

**CIRCULAR**

**AMENDMENTS TO CIRCULAR NO. 21/2018/TT-BNNPTNT DATED NOVEMBER 15, 2018 ON RECORD AND SUBMISSION OF REPORTS AND DIARIES ON FISHERY ACTIVITIES; ANNOUNCEMENT OF APPOINTED PORTS FOR VERIFYING ORIGIN OF EXTRACTED FISHERIES; LIST OF FISHING BOATS CONDUCTING ILLEGAL FISHERY ACTIVITIES; VERIFICATION OF EXTRACTED FISHERIES**

*Pursuant to Decree No. 15/2017/ND-CP dated February 17, 2017 of the Government administering functions, tasks, powers and organizational structures of the Ministry of Agriculture and Rural Development;*

*Pursuant to Law on Fishery in 2017;*

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

*Minister of Agriculture and Rural Development promulgates Circular on amendments to Circular No. 21/2018/TT-BNNPTNT dated November 15, 2018 on record and submission of reports and diaries on fishery activities; announcement of appointed ports for verifying origin of extracted fisheries; list of fishing boats conducting illegal fishery activities; verification of extracted fisheries (hereinafter referred to as “Circular No. 21/2018/TT-BNNPTNT”).*

**Article 1. Amendments to Circular No. 21/2018/TT-BNNPTNT**

1. Amend Clause 1 Article 4 as follows:

“1. Masters of aquatic resource fishing boats with length of at least 12 meters must record daily fishery activities using Form No. 1 under Annex I attached to this Circular and submit daily fishery diaries to fish port authorities before unloading fisheries to ports.”

2. Amend Clause 1 Article 5 as follows:

“1. Masters of aquatic resource procurement and transport boats must record daily fishery procurement and transportation activities using Form No. 2 under Annex I attached to this Circular and submit daily fishery procurement and transportation diaries to fish port authorities before unloading fisheries to ports.”

3. Amend Clause 2 and Clause 3 Article 7 as follows:

“2. Supervise unloading of fisheries to ports

Upon receiving request for disembarkation of masters of fishing boats, port authorities shall inspect list of fishing boats conducting illegal fishery activities; if the approaching fishing boats are mentioned under the list of fishing boats conducting illegal fishery activities, reject unloading of fisheries and inform authorities for solutions as per the law; if the approaching fishing boats are not mentioned under the list of fishing boats conducting illegal fishery activities, arrange disembarkation and assign officials to supervise quantity and compositions of the fisheries that are unloaded to ports.

If quantity of unloaded fishery in practice is detected to be higher or lower than the quantity declared prior to disembarkation by 20%, make records and take actions as per the law or transfer the case to competent authorities as per the law.

3. Receipt record of fisheries unloaded to ports

At request of organizations and individuals procuring fisheries, port authorities shall examine information on receipt records of fisheries unloaded to ports prepared using Form No. 2 under Annex II attached to this Circular, verify whether the information matches the disembarking boats and store copies of the receipt records at port authorities.

Organizations and individuals shall be issued with 1 receipt record corresponding to quantity and compositions of procured fisheries when procuring fisheries from a disembarked fishing boat.”

4. Amend Clause 1 and Point a Clause 2 Article 8 as follows:

“1. A fishing boat shall be listed under the list of fishing boats conducting illegal fishery activities if that fishing boat:

a) is imposed administrative penalties for any of the violations specified under Points a, b, c, d, dd, e, g, i, n, and o Clause 1 Article 60 of Law on Fisheries;

b) is imposed administrative penalties for repeating or committing administrative violations multiple times with respect to any of the violations specified under Points h, k, l and m Clause 1 Article 60 of Law on Fisheries.

2. A fishing boat shall be removed from the list of fishing boats conducting illegal fishery activities if that fishing boat:

a. has removed registration according to Point a and Point b Clause 1 Article 72 of Law on Fisheries;”

5. Amend Clause 1 Article 15 as follows:

“1. Direct, organize implementation and examine compliance with regulations and law on countering illegal fisheries activities, evasion of report duty and incompliance with regulations and law; verification of ingredients and origin of fisheries; verification of import fishery ingredients for manufacturing and export to requested market; certificate of origin of ingredients while collecting specimen for food safety appraisal, assessment and certification of export fishery shipment.”

6. Amend Clause 8 Article 17 as follows:

“8. Before the 20<sup>th</sup> of each month, report to Department of Agriculture and Rural Development and Directorate of Fisheries regarding verification results of extracted fisheries using Form No. 3 under Annex VII attached to this Circular; store documents related to issuance of receipt record of fisheries unloaded to ports and verification of extracted fisheries for 36 months from the date of verification.

Reissue receipt records of fisheries unloaded to ports at request of organizations and individuals; number of the receipt records of fisheries unloaded to ports which are reissued shall match with that of the original copies which were previously issued with a symbol “R” after the new number; valid duration of reissued receipt records of fisheries unloaded to ports shall match the valid duration of the previously receipt records and start from the date of reissuance.”

7. Amend Clause 2 Article 19 as follows:

“2. Fully store documents to ensure traceability and distinguish batches of ingredient that have been produced from batches of ingredient that have not been produced and remained in storage of facilities, only receive and process ingredients with legitimate origin. Store documents verifying domestically extracted fishery ingredients, certificate of origins of extracted fisheries, commitment verification or certification of export fishery products originating from extracted or imported fisheries within 36 months from the date of verification and certification. May submit applications for certifying origin of extracted fisheries at any of competent authorities specified under Annex IV attached to this Circular.”

8. Replace Form No. 2 under Annex I with Form No. 1 under Annex attached to this Circular; replace Form No. 2 under Annex II with Form No. 2 under Annex attached to this Circular; replace Form No. 4 under Annex II with Form No. 3 under Annex attached to this Circular; replace Form No. 2 under Annex III with Form No. 4 under Annex attached to this Circular.

## **Article 2. Transition clauses**

1. Masters of procuring and transporting ships who have made diaries for procurement and transportation using forms under Circular No. 21/2018/TT-BNNPTNT before the

effective date of this Circular may employ the diaries to verify and certify the fisheries for respective sea trips.

2. Receipt records of fisheries unloaded to ports issued before the effective date of this Circular shall remain effective until the end of the expiration date specified thereon.

### **Article 3. Implementation**

1. This Circular comes into force from December 25, 2020.

2. Difficulties that arise during the implementation should be reported to Directorate of Fisheries or Department of Quality Control for consolidation and report to Ministry of Agriculture and Rural Development for solution./.

**PP. MINISTER  
DEPUTY MINISTER**

**Phung Duc Tien**

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