadmap for installing VMS is as follows: Fishing vessels of 24 meters and over in maximum length shall be installed before July 1, 2019; For trawlers and tuna fishing boats of 15 meters to less than 24 meters in length shall be installed before January 1, 2020; Fishing vessels of from 15 meters to less than 24 meters in length shall be installed before April 1, 2020;

h) The master shall ensure that VMS is functionally operated 24/24 hours from departure to arrival times at the port. In case of VMS is broken, the captain shall use other communication equipment and report vessel position to the fishing vessel data monitoring center at the D-FISH and 28 provinces and municipalities in every six hours and shall return vessel to port for repair within 10 days since VMS is broken;

i) Foreign fishing vessels engaged in fishery activities in Vietnamese waters shall install VMS satisfying technical requirements, management and use of VMS data as required at this Article;

k) VMS data is used as a basic legal evident to manage fishing vessel operations, sanction administrative violations, handle marine fisheries disputes, verify and certify capture fisheries products.

4. Data security:

a) VMS data stored in the server of the VMS providers shall not be deleted and modified during storage as prescribed;

b) Transmission data between the VMS device and the server of the VMS providers shall be encrypted to ensure data security during transmission; Data from the Vessel Monitoring Center's servers when transferred to other specialized agencies shall also be encrypted;

c) Timing for VMS data storage at the VMS Center's servers and the VMS supplier is at least 36 months; the servers for data storage and analysis shall be located in Vietnam;

d) The VMS providers shall be responsible for data confidentiality, providing accurate data; shall not provided VMS data to any other third parties without the approval of D-FISH.

Article 45. Granting, renew and withdraw fishing license

1. The application for granting fishing license includes:
 - a. An application as Form No. 02.KT Annex IV of this Decree;
 - b. A copy of certificate of registration and technical safety for fishing vessels in case of fishing vessels subject to technical inspection;
 - c. A copy of certificates of the master and chief engineer for fishing vessels in case of fishing vessels if required for this vessel type;
2. The application for the renewal of fishing license:
 - a. An application for the renewal of fishing license as Form No. 03.KT Annex IV to this Decree;
 - b) The original granted fishing license in case of changing information in fishing license.
3. Procedures for granting and renewal of fishing license :
 - a. Organizations, individuals upon request shall submit application dossier to the provincial fisheries mangement authority;
 - b. Within six (06) working days (for granting), 03 working days (for renewal) from the date of receipt of complete dossiers, the competent authority shall grant or renew a fishing license as Form No. 04.KT of Annex IV of this Decree
 - c. In case of refusing to grant or renew the fishing license, the competent authority shall reply in written form and clearly state the reasons.
4. Duration of a fishing license: equivalent to the remaining term of the quota for fishing licenses issued.
5. Withdrawal of fishing license
 - a. The competent authority which grants fishing license shall be the agency that withdraws the license.
 - b. When detecting violations in one of the cases prescribed in Clause 2, Article 50 of the Fisheries Law, the competent agency shall issue a decision to withdraw fishing licenses and announce it on the mass media.

Article 46. Conditions for fishing vessels operating outside Vietnam's seas

Fishing vessels engaged in fishing operations beyond Vietnam's waters shall meet the following conditions

1. Fishing vessels of 15 meters and over in maximum-length not engaged in illegal fishing.

2. Shall have an identification number of the International Maritime Organization (IMO).

3. Shall have observers in accordance with the regulations of regional fisheries management organizations or coastal States;

4. Crew members and persons working onboard fishing vessels shall have certificates of participation in fishery management training courses in international sea areas for fishing in areas where are managed by regional fisheries organizations;

5. Fishing vessels must equip and install communication equipment, maritime equipment on fishing vessel, including: VHF radio transmitters with dialing and dialing numbers DCS) on channel 70 or 16; Radio Transceiver (MF / HF); Maritime and weather automatic notification (NAVTEX), emergency position indicator (EPIRB), satellite positioning (GPS);

6. Fishing vessels must install tracking equipment transmitted automatically via satellite information systems.

Article 47. Issuing the written approval for fishing vessels operating outside Vietnam's sea areas or granting permits for fishing in waters under management jurisdiction of Regional Fisheries Organizations

1. The dossier issuing the written approval for fishing vessels includes:

a. Written application for issuing the written approval as Form No. 05.KT Annex IV to this Decree or fishing license as Form No. 06.KT Annex IV to this Decree;

b. Certified copy and Vietnamese translation of the contract for cooperation in fishing in the waters of another country or territory approved by competent authorities of other countries and territories for the grant of written approval;

c. A copy of Certificate of fishing vessel registration;

d. A copy of Certificate of technical safety for fishing vessels;

d. List, photos and passports of crewmembers and workers of fishing vessels;

e. A copy of certificate of the master and chief engineer.

g. Certificate of attending fishery management training in international sea areas for cases of issuance of fishing license managed by regional fisheries management organizations.

2. Procedures:

Organizations and individuals applying for issuing the written approval for fishing vessel operating outside Vietnam's sea areas shall submit dossier to Directorate of Fisheries. Within 10 working days after receiving complete dossiers as prescribed, if refusing to grant written approval or not to license, the Directorate of Fisheries shall reply in writing and clearly state refusal reasons; If the dossier satisfies the requirement, Directorate of Fisheries shall consider dossiers and issue:

a. The written approval as Form No. 07.KT Annex IV to this Decree or license as Form No. 08.KT Annex IV to this Decree;

b. A list of crewmembers and workers of fishing vessels as Form No. 9.KT Annex IV to this Decree;

3. After issuing the written approval or license, within two (02) working days from the date of issuance, the Directorate of Fisheries shall send a written notice as Form No. 10.KT Annex IV of this Decree to People's Committee of the province managing fishing vessels engaged in fishing operations beyond Vietnam's seas and to Ministry of National Defence, Ministry of Public Security, Ministry of Foreign Affairs as well for observation and management.

4. After receiving the written approval or license and other relevant documents, organizations and individuals shall submit the original fishing license.

5. In order to receive back the fishing license, organizations and individuals shall apply to the Directorate of Fisheries. Within (02) two working days after the receipt of the application from organizations and individuals, the Directorate of Fisheries return fishing license submitted by organizations and individuals.

SECTION 2. MANAGEMENT OF FOREIGN FISHING VESSELS CONDUCTING FISHING OPERATIONS IN VIET NAM'S SEAS

Article 48. Granting, extension, renewal, withdrawal of the license to foreign organizations and individuals that have fishing vessels operating in Viet Nam's seas

1. The application dossier for licensing comprises:

a) An application as Form No. 11.KT Annex IV to this Decree;

b. The certified copy of documents regulated in Article 55 of the Fisheries Law;

c. List of crew members and persons working onboard of fishing vessels as Form No. 12.KT Annex IV to this Decree;

2. The application dossier for renewal of license comprises:

a) An application for renewal as Form No. 13.KT Annex IV to this Decree;

b) The granted license (in case the old license is damaged, torn);

c) A report on changing fishing vessels or type of fishing gears (if any).

3. The application dossier for extending license comprises:

a. An application for extension as Form No. 14.KT Annex IV to this Decree;

b. Certificate of technical safety of fishing vessels;

c. A report on the operation of the fishing vessel during the period of licensing;

d. Fishing logbook (for fishing vessels).

4. Procedures

a. Organizations and individuals wishing to grant, extend, renew fishing licenses to operate in Vietnam's waters shall submit dossier to Directorate of Fisheries;

b. Within 10 days (for granting) and 07 working days (for renewal) from the date of receipt of complete and valid dossiers, the Directorate of Fisheries shall grant and renew fishing license for foreign fishing vessels operating in Viet Nam's seas as Form No. 15.KT Annex IV to this Decree;

c. Within 06 working days after the receipt of valid dossiers, the Directorate of Fisheries shall extend fishing license for foreign fishing vessels operating in Viet Nam's seas as Form No. 16.KT Annex IV to this Decree.

d. In case of refusing to grant, renew and extend the fishing license, the Directorate of Fisheries shall reply in written form and clearly state the reasons.

5. Procedure for withdrawal of license

a. The competent authority which grants fishing license shall be the agency that withdraws the license.

b. When detecting one of the violations prescribed in Clause 5, Article 56 of the Fisheries Law, the competent agency shall issue a decision to withdraw the fishing licenses and announce it on the mass media.

Article 49. Regulation with foreign fishing vessels entering the fishing port

1. The Ministry of Agriculture and Rural Development shall announce a list of designated fishing ports for foreign fishing vessels landing and notify the list to FAO.

2. Foreign vessels are allowed to land in Vietnam, except for those listed in the list of fishing vessels, transport, transshipment, supporting vessels engaged in illegal fishing. Foreign vessels before arriving at Vietnamese ports shall notify to the fishing port authority within 24 hours with information as Form No. 17.KT Annex IV of this Decree;

3. The fishing port authority shall have to notify customs and border guard agencies to carry out exit and entry procedures as prescribed; notify the local fisheries management agencies or inspection offices at port to inspect and verify information on origin of fishes and fisheries products on board. The inspection procedures shall comply with Clauses 3, 4, 5 and 6 of Article 70 of this Decree.

4. After inspecting, checking and verifying, Directorate of Fisheries shall immediately notify the countries concerning to the vessel and the schedule of vessel movements for handling according to regulations.

5. Foreign fishing vessels entering, leaving or landing in Vietnam's waters shall hang the Vietnamese flag on the top of the highest column of the vessel and hang the national flag which the vessel registered in the lower column.

Chapter V

MANAGEMENT OF FISHING VESSELS, ON-DUTY VESSELS, FISHING PORTS AND SHELTERS OF FISHING VESSELS

Article 50. Classification of establishments of building and upgrading fishing vessels

The establishments of building and upgrading fishing vessels are classified as follows:

1. Type I: building and upgrading all fishing vessels according to the ship cover material.

2. Type II: building and upgrading fishing vessels with the maximum length of less than 24 meters.

3. Type III: building and upgrading fishing vessels with the maximum length of less than 15 meters.

Article 51. Conditions for establishments of building and upgrading with steel vessels

1. Having minimum facilities, equipment according to Section 1 of Annex VI of this Decree.

2. Having a division for quality supervision and management as well as staffs and technical workers at minimum according to the provisions in Section 4, Annex VI of this Decree.

3. Having a certificate of quality management system in accordance with ISO 9001 or equivalent (for type I and type II establishments); having technological processes in accordance with the the national technical regulation on decentralization and shipbuilding (for type-III establishments).

Article 52. Conditions for establishments of building and upgrading wooden fishing vessels

1. Having minimum facilities, equipment according to Section 2 of Annex VI of this Decree.

2. Having a division for quality supervision and management as well as staffs and technical workers at minimum according to the provisions in Section 5, Annex VI of this Decree.

3. Having a certificate of quality management system in accordance with ISO 9001 or equivalent (for type I establishments); having technological processes in accordance with the the national technical regulation on decentralization and shipbuilding (for type-II and type III establishments).

Article 53. Conditions for establishments of building and upgrading new material fishing vessels

1. Having minimum facilities, equipment according to Section 3 of Annex VI to this Decree.

2. Having a division for quality supervision and management as well as staffs and technical workers at minimum according to the provisions in Section 6, Annex VI to this Decree.

3. Having a certificate of quality management system in accordance with ISO 9001 or equivalent (for type I and type II establishments); having technological processes in accordance with the the national technical regulation on decentralization and shipbuilding (for type III establishments).

Article 54. Granting, renewal, withdrawal of certificates for establishments qualified for building and upgrading of fishing vessels

1. The application dossier for granting:

a. Application for granting as Form No. 01.TC Annex V to this Decree;

b. A written explanation of the establishment conditions, according to Form No. 02.TC Annex V to this Decree;

2. The application dossier for renewal

a. Application for renewing as Form No. 03.TC Annex V;

b. Certificate of qualified establishment granted;

3. Procedures for granting and renewing

a. Organizations and individuals shall submit a dossier to the provincial / municipal Agriculture and Rural Development Department at the place of building and upgrading of fishing vessels of the establishment.

b. Within 7 working days after receiving the valid dossiers, the provincial / municipal Department of Agriculture and Rural Development shall organize the inspection and evaluation of the establishments' conditions; In cases where the inspection or evaluation fails to satisfy the conditions or establishments implement corrective; after correcting, the establishment shall send a written notice to the provincial /municipal Department of Agriculture and Rural Development for organizing the inspection and evaluation of the establishments' conditions;

c) If the dossier and the conditions are satisfactory, within 3 working days after the end of the inspection and evaluation, the provincial/municipal Department of Agriculture and Rural Development shall issue a certificates of qualified establishment for building and upgrading of fishing vessels, according to Form No. 04.TC Annex V to this Decree.

d) In case of refusal, they must reply in writing, clearly stating the reasons;

4. Procedures for withdrawal

a) Competent agencies which grant certificates of qualified establishments for building, upgrading fishing vessels shall be the agencies which withdraw the certificates.

b) When detecting that establishments commit one of the violations prescribed in Clause 3, Article 64 of the Fisheries Law , the competent agencies shall issue decisions to withdraw the granted certificates of qualified establishments and notify them thereof. mass media.

Article 55. Clasification of fishing vessel register establishments

1. Fishing vessel register establishments are clasified as follows:

a) Type I: Register of all types of fishing vessels.

b) Type II: Register of fishing vessels of less than 24 meters in length.

c) Type III: Register of fishing vessels of less than 15 meters in length.

2. Registry of on-duty vessels:

a) Organizations managing on-duty vessels may select establishments for registry of fishing vessels or other register organizations for the registration of on-duty vessels;

b) The supervision of technical safety, environment, quality of on-duty vessels shall comply with the registration regulations of the selected register organization.

Article 56. Conditions of fishing vessel register establishments

1. For register establishments of Type I:

a. Being established by a competent agency (for a public register establishment) or established under the provisions of the Enterprise Law and the Law on Cooperatives; the establishment shall be an entity with independent legal and financial responsibilities with organizations and individuals of fishing vessel trading, building, upgrading and designing;

b. Having facilities, technical equipment to meet the requirements: having equipment to input and store data; network equipment and data transmission with related agencies on the fishing vessel registration; having tools and facilities for technical inspection, according to Annex VII of this Decree;

c. Having the inspectors with university or higher degree in all majors: ship cover, ship engine, electricity, fishing, electric refrigeration or seafood processing; in which, at least 01 inspectors of grade I and 02 inspectors of grade II;

d. Establishing and maintaining the application of quality management system in accordance with ISO 9001 or equivalent.

2. For register establishments of Type II:

a. Satisfying the conditions specified at Points a, b and d, Clause 1 of this Article;

b. The inspectors have university or higher degree in all majors: ship cover, ship engine, electricity, fishing, electric refrigeration or seafood processing; in which, at least 02 inspectors of grade II.

3. For register establishments of Type III:

a. Satisfying the conditions specified at Points a, b Clause 1 of this Article;

b. Ensuring that the inspectors have college or higher degree in all majors: ship cover, ship engine, fishing; of which, at least 01 inspectors of grade II.

c. Having a process of technical inspection and evaluation of fishing vessel in accordance with the provisions of the national technical regulations on

decentralization and construction for fishing vessels.

4. Register establishments of Type I and Type II are allowed to set up their branches close to the places where they anchor their fishing vessels or near fishing vessel building and repair establishments, each branch must satisfy the requirements specified at Point b, Clause 1 of this Article and ensure that registrars with university or higher degrees fall into the following specialties: ship cover, ship engines, electricity, ship mechanics or fishing, electric refrigeration or fisheries processing; in which, at least 02 inspectors of grade II for branches of fishing vessel register establishments of Type I and 01 inspectors of grade II for branches of fishing vessel register establishments of Type II.

Article 57. Issuing written approval for building, upgrading, chartering and purchasing Vietnamese fishing vessels

1. Dossiers of application for written approval of Vietnamese fishing vessels for construction, transformation, lease or purchase: A declaration made according to Form No. 05.TC Annex V enclosed with this Decree.

2. Organizations and individuals shall send dossiers to Department of Agriculture and Rural Development.

3. Within 03 working days from the date of receipt of complete dossiers as prescribed, the Agriculture and Rural Development Department shall evaluate the dossiers based on the quotas of fishing license and the specific criteria of the localities, consider granting a written approval according to Form No. 06.TC Annex V to this Decree. In case of refusal to issue a written approval, it must reply in writing, clearly stating the reason.

Article 58. Licensing for importing fishing vessels

1. Dossiers for import of fishing vessels

- a. An application for import of fishing vessel as Form No. 07.TC Annex V;
- b. Contract of importing fishing vessel or bare fishing vessel charter;
- c. Certificate of technical safety of fishing vessel or certificate of decentralization of fishing vessel valid for 06 months or more, issued by the register organization where the vessels made from (copy with seal of importer);
- d. Certificate of fishing vessel registration, for used fishing vessels (copy with seal of importer).
- e. Contract, liquidation of shipbuilding contract, for newly built fishing vessels.

2. The dossiers mentioned at Points b, c, d and e, Clause 1 of this Article must be translated into Vietnamese.

3. Order and procedures for importing fishing vessels:

a) Organizations and individuals wishing to import fishing vessels shall send dossiers to the Directorate of Fisheries.

b) Within 07 working days after receiving valid dossiers, the Directorate of Fisheries shall consider and grant license to organizations and individuals according to Form No. 08.TC Annex V enclosed with this Decree; in case of refusal, the reply must be made in writing and clearly state the reasons;

b) Licenses for import of fishing vessels and permission for vessel charterers must be sent to organizations and individuals applying for the import of fishing vessels or asking for charter vessels and at the same time send to relevant agencies: Department of Agriculture and Rural Development where fishing vessel owners register their permanent residence, the Ministry of Defense (the Border Guard Command), the Ministry of Finance (the General Department of Customs).

Article 59. The donation and receipt of donation vessels from foreign countries

1. Donation, aid for fishing vessels means Vietnamese Government, organizations and individuals receiving donated fishing vessels from foreign organizations or individuals for the purpose of fishing and on duty activities related fisheries.

2. The reception of fishing vessels made by the Government, foreign organizations and individuals to the Vietnamese State agencies, Directorate of Fisheries shall be decided on the basis of the actual demand and conditions and the Foreign relation.

3. Vietnamese organizations and individuals receiving fishing vessel of foreign organizations and individuals shall have to fully meet the conditions prescribed in Clause 2, Article 66 of the Fisheries Law.

4. The procedures for importing fishing vessels donated by foreign organizations and individuals to Vietnamese organizations and individuals shall comply with the provisions of Article 58 of this Decree.

Article 60. Regulation on the depth of waterways of fishing ports and water areas in front of wharves

1. Fishing port of type I: The depth of waterway to fishing port and the water area in front of the wharf is 24 meters or more.

2. Fishing port of type II: The depth of waterway to fishing port and the water area in front of the wharf is 15 meters or more.

Article 61. Procedures to announce the opening and closure of fishing ports

1. Dossiers for announcement of opening fishing port
 - a. An application as Form No. 09.TC Annex V;
 - b. The written permit for investment in the construction of the fishing port (copy);
 - c. Rules and plans on exploitation of fishing ports (copies);
 - d. Decision on the establishment of fishing port management organization (copy);
 - d. The acceptance record showing that it is completed port and putting it into use together with the construction completion drawings;
 - e. Maritime notices on waterways and water area in front of the wharf ;
 - g. The written examination and confirmation of the contents of the report and the requirements of the decision approving the environmental impact assessment report;
 - h. Written acceptance document on fire prevention and fighting.
2. Procedures to announce the opening fishing ports
 - a. The fishing port management organization shall send dossier as prescribed in Clause 1 of this Article to the competent agency announcing the opening of the fishing port defined in Clause 3, Article 79 of the Fisheries Law.
 - b. Within six (6) working days from the date of receipt of the complete dossier , the competent agency shall consider dossier, organize field visit at fishing port and decide to announce the opening of the fishing port as Form No.10.TC Annex V. In case of not announcing the opening of fishing ports, they must reply in writing, clearly stating the reasons therefor.
 - c. Within two days from the date the decision on announcing the opening of the fishing port is issued, competent agencies shall notify on the mass media.
3. Main contents of decisions to open fishing ports: Names of fishing ports; type of fishing port; coordinates of fishing port; location of the beginning of the channel, the depth and width of the access channel; length of jetty; size, the largest type of fishing vessel that can dock; loading and unloading capacity; The time the fishing port begins to operate.
4. Announcement of closing fishing port
 - a) Competent agencies defined in Clause 3, Article 79 of the Fisheries Law promulgating the decision to close fishing ports fall into one of the cases

prescribed in Clause 2, Article 79 of the Fisheries Law; and at the same time revoke the Decision to announce the opening of the fishing port issued;

b) Decision on announcing the closure of fishing ports according to Form No. 11.TC Annex V issued together with this Decree.

Chapter VI

FISHERIES SURVEILLANCE

Article 62. Fisheries surveillance organization

1. Central fisheries surveillance shall be organized as follows:

a) Department of Fisheries Resources Surveillance is belonging to Directorate of Fisheries under the management of Ministry of Agriculture and Rural Development. Department of Fisheries Resources Surveillance consists of functional divisions, Sub-department and Center for operational surveillance;

b) Sub-Department of Fisheries Surveillance consist of functional divisions, surveillance boats and fisheries surveillance stations;

c) Department of Fisheries Surveillance and Sub-Department of Fisheries Surveillance have legal entities, own offices and stamps and are entitled to open accounts at the State Treasury;

d) Fisheries surveillance stations under Sub-Department of Fisheries Surveillance have their own stamp for administrative transactions and handling of administrative violations accordance to their competence.

2. Fisheries surveillance of the coastal provinces and municipalities shall be provincial administration sections under management of the provincial fisheries competent authority.

Article 63. Incentive policies for Fisheries Surveillance

1. Seniority allowance for officials whose salary is based on fisheries surveillance's rank:

a) After 5 years (60 months in total) working in Fisheries Surveillance Force, they shall be entitled to a seniority allowance equal to 5% of their current salary plus leader position allowance and extra-seniority allowance (if any).

b) From year 6 onwards, plus 1% in the allowance each year.

2. Responsibility allowance for officials whose salary is based on fisheries surveillance's rank:

a) Senior fisheries surveillance officers shall be entitled to a responsibility allowance equal to 20% of their current salary plus leader position allowance and extra-seniority allowance (if any);

b) Higher fisheries surveillance officers shall be entitled to a responsibility allowance equal to 25% of their current salary plus leader position allowance and extra-seniority allowance (if any);

c) Normal and junior fisheries surveillance officers shall be entitled to a responsibility allowance equal to 30% of their current salary plus leader position allowance and extra-seniority allowance (if any).

3. Preferential allowance for officials whose salary is based on the rank of crewmembers of fisheries surveillance vessels:

a) Higher crewmembers of fisheries surveillance vessels shall be entitled to a preferential allowance equal to 40% of their current salary plus leader position allowance and extra-seniority allowance (if any);

b) Normal crewmembers of fisheries surveillance vessels shall be entitled to a preferential allowance equal to 45% of their current salary plus leader position allowance and extra-seniority allowance (if any);

c) Junior crewmembers of fisheries surveillance vessels shall be entitled to a preferential allowance equal to 50% of their current salary plus leader position allowance and extra-seniority allowance (if any).

4. Officials, employees and laborers working on fishery surveillance boats shall enjoy toxic and dangerous allowances with a coefficient of 0.3 more than the basic salaries.

5. Officials, employees and workers working on fishery surveillance vessels during the actual time of duty on Vietnamese waters shall apply special allowances, attraction allowances and regional allowances:

a) Special allowance: The level of 50% of the salary currently enjoyed plus the position allowance and the allowance for excess seniority (if any);

b) Attractive allowance: The level of 70% of the current salary level plus the position allowance and the extra-seniority allowance (if any);

c) Regional allowance: coefficient of 0.7 base salary.

Special allowances, attracting allowances and regional allowances mentioned at Points a, b and c, Clause 5 of this Article shall be calculated and paid by the monthly allowance amount divided by 22 days multiplied by the actual day of duty operating on Vietnam sea.

6. Responsibility allowance:

- a) Master of fisheries surveillance vessels: 0.5 of the base salary;
- b) Deputy master, chief engineer: 0.3 of the base salary;
- d) Deputy chief engineer, chief crew: 0.2 of the base salary.

7. Daily subsistence allowance regime: Civil servants, employees and workers working on fishing ships during sea-going are entitled to sea-going allowance regime with the basic coefficient of 0.2 more than basic ratio of salary / person / day.

Article 64. Financial source in order to ensure the fisheries surveillance activities

1. The State budget source ensures the fishery control activities according to the current State budget decentralization.

a) Central budget ensures funding for activities of the Central Fisheries Control, including: Development investment capital; normal expenditure.

b) Local budgets to ensure funding for activities of the Fisheries Surveillance Department of the provinces and municipality, including: Development investment capital; normal expenditure.

c) Annually, based on the balance of the budget and the amount of administrative sanction of the current year, the fisheries surveillance agency shall estimate the operation budget of the plan year and send it to the finance agency to submit to competent authorities according to the provisions of the State Budget Law and guiding documents, of which funds are collected from sanctioning administrative violations in service of regular minimum surveillance activities.

2. Other sources of funding according to the provisions of law.

Article 65. Expenditures for fisheries surveillance activities

1. Cost for operation of the Fisheries Surveillance department shall comply with the Government's regulations on the regime of autonomy and self-responsibility for the use of payrolls and administrative management funding for state agencies.

2. Contents of expenditures for Fishery Surveillance activities from the state budget allocated annually:

a) Cost for hotline to ensure the handling of unexpected cases of marine fisheries activities between Vietnam and neighboring countries and other direct tasks assigned by competent authorities;

b) Cost for sea-going allowances and fostering regimes for officials and fisheries surveillance officers, crew members and persons working onboard fishing surveillance boats during the sea-going time as prescribed;

c) Cost for conferences, workshops, preliminary reviews, summaries, training, retraining, and professional training in fishery control;

d) Raw materials, fuel and materials for the Fisheries ship to perform specialized patrol, inspection, control and inspection tasks; implementing natural disaster prevention, rescue, and overcoming incidents on the sea; Coordinating with relevant forces in patrolling, inspecting and handling foreign fishing vessels violating Vietnamese waters, preventing Vietnamese fishing vessels from violating foreign waters; Participating in the protection of sovereignty over Vietnamese sea and islands according to regulations;

đ) Expenses for purchase of insurance for the surveillance vessel fleet, including (human insurance working on surveillance vessel, insurance of surveillance vessel and boats); and other taxes and fees as prescribed;

e) Expenses for collecting and buying information from collaborators, processing information, documents and exhibits related to surveillance operations and specialized inspections; expenses for investigation and solicitation of expertise on contents related to the surveillance operations and specialized inspection;

g) Expenses for hiring the location for docking and anchoring areas for the fleet of surveillance vessels and violating boats are temporarily seized by the Fisheries surveillance forces for handling;

h) Expenses for periodical and irregular repair of surveillance boats;

i) Expenses for procurement of means for surveillance boats, military weapons, support tools, specialized equipment and costumes for the Fisheries surveillance force; procurement of consumable materials, equipment, medicines and medical equipment for first aid on surveillance vessels and boats;

j) Expenses for construction of database management and maintenance of operation of information systems on fisheries surveillance;

l) Spending on propaganda and hot news on television, disseminating and educating the law on Fisheries; designing and printing specialized forms of fisheries surveillance;

m) Wages, salaries and salary-based payments for contractual officers who are not paid from the state budget according to current law provisions on labor contract regimes;

n) Spending bonuses for collectives and individuals who have made outstanding achievements when participating in patrols, inspecting and controlling the law enforcement on fisheries and participating in the struggle to protect the sovereignty on the sea;

o) Spending on the work of learning experience, coordinating on patrol and inspection at sea with the Fisheries surveillance Forces of other countries;

p) Expenses for visits, encouragement and support for officials and fishermen who suffer accidents or die when operating on the sea: the spending level no more than 5 million VND / person died, 2 million VND / injured person.

q) Other expenses related to Fishery surveillance operation.

Chapter VII

DOMESTIC PROCESSING, EXPORTING, IMPORTING, TRADING OF FISH and FISHERIES PRODUCTS

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

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

1. Specimens of endangered, precious and rare aquatic species of legal origin according to the provisions of law;

2. Have monitoring books to monitor the processing of endangered, precious and rare aquatic species and their products according to regulations

3. Finished products sold on the market must be labeled in accordance with the labeling requirements.

4. Ensuring the provisions on food safety and epidemic safety according to the provisions of law.

Article 67. Export, import, re-export and transit of aquatic species listed in the Annex to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Endangered, precious and rare aquatic species

1. Organizations and individuals permitted to import are without permits for endangered, precious and rare aquatic species named in the list of aquatic species permitted to trade in Vietnam, except for aquatic species in the Annex of CITES.

2. Organizations and individuals shall be permitted to re-export, transit endangered, precious and rare aquatic species according to the provisions of law on foreign trade management.

3. Grant permits for export of species named in the list of aquatic species banned from export or failing to meet the conditions specified in the list of aquatic

species subject to conditional export for the purpose of scientific research or international cooperation shall comply with Article 69 of this Decree.

4. Endangered, precious and rare aquatic species in the Appendices to CITES, when being exported, imported, re-exported or introduced from the sea, shall comply with regulations on management of endangered, precious and rare forest plants and animals and the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the provisions of this Decree.

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

1. Importing from sea the endangered, precious and rare aquatic species are brought into the Vietnamese territory, specimens of endangered precious and rare aquatic species exploited from the sea areas not under the jurisdiction of any country.

2. Organizations and individuals importing from marine specimens of endangered precious and rare aquatic species of the Appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora shall comply with the provisions of legislation on management of endangered, precious and rare forest plants and animals and implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

3. Organizations and individuals importing from marine specimens of endangered, precious and rare aquatic species except those specified in Clause 2 of this Article shall comply with the provisions of Article 40 of this Decree.

Article 69. Licensing for the exportation of aquatic species

1. Organizations and individuals that wish to export aquatic species named in the List of aquatic species banned from export or the List of conditional export aquatic species but fail to meet the conditions for scientific research purposes or international cooperation shall send dossiers to the Directorate of Fisheries.

2. Dossiers of application for export license for aquatic species include:

a) An application for export license for aquatic species according to Form No. 36.NT, Annex III of this Decree;

b) Documents proving the export of aquatic species for scientific research and international cooperation purposes.

3. Procedures of granting export license for aquatic species:

a) Within 10 working days, the Directorate of Fisheries considers the contents of the dossier and submits to the Ministry of Agriculture and Rural Development for advice of the Prime Minister;

b) The Directorate of Fisheries shall advise the Ministry of Agriculture and Rural Development to consider the granting of export license for aquatic species as Form No. 37.NT Annex III of this Decree to organizations and individuals after Prime Minister agree. In case the Prime Minister disagrees or the content of the dossier fails, the Directorate of Fisheries replies in writing and clearly stating the reason .

Article 70. Controlling activities of import, temporary import for re-export, temporary export for re-import, transshipment and transit via Vietnam's territory of fisheries and fisheries products originating from IUU fishing

1. The Ministry of Agriculture and Rural Development shall in collaboration with the Ministry of Communications and Transport designate and announce the list of seaports for vessels transporting or transiting fisheries and fisheries products originating from foreign fishing landing for engaged in import, temporary import, re-export, transshipment or transit of aquatic products and fishery products originating from fishing through the Vietnamese territory and notify the list of designated sea ports to FAO.

2. Organizations and individuals having transportation vessel of aquatic resources or aquatic products originating from fishing for import, temporary import for re-export, transshipment or transit through the Vietnamese territory, before landing 24 hours, must be declared to the competent agency of the Ministry of Agriculture and Rural Development as Form 17 of Annex IV via national single window.

3. Within 24 hours after receiving information of organizations or individuals wishing to dock; competent agencies of the Ministry of Agriculture and Rural Development shall check and verify information on aquatic origin and aquatic products on board and decide:

a) Permitting the vessel to dock and notify the port authority, if not violating the regulations regarding illegal fishing or support for illegal fishing;

b) Refuse to let the vessel dock and notify the port authority if there are signs of violation related to illegal fishing or support for illegal fishing, except in case of force majeure. Disclosure and notification of the decision to refuse entry to the Flag State, the neighboring coastal states, the relevant regional fisheries management organization and organizations.

4. Checking information related to foreign boats when the vessel docked:

a) The competent authority of the Ministry of Agriculture and Rural Development has the right to inspect foreign vessels immediately after the vessels

arrives at port (except for cases where container cargo vessels have seal and not land fishes and fisheries products in Vietnam) or when required by the flag or coastal state of that vessel;

b) Principles of inspection: Inspection is carried out to ensure fairness, transparency, non-discrimination and not to cause any burdens in the inspection process; the inspection shall not affect the quality of aquatic products on board; inspectors must have expertise and knowledge of fisheries legislation; in case of necessity it is possible to invite the representative of the flag State of the vessel to carry out the inspection;

c) Contents of inspection: Information on vessels (vessel name, vessel number, IMO number), information on vessel owners, fishing license, transshipment license, output and composition of aquatic species, fishing gear, documents required by CITES Convention (if any)

d) Documents to be provided to the inspection agency: Fishing license, fishing vessel registration certificate; transshipment license, transshipment reports and information of transhipped vessels (license, registration papers) and documents on information of transshipment vessels; other documents related to the declaration information before landing;

e) Inspection process: Inspectors present documents with the captain to indicate their authorization; conduct inspection according to the contents specified at Point c of this Clause and information in Form 18.KT Annex IV of this Decree; The vessel captain shall supply the declared information and produce the papers specified at Point d of this Clause and papers related to the inspection contents and the declared information before landing; make an inspection minute according to Form No. 18.KT Annex IV of this Decree; notify and handle test results.

5. Notice and handling test results:

a) The inspection minute shall be made in 02 copies, the captain and the inspecting unit shall keep 1 copy for each party and send it to the flag of the vessel through the email address published by FAO;

b) When there are information on illegal consignment, vessels or activities to support illegal fishing, the competent authority of the Ministry of Agriculture and Rural Development refuses to allow goods to be landed and notify the port management board not to use the service at the port and notify to flag, coastal states, regional fisheries management organization, FAO and international organization concerned, the country in which the captain of the fishing vessel is a citizen regarding the inspection results and remedial measures.

6. In case of refusing to allow the vessels to dock but the vessel still deliberately docked or due to force majeure reasons, the port management agency shall notify the Ministry of Agriculture and Rural Development for inspecting and examining according to the provisions of the Port State Measures Agreement and making inspection minute according to Form No. 19. KT Annex IV of this Decree;

handling violations (if any). In case of forcing vessel out of Vietnamese territory, they shall notify the countries concerning to the vessel and the vessel's travel schedule.

Chapter VIII

STATE MANAGEMENT OF FISHERIES

Article 71. Responsibilities of the ministries and relevant sectors

1. Ministry of Agriculture and Rural Development

a) Direct uniformly in terms of professional knowledge and skills on aquatic resource protection, aquaculture, capture fisheries, managing fishing vessels and on-duty fisheries vessels, fishing ports, processing and exporting, import fisheries and fisheries products and fisheries resources surveillance activities;

b) Develop plans, organize the monitoring, inspection, propaganda, training and dissemination of laws on co-management in the protection of fisheries resources, protection and development of fisheries resources, marine conservation and directly organize the management of national marine protected areas located in two or more provinces; aquaculture; capture fisheries; ensure safety for people and fishing vessels; management of fishing vessels, on-duty fishing vessels, fishing ports, shelters for fishing vessels; processing, exporting, importing, purchasing and selling fisheries and fisheries products; seafood traceability and Fisheries resources surveillance nationwide;

c) Develop technical guidelines on aquaculture, capture fisheries, co-management in the protection of fisheries resources, fishing gears, fishing methods, work to ensure safety for people and fishing vessels operating on the sea; set of monitoring and evaluation indicators for co-management in aquatic resource protection;

d) Inspect and monitor the implementation of regulations on management regime of endangered, precious and rare aquatic species; certify the origin of endangered, precious and rare aquatic species from aquaculture, natural exploitation; establishments for growth, reproduction and artificial propagation of precious and rare endangered aquatic species, including species in the Annex to the the Convention on International Trade in Endangered Species of Wild Fauna and Flora according to regulations; enforce the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

d) Propose policies in fisheries activities;

e) Develop a national fisheries database system; unify management of fishing vessel monitoring system nationwide; technical management regulations on fishing vessel monitoring system;

g) Decentralize and authorize the management of fisheries activities to their units and localities; organize the inspection of local responsibilities in the management of fisheries activities; assign the Directorate of Fisheries to receive and settle administrative procedures and organize and implement this Decree according to its competence;

h) Organizing and implementing the provisions of Clause 2, Article 101 of the Fisheries Law.

2. The Ministry of Communications and Transport:

a. Lead and coordinate with the Ministry of Agriculture and Rural Development in ensuring maritime safety, maritime security and marine environmental protection for activities of fishing vessels and fishing ports;

b. Coordinate with the Ministry of Agriculture and Rural Development in managing the transportation of fisheries and fisheries products through seaports, logistic services, fishing vessels at seaports and inland waterway ports under its management under the provisions of Port State Measure Agreement.

3. The Ministry of Finance:

a) Prescribe charges and fees according to the provisions of this Decree and the law on charges and fees in the field of fisheries.

b) Direct the General Department of Customs not to clear goods for consignment of illegal fishing of fisheries and fisheries products.

c) Coordinate with the Ministry of Agriculture and Rural Development in managing the transportation of fisheries through seaports, logistic services, fishing vessels at seaports under the provisions of Port State Measure Agreement.

4. Ministry of Defense:

a) Direct law enforcement forces on the sea to inspect and control Vietnamese fishing vessels and foreign fishing vessels leaving ports, docking and operating at sea according to law provisions;

b) Direct the Border Guard forces in coordination with specialized agencies at fishing ports to inspect fishing vessels and crew members entering and leaving fishing ports according to law provisions;

c) Direct the Navy, Border Guard, and Coast Guard forces to coordinate and support the Fisheries resource surveillance force on the sea according to the provisions of law;

d) Coordinate with the Ministry of Agriculture and Rural Development to manage fishing vessels, crew members, people working on foreign fishing vessels operating in Vietnamese waters and Vietnamese fishing vessels operating on sea areas.

5. Ministry of Public Security:

a) Coordinate with the Ministry of Agriculture and Rural Development to manage fishing vessels, crew members, people working on foreign fishing vessels operating in Vietnamese waters and Vietnamese fishing vessels operating in sea areas;

b) Coordinate with the Ministry of Agriculture and Rural Development to manage fisheries activities.

6. The Ministry of Natural Resources and Environment lead and coordinate with the Ministry of Agriculture and Rural Development in guiding and inspecting the provincial-level People's Committees in managing land, environmental protection and sea areas for aquaculture.

Article 72. Responsibilities of the Provincial People's Committees

1. Have the responsibility as prescribed in Clause 1, Article 102 of the Fisheries Law in 2017.

2. Organize and implement the assigned management contents in this Decree.

3. Direct the Department of Agriculture and Rural Development and provincial fisheries management agencies in implementing management in accordance with this Decree.

4. Develop plans, organize the monitoring, inspection, propaganda, training and dissemination of laws on co-management in the protection of fisheries resources, protection and development of fisheries resources, marine conservation; aquaculture; capture fisheries; management of fishing vessels, on-duty fishing vessels, fishing ports, shelters for fishing vessels; processing, exporting, importing, purchasing and selling fisheries and fisheries products and Fisheries resources surveillance according to their competence.

5. Direct, guide and support People's Committees at all levels, community collaborators and people in implementing co-management in the protection of aquatic resources. Direct the administrations at all levels and functional agencies to lead and coordinate with community organizations in patrolling, inspecting, controlling and handling violations according to their competence in the areas under co-management. Annually or extraordinarily report to the Ministry of Agriculture and Rural Development on the implementation of co-management in

the protection of aquatic resources in the province. Develop a plan and allocate funds for activities to implement co-management in the protection of fisheries resources.

6. Arrange provincial fisheries resources surveillance force to carry out the patrol, inspection, control and handling of violations at the MPA upon the request of the MPA Management Board.

7. Directing and inspecting activities of provincial-level Fisheries resources surveillance, coordination of activities of Fisheries resources surveillance with relevant agencies in the province; equipping surveillance boats; weapons, support tools, specialized means; uniforms, badges and flags for the Fisheries resources surveillance according to the provisions of law.

Chapter VIII

EXECUTIVE PROVISIONS

Article 73. Transitional provisions

1. Organizations which have been operating under co-management in the protection of aquatic resources before the effective date of this Decree must review and complete the application for recognition and authorization of management rights according to the provisions of this Decree before January 1, 2021.

2. For marine protected areas established before the effective date of this Decree must review, supplement and complete the Regulation on management of marine protected areas under this Decree before January 1, 2020.

3. Organizations and individuals that have conducted aquaculture by cages or reared key aquaculture species before the effective date of this Decree, within 12 months after this Decree takes effect, organizations and individuals must register according to the provisions of this Decree.

4. For certificates and license already granted before the effective date of this Decree, they may continue to be used until they are granted or renewed ones according to the provisions of this Decree.

5. Establishments of aquaculture seedling reproduction, aquaculture feed production and products for aquaculture environmental treatment that are operated before the effective date of this Decree can continue their operation and, at the same time, apply for granting the certificate of qualified establishments before January 1, 2020.

6. Establishments of aquaculture seedling reproduction not falling within the subjects prescribed in Clause 5 of this Article, which have operated before the effective date of this Decree shall continue their operation and, at the same time, apply for granting the certificate of qualified establishments before before January 1, 2021.

7. Establishments of building, upgrading fishing vessels are operating before the effective date of this Decree can continue their operation and, at the same time, apply for granting the certificate of qualified establishments before 01 October 2019.

8. Fishing vessels register agencies that are operating before the effective date of this Decree can continue their operation and, at the same time, apply for granting the certificate of qualified establishments before January 1, 2020.

9. Fishing ports that are operating before the effective date of this Decree can continue their operation and have to carry out the procedures to propose the opening of the port as prescribed before October 1, 2020.

10. Application for administrative procedure settlement before the effective date of this Decree shall be settled according to law provisions at the time the administrative procedure-settling agencies receive application.

11. Policies for supporting fisheries development issued before the effective date of this Decree continue to apply until the expiration of the policy application or replacement documents.

12. The quality inspection of aquatic breeds, aquatic feeds and environmental treatment products in aquaculture imported shall be based on the national standards and standards announced by the establishments till January 1 2020.

13. The quality inspection of aquatic feed, environmental treatment products in aquaculture imported continues to apply the regulations on the procedures for quality inspection according to Decree No. 39/2017 / ND-CP dated April 4, 2017 of the Government on management of animal feed, aquatic feed and documents guiding till January 1, 2020.

Article 74. Entry into force

1. This Decree shall enter into force from 25 April 2019.
2. This Decree replaces the following Decrees:

a) Decree No. 27/2005/ ND-CP dated March 8, 2005 of the Government regulating and guiding the implementation of certain articles in the Fisheries Law;

b) Decree No. 59/2005/ ND-CP dated May 5, 2005 of the Government on conditions for production and doing business of a number of aquatic product business lines;

c) Decree No. 14/2009/ND-CP dated February 13, 2009 of the Government on amendment and supplement of a number of articles of the Decree No. 59/2005/ND-CP dated May 5, 2005 on conditions for production and doing business of a number of aquatic product business lines;

d) Decree No. 32/2010/ ND-CP dated March 30, 2010 of the Government on the management of fishery activities of foreign vessels in Vietnam's sea areas;

đ) Decree No. 33/2010/ND-CP dated March 31, 2010 of the Government on the management of fishing activities in sea area by Vietnamese organizations and individuals;

e) Decree No. 52/2010/ND-CP dated May 17, 2010 of the Government on import of fishing vessels;

g) Decree No. 53/2012/ND-CP dated June 20, 2012 of the Government on amending and supplementing a number of articles of the Decrees on aquatic product field;

h) Decree No. 66/2005/ND-CP dated May 19, 2005 of the Government on ensuring safety for people and vessels engaged in fisheries activities;

i) Decree No. 80/2012/ ND-CP dated October 8, 2012 of the Government on the management of fishing ports and sheltering harbors for fishing vessels;

k) Decree No. 102/2012/ND-CP dated November 29, 2012 of the Government on the organization and operation of Fisheries Resources Surveillance.

l) Decree No. 57/2008/ ND-CP dated May 2, 2008 of the Government on promulgation of regulation governing marine protected areas of Vietnam which are of national and international importance.

m) Decree No. 55/2017 / ND-CP dated May 9, 2017 of the Government on management of farming, processing and exporting pangasius products;

n) Contents related to aquatic feeds in the Government's Decree No. 39/2017 / ND-CP of April 4, 2017 on the management of animal and aquatic feeds and Decree No. 100/2017 / ND-CP dated August 18, 2017 amending and supplementing a number of articles of Decree No. 39/2017/ND-CP dated April 4, 2017 on management of animal and aquatic feeds and Article 3 Decree 123/2018 / ND-CP dated September 17, 2018 of the Government amending and

supplementing a number of Decrees providing for investment and business conditions in the agricultural sector;

o) Articles 15, 16, 17 and Article 18 of Decree 66/2016 / ND-CP dated July 1, 2016 of the Government providing for investment and business conditions in plant protection and quarantine; type of tree; raising common forest animals; livestock; seafood; food.

3. This Decree repeals the following documents:

a) Directive No. 22/2006/CT-TTg dated June 30, 2006 of the Prime Minister on strengthening the work of ensuring the safety of fishing activities in the sea areas, especially offshore fishing;

b) Decision No. 57/2008/QD-BNN of May 2, 2008 of the Minister of Agriculture and Rural Development promulgating the list of aquatic seeds permitted for production and trading;

c) Circular No. 01/2011/TT-BNN dated January 5, 2011 of the Minister of Agriculture and Rural Development regulating amendments and supplements to the list of endangered precious and rare aquatic species that need to be protected, served and developed, issued together with Decision No. 82/2008/QD-BNN of July 17, 2008;

d) Circular No. 101/2008 / TT-BNN of October 15, 2008 of the Minister of Agriculture and Rural Development guiding the implementation of the Prime Minister's Decision No. 459 / QD-TTg of April 28, 2008 of the Prime Minister government on piloting the equipment of single sideband radio for fishermen;

đ) Circular No. 26/2014/ TT-BNNPTNT dated August 25, 2014 of the Minister of Agriculture and Rural Development regulating the requirements of factories and equipment for establishments of building and upgrading fishing vessels;

e) Decision No. 20/2006 / QD-BTS dated December 1, 2006 of the Minister of Fisheries promulgating the Regulation on management of fishing ports, landing sites, shelters for fishing vessels;

g) Directive No. 05/2007 / CT-BTS dated July 31, 2007 of the Minister of Fisheries on strengthening the organization and operation of fisheries inspectors;

h) Directive No. 10/2005 / CT-BTS dated December 8, 2005 of the Minister of Fisheries on preventing pair trawl and illegal fishing at coastal and inshore routes;

i) Directive No. 03/2006 / CT-BTS dated March 27, 2006 of the Minister of Fisheries on strengthening management of fishing activities in Vietnam's waters.

Article 75. Implementation responsibilities

Ministries, Heads of ministerial agencies, Heads of agencies under the Government, Chairman of People's Committees of provinces and municipalities and relevant agencies shall organize implementation of this Decree./.

Receivers:

- Central Party Secretariat;
- Prime Minister and Deputy Prime Ministers;
- Ministries, ministerial agencies and agencies under government;
- People's Council, People's Committees of provinces and municipalities;
- Central Office and Committees of Party;
- The General Secretary's Office;
- The State President's Office;
- Ethnic Council and Committees of the National Assembly;
- The National Assembly's Office;
- The Supreme People's Court;
- The Supreme People's Procuracy;
- National Financial Supervision Commission;
- State Audit Office;
- Vietnam Bank for Social policies;
- Vietnam Development Bank;
- Vietnam Fatherland Front;
- The Central Agency of organizations;
- Government office, Minister, Deputy Ministers, Assistants of Prime Minister, General Director of Web portal, Departments, sub-units, Gazette;
- Recorded at office, KTN (3 copies).

**On behalf of the
Government
PRIME MINISTER**

Nguyen Xuan Phuc