

THE MINISTRY OF AQUATIC RESOURCES

**CIRCULAR No. 05/1998/TT-BTS OF
DECEMBER 29, 1998 GUIDING THE
IMPLEMENTATION OF DECREE No.72/
1998/ND-CP OF SEPTEMBER 15, 1998 OF
THE GOVERNMENT ON ENSURING
SAFETY FOR FISHERMEN AND FISHING
MEANS ON THE SEA**

*Pursuant to the Government's Decree No.72/1998/
ND-CP of September 15, 1998 on ensuring safety for
fishermen and fishing means on the sea; After
consulting the concerned ministries, branches and*

provincial People's Committees, the Ministry of Aquatic Resources provides a number of the following specific guidances:

I. INTERPRETATION OF TERMS

A number of terms used in the Decree shall be construed as follows:

1. Offshore area: is the sea area restricted by a 30-meter water isobath outwards for Bac Bo (Tonkin) Gulf area, the East-West South Vietnam sea area and the Gulf of Thailand, and a 50-meter water isobath outwards for Central Vietnam's sea area.

2. Coastal area: is the sea area restricted by an isobath of from 30 to 50 meters of water toward the shore for the above-mentioned sea areas.

3. Offshore fishery means: include fishing ships and boats with engine of 90 horse power or more, which are engaged in the exploitation of aquatic products in the offshore area.

II. CONDITIONS FOR FISHERMEN AND FISHERY MEANS TO OPERATE ON THE SEA AND FISHERMEN'S RESPONSIBILITIES

1. The required papers: To operate on the sea, fishery means shall have to carry all papers stipulated in Article 3 of Decree No. 72/1998/ND-CP. According to the State's current regulations as well as the regulations of the Ministry of Aquatic Resources, the granting of above-said papers are stipulated as follows:

1.1. Administrative-registration papers, including "fishing ship registration certificate", "fishery activity permit", "crew members' register", shall all be granted to the fishery means by the Aquatic Resources Protection Department or provincial Aquatic Resources Protection Sub-Departments.

The above-said papers shall be granted only after the means' owners have made technical registration and been given the means' technical safety certificates.

The assignment of responsibilities and power in the management and issuance of the above-said papers has been defined in the "Regulation on the registration of fishing boats and crew members" issued together with Decision No. 413-QD/BVNL of April 1st, 1996 of the Minister of Aquatic Resources.

1.2. Papers on technical registration:

Fishery means shall be allowed to operate only when they ensure technical safety under the State's current regulations and have been issued technical safety certificates by the competent agencies.

The agencies competent to inspect technical safety (the registry) and issue technical safety certificates for means include:

- The Vietnam Registry Department under the Ministry of Communications and Transport, which shall register and inspect, then issue "certificates of operational capability" to fishery means that have the designed waterline length of over 20 m; foreign fishery means, irrespective of their sizes, operating in Vietnam and Vietnamese fishery means operating overseas; and fishery means manufactured with new materials.

- The Aquatic Resources Protection Department shall register, inspect and issue "books of certification of operational capability" to fishery means with designed waterline length of 20 m or under and other fishery means under the authorization of the Vietnam Registry Department or according to the agreement between the Ministry of Aquatic Resources and the Ministry of Communications and Transport.

The assignment of responsibilities and powers in the registration and inspection of fishery means has been defined by the Ministry of Aquatic Resources in Decision No. 211-TS/QD of June 17, 1992 on technical management and safety inspection of fishery means.

2. Safety equipment for fishermen and fishery means:

All fishery means must be equipped with safety facilities according to the current regulations of the State.

2.1. Fishery means with the designed waterline length of over 20 m and offshore fishing facilities which have been used before May 07, 1998 shall be equipped according to Vietnamese standards (VS) as follows:

- For fire prevention and fighting: The VS 4007-85 shall apply.

- For life-saving means: The VS 4018-85 shall apply.

- For signaling means: The VS 4019-85 shall apply.

- For radio equipment: The VS 4020-85 shall apply.

- For maritime navigation equipment: The VS 4021-85 shall apply.

Fishery means with the designed waterline length of over 20 m and offshore fishing facilities which were built after May 07, 1998 must be equipped according to the Vietnamese standards as follows:

- For fire prevention, detection and fighting: The VS 6529-5: 1997 shall apply

- The rules on safety equipment for sea-going vessels (including life-saving means, signaling means, radio equipment and maritime navigation equipment): shall be effected according to the VS 6278: 1997.

2.2. Fishery means with the designed waterline

length of 20 m or under and coastal fishing facilities shall be equipped with minimum safety facilities as provided for by the branch's standards titled: "28 TCN 91-90: Small-sized fishing boats- Safety equipment".

3. Insurance for crew members and ship hulls:

3.1. All crew member working on board fishery means must be insured from accidents before sailing out to sea. Owners of fishery means shall have to buy full insurance on accidents for crew members working on board their means.

3.2. Owners of fishery means are obliged to buy insurance for ship hulls for the means that exploit marine products in the offshore areas. They are encouraged to buy insurance for the means that exploit marine products in coastal areas.

4. Ship-masters of fishery means:

4.1. Regulations on ship-master's and chief mechanic's licenses:

The ship-master and chief mechanic of a fishery means must obtain suitable licenses according to the current regulations as follows:

- For fishery means with engine of under 12 horse power, the ship-master's and chief mechanist's licenses are temporarily not required.

- For fishery means with engine of from 12 horse power to under 45 horse power, the persons operating the ships and ship engines must have fishery ship-master's and chief mechanic's licenses for small-sized coastal fishing ships.

- For fishery means with engine of from 45 horse power to under 150 horse power, the persons operating the ships and ship engines must have fishery ship-master's and chief mechanic's grade-5 licenses.

- For fishery means with engine of from 150 horse power to 400 horse power, the persons operating the ships and ship engines must have fishery ship-master's and chief mechanic's grade-4 licenses.

4.2. On the ship-master's responsibility upon the ship's departure or return to port:

When the ship departing or returning to a port, the ship-master shall have to make declaration with the following contents:

- Contents of declaration for departure: The ship-master's full name, the means' name, means' registration number, registration place, list of crew members on board the means, estimated time of departure and return, and the projected fishing grounds.

- Contents of declaration for return: The ship-master's full name, the means' name, means' registration number, registration place, list of crew

members on board the means, and the date of return to port.

Ship-masters of fishery means owned by individuals or family households shall have to make declaration with the fishing port authority, the border-guards' station or the commune/ward People's Committee at the place where the means are anchored (including the means registered for permanent residence at a locality or that moves from a locality to another).

Ship-masters of fishery means owned by enterprises shall have to report on the means' departure and return to their enterprises' directors according to the above-said contents. Where they are far away or for any other reason they cannot contact the directors of their respective enterprises, the ship-masters shall have to make declaration with the fishing port authorities, the border-guards' stations or the commune/ward People's Committees at the places where the means are anchored.

5. Fishing ship crew members:

5.1. Conditions:

- Having a health certificate, granted by the district or provincial medical agency.

- Being able to swim freely for at least 50 m, which is checked and certified by the president of the commune/ward People's Committee, for crew members of family households; or by the enterprises' directors, for crew members working for enterprises.

5.2. "Crew members' registers"

All crew members working on board fishery means with engine of from 75 horse power upward shall have to go through a refresher training course on seafaring fundamentals and be granted "fishing ship crew member's book".

Crew members working on board fishery means with engine of under 75 horse power shall be allowed to use their people's identity cards for sailing.

The dossiers and procedures of application for the granting of "fishing ship crew member's book" are stipulated in the Regulation on the registration of fishing ships and crew members issued together with Decision No.413-QD/BVNL of April 01, 1996 of the Ministry of Aquatic Resources.

III. STATE MANAGEMENT OVER FISHERY ACTIVITIES

Responsibilities of the ministries and branches at the central level and the People's Committees of different levels are stipulated in Articles 10, 11 and 12 of Decree No.72/1998/ND-CP. Hereunder are

guidances on the reporting regime on the management over the activities of fishermen and fishery means:

1. Contents to be reported:

1.1. The numbers of means and crew members, and areas of operation of the means on the sea or places where the means are anchored.

1.2. Human and material losses caused by unexpected accidents or by tropical low atmospheric pressure, storms, whirlwinds... (hereafter referred collectively to as storms).

2. Circumstances which must be reported:

2.1. Before a storm: When a storm is likely to strike a locality, the contents mentioned in Point 1.1. above must also be reported with regard to the means operating in the storm-prone sea areas.

To anticipate bad circumstances which may occur and estimate the number of means which may not return in time to storm-shelters

2.2. During the storm: When a storm landed on the local sea area, the contents mentioned in Point 1.1. above must be reported with regard to the means which have not yet returned to the storm-shelters and the means which need rescue support from central or provincial administration.

2.3. After the storm: A sum-up situation must be reported according to the contents in Point 1.2. above.

The circumstances mentioned in Points 2.1. and 2.2. must be quickly reported via the radio system, telephone, fax or the fastest means to the report-receiving bodies for timely handling.

3. Place of reporting and report receiving:

3.1. The commune/ward People's Committees, the border-guards' check points/stations or the fishing port authorities shall report to the district, provincial People's Committees and provincial/municipal Aquatic Resources Departments.

3.2. The directors of locally-run enterprises shall report to the provincial People's Committees and Aquatic Resources Departments.

3.3. The provincial People's Committees shall make sum-up reports and submit them to the Prime Minister and the Ministry of Aquatic Resources.

3.4. The directors of enterprises attached to the ministries or centrally-run branches shall report to the latter and their immediate higher-level units.

3.5. The ministries and branches at the central level shall submit sum-up reports to the Prime Minister and send them to the Ministry of Aquatic Resources.

IV. ORGANIZATION OF IMPLEMENTATION

To ensure safety for fishermen and fishery means on the sea, the Ministry of Aquatic Resources requests the ministries, branches, People's Committees of the provinces and centrally-run cities and the units attached to the Ministry to proceed with the following:

1. Popularizing and propagating the contents of the Decree and this guiding Circular among organizations and individuals that have fishery means operating on the sea and among the entire population. Ensuring that all organizations and individuals grasp the above-said contents for the strict implementation thereof.

2. The Ministry of Aquatic Resources shall closely coordinate with the relevant ministries and branches in issuing a number of other Circulars guiding the registration and inspection of fishery means, places for storm signaling; the purchase of insurance for crew members and ship hulls for fishermen and fishery means, etc.

3. The People's Committees of the provinces and centrally-run cities having sea areas shall have to direct the implementation of the Decree and this Circular within their respective localities, and, basing themselves on the local jurisdiction and responsibility to issue regulations detailing the commune/ward People's Committees' tasks in the management of fishermen and fishery means which are anchored in their respective areas.

4. The Aquatic Resources Protection Department is assigned to coordinate with the Planning and Investment Department, the Finance-Accountancy Department and the Fishery Department in studying, drafting and submitting to the Ministry a State-level program on "ensuring safety for fishermen and fishery means on the sea".

The said program's objective is to sum up measures to minimize the human and material losses caused annually by storms for the fishery.

5. The directors of the provincial/municipal Aquatic Resources Departments, Agriculture and Rural Development Departments (of provinces and/or cities having sea areas) shall have to direct the establishments under their respective branches and coordinate with the specialized branches and the district/commune/ward People's Committees to well perform the task of ensuring safety for fishermen and fishery means on the sea.

Above are the contents of guidances for a number of basic points of the Government's Decree on ensuring safety for fishermen and fishery means on

the sea. In the course of implementation, if any problems arise, the localities, units and means' owners should promptly report them to the Ministry of Aquatic Resources for study, amendments and/or supplements.

For the Minister of Aquatic Resources
Vice Minister
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