

**THE MINISTRIES**

**THE MINISTRY OF AGRICULTURE AND  
RURAL DEVELOPMENT**

**Circular No. 41/2010/TT-BNNPTNT of  
July 5, 2010, providing for veterinary  
hygiene inspection and certification for  
fishery production and trading  
establishments**

*Pursuant to the April 29, 2004 Ordinance on  
Animal Health;*

*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, and Decree No. 75/2009/ND-CP  
of September 10, 2009, amending Article 3 of  
Decree No. 01/2008/ND-CP;*

*Pursuant to the Government's Decree No. 33/  
2005/ND-CP of March 15, 2005, detailing a  
number of articles of the Ordinance on Animal  
Health and Decree No. 119/2008/ND-CP of  
November 28, 2008, amending and  
supplementing a number of articles of Decree  
No. 33/2005/ND-CP;*

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

*The Ministry of Agriculture and Rural  
Development provides for veterinary hygiene  
inspection and certification for fishery  
production and trading establishments as  
follows:*

*Chapter I*

**GENERAL PROVISIONS**

**Article 1. Scope of regulation**

This Circular provides for the order,  
procedures and contents of veterinary hygiene  
inspection and certification for fishery production  
and trading establishments and responsibilities  
of concerned organizations and individuals.

**Article 2. Subjects of application**

1. This Circular applies to Vietnamese as well  
as foreign organizations and individuals engaged  
in fishery production and trading activities in the  
Vietnamese territory, including:

a/ Establishments producing or trading in  
fishery seeds;

b/ Concentrated (intensive or semi-intensive)  
aquaculture establishments;

c/ Aquatic animal isolation and quarantine  
centers;

The above-said establishments are  
collectively referred to as establishments.

2. This Circular does not apply to fishery  
production, trading and service households and  
individuals that have no fixed places of business  
and earn low incomes as defined in Clause 2,  
Article 36 of the Government's Decree No. 88/  
2006/ND-CP of August 29, 2006, on business  
registration.

3. Establishments preliminarily processing  
and preserving aquatic animals and products  
from aquatic animals defined in Clause 1, Article  
2 of the Regulation on food hygiene and safety  
inspection and certification for fishery production  
and trading establishments (issued together with  
the Agriculture and Rural Development  
Minister's Decision No. 117/2008/QĐ-BNN of  
December 11, 2008) are not required to register  
for veterinary hygiene inspection under this  
Circular.

**Article 3. Bases for inspection and  
certification**

Clause 2, Article 7 of the Government's Decree No. 33/2005/ND-CP of March 15, 2005, detailing a number of articles of the Ordinance on Animal Health; Articles 11 and 12 of the Government's Decree No. 59/2005/ND-CP of May 4, 2005, on conditions for a number of fishery production and business lines; Vietnam standard TCVN 5945:2005: Industrial wastewater – discharge standards; QCVN 14: 2008/BTNMT – National technical regulation on domestic wastewater; QCVN 02-15: 2009/BNNPTNT: Fishery seed production establishments – Conditions for food safety, biosecurity and environment (issued together with the Agriculture and Rural Development Ministry's Circular No. 82/2009/TT-BNNPTNT) and current Vietnam's regulations and standards on fishery veterinary hygiene conditions.

**Article 4.** Agencies competent to inspect and grant fishery veterinary hygiene certificates

1. The Department of Animal Health shall inspect and grant fishery veterinary hygiene certificates to:

a/ Centrally managed concentrated aquaculture establishments;

b/ National fishery seed production establishments;

c/ Aquatic animal raising establishments registering for certification of disease-free safety;

d/ Imported and exported aquatic animal isolation and quarantine centers.

2. Provincial-level fishery veterinary agencies shall inspect and grant fishery veterinary hygiene certificates to:

a/ Aquatic animal breeding establishments, fishery seed-collecting and -trading establishments and local concentrated aquaculture establishments;

b/ Imported and exported aquatic animal isolation and quarantine centers and aquatic

animal raising establishments registering for certification of disease-free safety under the authorization of the Department of Animal Health.

The above-mentioned agencies are collectively referred to as inspection agencies.

**Article 5.** Forms of fishery veterinary hygiene inspection

1. Inspection for certification of fishery veterinary hygiene, which shall be carried out at:

a/ Establishments registering for inspection for the first time;

b/ Establishments which have been inspected but not yet qualified for the grant of a certificate;

c/ Establishments which have been inspected and granted certificates and now move to other locations;

d/ Establishments which have their certificates invalidated but have completely corrected their errors.

2. Periodical inspection, which shall be carried out once a year at establishments with valid certificates in order to monitor their compliance with fishery veterinary hygiene conditions.

3. Unexpected inspection, which shall be carried out when inspection agencies detect violations of regulations on fishery veterinary hygiene committed by establishments.

4. Verification, which shall be carried out by superior agencies of inspection agencies when inspected establishments disagree with inspection results of inspection teams or upon detecting violations committed in the course of fishery veterinary hygiene inspection.

**Article 6.** Charges and fees

Inspection agencies shall collect and use charges and fees for fishery veterinary hygiene

inspection according to current regulations of the Ministry of Finance.

## Chapter II

### SEQUENCE OF AND PROCEDURES FOR VETERINARY HYGIENE REGISTRATION AND INSPECTION

**Article 7.** Dossiers of registration for veterinary hygiene inspection

1. In case of registering for inspection under Point a or c, Clause 1 of Article 5, the establishment's owner shall send a registration dossier to an inspection agency defined in Article 4. Such a dossier comprises:

a/ A registration for veterinary hygiene inspection (made according to the form provided in Appendix 1 to this Circular – *not printed herein*);

b/ The establishment's layout plan;

c/ A brief report on the establishment's physical foundations and infrastructure facilities (made under the guidance in Appendix 2 to this Circular – *not printed herein*);

d/ The production process (for breeding or aquaculture establishments).

2. In case of registering for re-inspection (under Point b or d, Clause 1, Article 5), the establishment's owner shall send a registration dossier to an inspection agency defined in Article 4. Such a dossier comprises:

a/ A registration for veterinary hygiene inspection (made according to the form provided in Appendix 1);

b/ A report on correction of errors in preserving veterinary hygiene written in the inspection record.

3. For an establishment which has suspended operation for 6 months or more or at least 15 days before the expiration of the fishery

veterinary hygiene certificate, the establishment's owner shall send a registration dossier to a competent inspection agency. Such a dossier comprises:

a/ A registration for veterinary hygiene inspection (made according to the form provided in Appendix 1);

b/ A brief report on the establishment's changes (if any).

**Article 8.** Sequence of inspection

1. Within 1 day after receiving a registration dossier, the competent inspection agency shall check the validity of the dossier. If the dossier is incomplete or invalid, it shall guide the establishment's owner to supplement the dossier according to Article 7 of this Circular.

2. Within 7 days after receiving a valid dossier, professional sections under the inspection agency shall appraise the dossier and propose the head of the inspection agency to issue a decision to form an inspection and verification team (below referred to as inspection team) under Article 9 of this Circular.

3. Within 10 days after the appraisal of dossier is completed, the inspection team shall inspect the establishment's veterinary hygiene conditions.

4. In case of periodical inspection under plan or unexpected inspection at the request of professional sections, the head of the inspection agency shall issue a decision to form an inspection team under Article 9 of this Circular.

5. The inspection agency shall notify the inspection plan to the establishment's owner at least 2 days before carrying out inspection (except for case of unexpected inspection under Clause 3, Article 5 of this Circular).

6. When carrying out inspection at the establishment, the inspection team shall announce the decision on forming the inspection

team to this establishment and carry out **inspection** in line with the contents prescribed in Article 10 of this Circular.

7. Inspection results must be written in an **inspection** record signed by the head of the inspection team and a competent representative of the establishment and affixed with the establishment's seal (if any).

a/ The record shall be made in 2 (two) copies: one to be kept at the inspection agency and the other to be kept at the establishment. More copies may be made, when necessary.

b/ If the establishment's representative refuses to sign the inspection record, he/she may write his/her recommendations or complaints at the bottom of the record. This record is still valid if it bears signatures of all members of the inspection team.

#### **Article 9.** Formation of inspection teams

1. The decision on forming an inspection team must clearly state:

a/ Bases for inspection;

b/ Scope, contents, form and time of inspection and verification;

c/ Name and address of the to-be-inspected and -verified establishment;

d/ Full names and titles of the head and members of the inspection team;

e/ Responsibilities of the establishment and the inspection team.

2. An inspection team shall be composed of at least 3 members, including a head who is a leader of the inspection agency or the head of a professional section under the inspection agency and other members from professional sections of the inspection agency or other units (if any).

**Article 10.** Contents of veterinary hygiene inspection

1. At establishments:

a/ Inspection of hygiene conditions against veterinary hygiene standards applicable to each type of establishment defined in Article 2 of this Circular;

b/ Inspection of infrastructure facilities, equipment, devices and vehicles;

c/ Inspection of the establishment's operation process and actual capacity;

d/ Collection of samples for testing fishery veterinary hygiene criteria;

e/ Examination of other papers related on the founding of the establishment (the business registration certificate granted by a competent state management agency; certificates or professional diplomas of technical staff members).

2. For case of re-inspection under Point b or d, Clause 1, Article 5: Based on the results of the first-time inspection, the inspection team shall inspect the correction of errors and perform jobs defined in Clause 1 of this Article (when necessary).

3. Within 1 day after taking samples, the inspection team shall send samples, enclosed with requirements on to-be-tested criteria, to a qualified laboratory. The laboratory shall send analysis results to the inspection team within 7 days after receiving samples.

#### **Article 11.** Issuance of certificates

1. Within 3 days (after the date of receiving analysis results or the date of inspection – in case no sample is taken), based on the inspection record and analysis results, if any, the inspection agency shall:

a/ In case the establishment satisfies veterinary hygiene conditions and standards, issue a certificate of fishery veterinary hygiene (made according to the form provided in

Appendix 3 to this Circular – *not printed herein*). This certificate will be valid for 5 years after the date of its grant;

b/ In case the establishment fails to satisfy veterinary hygiene conditions and standards, send, on a case-by-case basis, an official letter requesting the establishment to correct errors or remedy violations under Article 12 of this Circular. The establishment's owner shall correct errors detected through inspection based on the inspection team's notice and then prepare a dossier of registration for re-inspection under Clause 2, Article 7 of this Circular;

c/ Upon detecting severe violations of current regulations on veterinary hygiene, make a record and report violations to the inspection agency for proposing competent authorities to handle these violations.

2. Extension of the validity duration of certificates (under Clause 3, Article 7):

a/ In case a periodical inspection has been carried out at the establishment within the past 12 months (counting to the expiration date of the establishment's certificate), within 5 days after receiving a valid dossier of registration for extension, the inspection agency shall, based on periodical inspection results, consider and give an extension of the veterinary hygiene certificate according to Point a, Clause 1 of this Article;

b/ In case a periodical inspection has been carried out at the establishment more than 12 months ago (counting to the expiration date of the establishment's certificate), the inspection agency shall carry out inspection at the establishment under Articles 8, 9 and 10 and Clause 1, Article 11 of this Circular;

c/ An extension paper is valid for 5 years after the date of its grant.

#### **Article 12.** Invalidation of certificates

1. A veterinary hygiene certificate shall be

invalidated in the following cases:

a/ Results of periodical or unexpected veterinary hygiene inspection show that the establishment fails to satisfy veterinary hygiene conditions;

b/ The establishment refuses inspection under this Circular without plausible reasons;

c/ The establishment violates regulations on control and use of banned chemicals or antibiotics.

2. For cases mentioned in Clause 1 of this Article, the inspection agency shall issue a decision to invalidate establishments' certificates. The certificate invalidation decision shall be sent to the establishment concerned and the agency which has granted the establishment's business registration certificate and kept in the inspection agency's files.

3. A certificate invalidation decision contains the following details:

a/ The name of the establishment whose certificate is invalidated;

b/ Reasons for invalidation of the certificate;

c/ Violations which must be remedied and the remedy time limit.

4. After all errors or violations are completely corrected or remedied, establishments unqualified for certification and establishments which have their certificates invalidated mentioned in this Articles shall carry out procedures for registration with inspection agencies under Clause 2, Article 7 of this Circular.

### *Chapter III*

#### ORGANIZATION OF IMPLEMENTATION

#### **Article 13.** Responsibilities of the Department of Animal Health

1. To propose the Ministry of Agriculture and Rural Development to issue technical regulations on veterinary hygiene conditions in fishery

production and trading activities which are governed by this Circular.

2. To provide uniform guidance on, and authorize, veterinary hygiene inspection of fishery production and trading establishments.

3. To plan and carry out periodical inspection and issue fishery veterinary hygiene certificates to establishments according to its competence.

4. To organize training courses on veterinary hygiene inspection for provincial-level fishery veterinary agencies.

5. To verify and supervise veterinary hygiene inspection carried out by provincial-level fishery veterinary agencies.

**Article 14.** Responsibilities of provincial-level fishery veterinary agencies

1. To plan periodical veterinary hygiene inspection of establishments in localities under their management.

2. To inspect and issue certificates to establishments according to their competence.

3. To make quarterly and irregular reports on veterinary hygiene inspection results to the Department of Animal Health.

4. To appoint their staffs to attend training courses on veterinary hygiene inspection.

5. To disseminate and provide guidance on legal documents on veterinary hygiene conditions.

**Article 15.** Responsibilities of establishments' owners

1. To abide by the law on animal health and other laws on fishery veterinary hygiene.

2. To cooperate with, and create favorable conditions for, inspection teams in carrying out veterinary hygiene inspection.

3. To pay charges and fees according to the Ordinance on Animal Health.

4. To notify inspecting agencies defined in Article 4 of this Circular of changes specified at Point c, Clause 1, Article 5 or Clause 3, Article 7 of this Circular.

#### *Chapter IV*

#### IMPLEMENTATION PROVISIONS

**Article 16.** This Circular takes effect 45 days from the date of its signing.

Any difficulties and problems arising in the course of implementation should be reported to the Ministry of Agriculture and Rural Development for timely modification and supplementation.-

*For the Minister of  
Agriculture and Rural Development  
Deputy Minister  
DIEP KINH TAN*