

**THE MINISTRY OF AGRICULTURE AND
RURAL DEVELOPMENT**

**DECISION No. 85/2008/QĐ-BNN OF
AUGUST 6, 2008, PROMULGATING THE
REGULATION ON MANAGEMENT OF
AQUATIC BREED PRODUCTION AND
TRADING**

**THE MINISTER OF AGRICULTURE AND
RURAL DEVELOPMENT**

*Pursuant to the Government's Decree No. 01/
2008/ND-CP of January 3, 2008, defining the
functions, tasks, powers and organizational*

structure of the Ministry of Agriculture and Rural Development;

Pursuant to the XIth National Assembly's Fisheries Law No. 17/2003/QH11 of November 26, 2003;

Pursuant to the XIth National Assembly Standing Committee's March 24, 2004 Ordinances No. 16/PL-UBTVQH11, on Animal Breeds, and No. 15/PL-UBTVQH11, on Plant Varieties;

Pursuant to the Government's Decree No. 59/2005/ND-CP of May 4, 2005, on conditions on a number of fisheries production and business lines;

At the proposal of the Director of the Aquaculture Department,

DECIDES:

Article 1.- To promulgate together with this Decision the Regulation on management of aquatic breed production and trading.

Article 2.- This Decision takes effect 15 days after its publication in "CONG BAO."

Article 3.- The director of the Office, heads of Departments, Bureaus and the Inspectorate of the Ministry, directors of provincial/municipal Agriculture and Rural Development Services, and heads of concerned agencies shall implement this Decision.

*For the Minister of Agriculture
and Rural Development
Vice Minister
NGUYEN VIET THANG*

REGULATION ON MANAGEMENT OF AQUATIC BREED PRODUCTION AND TRADING

(Promulgated together with the Agriculture and Rural Development Minister's Decision No. 85/2008/QD-BNN of August 6, 2008)

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation and subjects of application

1. This Regulation provides for uniform management of the production and trading of aquatic breeds for rearing.

2. This Regulation applies to organizations and individuals engaged in aquatic breed production and trading activities in the Vietnamese territory and concerned state management agencies.

Article 2.- Interpretation of terms

In this Regulation, the terms below are construed as follows:

1. Commercial aquatic breeds comprise aquatic animal breeds, amphibian breeds and aquatic plant varieties for rearing.

2. Aquatic breed production and trading covers activities of propagating, rearing, domesticating, transporting and providing services on, commercial aquatic breeds.

Chapter II

MANAGEMENT OF AQUATIC BREED PRODUCTION AND TRADING

Article 3.- Conditions on aquatic breed production and trading

Aquatic breed producers and traders must satisfy the conditions specified in Article 11 of the Government's Decree No. 59/2005/ND-CP of May 4, 2005, on conditions on a number of fisheries production and business lines, specifically as follows:

1. To possess an aquatic breed business registration certificate granted by a competent state management agency (except for low-income household-rearing, domesticating and providing services on animal breeds on a small scale under Clause 2, Article 24 of the Government's Decree No. 109/2004/ND-CP of April 2, 2004, on business registration, and Clause 3, Article 2 of Decree No. 59/2005/ND-CP).

2. The construction site of an aquatic breed production and trading establishment must conform with the local planning.

3. The establishment's size and its material and technical foundations, technical equipment, systems of water supply and drainage and wastewater treatment, means of transport, and storage facilities must meet production and trading requirements for each group and grade of aquatic breeds according to Vietnam standards and branch standards; the establishment must be certified by a competent local agency as meeting aquatic veterinary hygiene requirements and satisfy eco-environment protection requirements according to law.

4. To keep records on breed production and trading:

A breed fish artificial reproduction establishment must keep records on individual fish in the parent fish flock and must mark each fish by sticking a chip or a number to it, placing a mark on its fin or number on its head. The establishment must keep books recording the

purebred origin of the fish, time of selection, weights, characteristics, times of reproduction, spawning results; rearing methods (feed and way of feeding, water stimulus method, sexual maturity in each examination); production results of each batch of breeds (number of participating fish, their weights, use of gonadotrophic hormones, breeding environment conditions, quantity of spawn and fries of each breeding).

A breed prawn artificial reproduction establishment must keep records on the parent prawn flock, their origins and dairies on methods of caring and feed use, the fish's health status and examination of diseases, sexual maturity throughout the rearing, environment conditions and reproduction results of each batch.

A breed rearing establishment must have ponds or tanks to separate newly received breeds for 1-2 days to examine their diseases and health to ensure they are disease-free before rearing; and keep dairies recording the rearing of each batch (time of rearing, quantity, methods of caring and feed use, development status, weather conditions, signs of reared breeds, regular examination of diseases and rearing results).

5. An establishment producing and trading in parent breeds and commercial breeds must have technicians possessing certificates of aquatic breed production or aquaculture techniques;

6. An establishment producing and trading in purebred breeds, grandparent and great-grandparent breeds must have technicians holding a university or higher degree on aquaculture or biology.

7. An establishment importing aquatic breeds for trading must have isolated rearing zones to monitor the breeds' health status and epidemics and possess a certificate of aquatic veterinary

hygiene.

Article 4.- Compulsory technical processes

Aquatic breed traders must carry out technical processes and meet veterinary hygiene and water environment protection requirements under the Fisheries Ministry's Circular No. 02/2006/TT-BTS of March 20, 2006, guiding the implementation of Decree No. 59/2005/ND-CP and the Fisheries Ministry's (now the Agriculture and Rural Development Ministry) Decision No. 21/2006/QĐ-BTS of December 1, 2006, promulgating the list of aquatic breeds subject to branch standards.

Natural breeds may only be sold on the market after being cultured and domesticated to reach the sizes set by branch standards.

The use of feed, veterinary medicines, biological preparations, microorganisms and chemicals in aquatic breed production and trading complies with current law.

Article 5.- Use of parent breeds for commercial breed production

1. Establishments artificially reproducing *tra* catfish breeds and producing unisexual tilapia must use parent breed flocks satisfying branch standards on quality, possess a certificate of purebred origin received from aquatic breed centers (of research institutes or provinces) or establishments having a business registration certificate of purebred breeds, grandparent and parent breeds; and may use each individual *tra* catfish for reproduction for no more than 2 times a year and each individual tilapia, for no more than 5 times.

2. Black tiger prawn (*Penaeus monodon*) artificial reproduction establishments may only use parent flocks for artificial reproduction for no

more than 3 times/prawn; and must produce a quarantine certificate for natural parent breeds; and a certificate of origin and quarantine certificate for imported parent breeds.

3. White leg shrimp (*Penaeus vannamei*) artificial reproduction establishments must use parent flocks having a Specific Pathogen Free (SPF) or Specific Pathogen Resistant (SPR) certificate and a quarantine certificate, and comply with the Agriculture and Rural Development Ministry's regulations on size, production site and breed quarantine.

Article 6.- Aquatic breed quality announcement

1. Every batch of commercial aquatic breeds of the major groups below is subject to quality announcement before sale:

a/ Crustacean cultured in brackish or sea water: Black tiger prawn (*Penaeus monodon*) and white leg shrimp (*Penaeus vannamei*);

b/ Sea fish: Seabass (*Lates calcarifer*), species of grouper (*Epinephelus sp*), cobia (*Rachycentron canadum*);

c/ Mollusk: Asiatic hard clam (*Meretrix meretrix*);

d/ Freshwater aquatic products: *tra* catfish (*Pangasius hypophthalmu*), basa catfish (*Pangasius bocourti*), Nile tilapia (*Oreochromis niloticus*) and giant river prawn (*Macrobrachium rosenbergii*).

2. To encourage the quality announcement of other aquatic breeds before sale.

3. Contents of aquatic breed quality announcement comply with the Agriculture and Rural Development Ministry's Decision No. 03/2007/QĐ-BNN of January 19, 2007,

promulgating the Regulation on quality announcement for agricultural products and commodities, specifically as follows:

a/ Aquatic breed quality standards to be announced include Vietnam standards, branch standards promulgated before December 31, 2006, international or regional standards, foreign standards applicable to establishments' breed production and establishments' own standards.

b/ Organizations and individuals announcing aquatic breed quality must possess a business registration certificate.

c/ A quality announcement dossier shall be made in two sets, each comprising:

- A statement on aquatic breed quality standards.

- Aquatic breed quality standards to be announced, enclosed with the promulgation decision (certified true copy of the original).

Attachment of the standards is not required for the announcement of Vietnam standards or branch standards promulgated before December 31, 2006.

Attachment of the standards to the promulgation decision (the original or certified true copy) is required for the announcement of establishment standards or foreign standards.

- Goods label (the original).

d/ Quality announcement order:

- An aquatic breed trading establishment shall submit its breed quality announcement dossier to the Fisheries or Aquaculture Sub Department (collectively referred to as Fisheries Sub-Department) under the Agriculture and Rural Development Service of the locality where the establishment is headquartered for comparison

and grant of a receipt slip;

- The Fisheries Sub-Department shall receive the dossier and issue a receipt slip; within 5 working days, it shall evaluate the standards and guide the establishment in supplementing incomplete dossiers. When the dossier is valid, within 10 working days, the Sub-Department shall certify the aquatic breed quality announcement (quality standard announcement form in Appendix 1 and receipt slip form in Appendix 2 to this Decision, *not printed herein*).

- When changing its aquatic breeds quality norms, the establishment shall carry out breed quality announcement procedures again;

- The establishment is not required to pay fees for its standard announcement.

Article 7.- Goods labeling

The aquatic breeds specified in Clause 1, Article 6 of this Regulation must be labeled upon circulation.

The labeling of aquatic breed batches complies with the Government's Decree No. 89/2006/ND-CP of August 30, 2006, on goods labels and the Science and Technology Ministry's Circular No. 09/2007/TT-BKHHCN of April 6, 2007, guiding the implementation of a number of articles of Decree No. 89/2006/ND-CP, on goods labels, and must fully cover the following contents:

1. Name of the aquatic breed (and its scientific name);

2. Name and address of the organization or individual responsible for the aquatic breed;

3. Origin of the breed (not required for domestically produced breeds for domestic circulation which already have the producer's address);

4. Quantity of the breed;

5. Days of age or length of the breed, or its weight, and sexual maturation stage, for parent breeds;

6. Date of production (date of ex-works or date of delivery for sale);

7. Expiry date;

8. Instructions for use, transportation and preservation.

Article 8.- Breeds and diseases subject to quarantine

1. Before sale, black tiger prawn and white leg shrimp must be quarantined to be free from the following dangerous diseases: white spot syndrome virus (WSSV), yellow head virus (YHV), monodon baculovirus (MBV) and taura syndrome virus.

2. Before sale, *tra* catfish breeds must be quarantined to be free from ulcer hepatopancreas and white gills diseases caused by *edwardsiella tarda* virus, resulting in mass death of fish.

3. Before sale, lobster breeds must be quarantined for black gills and red tail (gaffkemia) diseases and a shrimp disease caused by rickettsia-like bacteria.

4. Before sale, other commercial aquatic breeds specified in Clause 1, Article 6 of this Regulation must be quarantined according to the Agriculture and Rural Development Ministry's regulations and have a quarantine slip issued by a competent animal health agency of the locality where they are produced.

5. All imported living aquatic species (including those for food) are subject to compulsory quarantine.

Article 9.- Quarantine and handling upon detection of diseases

1. Quarantine of aquatic breeds shall be conducted by animal health agencies according to the Regulation on order of and procedures for animal and animal product quarantine and veterinary hygiene examination, promulgated together with the Agriculture and Rural Development Minister's Decision No. 15/2006/QĐ-BNN of March 8, 2006.

2. Contents of aquatic breeds quarantine comply with the Government's Decree No. 33/2005/ND-CP of March 15, 2005, detailing the implementation of a number of articles of the Animal Health Ordinance, and other current provisions of law.

a/ Requirements on quarantine of the aquatic breeds specified in Clause 1, Article 6 of this Regulation are prescribed below:

- Before dispatching a batch of breeds from a breed farm, the establishment shall make declaration and submit a quarantine dossier, made according to a set form, to the local animal health management agency for quarantine and grant of a quarantine slip for that batch; breeds circulated without a quarantine slip are subject to culling.

- When detecting through quarantine that a batch of breeds has a rate of infection higher than the prescribed limit for each type of disease, the quarantine agency shall request and guide the establishment owner to promptly cull the entire batch and disinfect the production establishment.

- When a breed buyer takes sample breeds from a production establishment for pre-procurement disease testing with advanced methods (PCR) by a technically viable organization or individual and testing results show that the breeds are infected with any disease specified in Clauses 1 and 2,

Article 8 of this Regulation, and inform establishment thereof, the establishment may not sell the batch of infected breeds and shall promptly report to the local animal health management agency for guidance on culling and disinfection before producing a new batch.

b/ All imported aquatic breeds are subject to border-gate quarantine procedures and must be reared separately for 1-2 or more days to monitor their health status and adaptation to the environment and may only be put into production after being certified as disease-free by a quarantine agency.

Article 10.- Export and import of aquatic breeds

The export and import of aquatic breeds comply with the Fisheries (now Agriculture and Rural Development) Minister's Decision No. 15/2006/QĐ-BTS of September 8, 2006, promulgating the Regulation on management of import and export of fisheries commodities.

For aquatic breeds subject to import or export licensing (those not on the list of aquatic breeds permitted for import, including living species for food), importers or exporters shall submit a permit application dossier to the Ministry of Agriculture and Rural Development's Aquaculture Department for dossier appraisal and licensing.

- Within 5 working days, the Aquaculture Department shall evaluate the application dossier and notify the applicant of the results, clearly stating the reason and requesting supplements if the dossier fails to meet requirements.

- Within 10 working days from the date of receiving a valid dossier, the Aquaculture Department shall grant an import permit or export permit.

Article 11.- Collection and use of fees and charges

Fees and charges for the state management of aquatic breeds and aquatic breed quality assessment and quarantine services may be collected according to current law and at the rates specified in the Finance Ministry's Decision No. 22/2006/QĐ-BTC of April 4, 2006, on the regime for collection, management and use of fees and charges for management of aquatic veterinary hygiene, safety and quality.

Chapter III

INSPECTION, EXAMINATION AND DISPUTE SETTLEMENT

Article 12.- Inspection, examination and supervision of aquatic breed production

1. All aquatic breed traders in provinces and centrally run cities are subject to the inspection, examination and supervision by respective local Agriculture and Rural Development Services.

2. The Aquaculture Department shall organize and uniformly direct the inspection and examination of the observance of law in aquatic breed production and trading activities; examine its attached units and provincial/municipal Agriculture and Rural Development Services in performing their tasks related to the regulation on aquatic breed management; directly examine activities of centrally managed aquatic breed establishments and foreign-owned breed production and trading establishments in Vietnam; directly examine, or coordinate with concerned state agencies in inspecting and examining, aquatic breed production and trading activities in localities.

3. The Aquaculture Department or provincial/municipal Agriculture and Rural Development

Services shall conduct regular or irregular inspection or examination when necessary.

Article 13.- Contents of inspection and examination of aquatic breed trading

1. To inspect and examine actual activities of organizations and individuals against the contents of their production and business registration certificates, including:

a/ Conditions of the breed production and trading establishment;

b/ Observance of the compulsory technical process;

c/ Sources of parent breeds for artificial reproduction;

d/ Use of parent breed flocks for production of commercial breeds;

e/ Breed production methods;

f/ Quality of produced breeds;

g/ Production schedules and crops;

h/ Modes and equipment for breed transportation;

i/ Labels of breeds, codes of breed sources or published documents on breeds;

j/ Observance of veterinary hygiene, environment and quarantine regulations.

2. In addition to the above contents, to examine other contents related to breed production upon customer complaints.

Chapter IV

COMMENDATION, HANDLING OF VIOLATIONS, SETTLEMENT OF COMPLAINTS AND DENUNCIATIONS

Article 14.- Commendation, and handling of

violations

1. Organizations and individuals recording achievements in aquatic breed production and trading may be commended according to current regulations.

2. Aquatic breed trading establishments' violations detected through inspection or examination shall be handled according to current law; goods owners shall cover all expenses incurred in the course of handling.

3. State management agencies' organizations and individuals violating the law in aquatic breed management activities and causing damage to production shall, depending on the nature and severity of their violations, be handled according to current law.

4. Organizations and individuals may lodge complaints and denunciations about acts of violation in the management, and production and trading of aquatic breeds with competent state agencies according to the law on complaints and denunciations and other relevant laws.

Chapter V

STATE MANAGEMENT RESPONSIBILITIES

Article 15.- Management decentralization

1. The Aquaculture Department shall:

a/ Perform the state management of aquatic breed production and trading nationwide.

b/ Evaluate permit application dossiers and grant permits for import of new aquatic breeds for production and trading, or conduct appraisal or testing for the former National Fisheries Quality Assurance and Veterinary Department (NAFIQUAVED).

c/ Organize the examination, inspection and assessment of consolidated aquatic breed production zones' observance of management regulations.

d/ Organize the examination and grant of certificates of eligibility for aquatic breed production and trading to production and trading establishments.

e/ Coordinate with the Animal Health Department in directing the prevention and control of diseases in aquatic breed production and trading, examining and certifying establishments in meeting aquatic veterinary hygiene and aquatic breed quarantine.

f/ Coordinate with the Science, Technology and Environment Department, Agricultural, Forest and Aquatic Product Quality Control Department and Bureaus, Departments and research institutes of the branch, and concerned state management agencies in guiding and directing aquatic breed production and trading activities in meeting requirements.

2. Provincial/municipal Agriculture and Rural Development Services shall:

a/ Perform the state management of aquatic breed production and trading within their provinces or cities;

b/ Grant certificates to establishments eligible for aquatic breed production and trading according to law;

c/ Organize the examination and inspection of aquatic breed establishments in observing management regulations in localities under their management;

d/ In April and November every year, report to the Aquaculture Department on the aquatic breed management in their provinces or cities.

3. The Animal Health Department shall examine veterinary hygiene of aquatic breed production establishments and grant certificates of veterinary hygiene, organize the quarantine of aquatic breeds and coordinate with functional agencies in handling aquatic breed producers and traders violating aquatic veterinary regulations.

4. District-level agriculture state management agencies shall:

a/ Perform the state management of aquatic breed production and trading in their localities under Article 11 of this Regulation.

b/ Coordinate with commune-level People's Committees in organizing and guiding seasonal production as well as local regulations on community management, and, when detecting epidemics, promptly deal with them according to the aquatic veterinary agency's guidance on epidemic prevention and control.

Chapter VI

IMPLEMENTATION PROVISION

Article 16.- The Director of the Aquaculture Department and directors of provincial/municipal Agriculture and Rural Development Services shall, within the ambit of their functions, tasks and powers, guide the implementation of this Regulation.

In the course of implementing this Regulation, any arising problems should be reported to the Ministry of Agriculture and Rural Development for study and settlement.

*For the Minister of
Agriculture and Rural Development
Vice Minister
NGUYEN VIET THANG*