

THE GOVERNMENT

DECREE No. 66/2005/ND-CP OF MAY 19, 2005 ON ENSURING SAFETY FOR PEOPLE AND SHIPS ENGAGED IN FISHERIES ACTIVITIES

THE GOVERNMENT

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

*Pursuant to the November 26, 2003 Law on
Fisheries;*

At the proposal of the Minister of Fisheries,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Regulation scope

This Decree provides the assurance of safety for people and ships engaged in fisheries activities in the seas and other natural waters of Vietnam, including liabilities of ship owners, captains and crew; registry of fishing ships, registration of fishing ships and crew members; responsibilities of state management agencies in charge of assurance of safety for people and ships engaged in fisheries activities.

Article 2.- Subjects of application

Vietnamese and foreign organizations and individuals conducting fisheries activities in the seas and other natural waters of Vietnam must all comply with the provisions of this Decree and

relevant provisions of law.

Where international treaties to which the Socialist Republic of Vietnam is a signatory contain provisions different from those of this Decree, the provisions of such international treaties shall apply.

Article 3.- Interpretation of terms

1. Fishing ship owners mean organizations or individuals owning, managing or using fishing ships.

2. Captains are persons being commanders on fishing ships, for ships installed with a main engine of 20 horse powers or more or not installed with an engine but having a designed waterline of 15 meters or more.

3. Fishing ship operators are those who directly operate fishing ships, for ships installed with a main engine of under 20 horse powers or not installed with an engine and having a designed waterline of under 15 meters.

4. Fishing ship crew members are those included in the complement of ships, including captains, officers and other title holders arranged to work onboard ships.

5. Persons working onboard fishing ships are those other than crew members: officials on public duty, scientific researchers, apprentice students.

Article 4.- Principle of ensuring operation safety for people and fishing ships

1. Assurance of safety for people and fishing ships must be conducted simultaneously with the tasks of observing the regulations on technical safety for fishing ships right at the time of building ships; of building and completing infrastructures in service of fishery (fish ports, fish wharfs, storm shelter anchorage zones and communication and

information system...); propagating, disseminating, educating law to fishermen and communities.

2. Assurance of safety for people and fishing ships is the responsibility of fishermen and relevant agencies, organizations and individuals.

Chapter II

RESPONSIBILITIES OF FISHING-SHIP OWNERS, CAPTAINS AND CREW MEMBERS IN SAFETY ASSURANCE

Article 5.- For fishing-ship owners

1. To maintain fishing ships in the constant state of safety.

2. To provide adequate safety, rescue, information equipment and personal protection means for people and fishing ships according to the prescribed norms. To elaborate and promulgate internal regulations and procedures for use of safety equipment on fishing ships.

3. To sign labor contracts with crew members and working people according to the provisions of law; to regularly grasp the number of crew members and persons working onboard fishing ships, sea areas where operate fishing ships and to report to the local fisheries management agencies of the places of their residence when so requested; to ready fishing ships for tasks of flood and storm prevention and fighting, and search and rescue upon mobilization orders of competent authorities.

4. For offshore fishing ships, ship owners must buy crew accident insurance and inform the fisheries management agencies of the localities where fishing ships are registered of the ships' radio frequencies.

5. To urge captains to check, before leaving ports, the safety conditions of ships, equipment for safety and rescue of people and ships, to strictly observe the regime of reporting upon entering and exiting ports, mooring wharfs and ensure inland waterway traffic safety and maritime safety.

6. To foster, disseminate professional knowledge on assurance of safety for crew members and persons working onboard fishing ships.

Article 6.- For captains and ship operators

1. Regular responsibilities:

a) To disseminate, guide and urge crew members and persons working onboard fishing ship to observe regulations on safety when working onboard fishing ships; to assign tasks to every crew member and organize drills on safety plans for crew members and persons working onboard fishing ships;

b) To check crew members, persons working onboard fishing ships and fishing ships regarding navigation facilities, safety equipment, papers of fishing ships and crew members before leaving ports;

c) To inform the operation areas of fishing ships, the number of crew members and persons actually working onboard fishing ships and produce papers to competent bodies when so requested.

2. Responsibilities in cases of storms, floods:

a) To urge crew members and persons working onboard fishing ships to be on watch and ready for maneuver in response to storms, floods and support of other fishing ships in distress;

b) When storms are distant: To notify such to crew members and persons working onboard

fishing ships and at the same time check safety equipment and regularly follow weather forecast on the Radio Voice of Vietnam; to keep contact with coastal information stations and inform other fishing ships operating in the same areas thereof;

c) When storms approach: To notify such to crew members and persons working on board fishing ships, quickly order the haul of nets and departure from fishing grounds to the nearest safe places; to inform other fishing ships operating in the same areas thereof;

d) Upon emergency news on storms: To order crew members and persons working onboard fishing ships to put on life-jackets, to place emergency equipment on standby ready for rescue and take fishing ships to the nearest safe places; to maneuver fishing ships and crew members, persons working onboard fishing ships for rescue upon detection of persons and other fishing ships in distress;

In force majeure cases, captains may decide to apply urgent measures to take their fishing ships to safe areas.

e) When fishing ships are in storm-hit areas: To personally operate and command their ships; to resort to all measures and experience to ensure safety for people and fishing ships. To promptly inform the coastal information stations and nearest fishing ships of the positions where their ships are operating and send out SOS signals when the means are in distress; to participate in rescue when detecting people and fishing ships in distress;

f) When storms abate: To promptly report to ship owners, the administrations of the localities where they reside or where their fishing ships move to on the conditions of persons and their fishing ships, and at the same time re-examine the safety conditions of fishing ships before resumption of operation.

3. Responsibilities in other cases:

a) When detecting other fishing ships in distress, to operate their ships to provide timely support and rescue and inform the nearest coastal information stations thereof;

b) To strictly abide by competent authorities' orders on maneuver of ships for search and rescue tasks;

c) When their ships are in distress, to take timely rescue measures and at the same time notify the nearest coastal information stations thereof.

Article 7.- For crew members

1. Crew members working onboard fishing ships must fully satisfy the following conditions:

a) Having good health;

b) Having professional diplomas or certificates suitable to their titles corresponding to fishing ship sizes and types prescribed by the Ministry of Fisheries;

c) Crew members working onboard fishing ships of the prescribed types must possess crew member accident insurance certificates.

2. Responsibilities and rights of crew members:

a) To abide by the regulations on safety for persons and fishing ships, obey the orders of captains upon the occurrence of storms and abide by other provisions of law;

b) Upon detection of accidents onboard their fishing ships or other fishing ships, to immediately report them to the captains;

c) To strictly comply with the provisions of law on labor contracts;

d) To refuse working onboard fishing ships if such ships fail to fully satisfy the safety conditions.

Article 8.- For persons working onboard fishing ships

Persons working onboard fishing ships must fully satisfy the following conditions:

- a) Having good health;
- b) Having competent agencies' decisions, introduction papers to work onboard fishing ships;
- c) Having knowledge about regulations on safety assurance.

2. Responsibilities and rights of working persons:

- a) To abide by regulations on safety for people and fishing ships;
- b) To obey the captains' orders and abide by other provisions of law;
- c) Upon detection of accidents onboard their fishing ships or other fishing ships, to immediately report them to the captains;
- d) To refuse working onboard fishing ships if such ships fail to fully satisfy the safety conditions.

Article 9.- Ensuring safety for fishing ships

1. When operating, fishing ships must observe the following regulations:

- a) To have adequate safety equipment and facilities;
- b) To have adequate staff with different titles;
- c) To have all kinds of paper required for ships and people onboard;
- d) To operate only in accordance with the contents already licensed or registered;
- e) To strictly comply with the rules on inland waterway traffic safety and navigation safety.

2. Fishing ships subject to registry can operate only after they have gone through registry, ship and crew registration and been granted the prescribed papers by competent agencies.

3. For fishing ships not subject to registry, ship

owners must bear self-responsibility for the technical safety of their fishing ships.

Chapter III

REGISTRY OF FISHING SHIPS, REGISTRATION OF FISHING SHIPS AND CREW MEMBERS

Article 10.- Registry of fishing ships

1. Fishing ships of the following types shall be subject to registry:

- a) Ships installed with a main engine of 20 horse powers or more each or not installed with an engine but having a designed waterline of 15 meters or over;
- b) Fishing rafts and other floating structures in service of fisheries activities on lakes, rivers or seas, with a capacity of 50 m³ or more.

2. The following equipment and facilities installed on ships shall be subject to registry:

- a) Maritime and life safety equipment and facilities;
- b) Aquatic resource-exploiting equipment and facilities;
- c) Equipment and facilities subject to strict safety requirements.

Article 11.- Fishing ship registration

1. All fishing ships must be registered.

2. A fishing ship may be registered at only one registration office of the locality where the fishing ship owner is headquartered or registers his/her permanent residence.

3. Fishing ships of the following types shall be granted registration certificates:

- a) Ships installed with main engines of 20 horse powers or more each or not installed with engines

but having a designed waterline of 15m or over;

b) Fishing rafts and other floating structures in service of fisheries activities on lakes, rivers or seas with total capacity of 50m³ or more.

4. For fishing ships of other types, except those mentioned in Clause 3 of this Article, after making registration thereof, the registration offices shall record them in registers for management.

5. Conditions for fishing ship registration:

a) Fishing ships of lawful origin; having competent fisheries management bodies' documents approving the building or transformation of fishing ships;

b) Ensuring technical safety according to the provisions of law.

6. Fishing ships may be re-registered upon transfer of ownership, changes in technical properties, change of owner's headquarter or change of owner's permanent residence registration to other provinces or centrally-run cities.

7. Fishing ship owners must make declaration for deletion of fishing ship registration in cases where their fishing ships are missing, wrecked or destroyed.

Article 12.- Registration of crew members

1. Crew members working onboard fishing ships provided for in Clause 3, Article 11 of this Decree must observe the regime of crew member registration.

2. Crew members working on board fishing ships of the following types must possess crew books:

a) Fishing ships of total main engine capacity of 90 horse powers or more;

b) Fisheries inspection ships, resource-investigating ships, marine research ships.

3. Crew members onboard ships operating inshore and offshore must be named in the crew

books.

4. Crew members on board fishing ships other than those defined in Clauses 2 and 3 of this Article must be listed by ship owners themselves for declaration and the lists thereof must be carried along on board the ships.

Article 13.- Responsibilities of agencies, individuals in registry, registration of fishing ships and crew members

1. Fishing ship owners have the responsibilities to:

a) Make registry, registration of fishing ships and crew members according to the provisions of law;

b) Bring their fishing ships for inspection according to schedule set by the registry agencies;

c) Maintain the technical conditions and safety standards of fishing ships according to standards provided for between two inspections.

2. Fishing ship registry agencies must inspect the technical safety of fishing ships according branch or Vietnamese norms, standards. Heads of fishing ship registry agencies and persons directly inspecting the technical safety must bear responsibility for the inspection results.

3. Fishing ship registry agencies, fishing ship and crew member registration offices shall, according to their competence, have to make registry, registration of fishing ships and crew members strictly according to law provisions.

Chapter IV

**RESPONSIBILITIES OF AGENCIES
PERFORMING THE STATE MANAGEMENT
OVER SAFETY FOR PEOPLE AND FISHING
SHIPS ENGAGED IN FISHERIES ACTIVITIES**

Article 14.- Responsibilities of the Ministry of Fisheries

1. To perform the function of state management over safety for people and fishing ships engaged in fisheries activities; organize the registry of fishing ships, the registration of fishing ships and crew members and to license aquatic resource exploitation according to its competence; to guide provincial/municipal People's Committees in making registration and registry for fishing ships and crew members according to their competence.

2. To specify:

a) The organization, operation and competence of registry agencies, fishing ship and crew member registration offices;

b) The order and procedures of registry, registration of fishing ships and crew members; the renaming of fishing ships; re-registration and registration change; registration deletion; registration of pledge, mortgage and seizure of fishing ships;

c) Dossiers, forms of papers used in registry, registration of fishing ship and crew members;

d) The grant of papers (books) certifying technical safety of fishing ships; granting of crew books;

e) Model number plates of fishing ships for use nationwide.

f) Title and position criteria, number of crew members for each type of fishing ships; branch standards applicable to fishing ships;

g) The regime of training, testing and granting certificates to crew members for corresponding types of fishing ship;

h) Conditions on safety for people and fishing ships not subject to registry.

3. To coordinate with ministries, branches,

provincial/municipal People's Committees in organizing, directing activities of ensuring safety for people and fishing ships; prevent and fight floods and storms, conduct search and rescue and overcome consequences and at the same time contribute to maintaining security and order in water areas.

4. To assume the prime responsibility for, and coordinate with the concerned ministries and branches in, formulating, and organizing the implementation of, program on assurance of safety for people and means engaged in fisheries activities.

Article 15.- Responsibilities of the concerned ministries, branches

1. The Ministry of Transport shall assume the prime responsibility for, and coordinate with the Ministry of Fisheries in, guiding the assurance of maritime safety, waterway traffic safety; to regularly inspect, maintain sea port lanes and systems of signal buoys in port water areas, inland water areas, navigation safety lights; direct Vietnam maritime safety assurance organizations to hang up signals on tops of light houses for warning storms, tropical high pressures when they appear.

2. The Ministry of Defense shall assume the prime responsibility for, and coordinate with the National Committee for Search and Rescue and the Central Committee for Flood and Storm Prevention and Fighting in, firing storm signals at key river mouths, ports, fish wharfs and fishing grounds when storms appear; direct the border-guard, coast-guard forces to coordinate with police forces, aquatic resource protection inspectorates and local administrations in strictly controlling fisheries activities by people and fishing ships, resolutely not permitting them to conduct fisheries activities when they are not fully equipped with

safety facilities; to provide timely rescue to people and fishing ships in case of necessity.

3. The Ministry of Natural Resources and Environment, the Ministry of Culture and Information, the Radio Voice of Vietnam, Vietnam Television Station and local radio and television stations shall have to receive, follow and promptly announce climatic and hydrographic information related to fisheries activities.

Article 16.- Responsibilities of provincial/municipal People's Committees

1. To propagate and educate fishermen and fishing ship owners about the benefits and importance of the full refurbishing of safety equipment and the purchase of crew accident insurance in order to ensure safety for people and fishing ships engaged in fisheries activities; to train fishermen in knowledge and operation to ensure fishing safety.

2. To direct professional agencies in organizing the registration of fishing ships, registration of crew members; examine and grant technical safety certificates to fishing ships according to regulations; to license aquatic resource exploitation.

3. To organize and direct the development of production, and at the same time ensure safety for people and fishing ships, maintain security and order in water areas assigned to them for management.

4. To promptly realize the orders of the Central Committee for Flood and Storm Prevention and Fighting and the National Committee for Search and Rescue; to firmly grasp the number of people and fishing ships as well as their operation areas; to promptly notify the weather situation to people and fishing ships operating in water areas assigned to them for management; to organize search and

rescue, help fishermen quickly overcome consequences and stabilize their production and lives.

5. To formulate plannings and organize the implementation of plannings on construction of fish ports, fish wharfs, storm-sheltering areas for fishing ships, the local storm-warning systems.

Chapter V

IMPLEMENTATION PROVISIONS

Article 17.- Implementation effect

This Decree replaces the Government's Decree No. 72/1998/ND-CP of September 15, 1998, on ensuring safety for people and fishing ships operating on sea, Decree No. 80/2002/ND-CP of October 15, 2002, amending and supplementing a number of articles of Decree No. 72/1998/ND-CP of September 15, 1998, and the fishing ship registration and registry provisions of the Government's Decree No. 91/CP of August 23, 1997, promulgating the Regulation on fishing ship and crew member registration.

This Decree takes effect 15 days after its publication in the "CONG BAO."

Article 18.- Implementation responsibility

Ministers, heads of ministerial-level agencies, heads of Government-attached agencies, and presidents of provincial/municipal People's Committees shall have to implement this Decree.

On behalf of the Government

Prime Minister

PHAN VAN KHAI