

MINISTRY OF AGRICULTURE AND ENVIRONMENT **SOCIALIST REPUBLIC OF VIETNAM**
Independence - Freedom - Happiness

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Hanoi, December 31, 2025

CIRCULAR

Guidance on protection and development of aquatic resources

Pursuant to the Law on Fisheries No. 18/2017/QH14 amended and supplemented by Law No. 146/2025/QH15;

Pursuant to the Government's Decree No. 35/2025/ND-CP dated February 25, 2025 regulating the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Environment;

At the request of the Director of the Department of Fisheries and Fisheries Control;

The Minister of Agriculture and Environment promulgates the Circular guiding the protection and development of aquatic resources.

Chapter I
GENERAL REGULATIONS

Article 1. Scope of Regulation

This Circular details a number of contents of the 2017 Fisheries Law, including:

1. **Clause 10, Article 10** (amended and supplemented at **Point b, Clause 21, Article 14** of the Law amending and supplementing a number of articles of 15 Laws in the field of agriculture and environment).
2. **Clause 5, Article 12** (amended and supplemented at **Point e, Clause 21, Article 14** of the Law amending and supplementing a number of articles of 15 Laws in the field of agriculture and environment).
3. **Point b, Clause 3, Article 13** (amended and supplemented at **Point e, Clause 21, Article 14** of the Law amending and supplementing a number of articles of 15 Laws in the field of agriculture and environment); **Clause 4, Article 13** (amended and supplemented in **Clause 2, Article 14** of the Law amending and supplementing a number of articles of 15 Laws in the field of agriculture and environment).
4. **Clause 2, Article 16** (amended and supplemented at **Point e, Clause 21, Article 14** of the Law amending and supplementing a number of articles of 15 Laws in the field of agriculture and environment); **Clause 4, Article 16**

(amended and supplemented in Clause 3, Article 14 of the Law amending and supplementing a number of articles of 15 Laws in the field of agriculture and environment).

5. Point a, Clause 2, Article 17 (amended and supplemented in Clause 4, Article 14 of the Law amending and supplementing a number of articles of 15 Laws in the field of agriculture and environment); Clause 4, Article 17 (amended and supplemented at Point e, Clause 21, Article 14 of the Law amending and supplementing a number of articles of 15 Laws in the field of agriculture and environment).

6. Clauses 3 and 4 of Article 40 (amended and supplemented in Clause 9, Article 14 of the Law amending and supplementing a number of articles of 15 Laws in the field of agriculture and environment).

7. Point c, Clause 2, Article 52 (amended and supplemented at Point e, Clause 21, Article 14 of the Law amending and supplementing a number of articles of 15 Laws in the field of agriculture and environment).

8. Clause 3, Article 99 (amended and supplemented at Point b, Clause 21, Article 14 of the Law amending and supplementing a number of articles of 15 Laws in the field of agriculture and environment).

Article 2. Subjects of application

This Circular applies to Vietnamese and foreign organizations and individuals engaged in activities related to the protection and development of aquatic resources; fishery exploitation; farming, processing, exporting, importing, re-exporting, importing from the sea, transiting aquatic species in the Appendix to the International Convention on Trade in Endangered Species of Wild Fauna and Flora and Endangered, Precious and Rare Aquatic Species in the territory of Vietnam.

Article 3. Explanation of terminology

In this Circular, the following terms shall be construed as follows:

1. Strictly protected sub-zones of marine protected areas are seas, islands, archipelagos and coastal areas identified to preserve the integrity and status quo and monitor natural developments of aquatic animals and plants and natural ecosystems at sea.
2. Ecological restoration subdivisions of marine protected areas are seas, islands, archipelagos and coastal areas identified for the restoration and regeneration of aquatic animals and plants and natural ecosystems at sea.
3. Service-administrative subdivisions of marine protected areas are seas, islands, archipelagos and coastal areas identified for the implementation of

service, administrative and controlled fishery activities.

4. Buffer zone of a marine protected area means a sea, island, archipelago or coastal area surrounding or adjacent to the inner boundary of a protected area in order to prevent and mitigate harmful impacts from the outside on the protected area.

5. Unintentional exploitation of endangered, precious and rare aquatic species means the capture or injury or death of endangered, precious and rare aquatic species due to unintentional human exploitation activities.

6. Import from the sea of endangered, precious and rare aquatic species means bringing into the territory of Vietnam endangered, precious and rare aquatic species exploited from waters not under the jurisdiction of any country.

Article 4. General provisions on implementation of administrative procedures in this Circular

1. Organizations and individuals may submit dossiers and receive results of settlement of administrative procedures through the following methods:

- a) Directly at the one-stop shop;
- b) Through public-utility postal services as prescribed by the Prime Minister, by hiring services from enterprises or individuals or by authorization as prescribed by law;
- c) Online at the National Public Service Portal.

2. Form of dossier:

- a) In case of submission of the dossier in the manner specified at Points a and b, Clause 1 of this Article: The components of the dossier are the original or the original or a true copy or a certified copy;
- b) In case of submission of the dossier in the manner specified at Point c, Clause 1 of this Article: The components of the dossier are the originals established in the electronic environment or the originals and originals scanned as prescribed.

3. Number of dossiers: 01 set.

4. Receipt of dossiers of administrative procedures, methods of payment of charges, fees and other financial obligations, methods of returning results of settlement of administrative procedures shall comply with the Government's regulations on the implementation of administrative procedures under the one-stop-shop and inter-agency one-stop shop mechanism at the Single-Window Division and the National Public Service Portal.

5. In case the dossier is in foreign language, it must be translated into Vietnamese as prescribed.
6. Organizations and individuals shall take responsibility for the legality of the submitted dossiers.
7. The agency competent to handle administrative procedures shall immediately reply the completeness of the dossier for the case specified at Point a, Clause 1 of this Article; reply to the completeness of the dossier within 01 working day for the cases specified at Points b and c, Clause 1 of this Article.

Chapter II

CO-MANAGEMENT IN THE PROTECTION OF AQUATIC RESOURCES

Article 5. Recognition and delegation of management to community organizations

1. A dossier of request for recognition and assignment of management rights to a community organization:

- a) An application made according to **Form No. 01, Appendix I issued together with this Circular**;
- b) A plan for protection and exploitation of aquatic resources in the area expected to be co-managed according to **Form No. 02, Appendix I issued together with this Circular**;
- c) Regulation on operation of the community organization, made according to **Form No. 03, Appendix I issued together with this Circular**;
- d) The minutes of the meeting of the community organization, made according to **Form No. 04, Appendix I to this Circular**.

2. The order of recognition and assignment of management rights to community organizations is as follows:

- a) The representative of the community organization shall send the dossier specified in Clause 1 of this Article to the commune-level People's Committee in case of requesting recognition and assignment of management rights in the area of one commune, to the Department of Agriculture and Environment in case of requesting recognition and assignment of management rights in the area of the locality from two communes or higher;
- b) Within 02 working days from the date of receipt of the complete dossier, the commune-level specialized agency in charge of agriculture and environment or the Department of Agriculture and Environment shall notify the plan for protection and exploitation of aquatic resources on the mass media. publicly

posted up at the headquarters of the commune-level or provincial-level People's Committee and the residential area where the co-management is expected to be implemented;

c) Within 30 working days from the date of notification, the commune-level specialized agency in charge of agriculture and environment or the Department of Agriculture and Environment shall organize the appraisal of the dossier and submit it to the chairperson of the commune-level People's Committee or the president of the provincial-level People's Committee for consideration. decision.

d) Within 03 working days from the date of receipt of the submitted dossier, the Chairperson of the commune-level People's Committee or the Chairperson of the provincial-level People's Committee shall decide to recognize and assign the management right to the community organization according to **Form No. 05, Appendix I issued together with this Circular**. In case of refusal to recognize and assign management rights to community organizations, they shall reply in writing and clearly state the reason.

3. Contents of appraisal of dossiers of recognition and assignment of management rights to community organizations:

a) Satisfying the conditions specified in **Clause 1, Article 10 of the Law on Fisheries**;

b) The plan for protection and exploitation of aquatic resources in the area expected to be co-managed and the operation regulation of the community organization must comply with the provisions of the law on fisheries, relevant laws and actual conditions in the locality.

Article 6. Amendments and supplements to the Decision on recognition and assignment of management rights to community organizations

1. A decision on recognition and assignment of rights to a community organization shall be amended and supplemented in one of the following cases:

a) Changing the name of the community organization;

b) Change of the representative of the community organization;

c) Amending and supplementing the Regulation on operation of community organizations;

d) Amendment and supplementation of locations and boundaries of assigned geographical areas and plans for protection and exploitation of aquatic resources;

dd) Amendments and supplements to the scope of assigned rights and plans for protection and exploitation of aquatic resources.

2. A dossier of request for amendment and supplementation of the Decision on recognition and assignment of management rights to a community organization comprises:

- a) An application made according to **Form No. 06 in Appendix I to this Circular**;
- b) A report on assessment of the implementation results and a draft of a new plan for protection and exploitation of aquatic resources, in case of amendment and supplementation of the plan for protection and exploitation of aquatic resources; location and boundaries of the assigned geographical area; scope of assigned rights;
- c) A report on the assessment of the implementation results and a draft of the new Regulation in case of amendment and supplementation of the Regulation on operation of the community organization;
- d) Minutes of the meeting of the community organization on the contents proposed for amendment and supplementation, made according to **Form No. 04, Appendix I issued together with this Circular**.

3. The order of amendment and supplementation of the Decision on recognition and assignment of management rights to the community organization in case of request for change of the name of the community organization; representatives of community organizations; amending and supplementing the Regulation on operation of community organizations:

- a) The representative of the community organization shall send the dossier of request for amendment and supplementation of the Decision on recognition and assignment of management rights to the community organization as prescribed in Clause 2 of this Article to the commune-level People's Committee or the Department of Agriculture and Environment;
- b) Within 05 working days from the date of receipt of the complete dossier, the commune-level specialized agency in charge of agriculture and environment or the Department of Agriculture and Environment shall submit it to the Chairperson of the commune-level People's Committee or the Chairperson of the provincial-level People's Committee for consideration. decide to amend and supplement the Decision on recognition and assignment of management rights to community organizations. In case of refusal to amend or supplement the contents of the Decision, it shall reply in writing and clearly state the reason.

4. Order of amendment and supplementation of the contents of the Decision on recognition and assignment of management rights to community organizations

in case of requesting amendment and supplementation of the location and boundaries of the assigned geographical area and the plan for protection and exploitation of aquatic resources; scope of assigned rights and plans for protection and exploitation of aquatic resources:

- a) The representative of the community organization shall send the dossier of request for amendment and supplementation of the Decision on recognition and assignment of management rights to the community organization as prescribed in Clause 2 of this Article to the commune-level People's Committee or the Department of Agriculture and Environment;
- b) Within 02 working days from the date of receipt of the complete dossier, the commune-level specialized agency in charge of agriculture and environment or the Department of Agriculture and Environment shall notify the contents of the request for amendment and supplementation on the mass media and publicly post it at the head office of the commune-level or provincial-level People's Committee and the residential area where the applicant is located currently co-managed;
- c) Within 30 working days from the date of notification, the commune-level specialized agency in charge of agriculture and environment or the Department of Agriculture and Environment shall appraise the dossier according to the contents specified in **Clause 3, Article 5 of this Circular** and submit it to the Chairperson of the commune-level People's Committee or the Chairperson of the provincial-level People's Committee for consideration. decision.
- d) Within 03 working days from the date of receipt of the submitted dossier, the Chairperson of the commune-level People's Committee or the Chairperson of the provincial-level People's Committee shall decide to amend and supplement the Decision on recognition and assignment of management rights to the community organization according to **Form No. 07, Appendix I issued together with this Circular**. In case of refusal to amend or supplement, it shall reply in writing and clearly state the reason.

Article 7. Report on the activities of the community organization

Community organizations shall report their operation results to commune-level People's Committees and provincial-level Agriculture and Environment Departments on a regular basis before November 15 of each year or irregularly as requested according to **Form No. 08, Appendix I issued together with this Circular**.

Chapter III

INVESTIGATION AND ASSESSMENT OF AQUATIC RESOURCES AND HABITATS OF AQUATIC SPECIES

Article 8. Process of investigation and assessment of aquatic resources and habitats of aquatic species

Investigation and assessment of aquatic resources and habitats of aquatic species shall be carried out according to the following process:

1. Inquiry design.
2. Prepare for the investigation.
3. Conducting investigations.
4. Analysis of survey results.
5. Processing of survey data.
6. Report on investigation results.
7. Enter the survey data into the national database on protection and development of aquatic resources and archive the survey results as prescribed.

Article 9. Guiding the overall survey and assessment of aquatic resources and habitats of aquatic species

1. Contents of overall investigation and assessment of aquatic resources and habitats of aquatic species include:

- a) Species composition, output composition, density, abundance, distribution and reserves of aquatic species, permissible output for exploitation of aquatic resources;
- b) Biological characteristics of aquatic species;
- c) Environmental, hydrology, oceanographic and other aquatic factors related to aquatic resources;
- d) Other contents as required for sustainable management and use of aquatic resources.

2. Overall investigation and assessment of aquatic resources and habitats of aquatic species shall be carried out as follows:

- a) Survey design: collecting documents and data related to the survey objects and areas; develop investigation plans and plans;
- b) Preparation for investigation: arrangement of personnel, equipment and means; develop a specific plan for the implementation of the investigation plan;
- c) Conducting the investigation: inspecting the operation status of the tools and equipment used for the investigation; collect samples of survey subjects according to appropriate methods; analysis and identification of samples of species composition, output and biology of aquatic species; processing

samples at the site according to methods suitable to each type of object; collect and record information in the field;

d) Analysis of survey results: analysis and processing of specimens; biological indicators; bottom sediment samples, hydrological and hydrochemical indicators; plankton, benthic animals; fish eggs, fry, shrimp larvae, shrimp fry;

dd) Processing of survey data: using statistical tools, software and other specialized software to analyze and adjust data;

e) Reports on survey results: to formulate thematic reports and general reports on assessment of aquatic resources and habitats of aquatic species;

g) Enter the survey data into the national database on protection and development of aquatic resources and archive the survey results as prescribed;

h) Other tasks as required.

Article 10. Guidelines for conducting commercial fishery surveys

1. Contents of commercial fishery investigation and assessment include:

a) Statistics on fishing vessels;

b) Information on fishing activities and fishing output of fishing fleets;

c) Collection and analysis of fishery biological samples, including the following principal contents: composition of species in commercial groups or in the output of fishing vessels; samples of frequency lengths of aquatic species; analysis of biological samples of aquatic species.

2. Investigation and assessment of commercial fisheries shall be carried out as follows:

a) Survey design: location of investigation and collection of samples at fishing ports or places of loading and unloading of aquatic products, for fishing vessels not loading and unloading aquatic products at fishing ports, the representative output must be obtained by group of vessels (classified by fishing profession and group of fishing vessels according to the maximum length of the ship);
Subjects of investigation: It is necessary to ensure the statistics of the entire number of fishing vessels of the locality (classified by fishing profession and group of fishing vessels according to the largest length of the vessel); the number of days of actual exploitation; statistics on the entire fishery production of the locality (classified by species/species group of the exploited fishery production); biological data of groups of aquatic species in fishing output;

b) Preparation for investigation: arrangement of personnel, equipment and implementation plans;

- c) Conducting surveys: statistics; interviews on fishery exploitation activities and fishing outputs according to **Form No. 01, Appendix II issued together with this Circular**; collection and biological analysis of fisheries according to **Form No. 02 Appendix II issued together with this Circular**;
- d) Analysis of survey results: samples of species composition of product groups, biological samples;
- dd) Processing of survey data: using statistical tools, software and other specialized software to analyze and adjust data;
- e) The report on investigation results shall include a number of principal contents as follows: total number of fishing vessels, structure of fishing vessels by fishing profession, group of fishing vessels according to the largest length of the vessel; total fishing output, structure of fishery production by species/species group; selling prices of aquatic products by species/species group; the current status of fisheries biology, the current status of fishery exploitation activities and propose solutions to manage the exploitation and protection of aquatic resources;
- g) Enter the survey data into the national database on protection and development of aquatic resources and archive the survey results as prescribed;
- h) Other tasks as required.

Article 11. Guiding the investigation and assessment of aquatic resources and habitats of aquatic species according to the topic

1. Contents of thematic investigation and assessment of aquatic resources and habitats of aquatic species include at least one of the contents specified in **Clause 1, Article 9 of this Circular**;
2. Thematic investigation and assessment of aquatic resources and habitats of aquatic species shall comply with the provisions of **Clause 2, Article 9 of this Circular** in accordance with the contents and subjects selected for investigation.

Article 12. Results of investigation and assessment of aquatic resources and habitats of aquatic species

Results of investigation and assessment of aquatic resources and habitats of aquatic species include:

1. Survey data sets on aquatic resources, habitats of aquatic species and commercial fisheries.
2. Thematic reports for each specific content and subject.
3. A general report on results of investigation and assessment of aquatic resources and habitats of aquatic species includes a number of principal

contents as follows: current status of aquatic resources; the current status of the fishery profession; biological characteristics of aquatic species; current status of environmental, hydrological, oceanographic factors, fish eggs, fry, shrimp larvae, shrimp fry and other contents according to the program.

4. Maps and diagrams related to aquatic resources and habitats of aquatic species and commercial fisheries.
5. Specimens collected, processed and analyzed.
6. Other documents and products, if any.

Chapter IV

MANAGEMENT OF ENDANGERED, PRECIOUS AND RARE AQUATIC SPECIES

Article 13. List and criteria for identification of endangered, precious and rare aquatic species

1. Endangered, precious and rare aquatic species are classified into two groups, including Group I and Group II.
2. Endangered, precious and rare aquatic species shall be considered for inclusion in Group I when they meet one of the following criteria:
 - a) It is an aquatic species in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as CITES) which are naturally distributed in Vietnam;
 - b) It is an aquatic species with natural distribution in Vietnam and is ranked from Endangered (EN) to Critically Endangered (CR) according to the criteria of the International Union for Conservation of Nature (IUCN) or the Red Book of Vietnam.
3. Endangered, precious and rare aquatic species shall be considered for inclusion in Group II when they meet one of the following criteria:
 - a) It is an aquatic species in Appendix II and Appendix III of CITES that are naturally distributed in Vietnam;
 - b) Being a naturally distributed aquatic species in Vietnam that is classified from Vulnerable (VU) according to the criteria of IUCN or the Red Book of Vietnam.
4. The list of endangered, precious and rare aquatic species is specified in **Appendix III to this Circular.**

Article 14. Regime of management and protection of endangered, precious and rare aquatic species

1. It is strictly forbidden to exploit endangered, precious and rare aquatic species of Group I.
2. Organizations and individuals are permitted to exploit endangered, precious and rare aquatic species in the following cases:
 - a) Exploitation of species of Group II when complying with the provisions of **Section B of Appendix III issued together with this Circular**;
 - b) Exploitation for the purpose of conservation, scientific research, research to create initial breeds, international cooperation for species of Group I or species of Group II but failing to meet the conditions specified in **Section B of Appendix III issued together with this Circular**.
3. Organizations and individuals exploiting endangered, precious and rare aquatic species specified at Point b, Clause 2 of this Article must obtain the written approval of the provincial-level Agriculture and Environment Services as prescribed in **Article 15 of this Circular**.
4. Establishments producing breeds of endangered, precious and rare aquatic species with a scale of 1,000 individuals or more annually must release at least 2% of the total number of fish produced in a year into natural waters suitable to the biological and ecological characteristics of the species. The process of stocking seeds for regeneration of endangered, precious and rare aquatic resources is carried out as follows:
 - a) The owner of the establishment shall report the seed output, the results of stocking of aquatic resources for regeneration of aquatic resources of the previous year and the plan for stocking of aquatic resources for regeneration of aquatic resources of the current year to the provincial-level state management agency in charge of fisheries where the establishment is headquartered before January 30 of each year by email or in person;
 - b) 07 days before the stocking of regenerative aquatic resources, the owner of the establishment shall notify in writing by email or directly to the provincial-level state management agency in charge of fisheries for coordination in implementation.
5. Endangered, precious and rare aquatic species are material evidences of administrative violations confiscated or exhibits of cases confiscated under the provisions of the criminal law or the criminal procedure law or voluntarily transferred ownership by their owners (except for aquatic species on the list of endangered species, precious and rare Group I, Appendix I of CITES have

been handled in accordance with regulations on forest product management; handling of forest and aquatic products being assets under the ownership of the whole people) shall be handled as follows:

a) In case the individual is alive and healthy, it must be released into the natural environment; injured individuals must be handed over to biodiversity conservation establishments with the function of rescuing aquatic species or marine protected area management boards for nurturing, rescue and treatment before being released into the natural environment;

b) In case the material evidences are dead parts or individuals, they must be handed over to the Vietnam Museum of Nature or a scientific research agency for specimens, display, research, propagation, education or destruction in accordance with law;

c) In case the material evidences are dead parts or individuals that cannot be handed over as prescribed at Point b of this Clause or the material evidences are determined to be sick or potentially cause dangerous epidemics, they must be destroyed immediately. The destruction shall be carried out in accordance with the current provisions of the law on veterinary medicine, environmental protection and animal and plant quarantine.

6. The process of rescue of endangered, precious and rare aquatic species that are injured or stranded, except for the case specified in Clause 5 of this Article, shall be carried out as follows:

a) Organizations and individuals that detect endangered, precious and rare aquatic species that are injured or stranded must notify them to commune-level local administrations or provincial-level state management agencies in charge of fisheries or biodiversity conservation establishments with the function of rescuing aquatic species;

b) In case the commune-level local administration or the provincial-level state management agency in charge of fisheries receives information or hands over from organizations or individuals, it must notify the biodiversity conservation establishment with the function of rescuing aquatic species and provide first aid. nurturing while waiting for handover;

c) Biodiversity conservation establishments with the function of rescuing aquatic species shall receive and hand over and make a record of handover of endangered, precious and rare aquatic species according to **Form No. 01 in Appendix IV to this Circular.**

7. Biodiversity conservation establishments with the function of rescue of aquatic species shall have the following responsibilities:

a) Organize the rescue, treatment, nurturing and assessment of the adaptability of rescued aquatic species before they are released into their natural habitats. In case the rescued species dies in the process of rescue and treatment, the rescue establishment shall use it as a model for propaganda and education or hand over to the Vietnam Museum of Nature or a scientific research agency. In case the rescued species are incapable of living in the natural environment, the aquatic animal rescue establishment shall organize the nurturing or hand over to an appropriate organization for nurturing for the purpose of research, propagation and education;

b) Report to the state management agency in charge of fisheries under the Ministry of Agriculture and Environment on the results of rescue of endangered, precious and rare aquatic species periodically before November 20 of each year according to **Form No. 02 in Appendix IV** and upon request.

8. In case endangered, precious and rare aquatic species are not allowed to be preserved, preserved or processed for research, propagation and education, the commune-level People's Committee shall coordinate with the provincial-level state management agency in charge of fisheries in organizing the treatment in accordance with customs or burying destroy in accordance with the provisions of the law on veterinary medicine, environmental protection and animal and plant quarantine.

9. Organizations and individuals in the course of aquatic resource exploitation that encounter or unintentionally exploit endangered, precious or rare aquatic species shall record information in the fishing logbook or report on aquatic resource exploitation, assess their health status and handle them as follows:

a) In case the individuals are alive and healthy, they shall be released into the natural environment;

b) In case the individual is injured and can be rescued, first aid shall be provided according to the ability and released to the natural environment; in case of bringing them ashore for rescue, the rescue process specified in Clause 6 of this Article shall be followed;

c) In case the individual is injured to the extent that it cannot be treated or dies, Clause 8 of this Article shall be complied with.

10. Organizations and individuals that exploit aquatic resources if detecting marine animals and sea turtles within the scope of their operation must apply one of the following measures to repel and ensure safety and not affect the life of marine animals and sea turtles:

- a) Using sounds such as blowing horns or knocking on the side of the boat; install an acoustic repellent device on the drag net; use of lighting equipment; mounting lighting devices on fishing gear;
- b) Using ring fishing hooks for gold fishing; reducing the length of nets for dragnet professions; sinking part of the net under the water surface to create an escape route for marine animals in case of detecting marine animals being surrounded when fishing activities by fin netting; installation of turtle escape equipment for trawl netting profession;
- c) Other measures according to the guiding documents.

Article 15. Issuance of written approval for exploitation of endangered, precious and rare aquatic species

1. An application dossier comprises:

- a) An application made according to **Form No. 03 in Appendix IV to this Circular.**
- b) An exploitation plan made according to **Form No. 04 in Appendix IV to this Circular.**

2. Implementation order:

- a) Organizations and individuals shall send the dossier specified in Clause 1 of this Article to the Department of Agriculture and Environment.
- b) Within 15 working days from the date of receipt of the complete dossier, the Department of Agriculture and Environment shall organize the appraisal (may set up an appraisal council in case the tasks of conservation, scientific research, initial breeding research or international cooperation are not approved by state agencies); consult commune-level People's Committees or organizations assigned to manage areas expected to exploit endangered, precious and rare aquatic species (if any) and consider and decide to grant a written approval for exploitation of endangered, precious and rare aquatic species according to **Form No. 05, Appendix IV issued together with this Circular.** In case of refusal to grant written approval, it shall reply in writing and clearly state the reason.

3. The written approval for the exploitation of endangered, precious and rare aquatic species shall take effect according to the duration of the performance of the tasks of conservation, scientific research, initial breeding research and international cooperation.

4. The Department of Agriculture and Environment shall revoke the written approval for exploitation of endangered, precious and rare aquatic species in

case the organization or individual fails to comply with the contents of the written approval or the plan for exploitation of endangered, precious and rare aquatic species.

Article 16. Certification of the origin of aquatic species in the Appendix to the International Convention on Trade in Endangered Species of Wild Fauna and Flora; endangered, precious and rare aquatic species originating from aquaculture

1. A dossier of request for certification comprises:

a) An application for certification of origin, made according to **Form No. 06, Appendix IV to this Circular**

;

b) A book for monitoring the process of rearing, reproduction and artificial cultivation of endangered, precious and rare aquatic species and aquatic species in the CITES Appendix, made according to **Form No. 07, Appendix IV to this Circular**. For aquatic species in Appendix I of CITES raised for export purposes, the aquaculture process monitoring book shall comply with the law on management of endangered, precious and rare species; rearing common forest animals and implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

2. Implementation order:

a) Organizations and individuals shall send dossiers specified in Clause 1 of this Article to commune-level People's Committees;

b) Within 03 working days from the date of receipt of a complete dossier, the commune-level People's Committee shall issue a certificate of origin according to **Form No. 08 in Appendix IV to this Circular**. In case it is necessary to physically check the accuracy of information in the book to monitor the process of rearing, reproduction and artificial cultivation, the time for issuance of the Certificate of Origin is within 07 working days from the date of receipt of the complete dossier. In case of refusal to issue a certificate of origin, it shall reply in writing and clearly state the reason.

Article 17. Certification of the origin of aquatic species in the Appendix to the International Convention on Trade in Endangered Species of Wild Fauna and Flora; endangered, precious and rare aquatic species originating from natural exploitation

1. An application dossier comprises:

- a) An application for certification of origin, made according to **Form No. 06, Appendix IV to this Circular**;
- b) Written approval for exploitation of endangered, precious and rare aquatic species;
- c) Fishery exploitation reports, fishery exploitation logs.

2. In case of certification of specimens of endangered, precious and rare aquatic species exploited from nature before the effective date of the ban on exploitation, a dossier of application comprises:

- a) An application for certification of origin, made according to **Form No. 06, Appendix IV issued together with this Circular**;
- b) Documents proving the origin of specimens caught from nature certified by the fishing port management organization or the commune-level People's Committee or the provincial-level state management agency in charge of fisheries at the time of exploitation; notarized contracts on purchase, sale, donation or donation at the time of purchase, sale, donation or donation in cases where organizations and individuals are not directly exploiters.

3. Procedures for certification of origin:

- a) Organizations and individuals shall send dossiers specified in Clauses 1 and 2 of this Article to commune-level People's Committees;
- b) Within 05 working days from the date of receipt of the complete dossier, the commune-level People's Committee shall examine the dossier and issue a certificate of origin according to **Form No. 09 in Appendix IV issued together with this Circular**. In case of refusal to issue a certificate of origin, it shall reply in writing and clearly state the reason.

Article 18. Rearing, rearing and artificially cultivating aquatic species under the Appendix to the International Convention on Trade in Endangered Species of Wild Fauna and Flora; endangered, precious and rare aquatic species

- 1. Establishments rearing aquatic species in Appendix I of CITES not for export purposes; aquatic species in Appendix II and Appendix III of CITES; endangered, precious and rare aquatic species shall comply with the provisions of law on establishments producing and nurturing aquatic breeds.
- 2. Establishments that raise and cultivate artificial aquatic species in Appendix I of CITES not for export purposes; aquatic species in Appendix II and Appendix III of CITES; endangered, precious and rare aquatic species shall comply with the law on aquaculture establishments.

3. Establishments rearing aquatic species in Appendix I of CITES for export purposes shall comply with the law on management of endangered, precious and rare species; rearing common forest animals and implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Article 19. Processing of endangered, precious and rare aquatic species

Organizations and individuals engaged in the processing of endangered, precious and rare aquatic species must meet the following requirements:

1. Specimens of endangered, precious and rare aquatic species of lawful origin as prescribed by law.
2. Finished products sold on the market must be labeled in accordance with the law on goods labels.
3. To ensure regulations on food safety and epidemic safety in accordance with law.

Article 20. Export, import, re-export, transit or import from the sea of aquatic species under the Appendix to the International Convention on Trade in Endangered Species of Wild Fauna and Flora; endangered, precious and rare aquatic species

1. Organizations and individuals that import aquatic species in the CITES Appendix; endangered, precious and rare aquatic species in accordance with the provisions of the Fisheries Law on import of live aquatic animals.
2. Organizations and individuals that re-export or transit endangered, precious and rare aquatic species in accordance with the law on foreign trade management.
3. Organizations and individuals that export, re-export or import from the sea specimens of aquatic species in the CITES Appendix in accordance with the law on management of endangered, precious and rare species; rearing common forest animals and implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
4. Organizations and individuals shall import from the sea specimens of endangered, precious and rare aquatic species as prescribed in **Article 17 of this Circular**, except for aquatic species in the CITES Appendix.

Chapter V

MARINE PROTECTED AREAS, AQUATIC RESOURCES PROTECTION ZONES

Section 1.

MANAGEMENT OF MARINE PROTECTED AREAS AND AQUATIC RESOURCES PROTECTION ZONES

Article 21. Management of activities in marine protected areas

1. Activities carried out in strictly protected subdivisions include:

- a) Releasing buoys to mark the boundaries of the sea area;
- b) Conducting scientific investigations and research after being approved by competent state agencies;
- c) Propagating and educating the environment, conserving biodiversity and protecting aquatic resources;
- d) Patrolling, inspecting, controlling and handling violating activities;
- dd) Carry out activities of observation and supervision of natural resources, environment and archaeology;
- e) Handling incidents at sea, rescuing endangered, precious and rare species, and preserving marine ecosystems.

2. Activities to be carried out in ecological restoration zones include:

- a) Activities specified in Clause 1 of this Article;
- b) Restoration and regeneration of aquatic animals, plants and marine ecosystems after they are approved by competent state agencies;
- c) Eco-tourism activities without causing harm to aquatic resources and marine ecosystems;
- d) Fishing ships, seagoing ships and other watercraft are allowed to pass without causing harm.

3. Activities to be carried out in the service-administrative subdivision include:

- a) Activities specified in Clause 2 of this Article;
- b) Aquaculture and aquatic resource exploitation;
- c) Organizing service activities, eco-tourism and convalescence;
- d) Construction of infrastructure works in service of the operation of the marine protected area management board or the organization assigned to manage the marine protected area; works for eco-tourism, convalescence and aquaculture.

4. Activities carried out in the buffer zone include:

- a) Activities specified in Clause 3 of this Article;
- b) Construction of infrastructure works in service of socio-economic development without causing harm to other sub-zones and ecosystems in

marine protected areas.

5. Activities in marine protected areas specified in Clauses 1, 2, 3 and 4 of this Article must comply with relevant provisions of law and the Regulation on management of marine protected areas.

Article 22. Rights and responsibilities of marine protected area management boards or organizations assigned to manage marine protected areas

1. Marine protected area management boards or organizations assigned to manage marine protected areas have the following rights:

- a) Conduct investigations, surveys, research and application of science and technology and international cooperation on marine conservation within the scope of management;
- b) Cooperate in training, propagation and education of the environment, conservation of biodiversity and protection of aquatic resources in marine protected areas;
- c) Collect charges and fees as prescribed for activities in marine protected areas;
- d) Coordinate with organizations and individuals in conducting scientific investigations, research, restoration and regeneration of aquatic fauna, flora and aquatic species and natural marine ecosystems in conservation zones;
- dd) Civil servants and public employees of marine protected area management boards or organizations assigned to manage marine protected areas while performing their official duties in marine protected areas may make records of administrative violations in the field of fisheries, handle violations or transfer them to persons competent to handle violations in accordance with the law on handling of administrative violations in fisheries sector;
- e) Cooperate in scientific research, restoration and regeneration of aquatic animals, plants and natural ecosystems in marine protected areas in accordance with law; to organize or cooperate in the field of eco-tourism, resorts and other service activities in marine protected areas in accordance with law;
- g) Give opinions on investigation, scientific research, education, training and projects related to marine protected areas under their management; request competent agencies to suspend investigation, scientific research, education, training and projects of organizations and individuals in case of failing to

properly implement the purposes, contents, plans or having activities that adversely affect marine protected areas;

h) Organize the management of aquaculture activities in marine protected areas in accordance with law.

2. Marine protected area management boards or organizations assigned to manage marine protected areas shall have the following responsibilities:

a) Submit to the person competent to establish the marine protected area for promulgation the Regulation on management of the marine protected area according to **Form No. 01 in Appendix V to this Circular**;

b) Manage marine protected areas in accordance with the provisions of this Circular, the Regulation on management of marine protected areas and relevant laws;

c) Formulate and organize the implementation of the management plan of the marine protected area for 05 years or 10 years after it is approved by the agency competent to decide on the establishment of the marine protected area; take measures to prevent pollution, prevent and eradicate epidemics; preventing acts of violating the law in marine protected areas;

d) Organize the research, conservation, protection, regeneration, restoration and development of aquatic fauna, flora and marine ecosystems in marine protected areas; rescue endangered, precious and rare aquatic species in accordance with law; monitoring, collecting information and data, updating databases on biodiversity and water environment quality in marine protected areas;

dd) Supervise activities of scientific investigation, research, education and training and projects implemented in marine protected areas;

e) Propagate, educate and raise awareness of the protection of aquatic resources, the protection of aquatic species' habitats, and biodiversity conservation for communities and people engaged in activities related to marine protected areas;

g) Organize and coordinate with the Fishery Surveillance Force, Coast Guard, Environmental Police, Border Guard and local administrations in patrolling, inspecting, controlling and handling violations of law in marine protected areas;

h) Coordinate with local administrations and relevant organizations and individuals in supporting the implementation of livelihood activities for communities residing in and around marine protected areas;

- i/ To promulgate guidelines and regulations on vessels and activities in marine protected areas;
 - k) Study and propose adjustments to the area of marine protected areas; area and location of functional subdivisions of marine protected areas and buffer zones;
 - l) Installation and release of buoys marking the boundaries of marine protected areas, boundaries of functional subdivisions and installation of buoys for cruise ships to anchor;
 - m) Report to the provincial/municipal Services of Agriculture and Environment and the Ministry of Agriculture and Environment (through the state management agency in charge of fisheries under the Ministry of Agriculture and Environment) on the management of marine protected areas on a periodic basis before November 20 of each year or irregularly upon request.
3. Marine protected area management boards or organizations assigned to manage marine protected areas shall exercise their rights and responsibilities in the management and protection of the environment, nature and biodiversity conservation in accordance with law.

Article 23. Rights of organizations and individuals engaged in activities related to marine protected areas

- 1. To participate in communication, education and awareness-raising activities on biodiversity protection and conservation; restoration and regeneration of aquatic animals, plants and marine ecosystems in protected areas.
- 2. To coordinate with the management boards of marine protected areas or organizations assigned to manage marine protected areas in conducting investigations, scientific research, education and training activities; to organize eco-tourism, resort and other services in marine protected areas in accordance with the provisions of this Circular, the Regulation on management of marine protected areas, regulations of the Marine Protected Area Management Board or the organization assigned to manage the marine protected area and relevant laws.
- 3. To cooperate with marine protected area management boards or organizations assigned to manage marine protected areas in the field of eco-tourism, convalescence, scientific research, restoration and regeneration of aquatic animals and plants, marine ecosystems and other service activities in protected areas in accordance with law.
- 4. Aquaculture and aquaculture shall comply with the provisions of this Circular, regulations of marine protected area management boards or organizations

assigned to manage marine protected areas and relevant laws.

Article 24. Obligations of organizations and individuals engaged in activities related to marine protected areas

1. Organizations and individuals engaged in scientific investigation, research, education and training activities in marine protected areas shall have the following obligations:

- a) Send the plan for investigation, scientific research, education and training in the marine protected area to the management board of the marine protected area or the organization assigned to manage the marine protected area 10 days before the implementation;
- b) Conduct scientific investigations, research, education and training in accordance with law, the Regulation on management of marine protected areas and the guidance and supervision of the management boards of marine protected areas or organizations assigned to manage marine protected areas;
- c) Notify the management board of the marine protected area or the organization assigned to manage the marine protected area of the results of investigation, scientific research, education and training; documents published domestically or internationally (if any);
- d) Pay expenses for services and supervision to the management board of the marine protected area or the organization assigned to manage the marine protected area as prescribed, except for scientific investigation and research activities.

2. Organizations and individuals engaged in eco-tourism, convalescence and aquaculture services in marine protected areas shall have the following obligations:

- a) Implement eco-tourism, convalescence and entertainment activities in accordance with relevant laws;
- b) Comply with the provisions of this Circular, the Regulation on management of marine protected areas, regulations of the management boards of marine protected areas or organizations assigned to manage marine protected areas;
- c) Protection of biodiversity and the environment; participate in environmental cleaning, restoration and regeneration of aquatic animals, plants and marine ecosystems in protected areas;
- d) Disseminate legal provisions on environmental protection and biodiversity protection to tourists;

dd) Pay service expenses to the management board of the marine protected area or the organization assigned to manage the marine protected area as prescribed;

e) Organizations and individuals that are eligible and wish to exploit and aquaculture in marine protected areas must register with the management boards of marine protected areas or organizations assigned to manage marine protected areas.

3. For residential communities, households and individuals residing in and around marine protected areas, they have the obligations:

a) Comply with the regulations on management of marine protected areas, regulations of marine protected area management boards or organizations assigned to manage marine protected areas and relevant laws;

b) Protect the environment and biodiversity in marine protected areas;

c) Participate in the regeneration and restoration of aquatic animals and plants and marine ecosystems in the conservation zone.

Article 25. Management of aquatic resources protection zones

1. Based on the actual situation of localities, aquatic resources protection zones shall be assigned to provincial-level state management agencies in charge of fisheries or commune-level administrations or community organizations for management.

2. Aquatic resources protection zones shall be managed as follows:

a) Provincial-level state management agencies in charge of fisheries or commune-level administrations assigned to manage aquatic resources protection zones must formulate and promulgate management regulations and management plans suitable to the actual conditions in each area;

b) Community organizations voluntarily propose to be assigned to manage aquatic resources protection zones in accordance with the law on co-management in aquatic resources protection.

3. Activities carried out in aquatic resources protection zones include:

a) Scientific investigation and research on aquatic resources and biodiversity; monitoring of natural resources and environment;

b) Exploitation of aquatic resources, aquaculture and recreational tourism associated with aquatic activities in accordance with law;

c) Patrol and control the enforcement of law;

d) Other activities as prescribed by law.

4. Provincial-level People's Committees shall:

- a) Assign the management organization of the aquatic resources protection zone as prescribed in Clause 1 of this Article;
- b) Assign functional units to patrol and control the enforcement of law in aquatic resources protection zones; inspect and supervise the activities of organizations assigned to manage aquatic resources protection zones.

5. The regime of reporting on the management of aquatic resources protection zones shall be implemented as follows:

- a) Organizations assigned to manage aquatic resources protection zones on a regular basis before November 10 of each year or irregularly upon request to report to provincial-level state management agencies in charge of fisheries;
- b) Provincial-level People's Committees shall report to the Ministry of Agriculture and Environment on a regular basis before November 20 of each year or irregularly upon request (through the state management agency in charge of fisheries under the Ministry);
- c) A report on the management of the aquatic resources protection zone, made according to **Form No. 02, Appendix V issued together with this Circular**.

6. The list of aquatic resources protection zones in two or more provinces or centrally-run cities is specified in **Appendix VI issued together with this Circular**.

Section 2.

ESTABLISHMENT AND ADJUSTMENT OF BOUNDARIES AND AREAS OF PROVINCIAL-LEVEL MARINE PROTECTED AREAS

Article 26. Procedures for formulation of projects on establishment of provincial-level marine protected areas

Provincial-level Agriculture and Environment Departments shall assume the prime responsibility for formulating projects on establishment of provincial-level marine protected areas in the following order:

- 1. Organize biodiversity surveys and assessments and formulate projects on establishment of provincial-level marine protected areas according to **Form No. 03 in Appendix V to this Circular**.
- 2. To collect written opinions of the Ministry of Agriculture and Environment; relevant departments, branches and commune-level People's Committees; opinions of population communities lawfully residing in and around the area where the marine protected area is expected to be established in the form of voting or opinion poll for the project on establishment of the provincial-level marine protected area. Within 15 working days from the date of receipt of the

request for comments, the consulted agency or organization shall reply in writing.

3. To submit to provincial-level People's Committees for appraisal of projects on establishment of provincial-level marine protected areas.

Article 27. Order and procedures for appraisal of projects on establishment of provincial-level marine protected areas

1. Dossier submitted for project appraisal:

a) A written request for appraisal of the project on establishment of a provincial-level marine protected area;

b) Projects on establishment of provincial-level marine protected areas;

c) A summary table of explanations and assimilation of opinions of the Ministry of Agriculture and Environment; relevant departments, branches and commune-level People's Committees; opinions of the population community legally residing in and around the area where the marine protected area is expected to be established.

d) Other relevant documents (if any).

2. Order of project appraisal:

a) The Department of Agriculture and Environment shall send the dossier specified in Clause 1 of this Article to the provincial-level People's Committee;

b) Within 30 working days from the date of receipt of a complete dossier as prescribed in Clause 1 of this Article, the provincial-level People's Committee shall set up an interdisciplinary appraisal council, organize a meeting of the appraisal council and issue a report on appraisal of the project on establishment of a marine protected area by the interdisciplinary appraisal council. The appraisal contents shall comply with the provisions of Clause 3 of this Article.

The interdisciplinary appraisal council consists of at least 07 members chaired by the leader of the provincial-level People's Committee; members are leaders of relevant departments, departments, branches, commune-level People's Committees and experts in the field of fisheries and biodiversity

3. Contents of appraisal of a project on establishment of a provincial-level marine protected area include:

a) The necessity of establishing a marine protected area (including legal and practical grounds);

- b) Satisfying the criteria for establishment of marine protected areas as prescribed in **Article 15 of the Fisheries Law**;
- c) Geographical location, boundaries and area of marine protected areas in conformity with the planning on protection and exploitation of aquatic resources; boundaries and areas of functional subdivisions and buffer zones of marine protected areas;
- d) Plans for biodiversity conservation and restoration of natural ecosystems; to protect and preserve natural landscapes, cultural and historical values;
- dd) Plans on livelihood transformation for households and individuals engaged in aquaculture activities related to marine protected areas;
- e) Solutions and organization of implementation;
- g) Draft regulations on management of marine protected areas;
- h) Other contents at the request of the agency appraising the project on establishment of the marine protected area.

Article 28. Decision on establishment of provincial-level marine protected zones

1. Within 15 working days from the date of issuance of the report on appraisal of the project on establishment of the provincial-level marine protected area by the interdisciplinary appraisal council, the Department of Agriculture and Environment shall complete the dossier and submit it to the Chairman of the provincial-level People's Committee for establishment of the marine protected area.

2. Dossier for submission for establishment of marine protected areas:

- a) A written request for establishment of a marine protected area;
- b) The project on establishment of the marine protected area (which has been completed according to the appraisal opinion of the interdisciplinary appraisal council);
- c) A summary table of explanations and assimilation of opinions of the Ministry of Agriculture and Environment, relevant departments, branches and commune-level People's Committees; opinions of the population community lawfully residing in and around the area where the marine protected area is expected to be established;
- d) The report on appraisal of the project on establishment of the marine protected area by the interdisciplinary appraisal council;

dd) A summary table of explanations and assimilation of opinions of the interdisciplinary appraisal council;

e) Other relevant documents (if any).

3. Within 05 working days from the date of receipt of the dossier submitted by the Department of Agriculture and Environment, the President of the provincial-level People's Committee shall decide on the establishment of the marine protected area according to **Form No. 04 in Appendix V issued together with this Circular.**

Article 29. Adjustment of boundaries and areas of provincial-level marine protected areas

1. The management board of the marine protected area or the organization assigned to manage the marine protected area shall request the Department of Agriculture and Environment to appraise the dossier of adjustment of the boundary and area of the marine protected area after completing the following contents:

a) Formulate a project on adjustment of boundaries and areas of marine protected areas according to **Form No. 05 in Appendix V to this Circular;**

b) Collect opinions of population communities lawfully residing in and around marine protected areas on adjustment plans, ensuring that at least 70% of population communities are consulted;

c) Consult the Ministry of Agriculture and Environment, relevant departments, sectors and commune-level People's Committees on projects on adjustment of boundaries and areas of marine protected areas. The consulted agencies and organizations shall reply in writing within 15 working days from the date of receipt of the request for comments.

2. An appraisal dossier comprises:

a) A written request for appraisal of the project on adjustment of boundaries and areas of marine protected areas;

b) Projects on adjustment of boundaries and areas of marine protected areas;

c) A summary table of opinions of the Ministry of Agriculture and Environment, relevant departments, branches and commune-level People's Committees; opinions of communities legally residing in and around the marine protected areas expected to be adjusted;

d) Other relevant documents (if any).

4. Contents of the appraisal:

- a) The necessity of adjusting the boundaries and areas of marine protected areas (including legal and practical grounds);
- b) Adjustment objectives;
- c) Adjustment plan;
- d) Plans for biodiversity conservation and restoration of natural ecosystems; to protect and preserve natural landscapes, cultural and historical values;
- dd) Plans on livelihood transformation for households and individuals engaged in aquaculture activities related to the area under adjustment;
- e) Solutions and organization of implementation;
- g) Other contents at the request of the agency appraising the project on establishment of the marine protected area.

5. Within 30 working days after receiving the dossier as prescribed in Clause 3 of this Article, the Department of Agriculture and Environment shall submit to the provincial-level People's Committee the establishment of an interdisciplinary appraisal council and organize an appraisal council.

The interdisciplinary appraisal council consists of at least 07 members chaired by the leader of the provincial-level People's Committee; members are leaders of relevant departments, branches, commune-level People's Committees and experts in the field of fisheries and biodiversity.

Within 05 working days from the end of the meeting of the interdisciplinary appraisal council, the provincial-level People's Committee shall issue a report on appraisal of the project on adjustment of boundaries and areas of marine protected areas.

6. Within 15 working days from the date of receipt of the report on appraisal of the project on adjustment of boundaries and area of provincial-level marine protected areas from the interdisciplinary appraisal council, the management board of the marine protected area or the organization assigned to manage the marine protected area shall complete the dossier and request the Department of Agriculture and Environment to submit it to the Chairman of the People's Committee for issuance the province adjusts the boundaries and areas of marine protected areas.

7. Dossier of submission for adjustment of boundaries and areas of marine protected areas:

- a) A written request for adjustment of the boundary and area of the marine protected area;

- b) Projects on adjustment of boundaries and areas of marine protected areas (which have been completed according to the appraisal opinions of the interdisciplinary appraisal councils);
 - c) A summary table of explanations and assimilation of opinions of the Ministry of Agriculture and Environment, relevant departments, branches and commune-level People's Committees; opinions of the population community legally residing in and around the area where the boundaries and area are expected to be adjusted;
 - d) A report on appraisal of the project on adjustment of boundaries and areas of marine protected areas of the interdisciplinary appraisal council;
 - dd) A summary table of explanations and assimilation of opinions of the interdisciplinary appraisal council;
 - e) Other relevant documents (if any).
8. Within 03 working days from the date of receipt of the dossier as prescribed in Clause 7 of this Article, the Department of Agriculture and Environment shall submit to the provincial-level People's Committee for decision on adjustment of the boundary and area of the marine protected area.
9. Within 05 working days from the date of receipt of the dossier submitted by the Department of Agriculture and Environment, the Chairperson of the provincial-level People's Committee shall decide to adjust the boundary and area of the provincial-level marine protected area according to **Form No. 06, Appendix V issued together with this Circular.**

Chapter VI

MARKING FISHING GEAR; TRADES AND FISHING GEAR BANNED FROM AQUATIC RESOURCE EXPLOITATION; AREAS BANNED FROM FISHING FOR A DEFINITE PERIOD

Article 30. Marking fishing gear for fishing in fishing grounds

1. Fishing for gold and trawl nets when fishing for gold nets and gold fishing nets stretching out to sea with a length of over 200m; trawlers must mark fishing gear operating at sea in accordance with the Rules on Prevention of Vessel Collisions at Sea.
2. The fishery using scrub at sea must have signs clearly indicating the area where aquatic resource exploitation activities are taking place.
3. Organizations and individuals engaged in aquatic resource exploitation must mark fishing gear as prescribed in **Appendix VII issued together with this Circular.**

Article 31. Trades and fishing gear banned from aquatic resource exploitation

1. Criteria for determining trades and fishing gear banned from aquatic resource exploitation

Fishing trades and gear banned from aquatic resource exploitation are determined by one of the following criteria:

- a) Occupations and fishing gear that cause harm or destruction of aquatic resources and habitats of aquatic species and aquatic ecosystems that have been assessed for impacts;
- b) Fishing trades and gear on the list of prohibited trades and gear according to regulations of regional fisheries management organizations of which Vietnam is a member or non-member but have cooperation.

2. The list of trades and fishing gear banned from fishing in offshore areas is specified in **Appendix VIII issued together with this Circular.**

Article 32. Areas banned from fishing for a definite period

1. Criteria for determining areas banned from fishing for a definite period

Areas banned from fishing for a definite period are determined by one of the following criteria:

- a) Areas with concentrated reproduction of aquatic species, areas with higher egg distribution density of aquatic species than neighboring areas;
- b) Areas where immature aquatic animals are concentrated, areas with a high density of distribution of baby fish, shrimp and larvae of aquatic species compared to neighboring areas;
- c) Breeding migration areas of aquatic species;
- d) Areas banned from fishing of regional fisheries management organizations of which Vietnam is a member or non-member but have cooperated.

2. A list of areas banned from fishing for a definite period in offshore areas, areas with scopes in both open and offshore areas; open areas and inland areas within two or more provinces or centrally-run cities are specified in **Appendix IX issued together with this Circular.**

Chapter VII

IMPLEMENTATION PROVISIONS

Article 33. Enforcement effect

1. This Circular takes effect from January 01, 2026.

2. This Circular replaces the Circular No. 19/2018/TT-BNNPTNT dated November 15, 2018 of the Minister of Agriculture and Rural Development guiding the protection and development of aquatic resources;
3. To annul **Article 1** of Circular No. 01/2022/TT-BNNPTNT dated January 18, 2022 of the Minister of Agriculture and Rural Development amending and supplementing a number of Circulars in the field of fisheries;
4. To annul **Articles 11, 12, 13 and 15** of the Circular No. 10/2025/TT-BNNMT dated June 19, 2025 of the Minister of Agriculture and Environment regulating the decentralization, decentralization and delimitation of state management competence in the field of fisheries and fisheries control;
5. To annul **Article 1** of the Circular No. 30/2025/TT-BNNMT dated June 27, 2025 of the Minister of Agriculture and Environment amending and supplementing a number of Circulars in the field of fisheries control, protection and development of aquatic resources.

Article 34. Transitional Regulations

1. Dossiers of request for recognition and assignment of rights to community organizations, dossiers of request for amendment and supplementation of contents of decisions on recognition and assignment of rights to community organizations to perform co-management in the protection of aquatic resources have been received by state agencies or competent persons before the effective date of this Circular but there are no results shall continue to comply with the provisions of law at the time of receipt; except for cases where organizations and individuals request to comply with the provisions of this Circular.
2. Written approvals for exploitation of endangered, precious and rare aquatic species issued before the effective date of this Circular and have not yet expired or have not expired shall continue to be used until the expiration of the time limit stated in the document.
3. Projects on establishment of provincial-level marine protected areas or projects on adjustment of boundaries and areas of provincial-level marine protected areas that have held meetings of interdisciplinary appraisal councils before the effective date of this Circular shall continue to comply with regulations at the time of receipt of dossiers submitted for appraisal until the Chairperson of the provincial-level People's Committee to decide on the establishment or adjustment of boundaries and areas of marine protected areas.

4. The list of trades and fishing gear banned from fishing specified in **Appendix X to this Circular** shall expire after the provincial-level People's Committee promulgates the list of fishing trades and gear banned from fishing in coastal areas, open areas and inland areas as prescribed at **Point a, Clause 5, Article 13**, which have been amended and supplemented in **Clause 2, Article 14 of the Law amending and supplementing a number of articles of 15 Laws in the field of agriculture and environment**.

5. The list of areas banned from fishing for a definite period specified in **Appendix XI promulgated together with this Circular** shall expire after the provincial-level People's Committee promulgates the list of areas banned from fishing for a definite period in coastal areas, open areas and inland areas as prescribed at **Point a, Clause 5, Article 13**, which have been amended and supplemented in **Clause 2, Article 14 of the Law amending and supplementing a number of articles of 15 Laws in the field of agriculture and environment**.

6. The list of aquatic resources protection zones specified in **Appendix XII to this Circular** shall cease to be effective after the provincial-level People's Committee chairperson promulgates the list of aquatic resources protection zones in coastal areas, open areas and inland areas under their management as prescribed at **Point a, Clause 2, Article 17**. has been amended and supplemented in **Clause 4, Article 14 of the Law amending and supplementing a number of articles of 15 Laws in the field of agriculture and environment**.

Article 35. Implementation responsibilities

1. Responsibilities of the state management agency in charge of fisheries under the Ministry of Agriculture and Environment:

a/ To direct and provide professional guidance related to the protection and development of aquatic resources;

b) Training and propagation of the provisions of this Circular to organizations and individuals engaged in activities related to the protection and development of aquatic resources;

c) Organize the inspection of the implementation of the provisions of this Circular in localities nationwide.

2. Responsibilities of provincial-level People's Committees:

a) Direct provincial-level specialized agencies and commune-level local administrations to organize the implementation of the provisions of this Circular;

b) Organize training and propagation of the provisions of this Circular to organizations and individuals engaged in activities related to the protection and development of aquatic resources in their localities.

c) Submit to the provincial-level People's Council for promulgation and organize the implementation of policies to support the implementation of co-management in the protection of aquatic resources; policies to support fishermen during the period of prohibition of fishing in the province in accordance with each period and the ability to balance the local budget;

d) Direct commune-level administrations and functional agencies to assume the prime responsibility for, and coordinate with community organizations in, patrolling, inspecting, controlling and handling violations according to their competence in areas under co-management. To formulate plans and allocate funds for activities to organize the implementation of co-management in the protection of aquatic resources;

dd) Direct the Department of Agriculture and Environment and the commune-level People's Committee to review, adjust and supplement the Decision on recognition and assign the right to community organizations to perform co-management in the protection of aquatic resources for community organizations that have issued the Decision before the effective date of this Circular to ensure conformity with the administrative units provincial government and the current two-level local government organization;

e) Arrange fishery surveillance forces to patrol, inspect, control and handle violations in marine protected areas under their management.

3. Responsibilities of relevant organizations and individuals:

Agencies, organizations and individuals involved in the investigation and assessment of aquatic resources and habitats of aquatic species shall be responsible for managing, using, storing, keeping confidential information, sharing data and survey results in accordance with the law on archiving and other relevant laws.

4. In the course of implementation, if there are difficulties or problems or new problems are detected, organizations and individuals shall promptly report them to the State management agencies in charge of fisheries under the Ministry of Agriculture and Environment for summarization and reporting to the Ministry for consideration and amend and supplement accordingly./.

Recipient:

- Prime Minister;
- Deputy Prime Ministers;

KT. MINISTER
DEPUTY MINISTER

- Office of the National Assembly;
- The Government Office;
- Ministries and ministerial-level agencies;
- The Supreme People's Procuracy;
- the Supreme People's Court;
- State Audit;
- The Central Committee of the Vietnam Fatherland Front;
- People's Councils, People's Committees of provinces and cities;
- Departments of Agriculture and Environment of provinces and cities;
- Department of Document Examination and Management and Handling of Administrative Violations, Ministry of Justice;
- The Ministry of Agriculture and Environment: Ministers, Deputy Ministers; Units under the Ministry;
- Official Gazette; Government Portal; Portal of the Ministry of Agriculture and Environment;
- Save: VT, TSKN.

Phung Duc Tien

This document has an appendix. Please **log in** for details.