

**Part I. LEGAL DOCUMENTS**

**THE GOVERNMENT**

**Decree No. 52/2010/ND-CP of May 17, 2010, on import of fishing vessels**

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 Agriculture and Rural Development,*

DECREES:

*Chapter I*

GENERAL PROVISIONS

**Article 1.** Scope of regulation and subjects of application

1. This Decree provides conditions and procedures for importing fishing vessels and registering imported fishing vessels; competence of state agencies to permit the import of fishing vessels and register imported fishing vessels.

2. This Decree applies to Vietnamese organizations and individuals involved in importing fishing vessels.

3. This Decree does not apply to:

a/ Vietnamese fishing vessels repaired overseas and returning to the country;

b/ Foreign fishing vessels auctioned in Vietnam.

**Article 2.** Interpretation of terms

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

1. Import of fishing vessels means purchase of foreign fishing vessels or receipt of fishing vessels donated by foreign governments, organizations or individuals to Vietnam.

2. Imported fishing vessels means fishing vessels registered overseas, including fishing vessels, fishing service vessels, fisheries patrol vessels, fisheries survey and research vessels.

3. Used fishing vessel means a fishing vessel already registered overseas.

4. Imported newly built fishing vessel means a fishing vessel built in a foreign shipyard and not yet registered overseas.

5. Imported fishing vessel of lawful origin means a fishing vessel not in violation of law and possessing a sufficient and clear registration and register dossier (for used fishing vessels) or an ex-works dossier and vessel engine and equipment records (for newly built fishing vessels).

6. Fishing vessel import contract (or equivalent written agreements) means a contract for purchase of a foreign fishing vessel.

7. Fishing vessel importer means a Vietnamese organization or individual that purchases a foreign fishing vessel or receives a fishing vessel donated by a foreign government, organization or individual.

8. Main engine of a vessel means an engine with a fixed stand and fitted with a screw propeller shaft system and propellers for propelling the vessel.

9. Main engine total capacity of a vessel means the total capacity of main engines fitted to the vessel.

10. Equipping of advanced fishing gears means equipping of machines and equipment for fishing, such as hydraulic windlass, positioning devices, radar, echo-sounder, fish detector, radio equipment, etc., to assure safe and effective fishing with the least labor.

11. Equipping of advanced fisheries preservation equipment means equipping of equipment on board a vessel to keep aquatic resources in good quality, including freezing system, ice-making system, refrigerated hold and isolated hold.

**Article 3.** Principles of import of fishing vessels

1. Import of fishing vessels must be compliant with this Decree and relevant regulations.

2. Import of fishing vessels must be in line with national and local fisheries development master plan and plans.

3. Imported fishing vessels must satisfy conditions of technical safety for vessels and crewmembers working on board, conform to technical safety and environmental pollution prevention standards prescribed by Vietnamese law and treaties which Vietnam has signed or acceded to.

4. Before operation, imported fishing vessels must be inspected and registered together with their crewmembers and be granted fishing licenses under law.

### *Chapter II*

## CONDITIONS, ORDER AND PROCEDURES FOR IMPORTING FISHING VESSELS

**Article 4.** General conditions on imported fishing vessels

1. Being of lawful origin.

2. Having a main engine total capacity of at least 400 h.p. (except fishing vessels donated by foreign governments, organizations and individuals to Vietnam which are not subject to any main engine total capacity limit).

3. Being equipped with advanced fishing gears and fish preservation equipment (for fishing vessels and fishing service vessels).

**Article 5.** Conditions for importing a used fishing vessel

1. Satisfying the conditions specified in Article 4 of this Decree.

2. Its age (counted from the year of building to the date of import) must not exceed:

a/ Five years, for fishing vessels with wooden hulls;

b/ Eight years, for fishing vessels with steel hulls.

3. Its main engine(s) (counted from the year of building to the date of import) must not be more than 2 years older than the vessel's age.

4. Its technical conditions and equipment for environmental pollution prevention are inspected and certified by the Vietnam Fishing Vessel Register.

If it has obtained a written record of verification of technical conditions issued by a foreign register, such record shall be checked and certified by the Vietnam Fishing Vessel Register as compliant with Vietnamese law.

**Article 6.** Conditions for importing a newly built fishing vessel

1. Satisfying the conditions specified in

Article 4 of this Decree.

2. Having all the following documents:

a/ Ex-works dossier of the shipyard;

b/ Records of vessel engines;

c/ Records of gears and equipment fitted on board the vessel.

**Article 7.** Order and procedures for importing a fishing vessel

1. The importer of a fishing vessel shall make an application for permission to import a fishing vessel (made according to the form provided in Appendix 1 – not printed herein) and send it, enclosed with a dossier, to the competent authority defined in Article 15 of this Decree.

2. Within 7 working days, based on the fisheries local development master plans, the competent authority shall consider and permit in writing the import of a fishing vessel.

If finding that the dossier is invalid or not permitting the import, the competent authority shall notify such to the import applicant for supplementation of the dossier or reply in writing, clearly stating the reason for non-permission.

3. The competent authority's written permission for fishing vessel import shall be sent to the import applicant and concurrently to concerned agencies: the Ministry of National Defense (the Border Guard Command), the Ministry of Finance and the General Department of Customs.

4. After the imported fishing vessel arrives in Vietnam and before it is put into operation, the vessel owner shall carry out procedures in compliance with this Decree and relevant regulations.

**Article 8.** Dossier for import of a used fishing vessel

A dossier for import of a used fishing vessel comprises:

1. The (original) fishing vessel import contract.

2. The (original) written record of verification of technical conditions and equipment for environmental pollution prevention of the fishing vessel to be imported, issued by the Vietnam Fishing Vessel Register.

In case the imported fishing vessel has a written record of verification of technical conditions issued by a foreign register, such (original) record must be enclosed with a (notarized) Vietnamese translation.

**Article 9.** Dossier for import of a newly built fishing vessel

A dossier for import of a newly built fishing vessel comprises:

1. The (original) fishing vessel import contract.

2. The (original) ex-works dossier of the vessel issued by the shipyard.

3. The (original) records of vessel engines.

4. The (original) records of equipment and gears fitted on board the vessel.

**Article 10.** Dossier for import of a donated fishing vessel

A dossier for import of a donated fishing vessel comprises:

1. The competent authority's (original) written permission for receiving of the fishing vessel donated by a foreign government, organization or individual.

2. The dossier of the vessel corresponding to each type of vessel as specified in Articles 8 and 9 of this Decree.

### Chapter III

## REGISTRATION OF IMPORTED FISHING VESSELS

**Article 11.** Conditions on registration of an imported fishing vessel

1. The fishing vessel has arrived in Vietnam.
2. The importer has completed import procedures.
3. The importer has paid all taxes prescribed by Vietnamese law (except temporarily registered fishing vessels).
4. The fishing vessel has been issued a register and relevant written records of technical safety inspection by a competent Vietnam Fishing Vessel Register under Vietnamese law.

**Article 12.** Registration of an imported fishing vessel

1. The importer shall submit a dossier for fishing vessel registration to the fishing vessel registration agency defined in Article 16 of this Decree.
2. Indefinite registration of fishing vessels:  
Indefinite registration of a fishing vessel is official registration and the registered fishing vessel shall be issued a registration certificate of Vietnamese fishing vessel which is valid for an indefinite duration.
3. Temporary registration of fishing vessels:
  - a/ Temporary registration of a fishing vessel is unofficial registration and the registered fishing vessel shall be issued a temporary registration

certificate of Vietnamese fishing vessel which is valid for a definite duration;

b/ Temporary registration of a fishing vessel is applied in case an imported fishing vessel has arrived in Vietnam for which taxes have not yet been fully paid under Vietnamese law;

c/ The maximum validity duration of a temporary registration certificate of fishing vessel is 90 days;

d/ Upon official registration, the vessel owner only needs to add documents required in the dossier for official registration.

4. Grant of registration certificates of fishing vessels

Within 7 working days after receiving a complete and valid dossier, the fishing vessel registration agency shall grant a registration certificate of fishing vessel to the importer and register the vessel in the Vietnam National Vessel Registration Book.

In case of an invalid dossier, the fishing vessel registration agency shall notify such to the importer for supplementation of the dossier or reply in writing, clearly stating the reason for refusal to grant a certificate.

**Article 13.** Dossiers for indefinite registration of a fishing vessel

1. Dossier to be submitted to the fishing vessel registration agency comprises:
  - a/ The declaration form for fishing vessel registration (made according to the form provided in Appendix II - *not printed herein*);
  - b/ The competent authority's (original) written permission for the import of a fishing vessel;
  - c/ The (original) certificate of deregistration enclosed with a (notarized) Vietnamese

translation, for used fishing vessels;

d/ A notarized copy of the customs declaration with the certification of customs procedure completion;

e/ Notarized copies of receipts of tax payments under Vietnamese law;

f/ Two color photos of the imported fishing vessel, sized 9 cm x 12 cm and taken alongside the vessel.

2. Dossier to be produced at the fishing vessel registration agency comprises:

a/ The original ex-works dossier of the vessel made by the shipyard and original records of vessel engines and equipment and gears fitted on board the vessel, for newly built fishing vessels;

b/ The fishing vessel register book granted by a competent Vietnam fishing vessel register;

c/ The technical safety certificate of fishing vessel granted by a competent Vietnam fishing vessel register.

**Article 14.** Dossiers for temporary registration of a fishing vessel

Dossiers of application for temporary registration of a fishing vessel are those specified in Article 13 of this Decree, except Point e, Clause 1.

#### Chapter IV

#### COMPETENCE TO DECIDE ON IMPORT OF FISHING VESSELS AND REGISTER IMPORTED FISHING VESSELS

**Article 15.** Competence to decide on import of fishing vessels

1. The Ministry of Agriculture and Rural Development shall decide on the import of the following kinds of fishing vessels:

a/ Fishing vessels with a total main engine power of at least 400 h.p. and a designed water-line length of at least 20 meters;

b/ Fishing vessels donated by foreign governments, organizations and individuals to Vietnam;

c/ Fishing vessels of units of the Ministry of Agriculture and Rural Development and other ministries and branches;

d/ Fishing vessels of joint ventures with foreign parties;

e/ Fisheries patrol vessels; fisheries research, survey and exploration vessels.

2. Provincial-level People's Committees shall decide on the import of fishing vessels other than those specified in Clause 1 of this Article.

**Article 16.** Competence to register imported fishing vessels

1. The Ministry of Agriculture and Rural Development shall:

a/ Organize the registration of fishing vessels and their crewmembers, for fishing vessels specified in Clause 1, Article 15 of this Decree;

b/ Guide the registration of fishing vessels and their crewmembers nationwide under regulations.

2. Provincial-level People's Committees shall:

a/ Organize the registration of fishing vessels and their crewmembers under regulations, for vessels specified in Clause 2, Article 15 of this Decree;

b/ Make statistics on imported fishing vessels in their localities, and periodically report thereon to the Ministry of Agriculture and Rural Development.

*Chapter V*RESPONSIBILITIES OF STATE AGENCIES  
FOR IMPORT OF FISHING VESSELS

**Article 17.** Responsibilities of the Ministry of Agriculture and Rural Development

1. To perform the state management of imported fishing vessels and registration thereof.

2. To direct specialized agencies in registering fishing vessels and their crewmembers, inspecting and granting certificates of technical safety of imported fishing vessels, and granting fishing licenses according to their competence.

3. To guide provincial-level People's Committees in organizing the import of fishing vessels and registration of imported fishing vessels and their crewmembers, and granting fishing licenses according to their competence.

4. To inspect, examine, settle complaints and denunciations, and handle violations in the import of fishing vessels under law.

**Article 18.** Responsibilities of provincial-level People's Committees

1. To perform the state management of imported fishing vessels and registration thereof in their localities in conformity with the fisheries development master plan.

2. To direct specialized agencies in registering fishing vessels and their crewmembers, inspecting and granting certificates of technical safety of imported fishing vessels, and granting fishing licenses according to their competence.

3. To direct and guide organizations and individuals that have fishing vessels engaged in fishing activities in complying with regulations and assuring safety for humans and vessels in operation.

4. To inspect, examine, settle complaints and denunciations, and handle violations in the import of fishing vessels under law.

**Article 19.** Responsibilities of concerned ministries and branches

The Ministry of National Defense, the Ministry of Public Security, the Ministry of Industry and Trade, the Ministry of Finance, the General Department of Customs and other concerned ministries and branches shall, within the ambit of their functions, tasks and powers, coordinate with the Ministry of Agriculture and Rural Development and provincial-level People's Committees in performing the state management of the import of fishing vessels.

*Chapter VI*

## ORGANIZATION OF IMPLEMENTATION

**Article 20.** Effect

This Decree takes effect on August 1, 2010.

**Article 21.** Implementation responsibility

1. The Minister of Agriculture and Rural Development shall assume the prime responsibility for, and coordinate with concerned ministries and branches and provincial-level People's Committees in, organizing the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, and chairpersons of provincial-level People's Committees shall implement this Decree.-

*On behalf of the Government*  
Prime Minister  
NGUYEN TAN DUNG