

**NATIONAL ASSEMBLY**

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**SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom - Happiness**

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Law No.: 18/2017/QH14

*Hanoi, November 21, 2017*

## **LAW ON FISHERIES**

*Pursuant to the Constitution of the Socialist Republic of Vietnam;*

*The National Assembly promulgates Law on Fishery*

### **Chapter I**

#### **GENERAL PROVISIONS**

##### **Article 1. Scope**

This Law deals with fishery activities; rights and responsibilities of organizations and individuals involved in fisheries and state administration of fishery.

##### **Article 2. Regulated entities**

This Law applies to Vietnamese organizations and individuals, foreign individuals engaged in fishery in land, islands, archipelago and sea of Vietnam; Vietnamese individuals engaged in commercial fishing activities outside the Vietnam's maritime boundary.

##### **Article 3. Definitions**

For the purpose of this law, the terms below will be construed as follows:

1. "fishery activities" means protection and development of aquatic resources, aquaculture, commercial fishing; processing, sale, purchase, export and import of aquatic products.
2. "aquatic resources" means organisms that live in natural water and have economic, scientific, tourism and entertainment value.
3. "recreation of aquatic resources" means a process of self-recovery, recovery of and increase in aquatic resources.
4. "co-management" means a management method in which the State shares its power and responsibilities with communities in protection of aquatic resources.
5. "community" means an organization established by voluntary members who manage and share their benefits and protect aquatic resources in a certain area. This organization may be a legal

entity or not and shall be recognized and assigned to engage in co-management by a competent authority.

6. “marine protected area (MPA)” means a protected area that is established at sea, islands, archipelagos or in coastal waters to preserve marine biodiversity.

7. “endangered, precious and rare aquatic species” mean aquatic species that spend majority of or the whole life cycle living in water, are valuable to economy, science, health, ecology, scenery and environment; these species have a small population size or are facing extinction.

8. “native aquatic species” means an aquatic originating from and living in the natural environment of a certain geographical region.

9. “aquatic breed” means a species of aquatic animals or seaweeds used for breeding in aquaculture, including animal parents, eggs, sperms, embryos, larvae, body pieces, spores and offspring.

10. “aquatic purebred” means an aquatic breed whose heredity and capacity are stable and having the same genes and phenotypes.

11. “aquatic breed raising” means raising of aquatic larvae through development stages and finishing when they become breeders.

12. “testing of aquatic breeds” means caring, raising and monitoring of aquatic breeds in certain conditions and periods to determine differences, stability and consistency of capacity, quality, resistance and harmful effects of the breeds.

13. “assessment of aquatic breeds” means inspection and re-appraisal of capacity, quality, resistance and characteristics of the aquatic breeds.

14. “aquatic feed” means a product providing nutrients and useful components for growth of aquatic animals, including compound feeds, supplemental substances, fresh feeds and materials.

15. “product for adjusting aquaculture environment” means a product used for adjusting physical, chemical and biological properties of the environment in favor of aquaculture.

16. “testing of aquatic feeds and products for adjusting aquaculture environment” means a process of inspection, assessment and determination of characteristics, uses and effects of aquatic feed and products for adjusting aquaculture environment on the aquaculture environment and aquatic feed safety.

17. “marine aquaculture waters” means an area of sea which includes seawater and seabed determined from the lowest average edge of seawater in multiple years seawards for aquaculture.

18. “commercial fishing” means catching or fishing logistics for catching aquatic resources.

19. "fishing logistics" means exploration and search for, enticement, transport of caught aquatic resources in natural water.
20. "commercial fishing vessels " means watercrafts with engine or not, including vessel for catching aquatic resources and fishing logistics vessels.
21. "ship of fishery authority" means a watercraft for carrying out missions during aquatic resource investigation and assessment; inspecting, patrolling, controlling and supervising fishery activities.
22. "ship officers" means the master, chief engineer officer and title holders as prescribed that are assigned to work on a commercial fishing vessel or a ship of.
23. "crewmembers" means people who are assigned to work on commercial fishing vessels and ships of fishery authorities by the shipowner or master other than ship officers.
24. "fishing port" means a port for commercial fishing vessels, including port land areas and port waters.
25. "land area of fishing port" mean an area used for building quays, warehouses, workshops, head offices, service facilities, systems of traffic, communication, electricity and water and auxiliary works serving the port's operation
26. "fishing port waters" means an area of water used for creating waters in front of quays, turning basins, anchorages, transshipment areas, channels leading to fishing ports and other auxiliary works.
27. "tracing of aquatic product" means monitoring and identification of an aquatic product through each stage of commercial fishing, aquaculture, processing and trading.
28. "impurities" means substances which is not natural component of aquatic products,
29. "regional fisheries management organization (RFMO)" means an organization which is responsible for regulating and taking measures for managing and preserving migratory fishes and aquatic species in international waters.

#### **Article 4. Ownership of aquatic resources**

Aquatic resources are owned by the entire people and managed by the State. Organizations and individuals have the right to catch aquatic resources in accordance with regulations of law.

#### **Article 5. Principles of fishery activities**

1. Fishery activities shall ensure national defense and security.

2. Commercial fishing shall depend on reserve of aquatic resources in combination with protection, recreation and development thereof and shall not exhaust aquatic resources and affect biodiversity; according to ecosystems and scientific indicators, carefully approach to ensure sustainable development.

3. Fishery activities shall adapt to climate change, actively prevent and control natural disasters, ensure safety for people and means of fishery activities; prevent and control aquatic epidemics, ensure food safety and environment safety.

4. Organizations and individuals that enjoy benefits from catching and use of aquatic resources or are involved in sectors producing direct effects on aquatic resources shall their interests and responsibilities ensured.

5. Fishery activities shall meet requirements of international integration and comply with international treaties to which the Socialist Republic of Vietnam is a signatory.

#### **Article 6. The State's policies related to fishery activities**

1. The State introduces investment policies on:

a) Research into, investigation, assessment, protection and recreation of aquatic resources and recovery of aquatic ecosystem; reservation of original breeds of native and endemic aquatic species having economic value and endangered, precious and rare aquatic species;

b) Building class-1 and class-2 fishing ports, sheltering anchorages, necessary infrastructure of MPAs, infrastructure of concentrated aquaculture areas and concentrated areas for producing aquatic breeds;

c) Building a system for monitoring and supervising activities of commercial fishing vessels at sea; a system of information and national database on fishery activities; a system for monitoring the environment and warning about epidemics in aquaculture environment.

2. According to each period and capacity of the state budget, the State provides assistance in:

a) Developing science and technologies, especially high, advanced and new technologies applied in generation of aquatic breeds; manufacture of national aquatic products and key aquatic products; manufacture of aquatic feed, products for adjusting aquaculture environment and technologies for processing by-products into food or materials for other economic sectors.

b) Developing human resources and providing vocational training in fishery;

c) Co-management in aquatic resource protection;

d) Building a large fishery center;

dd) Buying insurance for aquaculture at sea and island; crew accident insurance; insurance for hull and equipment of commercial fishing vessels extracting marine aquatic resources from the inshore route to the outer boundary of Vietnam's exclusive economic zone;

e) Developing fishery activities from the from the inshore route to the outer boundary of Vietnam's exclusive economic zone; recovering production in case of environmental incidents, natural disasters and epidemics; providing assistance for fishermen when they are prohibited from extraction of aquatic resources or modify their vocations to reduce the coastal commercial fishing;

g) Building a national brand name, trade promotion and developing consumer market of aquatic products.

3. The State encourages domestic and foreign individuals and organizations to invest in activities prescribed in Clauses 1 and 2 of this Article and the following activities:

a) Organizing production according to value chain and model of association and cooperation;

b) Investing in advanced technologies applied in processing of aquatic products to improve value added of these products and reduce post-harvesting loss; building wholesale markets of aquatic products and promote brand names of aquatic products;

c) Investing in marine aquaculture and organic aquaculture;

d) Applying the quality management system to production and business of aquatic products; tracing of aquatic products.

#### **Article 7. Prohibited actions in fishery activities**

1. Destruction of aquatic resources, aquatic ecosystem, reproductive areas, areas where offspring live and residence of aquatic species.

2. Obstruction of natural migration patterns of aquatic species.

3. Encroachment of or damage to protected zones of aquatic resource and MPAs.

4. Catching of aquatic products, aquaculture and construction and other activities that affect the living environment and aquatic resources in subdivisions under strict protection and subdivisions of ecological recovery of MPAs.

5. Illegal operation of commercial fishing vessels and other watercrafts in subdivisions under strict protection of MPAs except for force majeure.

6. Illegal commercial fishing, failure to report and comply with regulations of law (hereinafter referred to as "illegal commercial fishing"); purchase, sale, transport, storage, preliminary

processing and processing of aquatic products originating from illegal commercial fishing, aquatic products with impurities for commercial fraud purposes.

7. Use of banned substances or chemicals, toxins, explosives, electric impulses, electric currents, destructive methods, means and fishing tackle for extracting aquatic resources.

8. Use of fishing tackle for obstructing or causing damage to organizations or individuals that are engaged in fishing; anchoring or mooring vessels at places where commercial fishing tackle of organization or individuals that are engaged in fishing are located or places where other commercial fishing vessels are engaged in fishing, except for force majeure.

9. Throwing the fishing tackle in natural waters, except for force majeure.

10. Putting impurities into aquatic products for commercial frauds.

11. Use of antibiotics, veterinary drugs and plant protection drugs banned from use in aquaculture; chemicals, biological preparations and microorganisms banned from use in the production of aquatic feeds and products for adjusting aquaculture environment; use of aquatic breeds not included in the list of aquatic species permitted for trading in Vietnam for aquaculture.

12. Destruction and demolition causing damage to or encroachment of works in fishing ports and anchorages for avoiding storms; discharge of wastes into improper places in fishing ports and anchorages for avoiding storms.

13. Abuse of inspection, assessment of aquatic resources to cause damage to national defense, security, national interests, legal rights and interests of other organization and individuals; illegal provision and use of information and data on aquatic resources.

#### **Article 8. International cooperation in fishery activities**

1. Conclusion of and compliance with international treaties related to fishery activities.

2. Provision of assistance and investment in resources in fishery activities.

3. Provision of training in human resources; scientific research, technological development and technology transfer; exchange of information, trade and experience related to fishery activities.

4. Conservation and management of organism resources in international waters in accordance with regulations issued by regional fishery organizations and United Nations Convention on the law of the Sea 1982.

5. Cooperation in inspecting and taking actions against illegal commercial fishing inside and outside the territory of Vietnam in accordance with regulations of international treaties to which the Socialist Republic of Vietnam is a signatory.

## **Article 9. Fishery national database**

1. The fishery national database shall be established consistently from central authorities to local authorities, be standardized for update, use and management thereof using information technology.
2. Organizations and individuals shall update and use the fishery national database in accordance with regulations of law.
3. The Minister of Agriculture and Rural Development shall prescribe update, use and management of the fishery national database.

## **Article 10. Co-management in aquatic resource protection**

1. A community will be recognized and assigned to management in aquatic resource protection if it satisfies the following conditions:
  - a) its members are households and individuals living and benefiting from aquatic resources in this area;
  - b) It has submitted application for co-management in protection of aquatic resource protection in a certain geographical area which has not been managed by other organizations or individuals;
  - c) It has its own plans for protecting and extracting aquatic resources and operating regulations
2. Power to recognize and assign management to communities shall be specified as follows:
  - a) The People's Committee of each province has power to recognize and assign management in aquatic resource protection in areas located in at least 2 districts;
  - b) The People's Committee of each district has power to recognize and assign management in aquatic resource protection in areas under its management;
  - c) Recognition and assignment of management in aquatic resource protection in areas located in at least 2 provinces or central-affiliated cities shall be negotiated by People's Committees of these provinces or cities.
3. Contents of a decision on recognizing and assigning management to communities includes:
  - a) Name of the community and its representative;
  - b) Scope of assigned management;
  - c) Location and boundary of the assigned geographical area;

d) Plans for protecting and extracting aquatic resources and operating regulations of the community.

4. Regulatory authorities have the following rights and responsibilities:

a) Make decisions on recognizing and assigning management in aquatic resource protection;

b) Provide assistance for communities involved in co-management;

c) Inspect and supervise activities of communities;

d) Amend and revoke decisions on recognizing and assigning management in aquatic resource protection;

dd) Exercise rights and carry out responsibilities prescribed by law.

5. A community is entitled to:

a) Organize and manage aquaculture, protection and extraction of aquatic resources, tourism in combination with fishery activities in areas under its management;

b) Patrol and inspect aquaculture, catching, protection and development of aquatic resources in areas under its management; request competent authorities to take actions against violations;

c) Prevent violations committed in areas under its management in accordance with regulations of law and its operating regulations;

d) Be consulted about projects and activities directly related to ecosystem or aquatic resources in the areas under its management;

dd) Preferential and supporting policies in accordance with regulations of law;

e) Establish a community fund.

6. A community shall:

a) Comply with contents specified in the decision on recognizing and assigning management prescribed in Clause 3 of this Article;

b) Comply with regulations of law on fishery activities and follow inspections carried out by the competent authority in accordance with regulations of law;

c) Cooperate with competent authority in patrolling, inspecting, investigating, preventing and taking actions against violations committed in the area under its management;



d) Submit reports on its operation to the competent authority in accordance with regulations of law.

7. A decision on recognizing and assigning management in aquatic resource protection will be revoked if:

a) Its contents are erased or changed;

b) The community is dissolved according to its operating regulations or regulations of law;

c) The community fails to implement the plan for protecting and extracting aquatic resources or comply with its operating regulations;

d) The decision is revoked for national defense and security or public purposes according to a decision issued by the competent authority;

dd) There are other violations in which the decision shall be revoked.

8. A decision on recognizing and assigning management will be adjusted if there are changes in its contents

9. The authority recognizing and assigning management has power to revoke and adjust the decision's contents.

10. The Government shall provide detailed guidelines for this Article.

## **Chapter II**

### **PROTECTION AND DEVELOPMENT OF AQUATIC RESOURCES**

#### **Article 11. The master plan for protecting and extracting aquatic resources**

1. Bases for formulating the master plan for protecting and extracting aquatic resources include:

a) Strategies for socio-economic development; national defense and security;

b) Strategies for fishery development;

c) Strategies for sustainable extraction and use of marine and island resources and environmental safety; strategies for preserving biodiversity;

d) The national master plan;

dd) The national marine spatial planning;

e) The master plans and plans for using land;

- g) The master plan for environmental protection; the master plan for preserving biodiversity;
- h) Results of investigation into and assessment of aquatic resources;
- i) Reality and demand for extracting and protecting aquatic resources;
- k) Other bases prescribed by regulations of law on planning.

2. Main contents of the master plan for protecting and extracting aquatic resources include:

- a) Assessment of management, extraction, protection and development of aquatic resources;
- b) Determination of objectives and orientations; formulation of the master plan for management, extraction, protection and development of aquatic resources;
- c) Geographical location, area, boundary and map of places where MPAs or protected area of aquatic resources are expected to be built.
- d) Zoning for commercial fishing activities; quantity of commercial fishing vessels of each type of vocation; methods for managing, protecting and developing aquatic resources;
- dd) Measures, programs and plans for implementing the master plan; resources and implementation of the master plan for protecting and extracting aquatic resources;
- e) Other contents prescribed by regulations of law on planning.

3. The master plan for protecting and extracting aquatic resources shall be formulated approved and adjusted as follows:

- a) The Ministry of Agriculture and Rural Development shall take charge and cooperate with Ministries, ministerial agencies and relevant People's Committees of provinces in requesting the Prime Minister to approve the master plan for protecting and extracting aquatic resources;
- b) The master plan for protecting and extracting aquatic resources shall be formulated, approved, published, implemented and adjusted in accordance with regulations of law on planning.

#### **Article 12. Investigation into and assessment of aquatic resources and living environment of aquatic species**

1. Investigation into and assessment of aquatic resources and living environment of aquatic species aim to:

- a) Provide information, data and scientific bases for management and sustainable use of aquatic resources;

b) Determine reserves and production of aquatic resources allowed to be caught, assess fluctuation of aquatic resources and living environment of aquatic species.

2. Investigation into and assessment of aquatic resources and living environment of aquatic species shall include the following activities:

a) Overall investigation into and assessment of aquatic resources and living environment in the whole country carried out every 5 years;

b) Annual inspection and assessment of commercial fishing;

c) Investigation into and assessment of aquatic resources and living environment of aquatic species according to each subject.

3. The Ministry of Agriculture and Rural Development shall:

a) Design and request the Prime Minister to approval and organize execution of the program for carrying out the overall investigation into and assessment of aquatic resources and living environment in the whole country every 5 years;

b) Carry out the investigation into and assessment of aquatic resources and living environment of aquatic species according to each subject;

c) Publish results of investigation into and assessment of aquatic resources and living environment of aquatic species.

4. The People's Committee of each province shall:

a) Carry out investigation into and assessment of aquatic resources and living environment according to each subject, commodity fishery in its province according to instructions given by the Ministry of Agriculture and Rural Development;

b) Cooperate in investigation into and assessment of aquatic resources and living environment of aquatic species in accordance with regulations of Point a Clause 2 of this Article.

5. The Minister of Agriculture and Rural Development shall provide procedures and guidelines for carry out investigation into and assessment of aquatic resources and living environment of aquatic species.

### **Article 13. Aquatic resource protection**

1. Aquatic species and their living environment, reproductive areas, areas where offspring live and migration patterns of aquatic species are entitled to aquatic resource protection.

2. Organizations and individuals shall:

a) Protect and extract aquatic resources in accordance with regulations of this Law and other relevant regulations of law;

b) Create migration patterns or corridors for moving by aquatic species when constructing, changing or demolishing construction works or carry out other activities related migration patterns of aquatic species;

c) Leave corridors for moving by aquatic species when they are engaged in fixed fishery activities in rivers and lagoons;

d) Take remedy and pay compensation for damage caused by their actions when they discharge, explore and extract natural resources, construct or demolish underwater works or works within subaqueous soil causing decline or extinction of aquatic resources or damage to living environment, reproductive areas, areas where offspring live and migration patterns of aquatic species;

dd) Comply with this Law and other relevant regulations of law when carrying out fishery activities or other activities causing direct effects on living environment, migration patterns and recreation of aquatic species.

3. The Ministry of Agriculture and Rural Development shall:

a) Design and request the Prime Minister to approve and organize execution of national programs for protecting and developing aquatic resources;

b) Make and request the Prime Minister to issue the list of endangered, precious and rare aquatic species; criteria on determining, regulations on managing and protecting and procedures for extracting endangered, precious and rare aquatic species;

c) Formulate and issue plans and measures for managing aquatic resources;

d) Organize investigation, collection, conservation of and survey on original breeds of native and endemic aquatic species having economic value and endangered, precious and rare aquatic species;

dd) Publish natural migration patterns of aquatic species.

4. The Minister of Agriculture and Rural Development shall specify criteria and issue the list of fisheries and fishing tackle banned from use in commercial fishing and the list of areas banned from commercial fishing for a fixed term.

5. The People's Committee of each province shall:

a) Specify banned industries, commercial fishing tackle and areas not included in the lists prescribed in Clause 4 of this Article in conformity with protection and extraction of aquatic

resources in its province after getting permission from the Ministry of Agriculture and Rural Development;

b) Formulate and organize the implementation of plans for protecting and developing aquatic resources in its province in conformity with the national program for protecting and developing aquatic resources that has been approved by the Prime Minister.

#### **Article 14. Recreation of aquatic resources and recovery of living environment of aquatic species**

1. Recreation of aquatic resources and recovery of living environment of aquatic species include the following activities:

a) Research into and application of science and technology to recreation of aquatic resources and recovery of living environment of aquatic species;

b) Releasing endangered, precious and rare aquatic species; aquatic species having economic and scientific value, native aquatic species and endemic aquatic species into natural waters;

b) Building artificial habitats for endangered, precious and rare aquatic species; aquatic species having economic and scientific value, native aquatic species and endemic aquatic species into natural waters;

d) Managing recovered areas and recreated aquatic species.

2. The Ministry of Agriculture and Rural Development shall manage and organize inspection and supervision of recreation of aquatic resources and recovery of living environment of aquatic species in the whole country.

3. The People's Committee of each province shall organize the recreation of aquatic resources and recovery of living environment of aquatic species in its province.

4. Organizations and individuals are encouraged to recreate aquatic resources and recover living environment of aquatic species.

#### **Article 15. MPAs**

1. MPAs include national parks, nature reserves, species and habitat conservation areas and landscape protection zones. MPAs shall be classified in accordance with regulations of law on biodiversity.

2. Requirements for nature reserves and landscape conservation areas shall be established in accordance with regulations of law on biodiversity.

3. Requirements for a national park include:

a) Its marine ecosystem is significant to Vietnam and the world, is special or represents a natural ecoregion.

b) The park is a regular or seasonal natural habitat of at least an aquatic species included in the list of endangered, precious and rare aquatic species that are entitled to prior protection or included in the group of aquatic species banned from extraction of the abovementioned list;

c) It has special values to science and education;

d) It has environmental landscapes, unique beauty of nature and ecotourism values.

4. Requirements for a species and habitat conservation include:

a) A national species and habitat conservation is a regular or seasonal natural habitat of at least one aquatic species included in the list of endangered, precious and rare aquatic species that are entitled to prior protection or included in the group of aquatic species banned from extraction of the abovementioned list and has special values to science and education;

b) A species and habitat conservation of a province is a regular or seasonal natural habitat of at least one endemic aquatic species or native aquatic species that have special values to science and economy and has special values to ecology and environment.

#### **Article 16. Establishment of MPAs**

1. National MPAs shall be established in accordance with regulations of law on biodiversity.

2. The Minister of Agriculture and Rural Development shall prescribe procedures for planning and appraising projects on establishment of MPAs and contents of decisions on establishment of MPAs of provinces.

3. Responsibilities for submitting projects on establishment of national MPAs are specified as follows:

a) The Ministry of Agriculture and Rural Development shall request the Prime Minister to issue decisions on establishment of MPAs located in at least 2 provinces or central-affiliated cities;

b) The People's Committee of each province shall request the Prime Minister to issue decisions on establishment of MPAs located in the province after getting written permission from the Ministry of Agriculture and Rural Development.

4. The Ministry of Agriculture and Rural Development shall request the Government to issue regulations on managing MPAs and submit annual reports on management of marine conservation to the Ministry of Natural Resources and Environment.

#### **Article 17. Aquatic resource protected areas**

1. An aquatic resource protected area is a habitat, reproductive area or a place where offspring live regularly or seasonally of at least one aquatic species included in the list of endangered, precious and rare aquatic species, native aquatic species or transboundary aquatic species.
2. Aquatic resource protected areas shall be investigated and determined as follows:
  - a) The Ministry of Agriculture and Rural Development shall investigate and determine aquatic resource protected areas and issue the list thereof in the whole country;
  - b) The People's Committee of each province shall investigate and determine additional aquatic resource protected areas in the province and submit a report to the Ministry of Agriculture and Rural Development for considering and making additions to the list of aquatic resource protected areas.
3. The People's Committee of each province shall manage aquatic resource protected areas in the country.
4. The Minister of Agriculture and Rural Development shall provide guidelines for managing aquatic resource protected areas.

**Article 18. Management of aquatic resources and aquatic ecosystem in reserve forests and protection forests**

1. The organization managing reserve forests and protection forests shall:
  - a) Specify contents of management and conservation of aquatic resources and aquatic ecosystem in the plan for managing reserve forests and protection forests;
  - b) Manage aquatic resources and aquatic ecosystem in reserve forests and protection forests in accordance with regulations of this Law and other relevant regulations of law;
  - c) Assign qualified people to manage aquatic resources and aquatic ecosystem;
  - d) Assess condition of aquatic resources and aquatic ecosystems in reserve forests and protection forests and conserve aquatic resources and aquatic ecosystems;
  - dd) Submit annual or ad hoc reports on management of aquatic resources and aquatic ecosystem to the regulatory authority in charge of fishery (hereinafter referred to as "fishery authority").
2. Fishery authorities shall provide guidelines for and inspect the management of aquatic resources and aquatic ecosystem in reserve forests and protection areas.

**Article 19. Management of aquatic resources in wetland reserves**

1. The authority setting up projects on establishment of wetland reserves having aquatic resources shall get written permissions from the Ministry of Agriculture and Rural Development.

2. The organization managing wetland reserves shall:

a) Specify contents of conservation of aquatic resources in plans for managing wetland reserves;

b) Manage aquatic resources and aquatic ecosystem in wetland reserves in accordance with regulations of this Law and other relevant regulations of law;

c) Assign qualified people to manage aquatic resources;

d) Assess condition of aquatic resources in wetland reserves;

dd) Submit annual or ad hoc reports on management of aquatic resources to fishery authorities.

3. Fishery authorities shall provide guidelines for and inspect the management of aquatic resources and aquatic ecosystem in wetland reserves.

### **Article 20. Funding for protection and development of aquatic resources**

1. State budget

2. Funds for protection and development of aquatic resources

3. Community funds

4. Other sources of finance prescribed by regulations of law on planning

### **Article 21. Fund for protection and development of aquatic resources**

1. Fund for protection and development of aquatic resources is an off-budget fund, including central funds and provincial funds used for raising social resources for protection and development of aquatic resources.

2. Power to establish funds for protection and development of aquatic resources is specified as follows:

a) The Minister of Ministry of Agriculture and Rural Development shall decide to establish central funds;

b) Chairman/Chairwoman of People's Committee of each province shall decide to establish provincial funds based on demand and raised resources of the province.

3. Operating principles of funds for protection and development of aquatic resources are specified as follows:

a) The funds are non-profit;



b) The funds are used for assisting programs, projects or non-project activities related to protection and development of aquatic resources that have not been funded by the state budget or have not satisfied investment requirements;

c) The funds are used transparently and effectively for proper purposes and in accordance with regulations of law.

4. Sources of finance used for establishing funds for protection and development of aquatic resources include:

a) Voluntary contributions by organizations and individuals causing effects on aquatic resources, living environment, reproductive areas, areas where offspring live and migration patterns of aquatic species.

b) Money from sponsor, charity and trustee by domestic and foreign organizations and individuals;

c) Other sources of finance prescribed by law.

5. The Government shall prescribe functions, duties, organizational structure; operation, management and use of funds for protection and development of aquatic resources.

## **Article 22. Community funds**

1. Community fund is a fund established for providing assistance in protecting and developing aquatic resources. The State encourages organizations and individuals to establish community funds.

2. Community funds shall be granted by funds for protection and development of aquatic resources and other legal sources of finance.

3. Community funds shall be organized and operated in accordance with regulations of law on funds

## **Chapter III**

### **AQUACULTURE**

#### **Section 1. AQUATIC BREEDS**

##### **Article 23. Management of aquatic breeds**

1. An aquatic breed shall satisfy the following requirements after being launched:

a) The breed is included in the list of aquatic species allowed to be traded in Vietnam;

b) It has declaration of applied standards and declaration of conformity in accordance with regulations of law;

c) Its quality is conformable with applied standards;

d) It has undergone quarantine in accordance with regulations of law.

2. The Minister of Agriculture and Rural Development shall:

a) Issue national technical regulations on aquatic breeds; regulations on useful life of parent aquatic breeds and request the Government to issue the list of aquatic species allowed to be traded in Vietnam;

b) Provide instructions on inspecting conditions of establishments manufacturing and raising aquatic breeds; quality of produced, imported and exported aquatic breeds prescribed in this Law and law on quality of goods and products; procedures for applying technical methods for dealing with violations of quality of aquatic breeds and provide instructions on updating information about aquatic breeds.

#### **Article 24. Conditions of producers and raisers of aquatic breeds**

1. A producer of aquatic breed will be issued with the certificate of eligibility if it satisfies the following conditions:

a) Facilities for production are conformable with aquatic species; there are isolation wards for monitoring the health of new-come aquatic species;

b) There are technicians who are trained in aquaculture, aquatic pathology or biology;

c) A system for controlling quality and biological safety is applied;

d) In case of production of parent aquatic breeds, the producer shall have aquatic purebreds or aquatic breeds that have been recognized through testing or results of science and technology missions that have been recognized or approved by competent authorities.

2. Raisers of aquatic breeds will be issued with certificates of eligibility if they satisfy all conditions prescribed in Points a, b and c Clause 1 of this Article.

#### **Article 25. Issuance, reissuance and revocation of certificates of eligibility for producing or raising aquatic breeds**

1. Power to issue, reissue and revoke certificates of eligibility for producing or raising aquatic breeds shall be specified as follows:

a) The Ministry of Agriculture and Rural Development has power to issue, reissue and revoke certificates of eligibility for producing or raising parent aquatic breeds;

b) The People's Committee of each province has power to issue, reissue and revoke certificates of eligibility for producing or raising aquatic breeds in the province, except for the cases prescribed in Point a of this Clause.

2. Authorities issuing certificates of eligibility for producing or raising aquatic breeds shall inspect the maintenance of eligibility.

3. A certificate of eligibility for producing or raising aquatic breeds will be reissued if:

a) It is lost or damaged; or

b) The producer's or raiser's information specified in the certificate is changed.

4. A certificate of eligibility for producing or raising aquatic breeds will be revoked if:

a) Its contents are erased or changed;

b) The applicant fails to satisfy the conditions prescribed in Article 24 of this Law;

c) There are other violations in which the certificate shall be revoked.

5. The Government provide detailed guidelines for conditions, the time when inspection of eligibility maintenance is carried out; Contents of and procedures for issuance, reissuance and revocation of certificates of eligibility for producing or raising aquatic breeds.

## **Article 26. Rights and responsibilities of producers and raisers of aquatic breeds**

1. A producer or raiser of aquatic breeds is entitled to:

a) Produce or raise aquatic breed in accordance with the certificate of eligibility for producing or raising aquatic breeds.

b) Receive training in regulations on aquatic breeds;

c) Advertise the aquatic breeds in accordance with regulations on advertisement;

d) Make complaints, denunciations and receive compensations in accordance with regulations of law.

2. A producer or raiser of aquatic breeds shall:

a) Make declaration of conformity in accordance with regulations of law on standards, technical regulations and law on quality of goods and products; ensure and take responsibility for quality of aquatic breeds having declaration of conformity;

- b) Apply the quality management system to ensure quality of products prescribed in the applied standards;
- c) Produce aquatic species included in the list of aquatic species allowed to be traded in Vietnam; ensure biosafety during the production or raising of aquatic species;
- c) Label aquatic breeds in accordance with regulations of law on labels;
- dd) Update information and submit reports during the production and raising of aquatic breeds to national database on fishery in accordance with regulations of law;
- e) Keep a log and retain documents during the production and raising of aquatic resources for traceability;
- g) Comply with inspection by competent authorities in accordance with regulations of law;
- h) Comply with regulations and law on useful life of parent aquatic breeds.

#### **Article 27. Import and export of aquatic breeds**

1. Imported aquatic breeds shall have their quality inspected in accordance with regulations of law.
2. Organizations and individuals are allowed to import aquatic breeds included in the list of aquatic species allowed to be traded in Vietnam. The import of aquatic breeds that are not included in the abovementioned list for testing, scientific research, display and exhibition shall be licensed by the Ministry of Agriculture and Rural Development.
3. An organization or individual is allowed to export aquatic breeds if:
  - a) The breed is not included in the list of aquatic species banned from export;
  - b) The breeds satisfy the conditions prescribed in the list of exported aquatic species requiring certain conditions;
  - c) Export of aquatic breeds included in the list of aquatic breeds banned from export or aquatic breeds failing to satisfy the conditions prescribed in the list of aquatic species requiring certain conditions for scientific research and international cooperation shall be licensed by the Ministry of Agriculture and Rural Development according to the Prime Minister's approval.
4. The Ministry of Agriculture and Rural Development will consider inspecting systems for managing and producing aquatic breeds in the exporting country in accordance with regulations of Vietnam law and international treaties to which the Socialist Republic of Vietnam is a signatory if:
  - a) The assessment is made for mutual recognition;

b) There are risks to quality, environment and biosafety caused by aquatic species imported to Vietnam.

5. The Government shall provide detailed guidelines for this Article.

### **Article 28. Testing of aquatic breeds**

1. Testing of an aquatic breed will be carried out if:

a) The breed is created domestically for the first time through artificial selection, hybridization or other technical methods other than aquatic species created from results of science and technology missions that have been recognized or approved by competent authorities;

b) The breed imported for production or trading is not included in the list of aquatic species allowed to be traded in Vietnam.

2. Organizations carrying out testing of aquatic species (hereinafter referred to as “testing organization”) shall satisfy the following requirements:

a) At least 2 technicians have bachelor degree or higher degree in aquaculture, aquatic pathology or biology;

b) Facilities and equipment for production are conformable with the aquatic species subject to testing;

c) The organization satisfies requirements for biosafety and environmental safety.

3. A testing organization has the following rights and responsibilities:

a) It may be involved in testing of aquatic species in accordance with regulations of law.

b) It may have its testing costs paid according to agreement with organizations and individuals in need of testing;

c) It may refuse to provide information related to testing results for the third party unless it is requested by competent authority;

d) It shall take responsibility for testing results;

c) It shall ensure biosafety and environmental safety during the testing;

e) Comply with inspection by competent authorities in accordance with regulations of law;

4. The Government shall provide detailed guidelines for Clause 2 of this Article, naming aquatic breeds and procedures for testing of aquatic breeds.

## **Article 29. Assessment of aquatic breeds**

1. An aquatic breed shall be assessed:

- a) At the request of competent authorities;
- b) At the request of organizations and individuals in case of complaints or denunciation.

2. The Ministry of Agriculture and Rural Development shall publish testing organizations eligible for assessing aquatic breeds.

3. An assessing organization has the following rights and responsibilities:

- a) It may assess aquatic species in accordance with regulations of law.
- b) It may be paid for assessment in accordance with regulations of law;
- c) It may refuse to provide information related to assessment results for the third party unless it is requested by competent authority;
- d) It shall take responsibility for assessment results;
- dd) It shall ensure biosafety and environmental safety during the assessment of aquatic breeds.

## **Article 30. Labels of and documents on transporting aquatic breeds**

1. Aquatic breeds shall be labeled in accordance with regulations of law on labeling in case of transportation.

2. Transporters of aquatic species shall have documents on quality and quarantine of aquatic species in accordance with regulations of law.

## **Section 2. AQUATIC FEEDS AND PRODUCTS FOR ADJUSTING AQUACULTURE ENVIRONMENT**

### **Article 31. Management of aquatic feeds and products for adjusting aquaculture environment**

1. Aquatic feeds and products for adjusting aquaculture environment shall satisfy the following requirements before being launched:

- a) They have declaration of conformity in accordance with regulations of law;
- b) Their quality is conformable with applied standards;

c) Their information has been sent to the Ministry of Agriculture and Rural Development in accordance with regulations of law.

2. The Minister of Agriculture and Rural Development shall:

a) Issue national technical regulations on aquatic feeds and products for adjusting aquaculture environment;

b) Issue the list of chemicals, biological preparations and microorganisms banned from use in aquatic feeds and products for adjusting aquaculture environment;

c) Issue the list of chemicals, biological preparations, microorganisms and materials for manufacturing aquatic feeds allowed to be used in aquaculture in Vietnam based on testing results or results of science and technology missions that have been recognized or approved by the competent authorities or results of review, investigation and realistic assessment;

d) Provide instructions on inspecting conditions of producers, traders and importers of aquatic feeds and products for adjusting aquaculture environment; quality of produced, imported and exported aquatic feeds and products for adjusting aquaculture environment prescribed in this Law and law on quality of goods and products; procedures for applying technical methods for dealing with violations of quality of aquatic feeds and products for adjusting aquaculture environment;

dd) Provide detailed guidelines for Point c Clause 1 of this Article; prescribe naming and allowable errors in analysis of quality of and technical criteria on aquatic feeds and products for adjusting aquaculture environment that shall have declaration of standard conformity

### **Article 32. Conditions for producers of aquatic feeds and products for adjusting aquaculture environment**

1. A producer of aquatic feeds and products for adjusting aquaculture environment will be issued with the certificate of eligibility if it satisfies the following conditions:

a) Place of production is located in an area not polluted by hazardous wastes and toxic chemicals;

b) The producer's factory is encompassed by walls or fences for separation from outside;

c) Workshops and equipment are suitable for each type of products;

d) The producer is eligible for analyzing quality of products during the production;

dd) A system for controlling quality and biological safety is applied;

e) There are technicians who are trained in aquaculture, aquatic pathology, biology, chemistry or food technology;

1. The Government shall provide detailed guidelines for this Article.

**Article 33. Conditions for traders and importer of aquatic feeds and products for adjusting aquaculture environment**

A trader or importer of aquatic feeds and products for adjusting aquaculture environment shall satisfy the following conditions:

1. Place of sale and place of maintenance are separated from pesticides, fertilizers and toxic chemicals;
2. There is equipment for maintaining aquatic feeds and products for adjusting aquaculture environment according to instructions provided by their producers or providers.

**Article 34. Issuance, reissuance and revocation of certificates of eligibility for producing aquatic feeds and products for adjusting aquaculture environment**

1. Power to issue, reissue and revoke certificates of eligibility for producing aquatic feeds and products for adjusting aquaculture environment shall be specified as follows:

a) The Ministry of Agriculture and Rural Development has power to issue, reissue and revoke certificates of eligibility for producing aquatic feeds and products for adjusting aquaculture environment of foreign investors and foreign invested business entities;

b) The People's Committee of each province has power to issue, reissue and revoke certificates of eligibility for producing aquatic feeds and products for adjusting aquaculture environment in the province, except for the cases prescribed in Point a of this Clause.

2. Authorities issuing certificates of eligibility for producing aquatic feeds and products for adjusting aquaculture environment shall inspect the maintenance of eligibility .

3. The certificate of eligibility for producing aquatic feeds and products for adjusting aquaculture environment will be reissued if:

a) It is lost or damaged; or

b) The producer's information specified in the certificate is changed.

4. The certificate of eligibility for producing aquatic feeds and products for adjusting aquaculture environment will be revoked if:

a) Its contents are erased or changed;

b) The producer fails to satisfy the conditions prescribed in Clause 1 Article 32 of this Law;

c) There are other violations in which the certificate shall be revoked.



5. The Government shall provide detailed guidelines for conditions of producers and importers of aquatic feeds and products for adjusting aquaculture environment; contents and time of inspection of maintenance; contents of and procedures for issuance, reissuance and revocation of certificates of eligibility for producing aquatic feeds and products for adjusting aquaculture environment.

### **Article 35. Testing of aquatic feeds and products for adjusting aquaculture environment**

1. Aquatic feeds and products for adjusting aquaculture environment shall be undergone testing if they contain chemicals, biological preparations, microorganisms and materials not included in the lists prescribed in Points b and c Clause 2 Article 31 of this Law.

2. An organization carrying out testing of aquatic feeds and products for adjusting aquaculture environment shall satisfy the following conditions:

- a) At least 2 technicians have bachelor degrees or higher degrees in aquaculture, aquatic pathology or biology;
- b) There are facilities serving the testing of aquatic feeds and products for adjusting aquaculture environment;
- c) The organization satisfies requirements for biosafety and environmental safety.

3. Testing of aquatic feeds and products for adjusting aquaculture environment shall include the following activities:

- a) Analysis of components and quality of products;
- b) Analysis of characteristics and uses of products;
- c) Analysis of toxicity and safety of the products to raised aquatic species, environment and users;
- d) Other activities depending on specific characteristics of each product.

4. The organization carrying out testing of aquatic feeds and products for adjusting aquaculture environment has the following rights and responsibilities:

- a) It may carry out testing of aquatic feeds and products for adjusting aquaculture environment in accordance with regulations of law.
- b) It may be paid for testing activities in accordance with regulations of law;
- c) It may refuse to provide information related to testing results for the third party unless it is requested by competent authority;

- d) It shall take responsibility for testing results;
  - dd) It shall ensure biosafety and environmental safety during the testing;
  - e) It shall comply with inspection by competent authorities in accordance with regulations of law;
5. The People's Committee of each province shall carry out testing in the province.

6. The Government shall provide detailed guidelines for Clauses 2 and 3 of this Article and prescribe procedures for testing of aquatic feeds and products for adjusting aquaculture environment.

### **Article 36. Import and export of aquatic feeds and products for adjusting aquaculture environment**

1. Quality of imported aquatic feeds and products for adjusting aquaculture environment shall be inspected.
2. Organizations and individuals may import aquatic feeds and products for adjusting aquaculture environment containing chemicals, biological preparations, microorganisms and materials of aquatic feeds included in the list of chemicals, biological preparations, microorganisms and materials of aquatic feeds allowed to be used in aquaculture in Vietnam. Import of aquatic feeds and products for adjusting aquaculture environment containing chemicals, biological preparations, microorganisms and materials of aquatic feeds included in the lists prescribed in Points b and c Clause 2 Article 31 of this Law for testing, scientific research, display in fairs and exhibitions shall be licensed by the Ministry of Agriculture and Rural Development.
3. Exported aquatic feeds and products for adjusting aquaculture environment shall satisfy the requirements prescribed in law of the exporting country and Vietnam law.
4. The Ministry of Agriculture and Rural Development will consider inspecting systems for managing and producing aquatic feeds and products for adjusting aquaculture environment in the exporting country in accordance with regulations of Vietnam law and international treaties to which the Socialist Republic of Vietnam is a signatory if:
  - a) The assessment is made for mutual recognition;
  - b) There are risks of food quality, food safety, epidemic or environmental issues caused by products imported to Vietnam.
5. The Government shall provide detailed guidelines for this Article.

### **Article 37. Responsibilities of producers, traders, importers and users of aquatic feeds and products for adjusting aquaculture environment**

1. A producer of aquatic feeds and products for adjusting aquaculture environment shall:

a) Control quality of products during the production in accordance with regulations of law on quality of goods and products;

b) Make declarations of conformity in accordance with regulations of law.

c) Label products in accordance with regulations of law on labeling; keep a log and retain documents during the production for traceability;

d) Take legal responsibility for quality of its products; handle, recall or destroy products whose quality fails to satisfy requirements prescribed by law and pay compensations for damages to sellers and aquaculture farmers;

dd) Send information on its products to the Ministry of Agriculture and Rural Development in accordance with regulations of law before they are launched;

e) Comply with inspection by competent authorities in accordance with regulations of law;

2. A trader or importer of aquatic feeds and products for adjusting aquaculture environment shall:

a) Inspect origins, useful life and intactness of products, standard conformity marking and technical-regulation conformity marking (if any);

b) Take measures for maintaining quality of products according to instructions given by their producers;

c) Send information on the products imported for the first time to the Ministry of Agriculture and Rural Development in accordance with regulations of law before they are launched and make a declaration of standard conformity.

d) Comply with inspections of eligibility and quality of products in accordance with regulations of law; handle, revoke and destroy products violating regulations on food quality and safety and pay compensations for damage to aquaculture farmers in accordance with regulations of law.

3. A user of aquatic feeds and products for adjusting aquaculture environment shall:

a) Comply with regulations of law and instructions given by providers and producers related to transport, storage, maintenance and use of products;

b) Comply with inspections of quality of products carried out by fishery authorities; destroy aquatic feeds and products for adjusting aquaculture environment and raised aquatic species that fail to ensure food quality and safety in accordance with regulations of law.

### **Section 3. AQUACULTURE**

### **Article 38. Conditions for organizations and individuals engaged in aquaculture**

1. An organization or individual engaged in aquaculture shall satisfy the following requirements:

a) Place of aquaculture shall comply with regulations on using land and marine aquaculture waters in accordance with regulations of law;

b) Facilities are conformable with aquatic species and raising methods;

c) Regulations of law on environment safety, veterinary medicines and occupational safety are complied;

d) Regulations of law on food safety are complied;

dd) Cage culture and main aquatic species are registered.

2. Organizations and individuals raising aquatic species for ornamental purposes, entertainment, fine arts and cosmetics shall comply with regulations in Points a, b, c and dd Clause 1 of this Article.

3. Organizations and individuals engaged in mariculture shall formulate mariculture projects and be licensed by competent authorities, except for the individuals prescribed in Point a Clause 2 Article 44 of this Article.

4. The Prime Minister shall specify main aquatic species.

5. The Government shall provide detailed guidelines for conditions of organizations and individuals engaged in aquaculture; power, contents of and procedures for issuance of certificates of eligibility for aquaculture; power, contents of and procedures for registration of cage culture and main aquatic species; contents of and procedures for issuing licenses for mariculture activities.

### **Article 39. Power to issue licenses for mariculture**

1. The People's Committee of each province has power to issue licenses for mariculture to Vietnamese organizations and individuals within the waters extending 6 nautical miles from the lowest average edge of seawater in multiple years.

2. The Ministry of Agriculture and Rural Development has power to issue licenses for mariculture to Vietnamese organizations and individuals in waters with a distance of 6 nautical miles from the lowest average edge of seawater, border waters between provinces or central-affiliated cities and waters located in both outside and inside the waters extending 6 nautical miles from the lowest average edge of seawater in multiple years

3. The Government shall prescribe the issuance of licenses for mariculture to foreign investors and foreign invested business entities in accordance with regulations in Clause 1 Article 44 of this Article.

**Article 40. Breeding, raising and artificial propagation of aquatic species prescribed in Appendices of Convention on International Trade in Endangered Species of Wild Fauna and Flora and endangered, precious and rare aquatic species**

1. Organizations and individuals are allowed to breed, raise or carry out artificial propagation of aquatic species prescribed in Appendices of Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and endangered, precious and rare aquatic species in accordance with regulations of CITES and Vietnam law.

2. Fishery authorities of provinces shall manage and trace origins of aquatic species prescribed in Appendices of CITES and endangered, precious and rare aquatic species originating from aquaculture or nature.

3. The Government shall prescribe procedures for tracing origins of aquatic species prescribed in Clause 2 of this Article; conditions and power of and procedures for issuance of certificate of eligibility for breeding, raising and artificial propagation of aquatic species prescribed in Appendices of CITES and endangered, precious and rare aquatic species

**Article 41. Environmental monitoring and warning and epidemic prevention in aquaculture**

Environmental monitoring and warning and epidemic prevention in aquaculture shall be carried out in accordance with regulations of law on veterinary medicines and other relevant regulations.

**Article 42. Rights and responsibilities organizations and individuals engaged in aquaculture**

1. Organizations and individuals engaged in aquaculture are entitled to:

a) Be issued with the land use right certificates by the competent authorities in case of allocation or lease of land for aquaculture in accordance with regulations in Article 43 of this Law or decisions on allocating the right to use marine aquaculture waters in accordance with regulations in Article 44 of this Law;

b) Have their legal rights and interests protected from infringement committed by other organizations and individuals by the State during the aquaculture; receive compensations when the State expropriates land or marine waters for public, national defense and security purposes in the term of land or marine water allocation in accordance with regulations of law;

c) Receive notifications of environment and epidemics in aquaculture area and instructions on aquaculture techniques and information on market of aquatic products;

d) Be provided with assistance in production restoration by the State in case of damage caused by epidemics and natural disasters in accordance with regulations of law;

dd) Be issued with certificates of eligibility for aquaculture by competent authorities if required.

2. Organization and individuals engaged in aquaculture shall:

a) Use allocated land and waters for proper purposes and not beyond the prescribed boundary for aquaculture and protect common works for aquaculture;

b) Fulfill financial obligations to use land and marine aquaculture waters in accordance with regulations of law;

c) Monitor and supervise criteria on aquaculture environment in accordance with regulations of law;

d) Comply with regulations on prevention of natural disasters; ensure safety of people and property during the aquaculture; comply with regulations on food safety, biosafety and environmental safety;

dd) Use equipment, aquatic breeds, aquatic feeds, veterinary medicines for aquatic species and products for adjusting aquaculture environment in accordance with regulations of law;

e) Retain documents on aquatic breeds, veterinary medicines for aquatic species and products for adjusting aquaculture environment that are used during the aquaculture and other documents on the process of aquaculture to ensure traceability;

g) Take legal responsibility for aquaculture activities, food quality and safety of their aquatic products; be under inspection and supervision by competent authorities during the aquaculture;

h) Update information and report on the aquaculture on fishery national database;

i) Return land and marine aquaculture waters when being issued with decisions on land allocation in accordance with regulations of law.

## **Section 4. ALLOCATION, LEASE AND EXPROPRIATION OF LAND AND MARINE AQUACULTURE WATERS**

### **Article 43. Land allocation, lease and expropriation for aquaculture**

Land shall be allocated, leased or expropriated for aquaculture in accordance with regulations of law on land.

### **Article 44. Allocation of marine aquaculture waters**

1. Marine waters shall be allocated for aquaculture according to the national marine spatial planning, planning of provinces and regulations of law on sea and ensure national defense and security.

2. Power to allocate marine waters without levy for aquaculture is specified as follows:

a) The People's Committee of each district has power to allocate marine waters to Vietnamese individuals who shall modify from inshore commercial fishing to aquaculture according to decisions issued by competent authorities or the individuals permanently reside in the district, have their major incomes earned from aquaculture and are certified by People's Committees of the communes where they reside. The People's Committee of each district has power to allocate marine waters under its management extending 3 nautical miles from the lowest average edge of seawater in multiple years;

b) The People's Committee of each province has power to allocate marine waters to Vietnamese organizations and individuals that carry out science and technology missions for aquaculture approved by competent authorities. The People's Committee of each province has power to allocate marine waters under its management extending 6 nautical miles from the lowest average edge of seawater in multiple years;

c) The Ministry of Natural Resources and Environment has power to allocate marine waters to Vietnamese organizations and individuals that carry out science and technology missions for aquaculture approved by competent authorities. The Ministry of Natural Resources and Environment has power to allocate marine waters under its management exceeding 6 nautical miles from the lowest average edge of seawater in multiple years and border waters of provinces and central-affiliated cities.

3. Power to allocate marine waters with levy for aquaculture is specified as follows:

a) The People's Committee of each province has power to allocate marine waters in the case prescribed in Clause 1 Article 39 of this Law;

b) The Ministry of Natural Resources and Environment has power to allocate marine waters in the cases prescribed in Clauses 2 and 3 Article 39 of this Law;

4. Period of allocation of marine aquaculture waters shall not exceed 30 years from the day on which the decision on allocating marine waters comes into force. When the abovementioned period expires, the State considers extending the allocation of marine waters for organizations or individuals wishing to continue using allocated marine waters. The allocation period may be extended more than once but total extension period shall not exceed 20 years. Period of allocation of marine waters for science and technology missions shall not exceed the period of these missions approved by competent authorities.

5. A decision on allocating marine aquaculture waters will be adjusted if:

a) Information on the organization or individual receiving marine aquaculture waters is changed;

b) Changes in contents of applications, science and technology missions or aquaculture projects cause changes in contents of the decision on allocating marine aquaculture waters.

6. The Government shall provide guidelines for allocation, extension, limit of and levies on marine waters and amendment to decisions on allocating marine aquaculture waters.

#### **Article 45. Expropriation and requisition of marine waters that have been allocated for aquaculture**

1. The State will expropriate the entire or partial marine waters that have been allocated for aquaculture if:

a) The organization or individual fails to use the marine waters in accordance with the decision on allocating marine aquaculture waters or violates regulations on protecting common works for aquaculture;

b) The organization or individual fails to use the entire or partial allocated marine aquaculture waters for more than 24 continuous months unless this organization or individual has reasonable purposes approved by the competent authority;

c) The marine waters are expropriated for public, national defense or security purposes;

d) The responsibilities prescribed in Clause 1 Article 47 of this Law are violated;

dd) The organization or individual fails to fulfill financial obligations prescribed in Point b Clause 2 Article 42 of this Law and fails to comply with penalties for administrative violations;

e) The decision is not conformable with the national marine spatial planning that has been approved by the competent authority;

g) The organization or individual no longer satisfies the conditions prescribed in Article 38 of this Law and fails to take remedial measures promptly.

2. The State decides to requisition marine waters if necessary for performance of national defense or security duties or in case of emergency, environmental incidents or prevention of natural disasters. Marine waters shall be requisitioned in accordance with regulations on compulsory purchase and requisition of property.

3. Authorities allocating marine aquaculture waters have power to expropriate the allocated waters.

4. The Government shall prescribe procedures for expropriation and requisition of marine waters that have been allocated for aquaculture.

#### **Article 46. Rights of users of marine waters allocated by the State for aquaculture**



1. Users of marine waters allocated by the State for aquaculture have the rights prescribed in Clause 1 Article 42 of this Law and are entitled to:

- a) Use allocated marine aquaculture waters;
- b) Return the entire or partial allocated marine waters;
- c) Use information and data related to allocated marine waters in accordance with regulations of law.

2. Vietnamese individuals using marine waters allocated without levy by the State for aquaculture mentioned in Point a Clause 2 Article 44 of this Law have the rights prescribed in Clause 1 of this Article and may pledge their property on allocated marine waters in Vietnamese credit institutions in accordance with regulations of law.

3. Vietnamese individuals who use marine waters allocated with levy for aquaculture by the State and have paid annual levies have the rights prescribed in Clause 1 of this Article and are entitled to:

- a) Mortgage their property on allocated sea water in Vietnamese credit institutions in accordance with regulations of law;
- b) Transfer their property on allocated marine waters. Transferees that continue being engaged in aquaculture will have the rights as those of transferors.

4. Vietnamese users of marine waters allocated with levy by the State for aquaculture that have paid lump sum levies for the entire allocation period have the rights prescribed in Clause 1 of this Article and are entitled to:

- a) Mortgage the right to use allocated marine waters and their property on these waters in Vietnamese credit institutions within the period of allocation in accordance with regulations of law;
- b) Transfer the right to use marine waters and their property on these waters. Individuals may leave the right to use the allocated marine waters to their heirs in accordance with regulations of law. Transferees and heirs of the right to use allocated sea water for aquaculture have the rights prescribed in this Clause;
- c) Use the right to use allocated marine waters and their property on these waters as stakes in accordance with regulations of law;
- d) Lease the right to use marine waters and their property on these waters within the term of allocation. The marine waters shall only be leased if they have been invested in under the projects and are used for proper purposes by lessees.

5. The Government shall provide detailed guidelines for return of marine waters, pledge of the right to use marine waters; lease, use as stakes and transfer of the right to use allocated sea water between Vietnamese organizations and individuals; lease, use as stakes and transfer of the right to use allocated sea water between Vietnamese organizations and individuals and foreign investors and foreign invested business entities for aquaculture; rights of foreign investors and foreign invested business entities using marine waters allocated, leased, used as stakes or transferred by Vietnamese organizations and individuals for aquaculture and compensations for expropriating marine waters for public, national defense or security purposes.

#### **Article 47. Responsibilities of users of allocated marine aquaculture waters**

Users of marine aquaculture waters allocated by the State have the responsibilities prescribed in Clause 2 Article 42 of this Law and shall not:

1. Carry out activities affecting national defense, security, national sovereignty and interests at sea;
2. Obstruct basic investigations and scientific research related to natural resources, marine environment and other legal activities approved by competent authorities;
3. Foreign investors, foreign invested business entities using allocated marine aquaculture waters or marine waters whose use right is leased, received as stakes or transferred from Vietnamese organizations and individuals for aquaculture shall comply with the Government's regulations

### **Chapter IV**

## **COMMERCIAL FISHING**

### **Section 1. DOMESTIC COMMERCIAL FISHING AND FISHING WITHIN THE VIETNAM'S MARITIME BOUNDARY**

#### **Article 48. Management of fishing areas**

1. The Government shall prescribe fishing areas including the coastal waters, inshore waters and waters from the inshore route to the outer boundary of Vietnam's exclusive economic zone and activities of commercial fishing vessels in the abovementioned areas.
2. The Ministry of Agriculture and Rural Development shall manage the commercial fishing in the waters from the inshore route to the outer boundary of Vietnam's exclusive economic zone.
3. The People's Committee of each province shall manage the commercial fishing in coastal and inshore waters and domestic commercial fishing in the province.

#### **Article 49. Quota on issuance of marine fishing licenses**

1. Bases for determining quota on issuance of marine fishing licenses include:

- a) Results of aquatic resources investigation and assessment;
- b) Variable trend of aquatic resources;
- c) The maximum production of aquatic species allowed to be caught sustainably;
- d) Structure of fishery vocations, aquatic species to be caught and fishing areas;
- dd) The bases for catching aquatic migratory aquatic species or aquatic species living in shoals shall include those prescribed in Points a, b, c and d of this Clause and production allowed to be caught of each species. The Ministry of Agriculture and Rural Development shall determine the aquatic species prescribed in this Point.

2. Pursuant to Clause 1 of this Article, the Ministry of Agriculture and Rural Development shall determine and assign quotas on issuance of marine fishing licenses and production allowed to be caught of each species in the waters from the inshore route to the outer boundary of Vietnam's exclusive economic zone of provinces.

3. Pursuant to Clause 1 of this Article, the People's Committee of each province shall determine and assign quotas on issuance of marine fishing licenses and the production allowed to be caught of each species in the coastal waters and inshore water under its management.

4. The quota on issuance of marine fishing licenses shall be published and adjusted every 60 months. If there is any variation in aquatic resources, according to results of investigation into and assessment of aquatic resources in each subject, annual investigation into and assessment of commercial fisheries, the Ministry of Agriculture and Rural Development and People's Committees of provinces shall adjust the production allowed to be caught of each species.

#### **Article 50. Commercial fishing licenses**

1. Organizations and individuals using commercial fishing vessels with the maximum length of at least 6 meters for engaging in fishing shall have commercial fishing licenses.

2. The organization or individual prescribed in Clause 1 of this Article will be issued with the commercial fishing license if:

- a) The marine fishing does not exceed the quota on issuance of marine fishing licenses;
- b) The commercial fishing is not included in the list of banned vocations;
- c) The commercial fishing vessel requiring inspection is issued with the certificate of technical safety;
- d) The commercial fishing vessel is provided with communication equipment as prescribed by the Ministry of Agriculture and Rural Development;

dd) The commercial fishing vessel with the maximum length of at least 15 meters is equipped with the vehicle tracking device in accordance with the Government's regulations;

e) The organization or individual has obtained the registration certificate of commercial fishing vessels;

g) The master and chief engineer officer have degrees or certificates prescribed by the Ministry of Agriculture and Rural Development;

h) In case of reissuance of the expired license, the organization or individual satisfy the requirements prescribed in Points b, c, d, dd, e and g of this Clause and have submitted extraction log in accordance with regulations of law and the commercial fishing vessel is not included in the list of illegal commercial fishing vessels published by the Ministry of Agriculture and Rural Development.

3. Main contents of the commercial fishing license include:

a) Name of the organization or individual;

b) Registration number, name and call sign of the commercial fishing vessel and the International Maritime Organization (IMO) number (if any);

c) Fishing vocations and areas;

d) Fishing period of each vocation;

dd) The production allowed to be caught of each species (if any);

e) The registered fishing port;

g) Expiry date

4. A commercial fishing license will be reissued if:

a) It is lost or damaged; or

b) The license holder's information specified in the license or the registered fishing port is changed;

c) The license expires.

5. A commercial fishing license will be revoked if:

a) Its contents are erased or changed;

b) Aquatic species are extracted outside the Vietnam's maritime boundary;

- c) The registration of commercial fishing vessel has been cancelled;
  - d) The conditions prescribed in Clause 2 of this Article are no longer satisfied.
6. The period of a commercial fishing license is specified as follows:
- a) The period of the license issued for the first time or reissued in accordance with regulations of Point c Clause 4 of this Article shall not exceed the remaining period of the fishing quota from the day on which it is issued;
  - b) The period of the license reissued in accordance with regulations in Points a and b Clause 4 of this Article shall be the same as the remaining period of the issued license.
7. Contents of a commercial fishing license will be adjusted if there is any variation in aquatic resources as prescribed in Clause 4 Article 49 of this Law. The Ministry of Agriculture and Rural Development and People's Committees of provinces shall notify adjustments to licenses to extract aquatic resources to shipowners.

#### **Article 51. Issuance, extension, reissuance and revocation of commercial fishing licenses**

- 1. The People's Committees of province have power to issue, extend, reissue or revoke commercial fishing licenses, except for the cases prescribed in Clause 2 of this Article.
- 2. The Ministry of Agriculture and Rural Development shall issue, extend and revoke commercial fishing licenses regarding foreign organizations and individuals engaged in commercial fishing activities within the Vietnam's maritime boundary and Vietnamese organizations and individuals engaged in commercial fishing activities outside the Vietnam's maritime boundary.
- 3. The Government shall provide guidelines for procedures for issuance, extension, reissuance and revocation of commercial fishing licenses.

#### **Article 52. Rights and responsibilities organizations and individuals engaged in fishing activities**

- 1. Organizations and individuals engaged in fishing activities are entitled to:
  - a) Be engaged in fishing activities in accordance with contents of their licenses;
  - b) Receive information on aquatic resources, fishery activities, markets of aquatic products and instructions on fishing technologies and techniques;
  - c) Have their legal rights and interests protected by the State during the fishing.
- 2. Organizations and individuals engaged in fishing shall:

- a) Comply with regulations specified in commercial fishing licenses and maintain the conditions prescribed in Clause 2 Article 50 of this Law;
- b) Comply with regulations on ensuring safety of people, commercial fishing vessels and food safety of caught aquatic species; actively take measures for preventing natural disasters and rescue people and ships in distress;
- c) Fly the national flag of the Socialist Republic of Vietnam on their commercial fishing vessels; mark their commercial fishing vessels according to each fishing area, mark their fishing tackle that used at fisheries in accordance with regulations issued by the Ministry of Agriculture and Rural Development;
- d) Comply with inspections carried out by competent authorities in accordance with regulations of law;
- dd) Be involved in rescue and protection of sovereignty, security and order in fishing areas; denounce violations of law on fishery;
- e) Comply with regulations on management of fishing areas, fishery vocations, size of aquatic species to be extracted and commercial fishing tackle; comply with adjustments to contents of commercial fishing licenses in case of notifications of adjustment to the production allowed to be caught of each species given by People's Committees of provinces;
- g) During the commercial fishing, the following documents shall be carried: the original copy or copy of the commercial fishing license in the case where this license is required, the certificate of technical safety in case of the commercial fishing vessel requiring inspection, the registration certificate of the commercial fishing vessel, the directory of ship officers, decrees and certificates of the master and chief engineer officer; ID cards, passports or other identity papers as prescribed by law on crewmembers;
- h) Record and submit reports and fishing logbooks according to instructions provided by the Ministry of Agriculture and Rural Development.

## **Section 2. COMMERCIAL FISHING OUTSIDE THE VIETNAM'S MARITIME BOUNDARY**

### **Article 53. Conditions for commercial fishing outside the Vietnam's maritime boundary**

1. Organizations and individuals engaged in fishing activities outside the Vietnam's maritime boundary will be approved regarding commercial fishing in the maritime boundary of other countries or territories or licensed regarding commercial fishing in the waters under management of RFMOs by the Ministry of Agriculture and Rural Development if they satisfy the following conditions:
  - a) They are approved by competent authorities of the countries or territories owning fishing areas or issued with fishing quotas by the RFMOs;

- b) Commercial fishing vessels are eligible for operation, have been registered, issued with certificates of technical safety whose remaining period is at least 6 months; have sufficient equipment for ensuring safety of people and commercial fishing vessels, suitable vehicle tracking devices and communication equipment;
  - c) Masters and chief engineer officers have degrees or certificates issued by competent authorities. Crewmembers have insurance and passports. At least one person working on the vessel or group of vessels can use English or a common language of the country or territory where the commercial fishing vessels extract aquatic species. The cross-border departure of commercial fishing vessels is not banned in accordance with regulations of law;
  - d) Other conditions prescribed by the RMFO, countries or territories are satisfied.
2. The Government shall provide detailed guidelines for this Article.

**Article 54. Responsibilities of organizations and individuals engaged in commercial fishing outside the Vietnam's maritime boundary**

Organizations and individuals engaged in commercial fishing outside the Vietnam's maritime boundary shall:

1. Be approved or licensed by the Ministry of Agriculture and Rural Development.
2. Go through procedures for exit and entry in accordance with regulations of Vietnam law and laws of the countries or territories where they extract aquatic species.
3. Comply with regulations of Vietnam law, regulations of international treaties to which the Socialist Republic of Vietnam is a signatory, laws of countries and territories where aquatic species are extracted and regulations issued by the RFMOs managing the waters where aquatic species are extracted.
4. In case of accidents or dangers requiring assistance, crewmembers shall give emergency signals or and promptly contact the nearest competent authorities of the countries or territories; notify the nearest representative authorities of Vietnam in the countries or territories, fishery authorities of provinces or the Ministry of Agriculture and Rural Development.
5. During the commercial fishing, the masters shall carry original copies or certified copies of relevant documents issued by Vietnamese competent authorities and relevant documents issued by the countries or territories when the commercial fishing vessels operate in the waters under their management.
6. Cooperate with competent authorities in dealing with cases related to people and commercial fishing vessels used for fishing outside the territory of Vietnam.
7. The shipowners and masters shall provide ship officers with guidance on rights and responsibilities related to commercial fishing outside the Vietnam's maritime boundary;

8. The shipowners shall buy insurance for crewmembers and cover all costs arising during the commercial fishing outside the Vietnam's maritime boundary.

### **Section 3. COMMERCIAL FISHING BY FOREIGN COMMERCIAL FISHING VESSELS WITHIN THE VIETNAM'S MARITIME BOUNDARY**

#### **Article 55. Conditions for issuing licenses to foreign organizations and individuals engaged in commercial fishing within the Vietnam's maritime boundary**

Foreign organizations or individuals will be issued with commercial fishing licenses within the Vietnam's maritime boundary if all of the following conditions are satisfied:

1. There are international agreements or international treaties to which the Socialist Republic of Vietnam is a signatory; licenses or approvals granted by competent authorities of the country owning the commercial fishing vessels specifying that the commercial fishing within the Vietnam's maritime boundary is allowed;
2. There are investment registration certificates issued by competent authorities or cooperation projects on engaged in fishing approved by the Prime Minister or cooperation projects on investigating and assessing aquatic resources, technical training, transferring technologies in fishery, collecting and transporting aquatic species within the Vietnam's maritime boundary that have been approved by the Ministry of Agriculture and Rural Development or Chairmen/Chairwomen of People's Committees of provinces.

Projects on fishing within the Vietnam's maritime boundary are approved in accordance with regulations in Points a and b Clause 2 Article 50 of this Law. The commercial fishing vessels are not included in the list of illegal commercial fishing vessels made and published by Vietnamese competent authorities or RFMOs or international authorities;

3. There are registration certificates of commercial fishing vessels and certificates of technical safety whose remaining period is at least 6 months issued by the competent authorities of the flag state and certificates of use of frequency and radio transmitters issued by Vietnamese competent authorities;
4. There is a list of crewmembers. Masters and chief engineer officers have degrees or certificates suitable for types of vessels. Foreign crewmembers of foreign commercial fishing vessels operating within the Vietnam's maritime boundary are approved by the Ministry of Public Security and Ministry of National Defense. Ship officers have passports and insurance;
5. There are vehicle tracking devices as prescribed by regulations and law;
6. At least one person working on the vessel is proficient in Vietnamese or English.

#### **Article 56. Issuance, extension, reissuance and revocation of licenses of foreign organizations and individuals engaged in commercial fishing activities within the Vietnam's maritime boundary**



1. Main contents of the license include:

a) Name and address of the shipowner;

b) Registration number, name and call sign of the commercial fishing vessel and IMO number (if any);

c) Information on radio frequency;

d) Fishing areas, fishery vocations and operating fields of the commercial fishing vessels;

dd) Places where procedures for cross-border departure and arrival are gone through;

e) The registered port;

g) Expiry date

2. The period of the license shall depend on the period of investment registration or cooperation projects but shall not exceed 12 months.

3. The commercial fishing license issued to a foreign organization or individual will be extended more than once but each extension period shall not exceed 12 months if the following conditions are satisfied:

a) The investment registration certificate or cooperation project on fishery is valid;

b) Fishing logbooks or operating reports are submitted in accordance with regulations of law.

4. Foreign organizations or individuals will be reissued with commercial fishing licenses within the Vietnam's maritime boundary if their licenses are lost, damaged or changed in the validity period of their investment registration certificates or cooperation projects on fishery.

5. The commercial fishing license issued to a foreign organization or individual will be revoked if:

a) Its contents are erased or changed;

b) The foreign organization or individual fails to comply with the contents specified in the license;

c) The investment registration certificate or cooperation project finishes before the expiry date of the license;

d) The conditions prescribed in Article 55 of this Law are no longer satisfied.

dd) The commercial fishing vessel is destroyed, sunk and cannot be salvaged or missing;

e) Aquatic species on the commercial fishing vessels originating from illegal commercial fishing.

6. The Ministry of Agriculture and Rural Development has power to issue, extend, reissue and revoke licenses to foreign organizations and individuals engaged in commercial fishing activities within the Vietnam's maritime boundary.

7. The Government shall provide guidelines for issuance, extension, reissuance and revocation of licenses to foreign organizations and individuals engaged in commercial fishing activities within the Vietnam's maritime boundary.

**Article 57. Rights and responsibilities of foreign organizations and individuals engaged in commercial fishing activities within the Vietnam's maritime boundary**

1. Foreign organizations and individuals engaged in commercial fishing activities within the Vietnam's maritime boundary are entitled to:

a) Be engaged in commercial fishing activities within the Vietnam's maritime boundary in accordance with contents of their licenses;

b) Receive information related to fishery activities in accordance with regulations of Vietnam law if requested;

c) Have their legal rights and interests protected by the Vietnamese Government during the commercial fishing in Vietnam.

2. Foreign organizations and individuals engaged in commercial fishing activities within the Vietnam's maritime boundary shall:

a) Pay sufficient fees and charges in accordance with regulations of Vietnam law and buy insurance for supervisor;

b) Only anchor the commercial fishing vessels in registered ports and send written notifications to the Ministry of Agriculture and Rural Development at least 7 working days from the day on which the vessels arrive in Vietnam; go through procedures for cross border departure and arrival in accordance with regulations of Vietnam law;

c) Carry sufficient original copies or certified copies of licenses for fishery activities issued by Vietnamese competent authorities, certificates of technical safety, licenses to use frequency of radio transmitters issued by Vietnamese competent authorities, directories of crewmembers;

d) Keep and submit fishing logbooks of every voyage regarding commercial fishing vessels; operating reports of every voyage regarding ships used for investigating and assessing aquatic resources, providing technical training, transferring fishery technologies, collect and transporting aquatic species in accordance with regulations issued by the Minister of Agriculture and Rural Development. Fishing logbooks or operating reports shall be made in Vietnamese or English;

- dd) Comply with requirements of supervisors; ensure working and living conditions for supervisors; pick supervisors up and return them to places approved by the Ministry of Agriculture and Rural Development;
- e) Comply with inspection and control by competent authorities in accordance with regulations of Vietnam law;
- g) In case of accidents or dangers requiring assistance, crewmembers shall give emergency signals or and immediately notify the nearest Vietnamese relevant authorities;
- h) Only sell aquatic products in Vietnam unless there is an export contract;
- i) If a foreign vessel is shut down when its license is still valid, the shipowner shall send a written report to the Ministry of Agriculture and Rural Development at least 7 working days before it is shut down;
- k) Fly national flags in accordance with the Government's regulations
- l) Comply with other regulations of Vietnam law and international treaties to which the Socialist Republic of Vietnam is a signatory.

**Article 58. Supervisors working on foreign commercial fishing vessels operating within the Vietnam's maritime boundary**

1. A foreign commercial fishing vessel operating within the Vietnam's maritime boundary shall have supervisor(s) if it is used for:

- a) Commercial fishing;
- b) Investigating aquatic resources;
- c) Providing technical training and transferring fishery technologies.

2. A supervisor shall satisfy the following requirements:

- a) He/she is a part-time official or public employee appointed by the Ministry of Agriculture and Rural Development shall:
- b) He/she satisfies health requirement for going out to sea;
- c) He/she is qualified for supervision;
- d) He/she is proficient in English or another common language of the country or territory having vessels engaged in fishery activities within the Vietnam's maritime boundary.

3. If there are official(s), public employee(s) or employee(s) of the Ministry of Agriculture and Rural Development working on a foreign vessel engaged in fishery activities within the Vietnam's maritime boundary under an approved project or contract, supervisor(s) are not required.

#### **Article 59. Rights and responsibilities of supervisors**

1. A supervisor is entitled to:

- a) Request crewmembers to comply with regulations of Vietnam law and regulations specified in the licenses;
- b) Request the master to take the vessel to the nearest port if it is found that the foreign crew and vessel commit serious violations of Vietnam law;
- c) Inspect and supervise activities on the vessel, fish finders and communication equipment of the vessel;
- d) Use communication equipment of the vessel for working if necessary;
- dd) Have insurance during the supervision of the vessel;
- e) Have his/her working and living conditions on the vessel ensured by the shipowner;
- g) Receive salary, per diem and allowances in accordance with the Government's regulations
- h) Receive other allowances and wages from partners if it is specified in a cooperation convention, projects or contract.

2. A supervisor shall:

- a) Supervise activities and compliance with regulations of Vietnam law by foreigners and foreign vessels engaged in fishery activities within the Vietnam's maritime boundary;
- b) Submit sufficient and timely reports on information related to activities of foreign vessels according to assigned duties to the Ministry of Agriculture and Rural Development.

### **Section 4. ILLEGAL COMMERCIAL FISHING**

#### **Article 60. Illegal commercial fishing**

1. Illegal commercial fishing activities include:

- a) Commercial fishing without licenses;

b) Commercial fishing in the areas where it is banned, commercial fishing in the period when it is banned; catching and transporting aquatic species banned from commercial fishing; catching aquatic species whose sizes are smaller than those prescribed by law; being engaged in banned fisheries or using banned fishing tackle;

c) Illegally catch of endangered, precious and rare aquatic species;

d) Illegal commercial fishing in the waters under management of RFMOs, other countries or territories;

dd) Illegal commercial fishing exceeding the production of each aquatic species, failure to catch aquatic species in the areas and within the period specified in the licenses;

e) Concealment, counterfeiting or destruction of evidence for violations of regulations related to catching and protection of aquatic resources;

g) Stopping and resisting persons carrying out inspections and supervision of compliance with regulations on extracting and protecting aquatic resources;

h) Transshipping or providing assistance for vessels determined to be involved in illegal commercial fishing, except for force majeure;

i) Failure to have sufficient communication equipment and vehicle tracking devices or operate them in accordance with regulations of law;

k) Failure to have certificates of eligibility for food safety as prescribed by law;

l) Temporary importation, temporary exportation, merchanting trade and transit of aquatic species and aquatic products originating from illegal commercial fishing;

m) Failure to keep fishing logbooks, failure to keep sufficient and proper logbooks, failure to submit fishing logbooks or reports in accordance with regulations of law;

n) Use of stateless commercial fishing vessels or vessels obtaining nationality of non-member countries for illegal commercial fishing in the international waters under the management of RFMOs;

o) Failure to use commercial fishing vessels in accordance with regulations on extracting and protecting aquatic resources in the international waters not under the management of RFMOs;

2. Organizations and individuals violating regulations prescribed in Clause 1 of this Article, depending on extent of violations, shall face administrative penalties or criminal prosecution in accordance with regulations of law.

3. The Minister of Agriculture and Rural Development shall provide guidelines for publishing the list of commercial fishing vessels engaged in illegal commercial fishing.

## **Article 61. Confirmation and certification of origins of aquatic products derived from commercial fishing activities**

1. Vietnamese competent authorities shall certify that materials and aquatic products are not derived from illegal commercial fishing activities within the Vietnam's maritime boundary at the requests of organizations and individuals.
2. Competent authorities of the exporting country shall certify that imported aquatic materials are not derived from illegal commercial fishing activities at the requests of importers.
3. Aquatic products derived from imported aquatic materials shall be certified by Vietnamese competent authorities at the request of exporters if these materials are certified to be derived from legal commercial fishing activities by the competent authority of the exporting country.
4. The Minister of Agriculture and Rural Development shall provide guidelines for contents of and procedures for confirming aquatic material and certifying aquatic products derived from commercial fishing activities; confirming that imported aquatic materials or aquatic products manufactured from imported aquatic materials are not derived from illegal commercial fishing.

## **Chapter V**

### **MANAGEMENT OF COMMERCIAL FISHING VESSELS, SHIPS OF FISHERY AUTHORITIES AND SHELTERING ANCHORAGES FOR COMMERCIAL FISHING VESSELS**

#### **Section 1: MANAGEMENT OF COMMERCIAL FISHING VESSELS AND SHIPS OF FISHERY AUTHORITIES**

### **Article 62. Management of building, modification, chartering and purchase of commercial fishing vessels**

1. The People's Committees of each province shall publish quotas on issuance of commercial fishing licenses, quantity of issued marine commercial fishing licenses of the province; issue written approval for building, modification, chartering and purchase of commercial fishing vessels according to the quotas on issuance of commercial fishing licenses; establish and publish specific criteria of the province and procedures for processing applications for approving building, modification, chartering and purchase of commercial fishing vessels operating in the sea, issue and publish regulations on building, modification, chartering and purchase of commercial fishing vessels operating in inland waters under its management.
2. Organizations and individuals engaged in building, modification, chartering or purchase of commercial fishing vessels whose maximum length is at least 6 meters operating in the sea shall be approved by People's Committees of provinces.

### **Article 63. Conditions for building, modification, chartering and purchase of commercial fishing vessels**

A facility will be issued with the certificate of eligibility for building and modifying commercial fishing vessels if the following conditions are satisfied:

1. There are suitable facilities. Production and business plans are conformable with types and sizes of built or modified commercial fishing vessels;
2. There is a department of quality supervision and management to ensure that its products meet standards and conditions for quality, technical safety and environmental safety prescribed by law;
3. Human resources satisfy requirements for production and business;
4. System(s) for managing product quality and technology processes meet the prescribed requirements.

**Article 64. Issuance, reissuance and revocation of certificates of eligibility for building and modifying commercial fishing vessels**

1. People's Committees of provinces have power to issue, reissue and revoke certificates of eligibility for building and modifying commercial fishing vessels.

2. The certificate of eligibility for building and modifying commercial fishing vessels will be reissued if:

- a) It is lost or damaged; or
- b) The holder's information specified in the certificate is changed.

3. The certificate of eligibility for building and modifying commercial fishing vessels will be revoked if:

- a) Its contents are erased or changed;
- b) The shipyard fails to satisfy the conditions prescribed in Article 63 of this Law;
- c) There are other violations in which the certificate shall be revoked.

4. The Government shall provide detailed guidelines for conditions and procedures for issuing, reissuing and revoking certificates of eligibility for building and modifying commercial fishing vessels.

**Article 65. Rights and responsibilities of shipbuilders and modifying facilities of commercial fishing vessels**

1. A shipbuilder or modifying facility of commercial fishing vessels is entitled to:

- a) Build or modify commercial fishing vessels in accordance with regulations of law;
- b) Receive fees for building and modification of commercial fishing vessels under agreements;
- c) Exercise other rights prescribed by law.

2. A shipbuilder or modifying facility of commercial fishing vessels shall:

- a) Only build or modify commercial fishing vessels requiring commercial fishing licenses in case of written approval of the People's Committee of the province;
- b) Be under technical supervision of the inspecting organization;
- c) Build or modify commercial fishing vessels according to designs appraised and approved by the inspecting organization;
- d) Take responsibility for quality of built and modified commercial fishing vessels;
- dd) Submit regular or ad hoc reports on building and modification of commercial fishing vessel according to instructions given by the Ministry of Agriculture and Rural Development.

#### **Article 66. Export and import of commercial fishing vessels and bareboat charter**

1. Commercial fishing vessels shall be exported at the request of the importing countries.
2. An importer will be issued with licenses to import commercial fishing vessels for commercial fishing activities if the following conditions are satisfied:
  - a) The commercial fishing production does not exceed quota on issuance of commercial fishing license that has been determined;
  - b) The commercial fishing vessel has a legal origin;
  - c) The fishing vessel is covered by steel plates or new-material plates;
  - d) The maximum length of the commercial fishing vessel is at least 24 meters;
  - dd) The commercial fishing vessel's plates is produced for 5 years or less and the main engine is produced for 7 years or less from the production year to time of import;
  - e) The commercial fishing vessel is issued with the certificate of technical safety whose remaining period is at least 06 months by the inspecting organization of the flag state.
3. Organizations and individuals will be issued with licenses for bareboat charter if the conditions prescribed in Point a, b, c, d and e Clause 2 of this Article; ship plate has been



produced for 8 years or less and the main engine has been produced for 10 years or less counted from the production year to time of charter. Charter period is not more than 5 years.

4. The Government shall provide guidelines for procedures for issuing licenses for import of commercial fishing vessels and bareboat charter and guidelines for giving commercial fishing vessels

#### **Article 67. Technical safety of commercial fishing vessels**

1. Commercial fishing vessels whose maximum length is at least 12 meters shall be inspected, classified and issued with the certificate of technical safety.

2. If the commercial fishing vessels prescribed in Clause 1 of this Article are built or modified, the inspecting organization shall supervise the conformity of their technical safety and quality with appraised vessel designs and issue documents prescribed by law.

3. The commercial fishing vessels that are not mentioned in Clause 1 of this Article shall be provided with equipment for ensuring their technical safety before they are operated.

4. The Minister of Agriculture and Rural Development shall provide detailed guidelines for this Article.

#### **Article 68. Conditions for inspecting organizations**

1. Organizations and individuals will be issued with the certificates of eligibility for inspecting commercial fishing vessels if:

a) They are established in accordance with regulations of law.

b) Facilities meet the requirements;

c) Inspectors meet the requirements;

d) There is a suitable quality management system.

2. The Government shall provide detailed guidelines for this Article.

#### **Article 69. Issuance, reissuance and revocation of certificates of eligibility for inspecting commercial fishing vessels**

1. The Ministry of Agriculture and Rural Development has power to issue, reissued and revoke certificates of eligibility for inspecting commercial fishing vessels and inspect the maintenance of eligibility every 24 months.

2. The certificate of eligibility for inspecting commercial fishing vessels will be reissued if:

- a) It is lost or damaged; or
  - b) The holder's information specified in the certificate is changed.
3. The certificate of eligibility for inspecting commercial fishing vessels will be revoked if:
- a) Its contents are erased or changed;
  - b) The inspecting organization or individual fails to inspect commercial fishing vessels in accordance with regulations of law;
  - c) The organization or individual fails to satisfy the conditions prescribed in Clause 1 Article 68 of this Law;
  - d) There are other violations in which the certificate shall be revoked.
4. The Minister of Agriculture and Rural Development shall promulgate national technical regulations on classification and construction of commercial fishing vessels; procedures for recognizing the eligibility for inspecting commercial fishing vessels; prescribe standards of competence and provision of professional training for inspectors; issue and revoke cards or seals of inspectors.

#### **Article 70. Rights and responsibilities of inspecting organizations and inspectors**

1. An inspecting organization has the following rights and responsibilities:
- a) It is entitled to inspect commercial fishing vessels in accordance with regulations of law;
  - b) It is entitled to request shipowners, shipbuilders or modifying facilities of commercial fishing vessels to provide documents on technical designs and facilitate the supervision, technical inspection by inspectors and ensure the safety of inspectors during their performance of tasks;
  - c) It is entitled to receive inspection fees in accordance with regulations of law;
  - d) It shall exercise technical supervision of commercial fishing vessels in accordance with regulations of law;
  - dd) The head of the inspecting organization shall take legal responsibility for inspection results and issue certificates of technical safety;
  - e) It shall comply with instructions and be subject to inspections in accordance with regulations of law;
  - g) It shall submit regular or ad hoc reports on inspecting commercial fishing vessel according to instructions given by the Ministry of Agriculture and Rural Development.

2. An inspector has the following rights and responsibilities:

- a) He/she is entitled to sign and use special seals or prints when making documents on registration of commercial fishing vessels and equipment thereon in accordance with regulations of law;
- b) He/she may refuse to carry out technical inspection if the conditions for inspection prescribed by law have not been satisfied.
- c) He/she may reserve opinions other than decisions of the heads of inspecting organizations related to conclusions of assessment of technical status of commercial fishing vessels and equipment installed thereon;
- d) He/she shall inspect commercial fishing vessels in accordance with national technical regulations on classification and construction of ships
- dd) He/she shall take responsibility for results of technical safety inspection and classification of commercial fishing vessels.

#### **Article 71. Registration of commercial fishing vessels**

1. Commercial fishing vessels whose maximum length of at least 06 meters shall be entered in the national register of commercial fishing vessels and be issued with the certificate of technical safety in accordance with regulations of law. Commercial fishing vessel whose maximum length is less than 6 meters shall be totaled up by the People's Committees of communes for management.

2. The period of the registration certificate of commercial fishing vessels ("hereinafter referred to as "registration certificate") shall be specified as follows:

- a) The period of the registration certificate issued for commercial fishing vessels that are built, modified, imported, sold, given and aided is permanent;
- b) In case of bareboat charter, the period of the registration certificate shall be equal to the charter period.

3. A commercial fishing vessel will be issued with the registration certificate if:

- a) There are documents proving the legal ownership of the commercial fishing vessel;
- b) The commercial fishing vessel requiring registration is issued with the certificate of technical safety;
- c) There is a certificate of suspension from registration in case of bareboat charter; the certificate of cancellation of registration in case of import, trading, giving of commercial fishing vessels or change of the province of registration;

- d) The shipowner has head office or permanent place of residence located in Vietnam.
4. The People's Committee of each province shall be in charge of registration of commercial fishing vessels in the province.
5. The Minister of Agriculture and Rural Development shall prescribe procedures for registration and cancellation of registration of commercial fishing vessels.

#### **Article 72. Cancellation of registration of commercial fishing vessels**

1. The registration of a commercial fishing vessel will be cancelled if:
- a) The commercial fishing vessel is destroyed or sunk and cannot be salvaged;
  - b) The commercial fishing vessel is missing for 1 year from the date of official notification on mass media;
  - c) The commercial fishing vessel is exported, sold, given or aided;
  - d) The registration is cancelled at the request of the shipowner.
2. Competent authorities shall revoke registration certificates, remove names of the commercial fishing vessels from the national register of commercial fishing vessels and issue the certificates of cancellation of regulation to the shipowners

#### **Article 73. Rights and responsibilities of shipowners**

1. Shipowners are entitled to choose eligible inspecting organizations or individual for commercial fishing vessel registration.
2. Shipowners shall comply with regulations on inspecting commercial fishing vessels.
3. Shipowners shall ensure working and living conditions, safety, legal rights and interests of and labor allowances for crewmembers.
4. Shipowners shall assign ship officers according to the minimum safe manning levels in accordance with regulations issued by the Minister of Agriculture and Rural Development.
5. Shipowners shall buy accident insurance and other compulsory insurance for crewmembers in accordance with regulations of law. And cover necessary travel and subsistence expenses arising from the repatriation of ship owners and crewmembers that are requested to leave their commercial fishing vessels by the masters.
6. Shipowners shall take responsibility for violations of regulations on illegal commercial fishing.

## **Article 74. Crewmembers**

1. Crewmembers shall satisfy the following requirements:

- a) They are Vietnamese citizens or foreigners allowed to work on commercial fishing vessels;
- b) They have ID cards, passports or other identity documents as prescribed by law;
- c) They satisfy health and working age requirements;
- d) They have degrees or certificates suitable for their positions.

2. Crewmembers are entitled to:

- a) Have their labor allowances and legal rights and benefits ensured when they work on commercial fishing vessels in accordance with regulations of labor law;
- b) Refuse to work on commercial fishing vessels which are ineligible for ensuring safety;
- c) Hold appropriate positions on commercial fishing vessels.

3. Crewmembers shall:

- a) Comply with regulations of Vietnam law and international treaties to which the Socialist Republic of Vietnam is a signatory.
- b) Follow the masters' orders; actively prevent accidents happened to themselves and other crewmembers and incidents happened to commercial fishing vessels;
- c) Immediately notice the masters or people on watch of dangers on their commercial fishing vessels;
- d) Comply with regulations on labor law.

4. The Minister of Agriculture and Rural Development shall prescribe positions and duties of each position; manning level of ship officers on commercial fishing vessels; standards of competence and certificates of ship officers' competency; registration of ship officers and directories of ship officers; standards of foreign ship officers working on Vietnamese commercial fishing vessels.

## **Article 75. Masters of commercial fishing vessels**

1. Master is the person having supreme command of a ship and works under the regime of head ship.

2. A shipowner has the rights prescribed in Clause 2 Article 74 of this Article and is entitled to:

- a) Represent the shipowner and people having benefits related to property or aquatic products during the operation of the commercial fishing vessel or commercial fishing;
- b) Refuse to operate the commercial fishing vessel if it fails to satisfy conditions for ensuring safety of people and the vessel, food safety, maritime safety and preventing environmental pollution;
- c) Refuse to recruit unqualified crewmembers or crewmembers committing violations of law or force them to leave the commercial fishing vessel;
- d) Request the rescue if the commercial fishing vessel is in distress;
- dd) Decide to use urgent methods for taking the commercial fishing vessel to a safe place in case of emergency.

3. A shipowner has the responsibilities prescribed in Clause 3 Article 74 of this Article and shall:

- a) Instruct, assign and urge crewmembers to comply with regulations on maritime safety, occupational safety, food safety and environmental safety;
- b) Check crewmembers, equipment and documents of the commercial fishing vessel, crewmembers before the commercial fishing vessel leaves the port;
- c) Update information on position of the commercial fishing vessel, quantity of crewmembers in accordance with regulations of law; present documents at the request of competent authorities;
- d) In case of natural disasters, accelerate the response to disaster by crewmembers and take the commercial fishing vessel to a safe refuge;
- dd) If the commercial fishing vessel meet with accidents, make timely responses and notify it to the nearest coastal radio station or competent authorities;
- e) If there are people in danger, take all methods for curing these people. If a person is dead, keep his/her property and will and concurrently notify it to the nearest coastal radio station, the ship owner, the dead person's family or competent authority;
- g) If the commercial fishing vessel operates from the inshore route to the outer boundary of Vietnam's exclusive economic zone seawards; direct it to reach the fishing ports included in the list of appointed fishing ports published by the Ministry of Agriculture and Rural Development;
- h) If the commercial fishing vessel must be left due to force majeure, the master shall be the last person to leave the vessel;
- i) If other commercial fishing vessels meet with accidents, take timely rescue methods and notify it to the nearest coastal radio station or competent authority; follow the order to use the commercial fishing vessel for search and rescue issued by the competent authority;

k) Keep and submit fishing logbooks; submits fishing reports; confirm the production of caught aquatic species;

l) Take responsibility for violations of regulations on illegal commercial fishing.

4. If crimes in flagrante or wanted fugitives are found on the commercial fishing vessel when it has left the port, the master will have the following rights and responsibilities:

a) He is entitled to arrest or give an order to arrest criminals in flagrante or wanted fugitives;

b) He shall take necessary methods and make documents in accordance with regulations of law;

c) He shall protect evidence, transfer arrested people and documents to the competent authority when the commercial fishing vessel reaches the first fishing port in Vietnam or Vietnamese ships of fishery authorities which is performing duties at sea or notify the nearest representative authority of Vietnam and follow instructions of this authority if the commercial fishing vessel operates outside the Vietnam's maritime boundary.

#### **Article 76: Management of watercrafts on duty**

1. Ships of fishery authorities shall be registered and inspected in accordance with regulations of law.

2. Organizations assigned to manage ships of fishery authorities may choose suitable inspecting organizations.

3. Crewmembers of ships of fishery authorities shall comply with regulations of law on officials and public employees, maritime and labor codes.

4. The Minister of Agriculture and Rural Development shall prescribe the registration of watercrafts on duty, positions, tasks of each position, manning levels of ship officers working on watercrafts on duty.

### **Section 2. FISHING PORTS AND SHELTERING ANCHORAGES FOR COMMERCIAL FISHING VESSELS**

#### **Article 77. Planning for and investment in building a system of fishing ports and sheltering anchorages for commercial fishing vessels**

1. The planning for building a national system of fishing ports and sheltering anchorages for commercial fishing vessels shall be conformable with strategies for developing aquatic species and other planning and ensure national defense and security.

2. Fishing ports and sheltering anchorages for commercial fishing vessels shall be constructed according to the approved planning for building a national system of fishing ports and sheltering

anchorage and in accordance with regulations of law on investment and construction and other relevant regulations of law.

3. The Ministry of Agriculture and Rural Development shall formulate the planning for building a national system of fishing ports and sheltering anchorages and request the Prime Minister to approve it; publish, provide instructions on and inspect the implementation of the approved planning; manage the national system of fishing ports and sheltering anchorages in accordance with regulations of law.

### **Article 78. Classification of fishing ports**

1. A class 1 fishing port shall satisfy the following criteria:

a) It is a place where commercial fishing vessels of multiple provinces, central-affiliated cities and foreign vessels come into to carry out handling of aquatic products and provide other fishery services and is the main distribution point of aquatic products in the region;

b) At least 90% of main equipment for material handling of the port is mechanized;

c) The minimum area of port waters is 20 ha;

d) Depth of channels to the fishing port and waters in front of the quay complies with the Government's regulations;

dd) The minimum land area of the port is 4 ha or 1 ha applicable to fishing ports on islands. Offices and technical infrastructure comply with regulation of law on food safety, environmental safety and fire safety;

e) The minimum quantity of aquatic products passing the port is 25,000 metric tons per year or 3,000 metric tons per year, applicable to fishing ports on islands.

2. A class 2 fishing port shall satisfy the following criteria:

a) It is a place where commercial fishing vessels of several provinces and central-affiliated cities come into to carry out handling of aquatic products and provide other fishery services and is the main distribution point of aquatic products in the province;

b) At least 70% of main equipment for material handling of the port is mechanized;

c) The minimum area of port waters is 10 ha;

d) Depth of channels leading to the fishing port and waters in front of the quay complies with the Government's regulations;



dd) The minimum land area of the port is 2.5 ha or 0.5 ha applicable to fishing ports on islands. Offices and technical infrastructure comply with regulations of law on food safety, environmental safety and fire safety;

e) The minimum quantity of aquatic products passing the port is 15,000 metric tons per year or 1,000 metric tons per year, applicable to fishing ports on islands.

3. A class 3 fishing port shall satisfy the following criteria:

a) It is a place where commercial fishing vessels of a province or central-affiliated city anchor;

b) The minimum land area of the port is 0.5 ha or 0.3 ha applicable to fishing ports on islands. Offices and technical infrastructure comply with regulations of law on food safety, environmental safety and fire safety;

### **Article 79. Opening and closing of fishing ports**

1. A fishing port will be opened if:

a) The conditions prescribed in Article 78 of this Law are satisfied;

b) The organization managing the fishing port (hereinafter referred to as “supervisory organization”) has been established;

c) There is a plan for using the fishing port.

2. A fishing port will be closed if:

a) The supervisory organization is suspended from operation or shut down in accordance with regulations of law;

b) Depth of channels leading to the class 1 or class 2 fishing port and waters in front of the quay fails to comply with the Government’s regulations;

c) The class 1 fishing port no longer satisfies the criteria prescribed in Points b, c and dd Clause 1 Article 78 of this Law without any timely remedy;

d) The class 2 fishing port no longer satisfies the criteria prescribed in Points b, c and dd Clause 2 Article 78 of this Law without any timely remedy;

dd) The class 3 fishing port no longer satisfies the criteria prescribed in Point b Clause 3 Article 78 of this Law without any timely remedy;

3. Power to open and close fishing ports is specified as follows:

- a) The Ministry of Agriculture and Rural Development has power to open and close class 1 commercial fishing vessels;
- b) The People's Committees of provinces have power to open and close class 2 fishing ports;
- c) The People's Committees of districts have power to open and close class 3 fishing ports;
4. The Government shall provide guidelines for contents of and procedures for publishing the opening and closing of fishing ports.

#### **Article 80. Management of fishing ports**

1. Supervisory organizations shall be established and operate in accordance with regulations of law.
2. Supervisory organizations shall be assigned to manage and use infrastructure of fishing ports, fishing ports' land, port waters and manage fishing logistics services in the fishing ports.
3. Leasing or use of partial or entire fishing ports invested by the state budget or public-private partnership shall comply with regulations of law on managing and using public property and other relevant regulations of law.

#### **Article 81. Rights and responsibilities of supervisory organizations**

1. A supervisory organization is entitled to:
  - a) Lease the infrastructure to organizations and individuals for production and business in the fishing port land areas and port waters in accordance with the approved plan for using the fishing port and regulations of law;
  - b) Refuse or compel people and commercial fishing vessels that fail to comply with internal regulations of the port to leave;
  - c) Refuse the lease, or compel the producers and traders in the port land areas and port waters that fail to comply with the regulation of the fishing port or the concluded contracts to leave;
  - d) Charge the services in the port as prescribed by law;
  - dd) Handle, or request local competent authority to handle the cases in order to ensure the security, food safety, environment safety and fire safety within the fishing port area.
2. A supervisory organization shall:
  - a) Issue and publish regulations of the fishing port;

- b) Instruct and dispose vehicles to come into, leave and anchor in the port waters; ensure safety and convenience for people and vehicles in the fishing port area;
- c) Cooperate with competent authority in inspecting and controlling activities of producers and traders in the fishing port, ensure security and order, food safety, environmental safety and fire safety in the fishing port area; actively repair and deal with accident consequences and environmental pollution in the fishing port;
- d) Regularly provide information on weather on the information system of the fishing port; assign people to be on watch and hang warning signs in case of natural disasters in accordance with regulations of law; notice the list of commercial fishing vessels anchoring in the port waters and quantity of people thereon to the competent authority;
- dd) Comply with the inspection and supervision by competent authorities in term of food safety, environmental safety, security and order, fire prevention and other relevant fields in the fishing port area;
- e) Cooperate with and arrange working places for competent authorities inspecting and controlling the compliance with regulations of law on commercial fishing activities, aquatic resource protection, control of illegal commercial fishing, food safety and other relevant fields on commercial fishing vessels and in the fishing port;
- g) The head of the supervisory organization shall total up the production of aquatic products passing the fishing port, certify origins of caught aquatic species in accordance with regulations and law, collect fishing logbooks and reports of the commercial fishing vessels coming into the port, consolidate and submit regular or ad hoc reports to competent authorities according to instructions provided by the Ministry of Agriculture and Rural Development;
- h) Refuse the handling of aquatic products of commercial fishing vessels engaged in illegal commercial fishing and notify the competent authorities for considering and dealing with this problem in accordance with regulations of law;
- i) Notify the entering by foreign commercial fishing vessels to the local competent authority for cooperating in management;
- k) Cooperate with the nautical safety authority in notifying the status of channels, marking buoys and ensure safety of commercial fishing vessels entering and leaving the fishing port.
- l) Formulate plans for and organize the maintenance of infrastructure of the fishing port to ensure safety of people and vehicles operating in the fishing port.

## **Article 82. Vietnamese commercial fishing vessels entering and leaving fishing ports**

1. At least 1 hour before the commercial fishing vessel enters the fishing port, the master shall notify the supervisory organization of registration number, size and type of the commercial fishing vessel, services required and other requirements (if any), except for force majeure.

2. When entering a fishing port, the master shall comply with control by the supervisory organization and regulations of the fishing port.
3. Shipowners and masters shall comply with inspection and control and regulations of law on extracting and protecting aquatic resources, food safety, environmental safety and fire safety; ensure safety of people and commercial fishing vessels.
4. The master shall notify the supervisory organization at least 1 hour before the commercial fishing vessel leaves the fishing port.
5. A commercial fishing vessel is not allowed to leave a fishing port if:
  - a) The safety of people and the commercial fishing vessel is not ensured;
  - b) There is a violation of law in which the commercial fishing vessel shall be temporarily seized in accordance with regulations of law;
  - c) There is an order to capture or temporarily seize the commercial fishing vessel issued by a court or competent authority.

### **Article 83. Foreign commercial fishing vessels entering and leaving fishing ports**

1. A foreign commercial fishing vessel may only enter the fishing port specified in the commercial fishing license or the fishing ports approved by the Ministry of Agriculture and Rural Development.
2. At least 24 hours before entering a fishing port, the master of the commercial fishing vessel must notify the supervisory organization of the name, call sign, registration number, size and type of the vessel, the authority issuing the commercial fishing license, production and aquatic species on the vessel, estimated time of arrival and demand for assistance (if any).
3. When entering a fishing port, the master of the commercial fishing vessel shall comply with regulations of the fishing port and the control of the supervisory organization; declare and present the following information and papers:
  - a) Directory of ship officers and passports of crewmembers;
  - b) The commercial fishing license within the Vietnam's maritime boundary;
  - c) Purposes of entering the fishing port;
  - d) Time of the voyage;
  - dd) Volume and components of aquatic species caught or under transshipment on board, applicable to commercial fishing vessels and vessels used for transporting aquatic species;

e) Position and fishing areas, production of onboard aquatic species applicable to commercial fishing vessels.

4. The master who presents commercial fishing documents confirmed by foreign competent authorities is not required to declare the information mentioned in Points d, dd and e Clause 3 of this Article.

5. The master and crewmembers of a commercial fishing vessel shall go through procedures for exit and entry, customs and quarantine procedures in accordance with regulations of law.

6. The master shall notify the supervisory organization at least 12 hour before the commercial fishing vessel leaves the fishing port.

7. For vessels entering a fishing port in force majeure cases, immediate after docking, the master or helmsman shall:

a) Notify the supervisory organization of the status of the vessel and quantity of people aboard; prove the force majeure and specify the request for help;

d) Comply with regulations prescribed in Clause 5 of this Article.

8. Shipowners and masters shall facilitate and comply with inspection and control and regulations of law on extracting and protecting aquatic resources, food safety, environmental safety and fire safety; ensure safety of people aboard and vessels.

9. Shipowners and master shall pay costs as prescribed by law.

#### **Article 84. Classification of sheltering anchorages for commercial fishing vessels**

1. A regional sheltering anchorage for commercial fishing vessel shall satisfy the following criteria:

a) It is near fisheries and gathers commercial fishing vessels of multiple provinces, ensure the shortest time for commercial fishing vessels to anchor and shelter from storms;

b) Natural conditions are convenient and the safety of sheltering commercial fishing vessels is ensured;

c) The minimum capacity is 1,000 commercial fishing vessels.

2. A sheltering anchorage for commercial fishing vessels of a province shall satisfy the following criteria:

a) It is near traditional fisheries of multiple provinces, ensure the shortest time for commercial fishing vessels to anchor and shelter from storms;

b) Natural conditions are convenient and the safety of sheltering commercial fishing vessels is ensured;

c) The minimum capacity is 600 commercial fishing vessels.

#### **Article 85. Classification of sheltering anchorages**

1. Sheltering anchorages shall be managed and operated by the local steering committee on natural disaster prevention and rescue (hereinafter referred to as “the steering committee”) during the time of sheltering.

2. During the period in which a sheltering anchorage is not used for sheltering purpose, it shall be managed and used as follows:

a) The anchorage whose waters are adjacent to a fishing port waters shall be managed and used by the supervisory organization of this port in accordance with regulations of law;

b) The anchorage whose waters are not adjacent to a fishing port waters shall be managed and used in accordance with regulations of law by an eligible organization assigned by the People’s Committee of the province.

3. Organizations assigned to manage and use sheltering anchorages shall formulate plans for repairing and maintaining construction works of the anchorages and may use the state budget for implementing these plans.

4. Regarding commercial fishing vessel entering and leaving sheltering anchorages:

a) In case of natural disasters, commercial fishing vessels and other kinds of vessels may take shelter without being charged;

b) When entering the harbor, the master or the helmsman of a commercial fishing vessel shall comply with the control and instructions of the steering committee;

c) When a commercial fishing vessel is safely anchored, its master or helmsman shall notify the steering committee of the name, registration number, status of the ship, quantity of people aboard, and other requirements (if any).

d) Commercial fishing vessels shall only leave the sheltering anchorage in case of notifications or orders issued by the steering committee;

dd) If natural disasters do not occur, the commercial fishing vessels anchored in a sheltering anchorage shall pay fees and other costs as prescribed by law; comply with control and instruction of the organization assigned to manage and use this sheltering anchorage.

#### **Article 86. Publishing the list of sheltering anchorages**

1. Before February 01 every year, the People's Committee of each people shall review and submit the list of eligible sheltering anchorages to the Ministry of Agriculture and Rural Development for publishing nationwide.
2. Published information of a sheltering anchorage includes:
  - a) Name and type of the sheltering anchorage;
  - b) Address and coordinates of the sheltering anchorage;
  - c) Depth of the anchorage waters;
  - d) Capacity of the sheltering anchorage
  - dd) Sizes and types of commercial fishing vessels allowed to enter the sheltering anchorage;
  - e) Starting positions, direction and length of channels leading to the anchorage;
  - g) Phone number and radio frequency of the local steering committee;
3. Before March 31 every year, the Ministry of Agriculture and Rural Development shall send the list of eligible sheltering anchorages to the People's Committees of provinces and nationwide notify it on mass media.
4. The People's Committee of each province shall be notify the list of sheltering anchorages to commercial fishing vessels in the province.

## **Chapter VI**

### **FISHERIES RESOURCES SURVEILLANCE**

#### **Article 87. Functions of the fisheries resources surveillance force**

Fisheries resources surveillance force is a state force which exercises Vietnam law and relevant international treaties to which the Socialist Republic of Vietnam is signatory related to extraction and protection of aquatic resources.

#### **Article 88. Duties and power of the Fisheries Resources Surveillance force**

1. The fisheries resources surveillance force shall:
  - a) Patrol, inspect, control, investigate and take action against violations of laws, apply measures for preventing violations in accordance with regulations of law;

b) Propagandize, popularize and provide education about Vietnam laws, international laws and laws of relevant countries on fisheries; instruct fishers and relevant organizations and individuals to implement regulations of law on fisheries;

c) Appoint force to cooperate in rescue in accordance with regulations of laws; be engaged in natural disaster prevention and control;

d) Protect Vietnamese sovereignty, sovereign rights and jurisdiction over the waters in accordance with regulations of law;

dd) Promote international cooperation in fisheries resources surveillance;

e) Take charge and cooperate with relevant organizations in providing training for officials, public employees, members of the fisheries resources surveillance (hereinafter referred to as “surveillance members”), ship officers on fishery surveillance ships;

g) Cooperate with other relevant authorities in fisheries resources surveillance.

2. The fisheries resources surveillance has power to:

a) Request relevant organizations and individuals to provide necessary information and documents for inspecting, patrolling, controlling, investigating, detecting and taking actions against violations of law on extracting and protecting aquatic resources;

b) Manage and use weapons, combat gears, technical equipment and professional methods for carry out fisheries resources surveillance in accordance with regulations of law on management and use of weapons, explosives and combat gears and other relevant regulations of law;

c) Chase, arrest and apply prevention methods for people and vehicles failing to comply with orders, resisting or deliberately running away in accordance with regulations of law.

### **Article 89. Organization of the fisheries resources surveillance force**

1. The fisheries resource surveillance force includes:

a) Central fisheries surveillance force;

b) Fisheries surveillance force of coastal provinces that shall be organized to ensure the protection of aquatic resources and local resources.

2. The Government shall provide detailed guidelines for organization of the fisheries resources surveillance force, state administration, allowances and policies applicable to the fisheries resources surveillance.

### **Article 90. Surveillance members**



1. Surveillance members are officials that are appointed to payroll of the fisheries resources surveillance.
2. Surveillance members shall be issued with fisheries surveillance cards, uniforms, insignias, fisheries surveillance signage and specialized equipment.
3. A surveillance member has the following powers and responsibilities:
  - a) He/she has power to request relevant organizations and individuals to provide necessary information and documents for inspecting, patrolling, controlling, investigating, detecting and taking actions against violations of law on extracting and protecting aquatic resources;
  - b) He/she has power to impose penalties for administrative violations and apply methods for preventing administrative violations in accordance with regulations of law;
  - c) He/she may use weapons, combat gears, specialized vehicles and equipment in accordance with regulations of law;
  - d) He/she shall wear uniform, insignia and fisheries surveillance signage in accordance with regulations of law;
  - dd) He/she shall comply with regulations of law, be accountable to the head of the supervisory authority and take legal responsibilities for assigned duties and powers.

#### **Article 91. Fisheries surveillance ship officers**

1. Fisheries surveillance ship officers include:
  - a) Officials appointed to the payroll of fisheries surveillance ship officers;
  - b) Public employees who are employed to work on the fisheries surveillance ship;
  - c) Employees who work under labor contracts on the fisheries surveillance ship.
2. Fisheries surveillance ship officers shall wear uniforms, insignias and fisheries surveillance signages when performing their duties in accordance with regulations issued by the Minister of Agriculture and Rural Development.
3. The Minister of Agriculture and Rural Development shall prescribe functions, duties and powers of fisheries surveillance ship officers and manning levels thereof.

#### **Article 92. Fisheries surveillance collaborators**

1. Fisheries surveillance collaborators are Vietnamese citizens who provide information for and assistance in the fisheries resources surveillance activities.

2. Fisheries surveillance collaborators may be paid for their activities and receive allowances for providing information in accordance with regulations of law; have their security of information sources ensured and have their legal rights and interests protected in accordance with regulations of law.

### **Article 93. Vehicles, equipment and uniforms of the fisheries resources surveillance**

1. The fisheries resources surveillance shall be equipped with fisheries surveillance ships, specialized communication media, specialized equipment, weapons and combat gears to perform their functions and duties and exercise their powers in accordance with regulations of law.

2. Officials, public employees and employees under labor contracts working in a fishery surveillance authority shall wear consistent uniforms.

3. The Minister of Agriculture and Rural Development shall prescribe uniforms of the fisheries resources surveillance; paint color, code and operation limit of fishery surveillance ships; registration of fishery surveillance ships.

### **Article 94. Sources of funding for fisheries resources surveillance activities**

1. Investment in and operation of the fisheries resources surveillance shall be funded by the state budget according to applicable distribution thereof and other sources of funding in accordance with regulations of law.

2. Amounts of money collected from people under penalties for administrative violations by the fisheries resources surveillance shall be paid to the state budget. Fishery surveillance authorities shall be provided with a part of the abovementioned amounts to serve its operation.

3. The Government shall provide detailed guidelines for Clause 2 of this Article.

### **Article 95. Appointment and mobilization of people and vehicles in fisheries resources surveillance activities**

1. In case of emergency, the appointment and mobilization of people and vehicles in fisheries resources surveillance activities shall be specified as follows:

a) The Minister of Agriculture and Rural Development has power to issue orders to appoint people and vehicles under their management and request the relevant Ministers and Chairmen/Chairwomen of People's Committees of provinces to mobilize people and vehicles;

b) Chairmen/Chairwomen of shall issue orders to appoint people and vehicles under their management and request relevant Ministers and Chairmen/Chairwomen of People's Committees of provinces to mobilize people and vehicles;

2. Organizations and individuals that are mobilized or have their vehicles mobilized shall comply with appointment orders issued by competent persons.

3. Authorities in charge of appointment and mobilization shall pay mobilized organizations and individuals in accordance with regulations issued by the Ministry of Finance. Damage arising during the appointment and mobilization shall be compensated. Died or injured individuals are considered to receive allowances or policies in accordance with regulations of law on preferential treatment of people with meritorious services to the revolution.

## **Chapter VII**

### **PURCHASE, SALE, PRELIMINARY PROCESSING, PROCESSING, EXPORT AND IMPORT OF AQUATIC PRODUCTS**

#### **Article 96. Purchase, sale, preliminary processing and processing of aquatic products**

1. Purchasers, sellers, preliminary processors and processors of aquatic products shall comply regulations of law on food safety, environmental safety and fire safety.
2. Aquatic products that are purchased, sold, preliminary processed and processed shall have obvious origins and ensure food quality and safety.
3. Aquatic products in areas under epidemic announcement shall be purchased and sold in accordance with regulations of law on veterinary medicine, plant protection and quarantine.

#### **Article 97. Preservation of aquatic products**

1. Aquatic products on commercial fishing vessels, means of transport; fishing ports and in wholesale markets of aquatic products; aquatic cold storages and premises of purchasers, sellers, preliminary processors and processors of aquatic products shall be preserved in accordance with regulations of law on food safety.
2. Additives and supporting substances used in processing of aquatic products that are overdue or not included in the list of additives and supporting substances allowed to be used or included in this list but exceed allowable limits; chemicals whose origins are obscure and chemicals banned from use shall not be used for preserving aquatic products.

#### **Article 98. Import and export of aquatic products**

1. Importers of aquatic products shall have documents on obvious origins of aquatic products and satisfy requirements for food quality, food safety and epidemic safety as prescribed by law.
2. Exporters of aquatic products shall comply with requirements of importing countries and regulations in Clause 3 of this Article.
3. An organization or individual is allowed to export living aquatic species in the following cases:
  - a) The species are not included in the list of aquatic species banned from export;

b) The aquatic species included in the list of exported aquatic species requiring certain conditions satisfy the conditions prescribed in this list;

c) Export of aquatic products included in the list of aquatic breeds banned from export or aquatic species failing to satisfy the conditions prescribed in the list of aquatic species requiring certain conditions for scientific research and international cooperation shall be licensed by the Ministry of Agriculture and Rural Development on the basis of the Prime Minister's approval.

4. Organizations and individuals are allowed to import aquatic species not included in the list of aquatic species allowed to be traded in Vietnam for food, decoration and entertainment shall be subject to risk analysis and licensed by the Ministry of Agriculture and Rural Development. The import of aquatic species that are not included in the list of aquatic species allowed to be traded in Vietnam for scientific research, display and exhibition shall be licensed by the Ministry of Agriculture and Rural Development.

5. The Ministry of Agriculture and Rural Development will consider inspecting systems for managing and producing and trading aquatic species in the exporting countries in accordance with regulations of Vietnam law and international treaties to which the Socialist Republic of Vietnam is a signatory if:

a) The assessment is made for mutual recognition;

b) There are risks of food quality, food safety, epidemic or environmental issues caused by aquatic products imported to Vietnam.

6. The Minister of Agriculture and Rural Development shall prescribe procedures for risk analysis of and issuance of licenses to living aquatic species.

7. The Government shall issue the list of aquatic species banned from export and the list of exported aquatic species requiring certain conditions;

**Article 99. Processing, export, import, re-export, introduction from the sea and transit of aquatic species prescribed in Appendices of Convention on International Trade in Endangered Species of Wild Fauna and Flora and endangered, precious and rare aquatic species**

1. The processing, export, import, re-export, introduction from the sea and transit of endangered, precious and rare wild aquatic species prescribed in Appendices of CITES and endangered, precious and rare aquatic species shall comply with regulation of CITES and Vietnam law.

2. Processed specimens of aquatic species prescribed in Appendices of CITES and endangered, precious and rare aquatic species shall satisfy the following requirements:

a) The specimens have legal origins and taken from facilities breeding, raising or carry out artificial propagation of aquatic species.

- b) The specimens are derived from legal commercial fishing in nature;
- c) After being processed, the specimens are seized in accordance with regulations of law.

3. The Government shall provide detailed guidelines for this Article.

### **Article 100. Wholesale markets of aquatic products**

1. Wholesale market of aquatic products shall be located in concentrated aquaculture areas or places where large quantities of aquatic products are consumed, including exchange, purchase, sale and auction of aquatic products.

2. Wholesale markets of aquatic products shall be developed in conformity with the planning.

3. The People's Committee of each province shall control food safety in wholesale markets of aquatic products in the province.

4. The Ministry of Agriculture and Rural Development shall ensure consistency in the state administration of aquatic food safety and provide instructions on wholesale markets of aquatic products, promulgate national technical regulations on conditions for ensuring food safety in wholesale markets of aquatic products.

## **Chapter VIII**

### **STATE ADMINISTRATION OF FISHERIES**

#### **Article 101. Responsibilities of the Government, Ministries and ministerial agencies**

1. The Government shall ensure consistency in state administration of fisheries in the whole country.

2. The Ministry of Agriculture and Rural Development shall work as a contact point to assist the Government in the state administration and shall:

- a) Be in charge of state administration of fishery activities in the whole country; make and provide directions on implementing strategies, plans and schemes for fishery activities;
- b) Promulgate or request competent authorities to promulgate and implement policies, legislative documents, standards, technical regulations and economic and technical norms in fishery fields;
- c) Provide directions and instructions on and carry out environmental monitoring and warning, aquatic epidemic prevention and commercial fishing at sea; manage processing and trading of aquatic products; ensure quality and aquatic food safety as prescribed by law; set up, manage and provide instructions on updating and accessing to the national fisheries database;

- d) Be in charge of state administration of fisheries resources surveillance; provide consistent directions on fisheries resources surveillance;
- dd) Organize the issuance, reissuance, extension and revocation of licenses and certificates in fishery activities under its management; authorize or assign the administration in accordance with regulations of law;
- e) Organize the investigation, scientific research and technological development, technology transfer; assess and analyze impacts of economic activities on fishery activities;
- g) Provide instructions on and carry out state inspections of fishing ports and sheltering anchorages for commercial fishing vessels in the whole country; provide professional training in managing fishing ports and sheltering anchorages for commercial fishing vessels in accordance with regulations of law and announce the list of appointed fishing ports having sufficient systems for certifying origins of caught aquatic species;
- h) Be in charge of state administration applicable to marine protected areas and aquatic resources protected areas in the whole country;
- i) Be in charge of state administration and provide professional training in fisheries; organize and provide instructions on statistics, information, propagation and popularization of knowledge and legal education in fisheries;
- k) Prescribe criteria on and quality of waters used for aquaculture and specialized technical management in fishery activities;
- l) Manage, provide directions on, formulate plans for and organize inspection, handling of complaints and denunciation, taking actions against violations of law of fisheries within its power; work as a contact point to join international cooperation in fisheries;
- m) Take charge and cooperate with Ministries, ministerial agencies and People's Committees of provinces in developing software for managing the national fishery database
- n) Reserve original breeds and native and endemic aquatic species having economic value.

3. Ministries and ministerial agencies, within their duties and powers, shall cooperate with the Ministry of Agriculture and Rural Development in state administration of fisheries.

#### **Article 102. Responsibilities of People's Committee of provinces**

1. The People's Committee of each province, within its duties and powers, shall:

- a) Promulgate or request competent authorities to promulgate documents provide guidelines for implementation of law on fisheries;

- b) Provide directions on and organize management of fishery activities in the province; organize production and catching of aquatic species;
- c) Organize the propagation, popularization of and education about laws and knowledge related to fisheries; set up fishery database in the province and update the national fishery database;
- d) Organize the issuance, reissuance, extension and revocation of licenses and certificates in fishery activities under its management according to the assignment;
- dd) Provide directions on, formulate plans for and organize inspection, handling of complaints and denunciation, taking actions against violations of law on fisheries within its power;
- e) Ensure allowances, funding and working conditions for the local fisheries resources surveillance force in accordance with regulations of law;
- g) Organize the management of fishing ports and sheltering anchorages for commercial fishing vessels according to assignment; inspect, control and comply with regulations of law on catching and protecting aquatic resources, food safety, environmental safety and fire safety at fishing ports; collect, consolidate and report statistics of aquatic products passing commercial fishing vessels in accordance with regulations and law;
- h) Be in charge of state administration applicable to marine protected areas and aquatic resources protected areas in the province;

2. The People's Committee of a district or a commune, within its duties and powers, shall:

- a) Carry out activities and implement methods for managing fishery activities in the district or commune in accordance with regulations of law.
- b) Carry out tasks of state administration of fisheries according to assignment or authorization by the supervisory People's Committee;
- c) Propagandize, popularize and provide education about law on fisheries in the district or commune.

### **Article 103. Responsibilities of Vietnamese Fatherland Front and its affiliated organizations, socio-professional organizations and social organizations**

- 1. The Vietnamese Fatherland Front and its affiliated organizations, within their duties and powers, shall propagandize, mobilize the implementation of policies and law on fisheries; give opinions about promulgating regulations of law, carry out supervision and social criticism in fishery in accordance with regulations of law.
- 2. Socio-professional organizations and social organizations shall give opinions on promulgating regulations of law on fisheries; propagandize and popularize knowledge of and laws on fisheries;

provide consultancy on and technical training in fisheries; protect, regenerate and develop aquatic resources.

## **Chapter IX**

### **IMPLEMENTATION**

#### **Article 104. Effect**

1. This Law comes into force from January 01, 2019.
2. The Law No. 17/2003/QH11 on fisheries shall be invalid from the date on which this Law comes into force.

#### **Article 105. Transition clause**

1. The maximum penalty for administrative violations applicable to individuals in protection of aquatic resources and marine species prescribed in Point dd Clause 1 Article 24 of Law No. 15/2012/QH13 on handling of administrative violations shall be amended into 1,000,000,000 VND.
2. Licenses, certificates, degrees and written approval related to fisheries issued before the day on which this Law comes into force may be used until their expiry date.
3. National technical regulations and economic and technical norms issued before the day on which this Law comes into force will be applicable until they are annulled or superseded.

*This Law is approved by the 14<sup>th</sup> National Assembly of Socialist Republic of Vietnam on November 21, 2017 during the 4<sup>th</sup> session*

**CHAIRWOMAN OF NATIONAL  
ASSEMBLY**

**Nguyen Thi Kim Ngan**



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