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OF VIETNAM**

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CIRCULAR

**REGULATIONS AND PROCEDURES ON SEA PATROL, INSPECTION, AND
CONTROL OF THE FISHERIES RESOURCES SURVEILLANCE FORCE**

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

Pursuant to Decree No. 15/2017/ND-CP dated February 17, 2017 of the Government on functions, duties, entitlements, and organizational structure of the Ministry of Agriculture and Rural Development of Vietnam;

At the request of the General Director of the Directorate of Fisheries;

The Minister of Agriculture and Rural Development of Vietnam hereby promulgates the Circular on regulations and procedures for sea patrol, inspection, and control of the Fisheries Resources Surveillance Force.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Circular provides for regulations and procedures for sea patrol, inspection, and control of the Fisheries Resources Surveillance Force to enforce laws on fishing and the protection of aquatic resources.

Article 2. Regulated entities

This Circular applies to the Fisheries Resources Surveillance Force and organizations and individuals related to activities of patrolling, inspecting, and controlling to enforce laws on fishing and the protection of aquatic resources.

Article 3. Interpretation of terms

For the purpose of this Circular, the following terms shall be construed as follows:

1. Procedures for patrol, inspection, and control mean the implementation order from the development of plans for a patrol to the end of that patrol.
2. Patrol means a planned or unscheduled activity on the sea to enforce laws on fishing and the protection of aquatic resources in the waters of Vietnam according to the functions and tasks of the Fisheries Resources Surveillance Force.
3. Inspection and control mean the act of reviewing and comparing records, documents, and implementation of regulations related to people, fishing vessels, and aquatic products according to fishing and aquatic resource protection laws.

Article 4. Principles of patrol, inspection, and control

1. Organization of patrolling, inspecting, and controlling activities shall ensure the safety of people and vehicles operating on the sea.
2. Organization of patrolling, inspecting, and controlling activities shall be public, transparent, and in accordance with the plan and regulations of the law.
3. The prevention and handling of violations against regulations on fishing and the protection of aquatic resources shall be in accordance with regulations of the law.

Article 5. Requirements during the performance of official duties in patrolling, inspecting, and controlling activities

1. Properly perform assigned functions, tasks, entitlements, and approved plans.
2. Have a respectful and proper attitude when performing official duties.
3. Do not affect and create favorable conditions for agencies, organizations, individuals, and vessels legally operating on the sea.
4. Do not take advantage of the working position for illegal benefits.

Chapter II

PATROL, INSPECTION, AND CONTROL PROCEDURES

Article 6. Development and issuance of plans for patrol, inspection, and control

1. Bases for the development of plans for patrol, inspection, and control

Plans for patrol, inspection, and control are developed based on:

- a) Annual plans for patrol, inspection, and control approved by competent authorities;

- b) Requests of competent agencies;
- c) Directives of superior management agencies.

2. Competency in issuing plans for patrol, inspection, and control

- a) Director of the Department of Fisheries Resources Surveillance shall issue plans for patrol, inspection, and control of the Department of Fisheries Resources Surveillance;
- b) Director of the Regional Fisheries Resources Surveillance Sub-Department shall issue plans for patrol, inspection, and control of the Regional Fisheries Resources Surveillance Sub-Department;
- c) Heads of Fisheries Resources Surveillance Agencies or heads of local fisheries management agencies shall issue local plans for patrol, inspection, and control.

3. Plans for patrol, inspection, and control shall comply with forms prescribed in Appendix I promulgated with this Circular.

Article 7. Establishment of patrols

1. Competency in establishing patrols

- a) Director of the Department of Fisheries Resources Surveillance shall establish patrols according to the plans for patrol, inspection, and control of the Department of Fisheries Resources Surveillance;
- b) Director of the Regional Fisheries Resources Surveillance Sub-Department shall establish patrols according to the plans for patrol, inspection, and control of the Regional Fisheries Resources Surveillance Sub-Department;
- c) Heads of Fisheries Resources Surveillance Agencies or heads of local fisheries management agencies shall establish patrols according to local plans for patrol, inspection, and control.

2. Composition of a patrol

A patrol includes a leader, a deputy leader, and members. The leader of the patrol is the person who commands the patrol, complies with executive instructions, and takes responsibility before the person who establishes the patrol and the law. Decisions on patrol establishment shall comply with forms prescribed in Appendix II promulgated with this Circular.

3. Tasks and entitlements of patrols

- a) Perform the patrol, inspection, and control and handle violations according to the law;

- b) Perform the patrol according to issued plans. Comply with the command and directive of the superiors during the performance of patrolling tasks;
- c) Detect, prevent, and handle violations according to the law. Regarding cases beyond competency, report them to the superiors for handling according to regulations;
- d) Cooperate with relevant units and local authorities during the patrol, inspection, or control to enforce laws on the sea;
- dd) Disseminate and universalize the education in the laws of Vietnam, international laws, and laws of relevant countries in the fisheries sector; provide guidelines for fishermen and relevant organizations and individuals on the implementation of regulations of fishing and aquatic resource protection laws;
- e) Participate in the prevention and management of natural disasters and cooperate in searching, rescuing, and performing other tasks as prescribed by law;
- g) Perform other tasks according to the assignment and directive of the person who establishes the patrol;
- h) Request relevant agencies, organizations, and individuals to provide necessary information and documents for the patrol;
- i) Receive weapons, assisting tools, technical means, professional measures to perform tasks, and permission to use such items as prescribed by law;
- k) Pursue, arrest, and keep in custody people and vehicles violating laws that do not obey orders, oppose, or intentionally flee as prescribed by law.

4. Patrolling vehicles

Patrolling vehicles include fishery service vessels or vehicles of other forces participating in the patrol, inspection, and control.

Article 8. Ship mobilization orders

According to issued decisions on the establishment of patrols:

1. Director of the Regional Fisheries Resources Surveillance Sub-Department shall issue ship mobilization orders to patrols established by the the Regional Fisheries Resources Surveillance Sub-Department.
2. Heads of Fisheries Resources Surveillance Agencies or heads of local fisheries management agencies shall issue ship mobilization orders to patrols established by them.

3. Ship mobilization orders shall comply with forms prescribed in Appendix III promulgated with this Circular.

Article 9. Assurance of safety and efficiency of the patrol, inspection, and control

1. Before going on patrol, the leader of the patrol shall hold a meeting to review and assess the safety and efficiency of the patrol, inspection, and control.

2. Contents of reviews and assessments:

a) Review and assignment of specific tasks for members of the patrol and expected members of the inspection team;

b) Assessment of weather conditions and other signs to ensure safety for people and patrolling vehicles;

c) Classification of subjects and fishing vessels operating on fishing grounds and the waters assigned to patrol, inspect, and control;

d) Inspection of logistics and technical work serving the patrol, inspection, and control.

3. The review and assessment of the assurance of the safety and efficiency of the patrol, inspection, and control shall be made in writing, and patrolling records shall be stored.

Article 10. Implementation of the patrol

1. Patrols shall implement the route prescribed in the plan for the patrol, inspection, and control issued according to Clause 3 Article 6 of this Circular; implement the observation and assessment of compliance with fishing and aquatic resource protection laws of people and vehicles operating on the sea.

2. The leader of the patrol shall submit reports to competent persons prescribed in Clause 2 Article 6 of this Circular via the communication system on the ship for consideration and decisions in case of changing the route in the issued plan for patrol, inspection, and control.

3. In case of force majeure, the leader of the patrol shall hold a meeting to consider and decide on the changes to the route.

4. Cases of changing the patrolling route shall be made in writing, and patrolling, inspecting, and controlling records shall be stored.

Article 11. Fishing vessels are stopped for inspection and control when:

1. Violations or signs of violations against fishing and aquatic resource protection laws are detected or recorded directly or via professional equipment.

2. Information or notifications on violations against fishing and aquatic resource protection laws from organizations and individuals are received.
3. Superior management agencies or competent agencies direct or request the stopping of fishing vessels.
4. There are other signs of law violations as prescribed by the law.
5. The inspection of compliance with fishing and aquatic resource protection laws is performed.

Article 12. Stopping orders and organization of fishing vessel approach

1. The leader of the patrol shall, based on one of the cases of stopping fishing vessels prescribed in Article 11 of this Circular, direct and order the stopping of fishing vessels. Stopping orders are shown by one of the following signals: sirens, speakers, lights, flags, communication machines, and other forms as prescribed by the law of Vietnam and international laws.
2. The leader of the patrol shall, based on the actual conditions and situations, decide on the number of inspection teams and their members and the use of vessels to approach and board fishing vessels.

Article 13. Inspection teams

1. An inspection team is a division of the patrol assigned to perform tasks under the command of the leader of the patrol.
2. An inspection team shall have at least 3 people, including a leader, an officer specialized in fisheries resources surveillance, and other members. The leader is the person commanding the inspection team and takes responsibility before the leader of the patrol.
3. The inspection team shall:
 - a) Strictly comply with the command and directive of the leader of the patrol and the patrolling plan issued by competent authorities;
 - b) Directly board fishing vessels to conduct the inspection and control of compliance with fishing and aquatic resource protection laws;
 - c) Collect situations, information, evidence, and relevant documents and handle administrative violations of organizations and individuals as per regulation;
 - d) Disseminate and universalize the laws of Vietnam, international laws, and laws of relevant countries in the fisheries sector; provide guidelines for fishermen and relevant

organizations and individuals on the implementation of regulations of fishing and aquatic resource protection laws;

dd) Perform other tasks according to the assignment of the leader of the patrol.

Article 14. Implementation of inspection and control on fishing vessels

1. The leader of the inspection team shall:

a) Greet the captain or owner of the fishing vessel and name the inspection team of the Fisheries Resources Surveillance Force that is conducting tasks of patrolling, inspecting, controlling, and enforcing fishing and aquatic resource protection laws on the sea;

b) Provide notifications on the contents subject to inspection and control for the captain or the owner of the fishing vessel;

c) Request the captain or owner of the fishing vessel and workers on the fishing vessel to comply with the inspection and control of the inspection team. The inspection and control contents shall comply with Article 15 of this Circular;

d) In case of detecting acts of violations against fishing and aquatic resource protection laws, organize the handling as prescribed by law;

dd) Provide guidelines for the crew and workers of the fishing vessel on points to be noted when operating on the sea and disseminate and universalize laws on fisheries;

e) Inform the captain or owner of the fishing vessel of the result of the inspection and control before leaving;

g) Submit reports on the inspection and control result on the fishing vessel to the leader of the patrol.

2. Members of the inspection team shall:

a) Conduct the inspection and control of contents according to the assignment of the leader;

b) Be on guard and observe every development during the inspection and control on the fishing vessel;

c) Submit reports on the result of the inspection and control to the leader.

Article 15. Contents of inspection and control

1. Inspection and control of records and documents related to the crew members and workers of fishing vessels: identification; diplomas, certifications of captain, chief

engineer, and mechanic of fishing vessels; directory book of fishing vessels' crew members; insurance of crew members of fishing vessels.

2. Inspection and control records and documents related to fishing vessels: certificates of fishing vessel registration; technical safety certifications of fishing vessels; fishing diaries; fishing reports; trading and transportation diaries; certificates of food safety eligibility.

3. Inspection and control of equipment installed on fishing vessels: maritime, life-saving, and fire-fighting equipment; communication and signaling systems; trip supervision devices.

4. Inspection and control of the implementation of regulations on fishing and protection of aquatic resources: fly flags according to regulations; mark fishing vessels for identification; write registration numbers of fishing vessels and fishing areas; transport fisheries or provide support for illegal fishing vessels; fishing gears; use electricity for fishing; store and use prohibited substances, chemicals, poisons, explosives, and toxic plants for fishing.

5. Inspection and control of other contents according to the law of Vietnam and international treaties that the Socialist Republic of Vietnam is a signatory.

6. Inspection and control records shall comply with forms prescribed in Appendix IV promulgated with this Circular.

Article 16. Handling of administrative violations and imposition of fines

When detecting violations against fishing and aquatic resource protection laws, the patrol shall handle and impose fines according to the law.

Article 17. Organization of the escort of violating fishing vessels

In case violating vessels must be escorted for verification and handling of violations or for serving the investigation, the procedures for escorting fishing vessels are performed as follows:

1. The leader of the patrol shall decide on the escort of violating fishing vessels:
 - a) Decide on the compositions and vessels of the Fisheries Resources Surveillance Force for the escort;
 - b) Decide on the method, formation, and escorting distance;
 - c) Assign observing, guarding, and supervising members during the escorting process;

- d) Notify the captain or owner of the violating fishing vessel of the reason for the escort and the position and coordinates the fishing vessel is escorted to;
- dd) Request the captain and other members of the violating fishing vessel to comply with the escort of the fishing vessel to the notified location;
- e) Implement measures to ensure the safety of the violating people, evidence, and fishing vessel during the escorting process;
- g) Keep in touch and promptly submit reports on arising situations to the superior.

2. Measures to escort violating fishing vessels

- a) The captain of the violating fishing vessel brings the vessel to the location prescribed in the notification of the patrol;
- b) Use patrolling vehicles to escort violating vessels to the location prescribed in notifications of the patrol.

Article 18. Guarding and returning violating fishing vessels

Competent persons prescribed in Clause 2 Article 6 shall:

- 1. Organize the guarding and ensure the safety of violating people, evidence, and fishing vessels during the handling of cases of confiscating evidence and fishing vessels according to regulations.
- 2. Organize the return of evidence and violating fishing vessels according to laws on imposition of fines for administrative violations.

Article 19. Handing over cases to other agencies for handling

- 1. Regarding cases outside the jurisdiction, after escorting violating fishing vessels to the custodial location, the leader of the patrol shall hand over the case to competent agencies or units as prescribed by law.
- 2. The handover shall be made in writing, and representatives of the parties shall sign in such writing as per regulation.

Article 20. Ending the patrol, inspection, and control

- 1. The leader of the patrol shall hold a meeting to summarize and learn from the experience of patrolling, inspecting, and controlling activities.
- 2. Within 3 working days after ending the patrol, inspection, or control, the leader of the patrol shall submit written reports on the patrolling results to the person who establishes

the patrol. Within 3 working days after receiving the report of the leader of the patrol, the head of the agency or unit that issues decisions on the establishment of the patrol shall submit written reports on the result of the patrol, inspection, or control to his/her direct superior. Reports on the result of the patrol, inspection, and control shall comply with the forms prescribed in Appendix V promulgated with this Circular.

3. Records of the patrol, inspection, and control shall be stored following laws on clerical work and storage.

Chapter III

IMPLEMENTATION PROVISIONS

Article 21. Entry into force

This Circular comes into force as of January 9, 2023.

Article 22. Implementation responsibilities

1. The Department of Fisheries Resources Surveillance shall direct, instruct, and organize the training, dissemination, and inspection of the implementation of this Circular nationwide.

2. Regional Fisheries Resources Surveillance Sub-Departments and local fisheries management agencies shall instruct, disseminate, universalize, and implement this Circular in areas under their management.

3. Difficulties that arise during the implementation of this Circular should be promptly reported to the Ministry of Agriculture and Rural Development of Vietnam for consideration and adjustment./.

**PP. MINISTER
DEPUTY MINISTER**

Phung Duc Tien

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