

**GOVERNMENT**

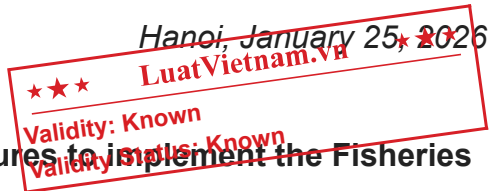
No. 41/2026/ND-CP

**SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom -  
Happiness**

**DECREE**

**Detailing a number of articles and measures to implement the Fisheries  
Law**



*Pursuant to the Law on Government Organization No. 63/2025/QH15;  
Pursuant to the Law on Fisheries No. 18/2017/QH14 amended and  
supplemented by Law No. 31/2024/QH15, Law No. 43/2024/QH15, Law No.  
146/2025/QH15;*

*At the request of the Minister of Agriculture and Environment;  
The Government promulgates a Decree detailing a number of articles  
and measures for the implementation of the Fisheries Law.*

**Chapter I  
GENERAL REGULATIONS**

**Article 1. Scope of Regulation**

This Decree prescribes:

1. Details of contents falling under the Government's competence are specified in **Clause 5, Article 21**; **Article 24**; **Clause 5, Article 25**; **Clause 2 and Clause 4 of Article 28**; **Article 32**; **Clause 5, Article 34**; **Clause 2, Clause 3 and Clause 6 of Article 35**; **Clause 5, Article 38**; **Clauses 1 and 3 of Article 44**; **Clause 1, Article 48**; **Clause 2, Article 50**; **Clause 3, Article 51**; **Clause 2, Article 53**; **Clause 7, Article 56**; **Article 63**; **Clause 4, Article 64**; **Clause 1, Article 66**; **Article 68**; **Clause 4, Article 69**; **Article 72**; **Clause 2, Article 89 of the Law on Fisheries No. 18/2017/QH14** dated November 21, 2017 has been amended and supplemented by Law No. 31/2024/QH15, Law No. 43/2024/QH15, Law No. 146/2025/QH15 (hereinafter referred to as the Law on Fisheries).
2. Regulations on supervisors on Vietnamese fishing vessels operating in Vietnamese waters; licensing the export of aquatic species listed in the List of aquatic species banned from export or the List of aquatic species subject to conditional export but failing to meet the conditions for the purpose of scientific research or international cooperation; control of foreign ships exploiting, transporting and transshipment of aquatic products and aquatic products

originating from exploitation and docking at Vietnamese ports; control of aquatic products and aquatic products originating from exploitation transported by container ships imported into Vietnam; responsibilities of relevant agencies and organizations in controlling foreign ships exploiting, transporting and transshipment aquatic products originating from exploitation at Vietnamese ports and controlling aquatic products and aquatic products originating from exploitation transported by container ships imported into Vietnam; the minimum size permitted for exploitation of aquatic species living in natural waters; responsibilities of relevant ministries and sectors and responsibilities of provincial-level People's Committees.

## **Article 2. Subjects of application**

This Decree applies to Vietnamese and foreign organizations and individuals engaged in fisheries activities or related to fishery activities in Vietnam's inlands, islands, archipelagos and waters; Vietnamese organizations and individuals engaged in fishing activities outside Vietnamese waters.

## **Article 3. Explanation of terminology**

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

1. Aquaculture means the control and management of the process of rearing and cultivating aquatic species in a certain environment in order to create products to serve human needs.
2. Intensive aquaculture means a form of farming with a high stocking density, using aquatic feeds completely and applying technical measures to maximize productivity and output per unit area or volume of farming.
3. Semi-intensive aquaculture means a form of farming with a stocking density lower than that of intensive farming, combining the use of natural feeds and aquatic feeds, and the application of technical measures to improve productivity and output per unit of farming area or volume.
4. Substrate in aquaculture means a material or structure used in a farming area to create a surface for clinging, providing a place to live, shelter and develop for farmed aquatic species.
5. Shoreline means a curved road created by straight sections connected from point 01 to point 18. The coordinates of points from 01 to 18 are determined by the longitude and latitude specified in [Appendix III to this Decree](#).
6. Straight line means a curved line created by straight sections connected from point 01' to point 18'. The coordinates of points from point 01' to point 18' are determined by the longitude and latitude specified in [Appendix III to this Decree](#).

7. Fishing vessel cruise monitoring system means a system integrated by equipment installed on a fishing vessel connected to a fishing vessel cruise monitoring data center to manage and supervise the itinerary and operation of fishing vessels.
8. Fishing ship cruise monitoring equipment means a terminal installed on a fishing ship to receive, store and transmit information related to the operation process of a fishing vessel; are activated and installed to transmit data to fishing vessel cruise monitoring software.
9. Fishing vessel itinerary monitoring data means data on the position of fishing vessels and fishing vessel itineraries that have been updated and stored in the fishing vessel voyage monitoring software managed by the state management agency in charge of fisheries under the Ministry of Agriculture and Environment.
10. Aquatic resource transshipment means the transfer of aquatic animals and aquatic products exploited from one ship to another.
11. Logistics vessels for fishing for aquatic resources include: vessels for exploration, search and luring of aquatic resources, vessels transporting (transshipment and processing) of aquatic products and aquatic products (except for ships carrying aquatic products by containers).
12. Illegal fishing means fishing activities carried out by Vietnamese fishing vessels or foreign fishing vessels in the waters under the jurisdiction of a country without permission or contrary to the laws and regulations of that country; the operation of fishing vessels flying the flag of the country that has signed an agreement with the regional fisheries management organization but contrary to the binding conservation and management measures of such organization; or activities that violate the provisions of international law and related international obligations.
13. Unreported fishing means fishing activities that are not reported or insufficiently reported to competent Vietnamese agencies as prescribed by law; or operating in the area under the jurisdiction of the relevant regional fisheries management organization without reporting or reporting insufficiently according to the reporting process and procedures of such organization.
14. Unregulated fishing means aquatic resource exploitation activities carried out in the area under the management of a regional fisheries management organization by stateless fishing vessels, fishing vessels of non-member states or other entities in a manner contrary to the conservation and management measures of such organizations; or fishing activities in sea areas or for aquatic species for which there are no specific regulations on conservation and

management but are carried out contrary to the national responsibility for the conservation of marine biological resources according to international law.

15. Storm shelter anchorage area for fishing vessels means a dedicated area for fishing vessels anchored for storm shelter, including: infrastructure of storm shelters, logistics service facilities of storm shelters, mooring waters, channels into storm shelters and administrative areas.

a) Infrastructure of storm shelter areas includes: dikes, breakwaters, silt prevention; streams and creeks; ship mooring (ship mooring pillars, buoys, mooring chains, mooring turtles); buoy system, signboards; lighting system; communication systems;

b) Logistics service establishments in storm shelters include: establishments providing minimum essential services (fresh water, food, communications, healthcare, supplies, minor repairs, rescue, incident solving) serving fishermen and fishing vessels to ensure the settlement of urgent requirements and accidents;

c) Mooring waters are the waters in front of wharves, waters in which ships are moored, channels into ship mooring areas and waters reserved for supply and logistics services;

d) Channel into storm shelter means channel connecting from the waters in which the ship operates to the waters where the ship is parked;

dd) The administrative area includes: infrastructure and equipment in service of the management and operation of the storm shelter (accommodation, operation and security houses; internal road system; electricity, water, wastewater treatment, fire prevention and fighting systems; equipment).

16. Large fishery center means an area associated with fishing grounds that have advantages in terms of economy, society, natural resources, raw materials and technical infrastructure, have their own boundaries and operation regulations, and serve as a focal point for production, trade and fishery logistics services in a continuous manner. to reduce costs and increase competitiveness, including: specific functional areas, specialized establishments.

a) Particular-function zones include: aquatic product processing areas; repairing and manufacturing fishing nets and tools, building and repairing ships and vessels to supply machinery and equipment for fishing vessels, marine equipment and communications; storm shelter anchorage areas; fishing ship registration establishments; regional fishery control agencies, wharves anchored by fishery surveillance ships and boats; rescue and rescue centers;

b) Specialized establishments of large fishery centers, including training, research, finance establishments, exhibition centers serving fishery activities.

17. Fishing vessel cruise monitoring equipment supplier means a unit that is publicly notified by the state management agency in charge of fisheries under the Ministry of Agriculture and Environment as prescribed.

18. Ship in service of aquaculture means a watercraft equipped by an aquaculture establishment used to transport tools, supplies, equipment and aquaculture products between the shore and the aquaculture area or perform a number of other stages in service of aquaculture. Vessels in service of aquaculture with a maximum length of 06 meters or more must be registered and with a maximum length of 12 meters or more must be registered and inspected according to regulations applicable to fishing vessels.

19. Self-processed aquatic feed in aquaculture means a type of feed that is mixed and processed by an aquaculture establishment from locally available raw materials or from aquatic by-products, agricultural products and food; only used at aquaculture establishments without circulating on the market.

20. Provincial-level state management agencies in charge of fisheries are sub-departments assigned to perform the state management of fisheries and fishery control or provincial-level Agriculture and Environment Departments (for localities without Sub-departments of state management of fisheries and fishery control).

#### **Article 4. General provisions on implementation of administrative procedures in this Decree**

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 to the One-Stop Shop;

c) Online at the National Public Service Portal or the National Identification Application.

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. Organizations and individuals may submit true copies and bring the originals for comparison at the time of

submission of dossiers instead of authenticated copies in case of submission of dossiers in the manner specified at Point a, Clause 1 of this Article;

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, there must be a certified Vietnamese translation as prescribed.

6. Organizations and individuals shall take responsibility for the legality of the submitted dossiers.

7. In case of natural disasters or epidemics, it is not possible to organize physical inspection and assessment at the establishment for the issuance of permits, certificates, written approvals, inspection or inspection for maintenance of conditions of the establishment:

a) Competent agencies shall apply the form of online assessment when the facility meets the requirements for resources and technical means to implement it; establishments that provide relevant dossiers and documents in paper or electronic form to competent agencies or suspend or extend for a period of time permits, certificates, written approvals, durations of inspection or maintenance inspection;

b) Organizations and individuals engaged in production, business and conformity assessment shall be responsible before law for the accuracy of information, documents, images and dossiers provided to the licensing agency. The actual inspection, appraisal and assessment will be carried out after the localities control natural disasters and epidemics in accordance with the law; immediately revoke licenses and handle violations in case organizations and individuals violate in accordance with law;

c) The Ministry of Agriculture and Environment shall provide guidance on professional and technical contents to take measures in case of necessity at Points a and b of this Clause.

8. If this Decree contains provisions different from those specified in Clauses 1, 2, 3, 4 and 5 of this Article, such provisions shall apply.

## **Chapter II**

### **AQUATIC RESOURCES PROTECTION AND DEVELOPMENT FUND**

#### **Article 5. Functions and tasks of the Aquatic Resources Protection and Development Fund**

1. The aquatic resources protection and development fund has the function of supporting programs, projects and non-project activities in the field of aquatic resources protection and development that are not included in the national budget plan.

2. The tasks of the Aquatic Resources Protection and Development Fund include:

- a) Mobilize, receive and manage voluntary, sponsorship, charity and entrustment contributions of domestic and foreign organizations and individuals;
- b) Organize the appraisal and decision on support, inspection, supervision and acceptance of results of programs, projects and non-project activities supported by the Fund;
- c) Comply with regulations on finance and accounting in accordance with the Law on the State Budget, the Law on Accounting and relevant laws;
- d) Comply with the inspection, examination and audit of competent state agencies in accordance with law;
- dd) Perform other tasks prescribed by competent state agencies.

#### **Article 6. Organizational structure of the Aquatic Resources Protection and Development Fund**

1. The name of the Aquatic Resources Protection and Development Fund is prescribed as follows:

- a) The central fund is the Vietnam Aquatic Resources Protection and Development Fund (hereinafter referred to as the central fund);
- b) The provincial-level fund is the "Provincial aquatic resources protection and development fund [name of province or city]" (hereinafter referred to as the provincial-level fund).

2. The Aquatic Resources Protection and Development Fund operates part-time and is prescribed as follows:

a) Central Fund: The apparatus for managing the Fund employing civil servants, public employees and employees under the Ministry of Agriculture and Environment, shall be decided by the Minister of Agriculture and Environment;

b) Provincial-level funds: The management apparatus of the Fund employing civil servants, public employees and employees under the provincial-level Agriculture and Environment Departments shall be decided by the Chairpersons of the provincial-level People's Committees.

#### **Article 7. Operation mechanism of the Aquatic Resources Protection and Development Fund**

1. The Aquatic Resources Protection and Development Fund shall have the legal person status, its own seal, and may open accounts at banks and the State Treasury in accordance with law.

2. The Central Fund shall have the following responsibilities:

a) Management and use of financial sources as prescribed in **Article 8 of this Decree**;

b/ To guide, examine and supervise the management and use of funding sources supported by the central fund;

c) Providing guidance and exchanging experiences on the Fund's management and operation operation;

d) Financial and technical support for provincial-level funds and community funds through programs, projects and non-project activities (if any).

3. Provincial-level funds shall have the following responsibilities:

a) Management and use of financial sources as prescribed in **Article 8 of this Decree**;

b) Financial and technical support for the Community Fund through programs, projects and non-project activities;

c) Receive, manage and use financial and technical support sources from the central fund (if any);

d) Submit to the central fund's inspection and supervision of capital sources supported by the central fund.

#### **Article 8. Management and use of finance of the Aquatic Resources Protection and Development Fund**

1. Financial sources for the establishment of the Aquatic Resources Protection and Development Fund under the provisions of **Clause 4, Article 21 of the**

**Fisheries Law**; managed in accordance with the law on management of non-state budget financial funds and relevant legal provisions.

2. The central aquatic resources protection and development fund shall be expended for the following principal activities:

- a) Organizing propaganda and education; disseminate and replicate examples of protection and development of aquatic resources nationwide;
- b) Restoration of ecosystems and regeneration of aquatic resources; support career change, create sustainable livelihoods nationwide;
- c) Implement other programs, projects and non-project activities entrusted by domestic and foreign organizations and individuals nationwide;
- d) Operation of the Fund's apparatus and professional operations in accordance with current regulations;
- dd) Providing financial support for provincial-level funds and community funds.

3. The aquatic resources protection and development fund at the provincial level shall be expended for the following principal activities:

- a) Activities specified at Points a, b, c, d, Clause 2 of this Article in provinces and cities;
- b) Providing financial support for the Community Fund.

4. The Aquatic Resources Protection and Development Fund shall provide support to domestic organizations, individuals, households and community organizations that have programs, projects and non-project activities according to the contents specified in Clause 2 of this Article.

5. The Aquatic Resources Protection and Development Fund shall provide full or partial funding support for the implementation of programs, projects or non-project activities specified in Clause 2 of this Article.

6. Formulation of financial revenue and expenditure plans, annual financial settlement reports:

- a) The Fund's financial revenue and expenditure plans shall be submitted to the Ministry of Agriculture and Environment for approval for central-level funds and provincial-level People's Committees for approval for provincial-level funds;
- b) The Fund's financial settlement report in accordance with the law on the state budget and relevant laws.

### **Chapter III**

## **AQUACULTURE**

## **Section 1. AQUATIC BREED MANAGEMENT**

### **Article 9. Conditions for aquatic breed production and nurturing establishments**

1. Material foundations and equipment in service of production and nurturing of aquatic breeds specified at **Point a, Clause 1, Article 24 of the Fisheries Law** are specified as follows:

- a) Supply and wastewater treatment systems and systems of ponds, tanks and raft cages that meet the requirements of quality control and biosafety; living areas must be separated from production and nurturing areas;
- b) Equipment that meets the requirements of quality control and biosafety; waste collection and treatment equipment does not adversely affect the production and nurturing areas.

2. The biosafety and quality control system specified at **Point c, Clause 1, Article 24 of the Fisheries Law** must include the following contents: Water for production and nurturing; aquatic breeds in the production process; sanitation, collection and treatment of wastewater and waste; destroying the carcasses of dead or infected aquatic animals with diseases that must be destroyed; control aquatic breeds that escape into the external environment and harmful animals entering the facility; feeds, drugs and aquaculture environmental treatment products.

### **Article 10. Issuance, re-issuance and revocation of certificates of eligibility for production and nurturing of aquatic breeds and regulations on maintenance of conditions for establishments**

1. Competent agencies shall grant, re-grant and revoke certificates of eligibility for aquatic breed production and nurturing and inspect and maintain conditions of establishments as follows:

- a) The state management agency in charge of fisheries under the Ministry of Agriculture and Environment shall grant, re-grant and revoke the certificate of eligibility; inspect and maintain conditions for production and nurturing of aquatic breeds for establishments producing and nurturing parent aquatic breeds, for establishments producing and nurturing parent aquatic breeds and aquatic breeds other than parent aquatic breeds;
- b) Provincial-level state management agencies in charge of fisheries shall grant, re-grant and revoke certificates of eligibility for aquatic breed production and nurturing; inspect and maintain conditions for aquatic breed production and nurturing establishments in their localities, except for the case specified at Point a of this Clause;

c) In case the establishment has been granted the Certificate of eligibility for production and nurturing of aquatic breeds and adjusts the subjects leading to the change of management competence as prescribed at Point a to the provisions of Point b, Clause 1 of this Article, the procedures for re-issuance of the Certificate of eligibility for production shall be carried out. nurturing aquatic breeds at provincial-level state management agencies in charge of fisheries. The number of the Certificate of eligibility for aquatic breed production and nurturing shall be re-issued as a new one.

2. A dossier of application for a certificate of eligibility for aquatic breed production and nurturing comprises:

a) An application for a certificate of eligibility for aquatic breed production and nurturing establishments, made according to **Form No. 01.NT in Appendix I to this Decree**;

b) A written explanation of the material and technical foundations of the aquatic breed production and nurturing establishment, made according to **Form No. 02.NT in Appendix I to this Decree**.

3. A dossier of application for re-issuance of a certificate of eligibility for aquatic breed production and nurturing comprises:

a) An application made according to **Form No. 01.NT in Appendix I to this Decree**;

b) Documents proving the changes in case of changes in information related to organizations or individuals.

4. Procedures for issuance and re-issuance of certificates of eligibility for aquatic breed production and nurturing:

a) Procedures for issuance of certificates of eligibility:

Organizations and individuals shall send dossiers to agencies assigned by the Minister of Agriculture and Environment or provincial-level People's Committee presidents to receive administrative procedure dossiers.

Within 09 working days from the date of receipt of a complete and valid dossier, the competent agency specified in Clause 1 of this Article shall inspect the conditions of the establishment according to **Form No. 03.NT Appendix I issued together with this Decree**.

In case the establishment satisfies the conditions, within 01 working day from the date of completion of the inspection, the competent agency shall issue a certificate according to **Form No. 04.NT in Appendix I issued together with this Decree**.

In case the establishment fails to meet the conditions, within a maximum period of 90 days, it must take remedial measures and send a report on the results of remediation to the agency competent to issue the Certificate. If deeming it necessary, the competent agency shall inspect the remedied contents. In case the establishment satisfies the conditions, within 01 working day from the date of completion of the inspection, the competent agency shall issue a certificate according to **Form No. 04.NT in Appendix I issued together with this Decree**. In case of refusal, it must reply in writing, clearly stating the reason.

b) Procedures for re-issuance of the certificate of eligibility:

In the case specified in **Clause 3, Article 25 of the Fisheries Law** or Point c, Clause 1 of this Article, organizations and individuals shall send dossiers specified in Clause 3 of this Article to agencies assigned by the Minister of Agriculture and Environment or presidents of provincial-level People's Committees to receive administrative procedure dossiers.

Within 02 working days from the date of receipt of a complete and valid dossier, the competent authority shall re-issue the Certificate according to **Form No. 04.NT in Appendix I to this Decree**. In case of refusal to re-grant the Certificate, it must reply in writing, clearly stating the reason.

5. Contents of inspection of conditions of aquatic breed production and nurturing establishments:

a) Examine the dossier of registration for issuance or re-issuance of the Certificate;

b) Conduct physical inspection at the place of production and nurturing of aquatic breeds as prescribed in **Clause 1, Article 24 of the Fisheries Law** and **Article 9 of this Decree**.

6. Condition maintenance inspection:

a) The inspection and maintenance of the facility's conditions shall be carried out for a minimum period of 12 months and a maximum of 15 months from the date the establishment is certified to meet the conditions for the first time or the date of the previous maintenance inspection as prescribed.

In case an establishment has been granted a certificate of conformity quality management system by a conformity assessment organization in accordance with law, the inspection to maintain the condition of the establishment shall be carried out for a minimum period of 24 months and a maximum of 30 months from the date the establishment is certified to meet the conditions for the first time or the date of maintenance inspection as prescribed.

b) The inspecting agency shall notify the establishment of the time for inspection and maintenance of conditions to the establishment 05 working days in advance and inspect the maintenance of conditions of the establishment according to the contents specified in **Form No. 03.NT in Appendix I issued together with this Decree**.

In case the establishment fully meets the conditions for maintenance, after 05 working days from the end of the inspection, the appraisal agency shall notify the results and time of maintenance of conditions to the inspected establishment.

In case the establishment actually produces and nurtures aquatic breeds but does not fully maintain the conditions specified at **Point c, Clause 1, Article 24 of the Fisheries Law, Clause 2, Article 9 of this Decree**, the establishment shall carry out the remedy and report the remediation results to the inspecting agency within 30 days. After 05 working days from the date of receipt of the report on remedial results, the inspection agency shall notify the results and time to maintain conditions to the establishment.

c) During the maintenance period, if the establishment does not wish to maintain the prescribed conditions, it must notify the competent agency specified in Clause 1 of this Article to revoke the certificate of eligibility for aquatic breed production and nurturing or adjust the certificate and publicize it on the website of the competent agency the right to grant the Certificate.

7. When detecting an establishment violating one of the cases specified in **Clause 4, Article 25 of the Fisheries Law**, the competent agency shall handle it as follows:

a) If the establishment fails to maintain the conditions specified at **Points a, b, d, Clause 1, Article 24 of the Fisheries Law and Clause 1, Article 9 of this Decree**, the competent agency shall impose administrative penalties and issue a decision on revocation or propose the competent agency to revoke the Certificate of eligibility for production, nurturing aquatic breeds and publicizing them on the websites of the state management agencies in charge of fisheries under the Ministry of Agriculture and Environment;

b) Establishments that produce and nurture aquatic breeds in practice but fail to maintain or maintain them inadequately and are unable to overcome the conditions specified at **Point c, Clause 1, Article 24 of the Fisheries Law, Clause 2, Article 9 of this Decree**, the competent agencies shall impose administrative penalties and issue decisions on revocation or propose competent agencies the competence to revoke the Certificate of eligibility for aquatic breed production and nurturing and publicize it on the website of the state

management agency in charge of fisheries under the Ministry of Agriculture and Environment;

c) Establishments that violate the provisions of **Point a or c, Clause 4, Article 25 of the Law on Fisheries**, the agency competent to sanction administrative violations as prescribed and issue a decision on revocation or propose the competent agency to revoke the Certificate of eligibility for production, nurturing aquatic breeds and publicizing them on the website of the state management agency in charge of fisheries under the Ministry of Agriculture and Environment.

8. Establishments that have certificates of eligibility for production and nurturing of aquatic breeds when participating in the production and nurturing of aquatic breeds whose applicable standards are announced by other establishments:

a) The production and nurturing of aquatic breeds must comply with the conditions stated in the certificate and there is a written agreement between the two parties on the subjects, quantity and criteria announced for application and implementation time;

b) Perform the obligations specified at **Points b, c, dd, e, g and h, Clause 2, Article 26 of the Fisheries Law**. Record and keep records in the process of production and nurturing and hand over a copy to the establishment having aquatic breeds announcing the applicable standards for preservation for traceability.

9. Establishments that have aquatic breeds that announce the standards applicable when producing or nurturing at other establishments that have certificates of eligibility must fulfill the obligations specified at **Points a, d and g, Clause 2, Article 26 of the Fisheries Law** and keep dossiers during the production process. nurturing.

10. Aquatic breeding establishments not subject to the regulation in **Clause 11, Article 3 of the Fisheries Law** must satisfy the conditions specified at **Points a, b and c, Clause 1, Article 24 of the Fisheries Law** and be granted or re-granted the Certificate of eligibility for production. nurturing aquatic breeds when there is a need (except for parent aquatic breeds).

#### **Article 11. Conditions for aquatic breed testing establishments**

1. Material foundations and technical equipment specified at **Point b, Clause 2, Article 28 of the Fisheries Law** must meet the following requirements:

a) In case of testing of the production and nurturing stage of aquatic breeds, the provisions at **Point a, Clause 1, Article 24 of the Fisheries Law** and **Clause 1, Article 9 of this Decree** must be satisfied;

b) In case of testing of the commercial aquaculture stage, the provisions at **Point b, Clause 1, Article 38 of the Fisheries Law** and **Article 19 of this Decree** must be satisfied.

2. Conditions on biosafety and environmental protection as prescribed at **Point c, Clause 2, Article 28 of the Fisheries Law** require experimental farming areas to take measures to separate them from other commercial aquaculture and breeding areas.

#### **Article 12. Contents, order and procedures for testing of aquatic breeds**

1. Competence to approve the outline and recognition of aquatic breed testing results: Presidents of provincial-level People's Committees of localities where testing activities are located.

2. A dossier of request for testing of aquatic breeds comprises:

a) An application for registration of aquatic breed testing made according to **Form No. 05.NT in Appendix I to this Decree**;

b) An outline of the test, made according to **Form No. 06.NT in Appendix I to this Decree**.

3. The order of implementation is as follows:

a) Organizations and individuals shall submit dossiers of application for approval of aquatic breed testing outlines to agencies assigned by provincial-level People's Committee presidents to receive administrative procedure dossiers;

b) Within 08 working days from the date of receipt of a complete and valid dossier, the agency assigned by the Chairperson of the provincial-level People's Committee to handle administrative procedures shall appraise the dossier and organize the inspection of the conditions of the testing facility according to **Form No. 07.NT in Appendix I to this Decree**. submit to the Chairperson of the provincial-level People's Committee for approval the testing outline according to **Form No. 08.NT in Appendix I to this Decree** and grant a license to import aquatic breeds to organizations and individuals for testing (if they are imported products) if the dossier and conditions of the testing establishment are satisfactory, and at the same time send the Decision on approval of the test outline to the Ministry of Agriculture and Environment. In case of unsatisfactory, it must reply in writing, clearly stating the reason.

4. Contents of aquatic breed testing: Based on the biological characteristics of each aquatic species and the purpose of use, an outline of testing shall be formulated in order to determine the difference, stability and uniformity of

productivity, quality, disease resistance and assessment of the degree of invasion of the experimental species.

5. Assay test:

- a) Inspection agency: Agency assigned by the Chairperson of the provincial-level People's Committee to carry out administrative procedures;
- b) Inspection contents: According to the approved aquatic breed testing outline.

6. Recognition of aquatic breed assay results:

- a) Within 08 working days from the date of receipt of the report on testing results, the agency assigned by the President of the provincial-level People's Committee to carry out administrative procedures shall organize the assessment of the testing results and submit it to the President of the provincial-level People's Committee for issuance of a decision on recognition of the results of aquatic breed testing according to **Form No. 09.NT in the Appendix I promulgated together with this Decree**. In case of refusal, it must reply in writing, clearly stating the reason.
- b) Within 01 working day from the date of issuance of the decision on recognition of tested aquatic breeds, the agency assigned by the President of the provincial-level People's Committee to handle administrative procedures shall publicly announce the decision on recognition on the Portal or website. and at the same time send the Decision on recognition of tested aquatic breeds to the Ministry of Agriculture and Environment.

## **Section 2. AQUATIC FEEDS, AQUACULTURE ENVIRONMENTAL TREATMENT PRODUCTS**

### **Article 13. Conditions for establishments producing aquaculture feeds and environmental treatment products**

- 1. Workshops and equipment specified at **Point c, Clause 1, Article 32 of the Fisheries Law** are specified as follows:
  - a) Having a workshop with solid structure, non-stagnant foundation, interconnection and one-way from raw materials to finished products; walls, ceilings, partitions and doors to meet the requirements of quality control and biosafety; areas for storing equipment, raw materials and finished products to ensure that they do not cross contaminate each other;
  - b) Equipment in contact with raw materials and finished products that meet the requirements of quality control and biosafety; waste collection and treatment equipment that does not pollute the environment in the production area. In case the establishment produces microbial biomass for the production of bio-

products and microorganisms, it must have equipment to create an environment, store and cultivate microorganisms.

2. The biosafety and quality control system specified at **Point dd, Clause 1, Article 32 of the Fisheries Law** must be formulated and applied to each type of product and include the following contents: water for production; raw materials, packaging, finished products; production process; recycling; saving samples; inspection, calibration and calibration of equipment; control of pests; factory cleaning, waste collection and treatment.

**Article 14. Issuance, re-issuance and revocation of certificates of eligibility for production of aquatic feeds and aquaculture environmental treatment products and regulations on maintenance of conditions for establishments**

1. The competence to grant, re-grant and revoke certificates of eligibility for production of aquatic feeds and aquaculture environmental treatment products are as follows:

a) The state management agency in charge of fisheries under the Ministry of Agriculture and Environment shall inspect, grant, re-grant and revoke the Certificate and inspect the maintenance of establishments eligible for production of aquatic feeds and aquaculture environmental treatment products for foreign investors. foreign-invested economic organizations;

b) Provincial-level state management agencies in charge of fisheries shall inspect, grant, re-grant and revoke certificates and inspect the maintenance of eligibility for production of aquatic feeds and aquaculture environmental treatment products in their localities, except for production establishments specified at Point a of this Clause.

c) In case an establishment that has been granted a certificate of eligibility for production of aquatic feeds or aquaculture environmental treatment products changes its investment activities, leading to a change in its management competence as prescribed at Point a to Point b, Clause 1 of this Article or vice versa, it shall carry out procedures for re-issuance of the certificate receive full production conditions at the state management agency with new management competence. The number of the Certificate of eligibility for production of aquatic feed and aquaculture environmental treatment products shall be re-issued as the new one.

2. A dossier of application for a certificate of eligibility for production of aquatic feeds and aquaculture environmental treatment products comprises:

a) An application for the Certificate of eligibility for production, made according to **Form No. 10.NT in Appendix I to this Decree**;

b) A written explanation of conditions for the production establishment, made according to **Form No. 11.NT in Appendix I to this Decree**.

3. A dossier of application for re-issuance of the Certificate of eligibility for production of aquatic feeds and aquaculture environmental treatment products comprises:

a) An application for re-issuance of the Certificate of eligibility for production, made according to **Form No. 10.NT in Appendix I to this Decree**;

b) Documents proving the changes in case of changes in information related to organizations and individuals in the Certificate.

4. Procedures for issuance and re-issuance of certificates of eligibility for production of aquatic feeds and aquaculture environmental treatment products:

a) Order of issuance of certificates of eligibility for production of aquatic feeds and aquaculture environmental treatment products:

Organizations and individuals shall send dossiers specified in Clause 2 of this Article to agencies assigned by the Minister of Agriculture and Environment or provincial-level People's Committee presidents to receive administrative procedure dossiers.

Within 09 working days from the date of receipt of a complete and valid dossier, the competent agency specified in Clause 1 of this Article shall inspect the conditions of the manufacturer and make an inspection record according to **Form No. 12.NT in Appendix I to this Decree**.

In case the results of the inspection of conditions of the establishment are satisfactory, within 01 working day from the date of completion of the inspection, the competent agency shall issue a certificate of eligibility for production of aquatic feeds and aquaculture environmental treatment products according to **Form No. 13.NT in Appendix I issued together with this Decree**.

In case the establishment fails to meet the conditions, within a maximum period of 90 days, it must take remedial measures and send a report on the results of remediation to the agency competent to issue the Certificate. If deeming it necessary, the competent agency shall inspect the remedied contents. In case the establishment satisfies the conditions, within 01 working day from the date of completion of the inspection, the competent authority shall issue a certificate according to **Form No. 13.NT in Appendix I issued together with this Decree**. In case of refusal, it must reply in writing, clearly stating the reason.

b) Order of re-issuance of the Certificate of eligibility for production of aquatic feeds and aquaculture environmental treatment products:

In the case specified in **Clause 3, Article 34 of the Fisheries Law** or Point c, Clause 1 of this Article, organizations and individuals shall send dossiers specified in Clause 3 of this Article to agencies assigned by the Minister of Agriculture and Environment or provincial-level People's Committee presidents to receive administrative procedure dossiers;

Within 02 working days from the date of receipt of a complete and valid dossier, the competent agency specified in Clause 1 of this Article shall re-issue the Certificate of eligibility for production of aquatic feeds and aquaculture environmental treatment products according to **Form No. 13.NT in Appendix I issued together with this Decree**. In case of refusal, it must reply in writing and clearly state the reason.

5. Contents of inspection of conditions of aquatic feed production establishments and aquaculture environmental treatment products:

a) Examine the dossier of registration for issuance and the certificate of eligibility for production of aquatic feeds and aquaculture environmental treatment products;

b) Physically inspect the conditions of the establishment at the location of production of aquatic feeds and aquaculture environmental treatment products as prescribed in **Article 32 of the Fisheries Law** and **Article 13 of this Decree**.

6. Condition maintenance inspection:

a) The inspection and maintenance of the facility's conditions shall be carried out for a minimum period of 12 months and a maximum of 15 months from the date the establishment is certified to be eligible for the first time or the date of the previous maintenance inspection as prescribed.

In case an establishment has been granted a certificate of conformity quality management system by a conformity assessment organization in accordance with law, the inspection to maintain the condition of the establishment shall be carried out for a minimum period of 24 months and a maximum of 30 months from the date the establishment is certified to be eligible for the first time or the date of maintenance inspection previously as prescribed.

b) The inspecting agency shall notify the establishment of the time for inspection and maintenance of conditions to the establishment 05 working days in advance and inspect the maintenance of conditions of the establishment according to **Form No. 12.NT in Appendix I issued together with this Decree**. In case the establishment fully meets the conditions for maintenance, after 05 working days from the end of the inspection, the inspecting agency shall notify

the results and maintenance time to the inspected establishment.

In case the establishment produces aquatic feeds and aquaculture environmental treatment products but does not fully maintain the conditions specified in **dd, Clause 1, Article 32 of the Fisheries Law** and **Clause 2, Article 13 of this Decree**, the establishment shall carry out the remedy and report the remediation results to the inspecting agency within 30 days. After 05 working days from the date of receipt of the report on remedial results, the inspection agency shall notify the results and time to maintain conditions to the establishment.

c) During the period of maintenance of conditions, if the establishment does not wish to maintain the conditions as prescribed, it must notify the competent authority specified in Clause 1 of this Article to revoke the certificate of eligibility for aquafeed production. aquaculture environmental treatment products or adjust the contents of the Certificate and publicize it on the website of the agency competent to issue the Certificate.

7. When detecting an establishment violating one of the cases specified in **Clause 4, Article 34 of the Fisheries Law**, the competent agency shall handle it as follows:

a) In case the establishment fails to maintain the conditions specified at **Points a, b, c, d, e, Clause 1, Article 32 of the Fisheries Law** and **Clause 1, Article 13 of this Decree**, the competent agency shall impose a penalty for violation and issue a decision to revoke or propose the competent agency to revoke the Certificate of eligibility for aquafeed production aquaculture environmental treatment products and publicize them on the websites of agencies competent to issue certificates.

b) In case the establishment conducts production but fails to maintain or inadequately maintains it without being able to overcome the conditions specified at **Point dd, Clause 1, Article 32 of the Fisheries Law** and **Clause 2, Article 13 of this Decree**, the competent agency shall sanction the violation and issue a decision on revocation or propose the competent agency to revoke the certificate meet the conditions for production of aquatic feeds and aquaculture environmental treatment products and publicize them on the information page of the agency competent to issue the Certificate.

c) In case the establishment violates the provisions of **Point a or c, Clause 4, Article 34 of the Law on Fisheries**, the competent agency shall impose administrative penalties as prescribed and issue a decision on revocation or propose the competent agency to revoke the Certificate of eligibility for aquatic

feed production. aquaculture environmental treatment products and publicize them on the information page of the agency competent to issue the Certificate.

8. Establishments that have certificates of eligibility for production of aquatic feeds and aquaculture environmental treatment products when participating in one, some or all of the production processes of products announced by other establishments for application standards:

a) The production of products must comply with the conditions stated in the certificate. Before production, it must notify in writing to the state management agency in charge of fisheries under the Ministry of Agriculture and Environment and the provincial-level state management agency in charge of fisheries for supervision and management;

b) Perform the obligations specified at **Points a and e, Clause 1, Article 37 of the Fisheries Law**. Record and keep records during the production process and hand over a copy to the establishment whose products have announced applicable standards for preservation for traceability;

c) Establishments whose products have announced applicable standards, when producing at other establishments with certificates of eligibility, must fulfill the obligations specified at **Points b, d, dd and e, Clause 1, Article 37 of the Law on Fisheries** and keep dossiers during the production process. labeling of goods in accordance with the law on labeling of goods.

9. Establishments not subject to certification of eligibility for production of aquatic feed materials include: establishments of initial production (establishments of cultivation, animal husbandry, aquaculture, collection, fishing and exploitation); producing self-processed aquatic feed.

10. Raw materials used for self-processing of aquatic feeds must be of clear origin, not polluted or damaged and must be on the list of chemicals, bio-preparations, microorganisms and feed production materials permitted for use in aquaculture in Vietnam; do not use diseased aquatic animals as homemade aquatic feed.

#### **Article 15. Inspection of quality of imported aquatic feeds and aquaculture environmental treatment products**

1. Agencies inspecting the quality of imported aquatic feeds and aquaculture environmental treatment products: The Ministry of Agriculture and Environment.

2. Contents, order and procedures for inspection of quality of imported aquatic feeds and aquaculture environmental treatment products shall comply with the law on product and goods quality.

3. Taking samples for quality inspection of aquatic feeds and aquaculture environmental treatment products shall comply with national standards and national technical regulations. In case there is no national standard or national technical regulation regulating sampling, sampling shall be carried out by the random method.

4. Testing of aquatic feeds and aquaculture environmental treatment products shall be conducted by laboratories appointed by the Ministry of Agriculture and Environment or registered for operation in accordance with law. In case there is no designated laboratory (for cases of testing in service of state inspection activities) or has been registered for operation (in case of testing in service of activities of organizations and individuals) of aquatic feeds and aquaculture environmental treatment products, it shall be carried out at a designated or registered laboratory sign to operate in accordance with regulations in the fields of food, animal feed, veterinary drugs, plant protection drugs, fertilizers if there are appropriate test methods. In case the test methods have not yet been specified or have not been agreed upon, the state management agency in charge of fisheries under the Ministry of Agriculture and Environment shall decide on the test method to be applied.

#### **Article 16. Conditions for aquatic feed and aquaculture environmental treatment products**

1. Material foundations and technical equipment specified at **Point b, Clause 2, Article 35 of the Fisheries Law** must meet the following requirements:

a) In case of testing in the stage of production and nurturing of aquatic breeds, it must meet the provisions of **Point a, Clause 1, Article 24 of the Fisheries Law** and **Clause 1, Article 9 of this Decree**;

b) In case of testing in the stage of commercial farming, it must meet the provisions of **Point b, Clause 1, Article 38 of the Law on Fisheries** and **Clauses 1 and 2, Article 19 of this Decree**.

2. Conditions on biosafety and environmental protection specified at **Point c, Clause 2, Article 35 of the Fisheries Law** require experimental farming areas to take measures to separate them from other commercial aquaculture and breeding areas.

#### **Article 17. Order and procedures for testing of aquatic feeds and aquaculture environmental treatment products**

1. Competence to approve outlines and recognition of results of testing of aquatic feeds and aquaculture environmental treatment products: Presidents of

provincial-level People's Committees of localities where testing activities are located.

2. A dossier of registration for testing comprises:

- a) An application for registration of testing of aquatic feeds and aquaculture environmental treatment products, made according to **Form No. 14.NT in Appendix I to this Decree**;
- b) An outline of testing of aquatic feeds and aquaculture environmental treatment products, made according to **Form No. 15.NT in Appendix I to this Decree**;
- c) A written explanation of conditions for aquatic feed and aquaculture environmental treatment products, made according to **Form No. 16.NT in Appendix I to this Decree**.

3. Implementation order:

- a) Organizations and individuals shall submit dossiers of application for approval of the outline of testing of aquatic feeds and aquaculture environmental treatment products to the agencies assigned by the provincial-level People's Committee presidents to receive administrative procedure dossiers;
- b) Within 08 working days from the date of receipt of a complete and valid dossier, the agency assigned by the President of the provincial-level People's Committee to handle administrative procedures shall conduct the appraisal of the dossier and organize the inspection of the conditions of the testing facility according to **Form No. 17.NT in Appendix I to this Decree**. submit to the Chairperson of the provincial-level People's Committee for approval the testing outline according to **Form No. 18.NT in Appendix I to this Decree** and grant a license to import aquatic feeds and aquaculture environmental treatment products to organizations and individuals for testing (if they are imported products) if the dossier and conditions of the testing facility satisfactory, and at the same time send the Decision on approval of the testing outline to the Ministry of Agriculture and Environment. In case of unsatisfactory, it must reply in writing, clearly stating the reason.

4. Assay test:

- a) Inspection agency: Agency assigned by the Chairperson of the provincial-level People's Committee to handle administrative procedures;
- b) Inspection contents: according to the approved outline of testing of aquatic feeds and aquaculture environmental treatment products.

## 5. Recognition of results of testing of aquatic feeds and aquaculture environmental treatment products

a) Within 08 working days from the date of receipt of the report on testing results, the agency assigned by the President of the provincial-level People's Committee to handle administrative procedures shall organize the assessment of the testing results and submit it to the President of the provincial-level People's Committee for issuance of a decision on recognition of the results of aquatic feed assay. aquaculture environmental treatment products made according to **Form No. 19.NT in Appendix I to this Decree**. In case of refusal, it must reply in writing, clearly stating the reason.

b) Within 01 working day from the date of issuance of the decision on recognition of results of testing of aquatic feeds and aquaculture environmental treatment products, the agency assigned by the President of the provincial-level People's Committee to handle administrative procedures shall publicly announce the decision on recognition on its portal or website. and at the same time send the Decision on recognition of testing results to the Ministry of Agriculture and Environment.

## **Article 18. Contents of testing of aquatic feeds and aquaculture environmental treatment products**

### 1. Contents of aquatic feed testing:

a) Inspect the ingredients and quality of products according to the announced applicable standards and corresponding technical regulations before conducting the test;

b) Assessment of characteristics and uses of products: Assessment of growth and development capacity; the rate of subsistence through the development stages of the test subjects; feed metabolism coefficient; other technical indicators stated in the product dossier;

c) Assessment of safety for human health, farmed objects and the environment during use: Antibiotic residues and toxic chemicals in aquatic animals tested and the environment (specified in the testing outline); assessment of fluctuations in environmental indicators.

### 2. Contents of testing of aquaculture environmental treatment products include:

a) Inspect the ingredients and quality of products according to the announced applicable standards and corresponding technical regulations before conducting the test;

- b) Assessment of characteristics and uses of products through assessment of fluctuations in physical, chemical and biological indicators in the farming environment; other technical indicators stated in the product dossier;
- c) Assessment of safety for human health, farmed objects and the environment during use: Residues of components of products in the environment and in animals upon harvest for products with chemical components; heavy metal residues in the environment and in animals when harvested; survival rate and growth rate of farmed objects.

### **Section 3. AQUACULTURE**

#### **Article 19. Conditions for aquaculture establishments**

Material foundations and technical equipment specified at **Point b, Clause 1, Article 38 of the Law on Fisheries** are specified as follows:

##### **1. Facilities:**

- a) The place where the waste is stored must be separate from the place where dead aquatic animals are stored and disposed of and separate from the farming area, so as not to affect the environment;
- b) In case the aquaculture establishment has a storage area for equipment, tools and raw materials, it must meet the preservation requirements of the manufacturer or supplier; aquaculture establishments with living and sanitation areas must ensure that wastewater and domestic waste do not affect the farming area;
- c) For aquaculture in ponds (lagoons/tunnels) and tanks: Pond banks (lagoons/tunnels) and tanks must be made of materials that do not pollute the environment, do not cause toxicity to farmed aquatic animals, and do not leak water. In case of intensive or semi-intensive aquaculture establishments, they must have separate water supply and wastewater treatment systems; suitable place to store sewage sludge;
- d) For aquaculture by raft cages and halos (hereinafter referred to as raft cage farming): Cage frames, buoys, nets, halos and substrates must be made of materials that do not pollute the environment, do not cause harm to farmed aquatic animals and do not allow aquaculture to escape into the environment; there are warning devices for waterway traffic activities.

2. Equipment used in aquaculture must be made of materials that do not pollute the environment or are not toxic to farmed aquatic animals.

#### **Article 20. Grant and revocation of certificates of eligibility for aquaculture establishments at the request of organizations and**

## individuals

1. Provincial-level state management agencies in charge of fisheries shall issue certificates of eligibility for aquaculture upon request of organizations and individuals.

2. A dossier of application for a certificate comprises:

- a) An application made according to **Form No. 20.NT in Appendix I to this Decree**;
- b) A written explanation of the material and technical foundations of the aquaculture establishment, made according to **Form No. 21.NT in Appendix I to this Decree**;
- c) Diagram of the location of the raft cage/Diagram of the rearing area.

3. Procedures for issuance of certificates:

- a) Establishments wishing to issue certificates shall send dossiers as prescribed in Clause 2 of this Article to agencies assigned by the provincial-level People's Committee presidents to receive administrative procedure dossiers;
- b) Within 06 working days from the date of receipt of a complete and valid dossier, the competent agency specified in Clause 1 of this Article shall conduct a physical inspection at the establishment according to **Form No. 22.NT in Appendix I to this Decree**.

In case the inspection results are satisfactory, within 01 working day from the date of completion of the inspection, the competent agency specified in Clause 1 of this Article shall issue a certificate according to **Form No. 23.NT in Appendix I issued together with this Decree**.

In case the inspection results are unsatisfactory, within a maximum period of 30 days, the establishment must take remedial measures and send a report on the remediation results to the agency competent to issue the certificate. If deeming it necessary, the competent agency shall inspect the remedied contents. In case the establishment satisfies the conditions, within 01 working day from the date of end of the inspection, the competent authority shall issue a certificate according to **Form No. 23.NT in Appendix I to this Decree**. In case of refusal, it must reply in writing, clearly stating the reason.

4. Duration of Certificate: 24 months.

5. Revocation of Certificates:

- a) The certificate is revoked in one of the following cases: The contents of the certificate are erased, deleted or the contents of the certificate are changed or

the establishment no longer meets the conditions specified in **Clauses 1 and 2, Article 38 of the Law on Fisheries** or commits other violations for which the certificate must be revoked by law;

b) Competence to revoke certificates: Any agency competent to issue certificates has the competence to revoke certificates;

c) When detecting an establishment violating one of the cases specified at Point a of this Clause, the competent authority shall issue a decision to revoke the certificate of eligibility for aquaculture according to **Form No. 24.NT in Appendix I to this Decree** and announce the information on the mass media.

6. In case the certificate is lost or damaged, the organization or individual shall request the competent agency that issued the certificate to copy the certificate.

### **Article 21. Issuance, re-issuance and revocation of certificates of cage aquaculture and key aquaculture objects**

1. Competence to grant and re-grant certificates of cage aquaculture and key aquaculture objects:

a) Presidents of commune-level People's Committees shall issue or re-issue certificates for cage aquaculture establishments, key aquaculture objects operating inland under their management and cage aquaculture establishments under the competence of commune-level People's Committee presidents;

b) Provincial-level state management agencies in charge of fisheries shall issue or re-issue certificates for cage aquaculture establishments, key aquaculture objects operating inland under the management of 02 or more communes, wards and cage aquaculture establishments under the allocation of sea areas by the Chairman of the People's Committee provinces;

c) The state management agency in charge of fisheries under the Ministry of Agriculture and Environment shall issue or re-grant certificates for cage aquaculture establishments, key aquaculture objects operating inland under the management of 02 provinces or cities or more and cage aquaculture establishments under the Ministry's competence to assign sea areas Minister of Agriculture and Environment.

2. Forms of cage aquaculture subject to registration include aquaculture by cages, hanging trusses, halos on tidal flats, seas, rivers, lakes and natural lagoons.

*According to the provisions of **Part B, Appendix I of Resolution 17/2026/NQ-CP: Decentralization of authority of the state management agency in charge of fisheries under the Ministry of***

*Agriculture and Environment to grant and re-grant certificates for cage aquaculture establishments, key aquaculture objects operating inland under the management of 02 provinces, cities or higher and cage aquaculture establishments under the competence of the Minister of Agriculture and Environment to assign sea areas at Point c, Clause 1, Article 21 of Decree No. 41/2026/ND-CP to the Chairman of the provincial-level People's Committee (the owner of the aquaculture establishment may select the locality to apply for the Certificate).*

3. A dossier of application for a certificate of cage aquaculture and key aquaculture objects comprises:

- a) An application form made according to **Form No. 25.NT in Appendix I to this Decree**;
- b) A plan of the location of the pond/cage certified by the owner of the establishment.

4. A dossier of application for re-issuance of certificates of cage aquaculture and key aquaculture objects comprises:

- a) An application for re-issuance, made according to **Form No. 26.NT in Appendix I to this Decree**;
- b) Plan of the location of the pond/cage certified by the owner of the establishment (in case of change of production scale); in case of change of the owner of the establishment, there must be papers proving the change.

5. Order and procedures for issuance and re-issuance of certificates:

- a) The owner of the aquaculture establishment shall send the dossier to the agency assigned by the president of the commune- or provincial-level People's Committee or the Minister of Agriculture and Environment to receive the dossier for settlement of administrative procedures;
- b) Within 05 working days from the date of receipt of a complete and valid dossier, the competent person or agency specified in Clause 1 of this Article shall, based on the planning, plan, program, scheme or project on aquaculture development in the locality already approved by the competent agency appraise the issued a certificate according to **Form No. 27.NT in Appendix I to this Decree**. In case of refusal to issue a certificate, it must reply in writing and clearly state the reason.

6. Request for re-issuance of certificates of cage aquaculture and key aquaculture objects in one of the following cases:

- a) Changing or supplementing information of the owner of the farming establishment;
- b) Change in production scale and farming objects;
- c) Moving raft cages from one locality to another. In case of re-issuance of the certificate due to the relocation of the cage, the organization or individual must notify in writing the agency that issued the previous certificate for updating and management.

7. Revocation of aquaculture registration certificates:

- a) The certificate shall be revoked in one of the following cases: The certificate is erased, deleted or modified; establishments that stop aquaculture production activities for a period of 24 months or more; the establishment commits other acts of violating the law for which the Certificate must be revoked or the establishment requests the return of the Certificate;
- b) The agency competent to issue the Certificate is competent to revoke the Certificate according to **Form No. 28.NT in Appendix I to this Decree**.

8. Aquaculture establishments other than those specified at **Point dd, Clause 1, Article 38 of the Law on Fisheries** may be granted or re-granted certificates under the provisions of this Article when they so wish.

**Article 22. Plans and projects on aquaculture at sea**

- 1. Organizations and individuals requesting the allocation of sea areas for aquaculture shall formulate aquaculture projects at sea, except for individuals specified in **Clause 3, Article 44 of the Fisheries Law**, to formulate aquaculture plans at sea.
- 2. A plan or project on aquaculture at sea must satisfy the following criteria:
  - a) Satisfying the conditions specified in **Article 38 of the Fisheries Law** and **Article 19 of this Decree**;
  - b) Conformity of production scale, aquatic species farmed and cultivated and technology of rearing and planting;
  - c) Having solutions to prevent, respond to and overcome consequences of natural disasters, environmental incidents and epidemics in the process of aquaculture;
  - d) Economic and technical feasibility, assurance of economic, social, environmental efficiency and sustainable development.

**Article 23. Determination of subjects exempt from levy for use of sea areas for aquaculture**

1. Cases of exemption from sea area use levy under the provisions of **Point a, Clause 3, Article 44 of the Fisheries Law** are determined as follows:

- a) Subjects being Vietnamese individuals permanently residing in commune-level areas engaged in fishing activities using fishing vessels with a maximum length of less than 12 meters to change occupations to aquaculture;
- b) The commune-level People's Committee of the locality where the Vietnamese individual permanently resides shall, based on the fishing vessel registration certificate or fishing license, for fishing vessels with a maximum length of between 06 meters and less than 12 meters; for fishing vessels with a maximum length of less than 06 meters, based on statistical and monitoring documents on fishing vessels managed by commune-level People's Committees in accordance with the law on fishery exploitation, consider and decide.

2. Cases of exemption from sea area use levy under the provisions of **Point b, Clause 3, Article 44 of the Fisheries Law** are determined as follows:

- a) Subjects are Vietnamese individuals permanently residing in commune-level areas, directly participating in aquaculture activities for at least 24 consecutive months up to the time of requesting the allocation of sea areas for aquaculture and earning incomes from aquaculture activities accounting for more than 50% of total income subject to personal income tax;
- b) The commune-level People's Committee of the locality where the Vietnamese individual permanently resides in the locality shall organize verification in accordance with law for consideration and decision.

## **Chapter IV**

### **AQUACULTURE EXPLOITATION**

#### **Section 1. MANAGEMENT OF ACTIVITIES OF VIETNAMESE ORGANIZATIONS AND INDIVIDUALS EXPLOITING FISHERIES IN SEA AREAS**

##### **Article 24. Fisheries Exploitation Areas**

The sea area for aquatic resource exploitation as prescribed in **Clause 1, Article 48 of the Law on Fisheries** is specified as follows:

1. Aquatic resource exploitation zones at sea include:

- a) The coastal area is limited by the sea level along the coast and the shoreline. For islands, the coastal area is the sea area limited by the average tide for many years around the coast of the island up to 06 nautical miles;
- b) The open area is limited by the shoreline and the open line;

c) The offshore area is limited by the open line and the outer boundary of the sea area permitted for exploitation.

2. Offshore area consists of 06 areas as follows:

a) Region 1 is the area north of the 17°00'N latitude;

b) Zone 2 is the area from latitude 14°00'N to latitude 17°00'N;

c) Zone 3 is the area from latitude 10°00'N to latitude 14°00'N;

d) Zone 4 is the area south of the 10°00'N latitude and the east of the 108°00'E meridian;

dd) Region 5 is the area south of the 10°00'N latitude, from the meridian 105°00'E to the meridian 108°00'E;

e) Zone 6 is the area west of the 105°00'E meridian.

3. The People's Committees of two coastal provinces and cities adjacent to each other shall base themselves on the specific geographical characteristics of coastal waters and open areas to negotiate on the determination and announcement of the boundaries of coastal and open aquatic areas between the two provinces. city.

## **Article 25. Management of activities of fishing vessels in Vietnamese waters**

1. For vessels fishing for aquatic resources:

a) Ships with a maximum length of 15 meters or more operating in offshore areas are not allowed to operate in coastal and open areas;

b) Ships with a maximum length of between 12 meters and less than 15 meters operating in open areas are not allowed to operate in offshore and coastal areas;

c) Ships with a maximum length of less than 12 meters operating in coastal areas are not allowed to operate in open areas and offshore areas.

2. For logistics vessels fishing for aquatic resources:

a) Ships with a maximum length of 15 meters or more shall be engaged in aquatic resource transshipment in offshore areas, and shall not be allowed to transshipment aquatic resources in open and coastal areas;

b) Vessels with a maximum length of between 12 meters and less than 15 meters shall be engaged in aquatic resource transshipment in open areas and shall not be allowed to transshipment aquatic resources in coastal and offshore areas;

c) Vessels with a maximum length of less than 12 meters shall carry out aquatic resource transshipment activities in coastal areas and are not allowed to carry out aquatic resource transshipment activities in open and offshore areas.

### 3. Conversion of quotas for offshore fishing licenses

a) Organizations and individuals that have been granted offshore fishing licenses when transferring ownership of fishing vessels between provinces and cities must ensure that the total number of offshore fishing licenses assigned by the Ministry of Agriculture and Environment is not increased.

The conversion of fishing license quotas between occupations out of the total allocated license quota shall be decided by the provincial-level People's Committee, ensuring in accordance with the provisions of law and the orientation for the development of the local fishery profession in the direction of only allowing the conversion to occupations friendly to aquatic resources.

b) Organizations and individuals that have been granted licenses for fishing in offshore areas shall transfer the ownership of fishing vessels to organizations or individuals in other provinces or cities that are approved by the competent agencies where the fishing vessels are transferred or deregistered, return the original dossier to the new fishing ship owner, and at the same time send a notice according to **Form No. 01.KT in Appendix II to this Decree** to the competent agency where the new fishing ship owner resides or is headquartered for registration of the fishing vessel and the Ministry of Agriculture and Environment for coordination in the management of quotas. New fishing ship owners shall be responsible for registering fishing vessels and applying for fishing licenses at competent agencies where they reside or are headquartered as prescribed.

4. Fishing vessels with a maximum length of 06 meters or more must enter the port for loading and unloading products.

### **Article 26. Regulations on management of fishing vessel voyage monitoring systems**

1. Each fishing vessel may be installed with a maximum of 02 vessel cruise monitoring devices. In case a fishing vessel is equipped with 02 cruise monitoring devices, the fishing vessel cruise monitoring system shall only record the signal of 01 device at the same time.

2. Cruise monitoring equipment installed on fishing ships must meet the requirements in **Appendix VII issued together with this Decree**.

3. Requirements for fishing vessel cruise monitoring software at the supplier of cruise monitoring equipment on fishing ships:

- a) Capable of connecting and receiving information and data from cruise monitoring equipment installed on fishing vessels;
- b) Ensure continuous connection to fully transmit information and data from cruise monitoring equipment installed on fishing vessels to fishing vessel cruise monitoring software managed by the state management agency in charge of fisheries under the Ministry of Agriculture and Environment;
- c) Receive information from the fishing vessel cruise monitoring software for transmission to the cruise monitoring equipment installed on the fishing vessel in the format of the fishing vessel cruise monitoring software managed by the state management agency in charge of fisheries under the Ministry of Agriculture and Environment;
- d) Ensuring data confidentiality as prescribed by law;
- dd) Ensure the recording and processing of information from the fishing vessel voyage monitoring system managed by the state management agency in charge of fisheries under the Ministry of Agriculture and Environment; store the entire itinerary at the fishing vessel cruise monitoring system of the supplier and may synchronize it at the request of the ship owner or the state management agency in charge of fisheries under the Ministry of Agriculture and Environment in all cases (including information of the second fishing vessel cruise monitoring device, if any).

4. Features of fishing vessel voyage monitoring software managed by the state management agency in charge of fisheries under the Ministry of Agriculture and Environment:

- a) Must be compatible with Microsoft Windows, Android, iOS operating systems; has an intuitive Vietnamese interface. Manage all information on fishing vessels equipped with cruise monitoring equipment; be able to synchronize data with the national fisheries database and share and provide information and data to central and local state management agencies for management, inspection and supervision of activities of fishing vessels at sea, islands, entering and exiting ports; not to intervene to edit fishing vessel itinerary data;
- b) The position of the fishing vessel must be displayed in real time, time, speed, direction of movement, alarm signals, time of updating the latest data, weather information, fishing ground information, operation status of the fishing vessel cruise monitoring device; send information to the fishing vessel cruise monitoring device through the fishing vessel cruise monitoring software at the equipment supplier; display of cruise monitoring devices according to the

declaration code; failing to simultaneously record the signals of 02 fishing vessel cruise monitoring devices at the same time;

c) The sea fisheries chart must be fully displayed under the guidance of the Ministry of Agriculture and Environment;

d) Having the function of accessing, searching, making tables, reporting and statistics of data in accordance with the regulations of the Ministry of Agriculture and Environment on supply, management and use of data from fishing ship voyage monitoring devices; create an area to manage fishing vessels and send automatic warnings when ships leave and enter the area;

dd) Connect and transmit information with the fishing vessel cruise monitoring software of the unit providing the cruise monitoring equipment on the fishing ship; decentralize the right to use to organizations and individuals entitled to use data on monitoring fishing vessel voyages.

#### 5. Management of fishing vessel cruise monitoring system

a) The state management agency in charge of fisheries under the Ministry of Agriculture and Environment shall develop, organize and operate the fishing vessel voyage monitoring system; processing fishing vessel itinerary data in service of the state management of the Ministry of Agriculture and Environment; uniformly manage the fishing vessel cruise monitoring system and fishing vessel cruise monitoring data; to administer the system and grant the right to exploit and use fishing vessel itinerary monitoring data to local state management agencies in charge of fisheries, agencies and organizations of fishing ports that have been announced to open ports, and fisheries law enforcement forces; monitoring, urging, guiding, inspecting and supervising the performance of responsibilities of provincial-level state management agencies in charge of fisheries specified at Point b of this Clause; inspect and supervise the implementation of responsibilities of units providing fishing vessel cruise monitoring equipment.

b) The state management agencies in charge of fisheries of provinces and cities with fishing vessels shall organize 24/7 operation, exploit and process data on monitoring the voyages of fishing vessels with a maximum length of 15 meters or more under the management of localities, fishing vessels of other localities when docking and leaving fishing ports in their localities to serve the management of fishing vessels. traceability, handling of violations, appraisal and payment of policies as prescribed.

c) Fisheries surveillance agencies, coast guards, border guards, local state management agencies in charge of fisheries where fishing vessels are located

and other relevant agencies shall send focal points for receiving information on monitoring fishing vessels' journeys to provincial state management agencies in charge of fisheries. the city has other fishing vessels to receive information and coordinate in the management of fishing vessels.

d) Fishing ship owners may be provided with information on monitoring the voyage of their fishing vessels from the provincial-level state management agency in charge of fisheries where the fishing vessel is registered.

dd) Provincial-level state management agencies in charge of fisheries shall manage and inspect the installation and dismantling of equipment and activation of fishing vessel voyage monitoring services; provide information on monitoring the itinerary of fishing vessels at the request of fishing ship owners.

e) The captain or owner of a fishing ship must ensure that the fishing vessel cruise monitoring equipment operates continuously 24/7 when operating on the sea or island (where there is no fishing port) and anchored on the shore or island (where the fishing port is located).

In case the ship owner wishes to suspend the service of transmission of data of cruise monitoring equipment during the period of not going to exploit for 03 months or more, it must notify the provincial-level state management agency in charge of fisheries where the fishing vessel is registered. During the period of suspension of services, ship owners must use other communication equipment to report the location of fishing vessels anchored at the shore every 07 days to the provincial-level state management agency in charge of fisheries where the fishing vessel is registered for management.

In case a fishing vessel loses signal from a cruise monitoring device at sea or on an island (where there is no fishing port), the fishing ship owner or captain must use other communication equipment to report the position of the fishing vessel to the provincial-level state management agency in charge of fisheries (through the department on duty, operation of the fishing vessel cruise monitoring system) not more than 06 hours/time from the time the fishing vessel loses signal from the cruise monitoring device (the time of signal loss is counted from the time the fishing vessel cruise monitoring system fails to receive the signal of the next cycle), and at the same time record the location of the fishing vessel to submit to the management agency at the port when the ship docks at the port for verification and handling of violations (if any). Fishing ship owners or captains shall take measures to remedy the situation of fishing vessels losing signals from cruise monitoring devices, in case of failure to remedy them, they must bring fishing vessels ashore within 10 days from the time the fishing vessels lose signals from cruise monitoring devices.

In case a fishing vessel loses signal from the cruise monitoring device on the shore or island (where the fishing port is located), the captain or ship owner must use communication devices to report to the provincial-level state management agency in charge of fisheries where the fishing vessel is registered every 24 hours.

Captains of fishing vessels must strictly abide by the warnings of fishing vessel cruise monitoring devices; fishing vessels must not cross the boundary of the zone permitted to exploit fisheries at sea.

g) Foreign fishing vessels engaged in fishing activities in Vietnamese waters must be equipped with fishing vessel voyage monitoring equipment to ensure compliance with technical requirements, management and use of fishing vessel voyage monitoring systems and data specified in this Article.

h) Data on monitoring fishing vessels' voyages (including synchronized data) shall be used as a legal basis for managing the operation of fishing vessels, sanctioning administrative violations, handling fisheries disputes at sea, certifying and certifying fisheries from fishing, etc implement policies in the field of fisheries.

#### 6. Responsibilities of the supplier of fishing vessel cruise monitoring equipment:

a) Cruise monitoring equipment may be provided only after it is assessed, notified in writing and publicized on the website of the state management agency in charge of fisheries under the Ministry of Agriculture and Environment;

b) When installing cruise monitoring devices on fishing ships, coordinate with ship owners in declaring information according to **Form No. 02.KT in Appendix II to this Decree**. Install the cruise monitoring device in a firmly fixed position on the part attached to the fishing vessel hull, with a user manual (on the board there is the minimum information: 24/7 support phone number, contact address of the fishing vessel cruise monitoring equipment supplier); perform lead clamps to fix the equipment on the ship when installing;

c) Update and manage information about the ship, ship owner, code of the fishing vessel cruise monitoring device and lead clip code on the fishing vessel cruise monitoring software of the cruise monitoring equipment supplier and automatically transmit the information to the fishing vessel cruise monitoring software provided by the state management agency in charge of fisheries under the Ministry of Agriculture and Environment School of Management; take responsibility for the accuracy of information before updating it into the fishing vessel cruise monitoring software of the fishing vessel cruise monitoring equipment supplier; to notify fishing ship owners 30 days in advance of the expiration of the fishing vessel's voyage monitoring equipment;

d) Coordinate in handling technical breakdowns of equipment within 48 hours from the time of receipt of requests from fishing ship owners; coordinate in the process of handling violations at the request of competent agencies; handle signal transmission incidents provided by their units; provide information to the state management agency in charge of fisheries upon request;

dd) Within 10 days from the date of receipt of the request of the fishing ship owner, captain or relevant organizations and individuals, the fishing vessel cruise monitoring equipment supplier shall send a document to the state management agency in charge of fisheries under the Ministry of Agriculture and Environment for synchronization of the fishing vessel voyage monitoring data have not been sent in real time to the fishing vessel voyage monitoring software managed by the state management agency in charge of fisheries under the Ministry of Agriculture and Environment;

e) Coordinate with the satellite service provider in ensuring the data connection between the fishing vessel cruise monitoring device and the fishing vessel cruise monitoring software of the fishing vessel cruise monitoring equipment provider;

g) Be responsible for maintaining the connection between the supplier's fishing vessel cruise monitoring software and the fishing vessel cruise monitoring software managed by the state management agency in charge of fisheries under the Ministry of Agriculture and Environment;

h) Responsible for ensuring technical requirements as prescribed for fishing vessel voyage monitoring equipment.

#### 7. Responsibilities of satellite service providers for fishing vessel cruise monitoring equipment

a) Ensure the maintenance of satellite services to fishing vessel cruise monitoring equipment and from cruise monitoring equipment installed on fishing vessels to the fishing vessel cruise monitoring system of the fishing vessel cruise monitoring equipment supplier;

b) Coordinate with the fishing vessel cruise monitoring equipment supplier in ensuring the data connection between the fishing vessel cruise monitoring device and the fishing vessel cruise monitoring software of the fishing vessel cruise monitoring equipment supplier;

c) Promptly remedy the problem of connecting satellites to fishing vessel cruise monitoring equipment and vice versa; coordinate in the process of handling violations at the request of competent agencies.

#### 8. Data storage and security:

- a) The duration of storage of fishing vessel voyage monitoring data is at least 36 months; the data storage and processing servers of the fishing vessel cruise monitoring equipment supplier must be located in Vietnam;
- b) The data stored in the server of the fishing vessel cruise monitoring equipment supplier must not be deleted or changed during the storage period as prescribed;
- c) Transmission data between fishing vessel cruise monitoring equipment and fishing vessel cruise monitoring software of equipment suppliers must be encrypted to ensure information confidentiality during transmission; data on monitoring fishing vessel voyages when connected to other specialized software must be encrypted according to regulations;
- d) The supplier of fishing vessel cruise monitoring equipment shall maintain data confidentiality and provide accurate data; may only provide fishing vessel voyage monitoring data at the request of state management agencies in charge of fisheries with the approval of the state management agency in charge of fisheries under the Ministry of Agriculture and Environment.

#### 9. Management, installation and dismantling of cruise monitoring equipment

- a) The state management agency in charge of fisheries under the Ministry of Agriculture and Environment shall manage the installation and dismantling of fishing vessel voyage monitoring equipment for the case specified at Point g, Clause 5 of this Article.
- b) Provincial-level state management agencies in charge of fisheries shall formulate and promulgate procedures for installation and dismantling of fishing vessel voyage monitoring equipment; manage the installation and dismantling of fishing vessel cruise monitoring equipment.
- c) When installing equipment and activating fishing vessel cruise monitoring services, ship owners must report to provincial-level state management agencies in charge of fisheries according to **Form No. 02.KT in Appendix II to this Decree** for inspection and authentication on the fishing vessel cruise monitoring system.
- d) When dismantling the fishing vessel's cruise monitoring device or replacing the lead clamp, the ship owner must notify the management agency where the vessel is dismantled or replaced for supervision and make a record according to **Form No. 03.KT in Appendix II to this Decree**. After making a record, the ship owner shall send 01 copy to the provincial-level state management agency in charge of fisheries where the fishing vessel is registered for management in

case the fishing vessel cruise monitoring device is dismantled in another province or city.

dd) Cruise monitoring equipment when installed on fishing vessels must be clamped with lead according to the form of the fishing vessel cruise monitoring equipment supplier notified by the state management agency in charge of fisheries under the Ministry of Agriculture and Environment. Each lead clamp is for use only for one fishing vessel cruise monitoring device at the time of installation. Each lead clamp must have an independent numerical code consisting of text information that is the initials of the supplier and natural numbers. When replacing lead clamps, the supplier of fishing vessel cruise monitoring equipment must update the new lead clamp code on the system for management.

### **Article 27. Conditions for issuance and re-issuance of aquatic resource exploitation licenses**

1. Organizations and individuals exploiting aquatic resources by fishing vessels with a maximum length of 06 meters or more shall be granted aquatic resource exploitation licenses when they meet the following conditions:

- a) Having a fishing ship registration certificate;
- b) Within the quota of fishing licenses for fishing at sea and not on the list of trades banned from fishing;
- c) Having a valid certificate of technical safety of fishing vessels subject to registration;
- d) Having equipment to monitor fishing vessels' voyages for fishing vessels with a maximum length of 15 meters or more;

dd) In case of re-issuance due to expiration of the license, the conditions specified at Points a, b, c and d of this Clause must be satisfied and the fishing vessel is not on the list of fishing vessels engaged in illegal fishing activities announced by the Ministry of Agriculture and Environment.

2. For provinces and cities without seas but fishing vessels operating at sea, provincial-level People's Committees shall consult with provinces and cities with seas to grant and re-grant fishing licenses for fishing vessels operating in coastal and open areas.

### **Article 28. Grant, re-grant and revocation of fishery exploitation licenses for Vietnamese organizations and individuals engaged in fishing activities in Vietnamese waters**

1. Provincial-level state management agencies in charge of fisheries shall grant, re-grant and revoke fishery exploitation licenses to Vietnamese organizations and individuals engaged in fishing activities in Vietnamese waters.

2. Order, procedures and components of dossiers for issuance of aquatic resource exploitation licenses:

a) Organizations and individuals wishing to submit an application for a fishery exploitation license made according to **Form No. 04.KT in Appendix II to this Decree** to the agency assigned by the President of the provincial-level People's Committee to receive administrative procedure dossiers;

b) The competent agency specified in Clause 1 of this Article shall appraise the dossier. In case the dossier meets the provisions of law, within 05 working days from the date the dossier is fully and validly received, the competent agency shall issue a fishery exploitation license according to **Form No. 06.KT in Appendix II issued together with this Decree**. In case the dossier does not meet the provisions of law, within 02 working days from the date the dossier is fully and validly received, the competent agency shall notify in writing to the organization or individual (clearly stating the unsatisfied contents);

c) The term of the fishery exploitation license must not exceed the remaining duration of the quota from the date of issuance.

3. Order, procedures and components of dossiers for re-issuance of aquatic resource exploitation licenses:

a) When falling into one of the cases specified in **Clause 4, Article 50 of the Law on Fisheries**, organizations and individuals shall submit an application for re-issuance of a fishery exploitation license according to **Form No. 05.KT in Appendix II to this Decree** to the agency assigned by the President of the provincial-level People's Committee to receive administrative procedure dossiers;

b) The competent agency specified in Clause 1 of this Article shall appraise the dossier. In case the dossier meets the provisions of law, within 03 working days from the date the dossier is fully and validly received, the competent agency shall issue a fishery exploitation license according to **Form No. 06.KT Appendix II issued together with this Decree**. In case the dossier does not meet the provisions of law, within 02 working days from the date the dossier is fully and validly received, the competent agency shall notify in writing to the organization or individual (clearly stating the unsatisfied contents);

c) The duration of the re-issuance license in the case specified at **Point c, Clause 4, Article 50 of the Fisheries Law** must not exceed the remaining duration of the quota from the date of issuance of the quota; the duration of the re-issued license in the case specified at **Points a and b, Clause 4, Article 50 of the Fisheries Law** is equal to the remaining term of the granted license.

4. Organizations and individuals that have been granted aquatic resource exploitation licenses must strictly comply with the contents stated in their licenses when fishing vessels operate at sea, and when wishing to continue fishing aquatic resources, they must apply for aquatic resource exploitation licenses as prescribed at least 30 days in advance of the expiration date of the current licenses.

5. Revocation of aquatic resource exploitation licenses:

a) The agency competent to grant aquatic resource exploitation licenses is the agency that revokes the license;

b) The aquatic resource exploitation license is revoked when it falls into one of the cases specified at **Points a, b, c, Clause 5, Article 50 of the Fisheries Law** or no longer satisfies the conditions specified in **Clause 1, Article 27 of this Decree**. The decision on revocation of the fishery exploitation license according to **Form No. 07.KT in Appendix II to this Decree** shall be sent to the licensed organization or individual, relevant agencies and organizations and updated in the fisheries specialized database software within 02 working days from the date of issuance of the revocation decision.

## **Article 29. Supervisors on Vietnamese fishing vessels operating in Vietnamese waters**

1. Supervisors on board Vietnamese fishing vessels must satisfy the following conditions:

a) Being a Vietnamese citizen;

b) Having sufficient health and skills to work on fishing vessels for a long time at sea;

c) Having a certificate or certificate of completion of training or retraining courses or professional training in supervision of fishery exploitation activities.

2. Rights and responsibilities of supervisors:

a) To be provided with conditions for working, eating and resting on fishing vessels during the working period;

b) To be guaranteed travel expenses, work-trip allowances, salaries, allowances, insurance and other regimes and expenses according to current

regulations for cases appointed by state agencies; to be paid expenses under the contract in case of being hired to perform supervision tasks on fishing ships;

c) To access and use the ship's facilities and equipment that the supervisor needs to perform his or her duties;

d) To have access to the ship's dossier, including: the fishing ship registration certificate, the fishing vessel technical safety certificate, the fishing license, the crew directory, the fishing log and relevant documents;

dd) Have access to marine equipment, charts, radios, depth gauges, fish detectors, radars, navigation, communication machines and other equipment; access to the deck during the collection and release of fishing gear and access to aquatic specimens for collection and sampling;

e) Have access to medical equipment and sanitary equipment; using food, food and accommodation similar to the standards for seafarers working on ships;

g) Attending training courses, retraining and professional training of supervisors on fishing ships;

h) Perform tasks under contracts or as assigned by state agencies;

i) Comply with the rules of conduct, keep confidential information related to the operation of fishing ships, crew members, ship owners and data and information collected;

k) Ensuring independence, objectivity and fairness when performing the tasks of supervisors on fishing ships;

l) Regularly communicate with the captain on relevant issues and tasks.

### 3. Rights of ship owners and captains:

a) To be notified at least 07 days in advance of the arrangement of supervisors to work on board the ship for the upcoming sea voyage, in case the supervisors are appointed by state agencies; to disseminate the rights and obligations to implement the program of supervisors on fishing ships;

b) To request supervisors to comply with the general rules of the ship and the provisions of law;

c) The captain may review and comment on the supervisor's report and have the right to add additional opinions and information to the supervisor's report.

### 4. Responsibilities of ship owners and captains:

a) Receive and arrange working places, eat and rest and create conditions for supervisors to work on ships appointed by competent state agencies according

to the plan for implementation of the program of supervisors on fishing ships approved by the Ministry of Agriculture and Environment; must notify in writing the local state management agency in charge of fisheries of the deployment of supervisors on fishing vessels before signing contracts with fishing vessel supervisors for knowledge, monitoring and management;

b) Assign a seafarer to accompany the supervisor when the supervisor performs tasks in dangerous areas;

c) Notify the crew of the time for the supervisor to board the ship, disseminate their rights and responsibilities when the supervisor performs the tasks on board;

d) Assist the supervisor in boarding and disembarking the ship safely at the notified or agreed place and time;

dd) Notify the supervisor at least fifteen minutes before the start of stocking or collecting nets;

e) Allow and support supervisors to fully access the ship's dossier, including: fishing ship registration certificate, fishing ship technical safety certificate, fishing license, crew directory and fishing logbook for the purpose of inspecting and recording information about fishing vessels and sea voyages;

g) Allow supervisors to access space, exploitation products, marine equipment, charts, communication machines and other equipment and information related to fishing activities in order to create favorable conditions for supervisors to perform tasks of collecting scientific data, specimens, recording other relevant information;

h) Do not threaten, interfere or bribe to affect the performance of supervisory tasks by supervisors;

i) Payment of funds under contracts signed with supervisors or a number of expenses for the implementation of the program of supervisors on fishing ships approved by the Ministry of Agriculture and Environment.

5. The Ministry of Agriculture and Environment shall formulate a framework program and organize the training, training and retraining of fishing ship supervisors; formulate and organize the implementation of the Fishing Ship Supervisor Program annually or in each period according to management requirements or requirements of the import market. The supervisor program includes the following basic contents: objectives, implementation contents (fishing professions to be supervised, number of sea voyages, implementation area), delivered products and implementation funds.

## **Article 30. Conditions for fishing vessels to engage in fishing activities outside Vietnamese waters**

1. Cruise monitoring and communication equipment specified at **Point b, Clause 1, Article 53 of the Fisheries Law** must meet the following conditions:

a) Fishing vessels with a maximum length of 15 meters or more must be equipped with cruise monitoring devices that automatically transmit information and data via satellite information systems, which are not on the list of fishing vessels violating regulations on illegal fishing;

b) Fishing vessels must be equipped with and install communication and maritime equipment on board, including: Ultra-shortwave telephone (VHF) radio transceivers with number selection and direct receiver (DSC) units on channels 70 or 16; radio transceivers (MF/HF); marine and weather notification automatic receiver (NAVTEX), emergency location indicator buoy (EPIRB).

2. Other conditions specified at **Point d, Clause 1, Article 53 of the Fisheries Law** include:

a) Having the code of the International Maritime Organization (IMO) as prescribed in case the fishing vessel goes to exploit in the waters under the management of the regional fishery organization or in the waters of other countries or territories so requested;

b) Having a supervisor as prescribed by the regional or coastal national fisheries management organization;

c) Seafarers and persons working on fishing vessels must have certificates of completion of fisheries management training courses in international waters issued by the state management agency in charge of fisheries under the Ministry of Agriculture and Environment, in case of issuance of permits to go fishing in waters under the management of regional fisheries management organizations.

## **Article 31. Issuance of written approval for fishing vessels to exploit fisheries in the waters of other countries or territories or permits for fishing vessels to exploit in waters under the management of regional fisheries management organizations**

1. The agency competent to issue written approval for fishing vessels to exploit fisheries in the waters of other countries or territories or to grant permits for fishing vessels to exploit in the waters under the management of regional fisheries management organizations is the state management agency in charge of fisheries under the Ministry of Agriculture and Environment.

2. A dossier for issuance of a written approval for a fishing vessel comprises:

- a) An application for issuance of a written approval, made according to **Form No. 08.KT in Appendix II to this Decree** or a certificate of licensing registration made according to **Form No. 09.KT in Appendix II to this Decree**;
- b) A copy of the contract for cooperation in fishing in the waters of other countries or territories, in case of issuance of written approval; the contract must be approved by the competent authority of that country or territory and the written approval must be consular legalized as prescribed;
- c) Lists, photos and passport numbers of seafarers and persons working on fishing ships;
- d) A photocopy of the captain's or chief engineer's certificate;
- dd) A copy of the certificate of passing the fisheries management training course in international waters, in case of issuance of a fishing license under the management of a regional fisheries management organization.

3. Implementation order:

- a) Organizations and individuals shall send dossiers specified in Clause 2 of this Article to agencies assigned by the Minister of Agriculture and Environment to receive administrative procedure dossiers;
- b) The competent authority specified in Clause 1 of this Article shall appraise the dossier within 05 working days from the date of receipt of the complete and valid dossier. In case the dossier does not meet the regulations, the competent agency shall give a written reply clearly stating the reason. In case the dossier satisfies the regulations, the competent agency shall issue a written approval according to **Form No. 10.KT in Appendix II issued together with this Decree** or a license made according to **Form No. 11.KT in Appendix II issued together with this Decree**; a list of crew members and persons working on fishing ships, made according to **Form No. 12.KT in Appendix II to this Decree**.

4. After the issuance of the written approval or permit, within 02 working days from the date of issuance, the competent agency specified in Clause 1 of this Article shall **notify the** People's Committee of the province where the ship is located in the waters of the country or region other territories and the Ministries of National Defense, Public Security and Foreign Affairs to coordinate monitoring and management.

5. Upon receipt of written approvals or permits and relevant papers, organizations and individuals shall submit the originals of fishing licenses for

operation in Vietnamese waters to the state management agencies in charge of fisheries under the Ministry of Agriculture and Environment.

6. Organizations and individuals that wish to receive aquatic resource exploitation licenses shall send written requests to competent agencies specified in Clause 1 of this Article. Within 02 working days from the date of receipt of the request, the competent agency specified in Clause 1 of this Article shall return the fishery exploitation license that the organization or individual has submitted.

## **Section 2. MANAGEMENT OF FOREIGN VESSELS ENGAGED IN FISHERY ACTIVITIES IN VIETNAMESE WATERS**

### **Article 32. Grant, re-grant, extension and revocation of licenses for foreign organizations and individuals operating vessels engaged in fishery activities in Vietnamese waters**

1. Agencies competent to grant, re-grant, extend and revoke licenses for foreign organizations and individuals that have vessels engaged in aquatic activities in Vietnam's waters are the state management agencies in charge of fisheries under the Ministry of Agriculture and Environment.

2. A dossier of application for a license comprises:

a) An application enclosed with a list of crew members and persons working on the fishing ship, made according to **Form No. 14.KT in Appendix II to this Decree**;

b) Certified copies of papers and documents specified in **Article 55 of the Fisheries Law**.

3. A dossier of application for re-issuance of a license comprises:

a) An application for re-issuance, made according to **Form No. 15.KT in Appendix II to this Decree**;

b) A report on the change of fishing vessel or change of occupation (if any).

4. A dossier of application for license extension comprises:

a) An application for extension, made according to **Form No. 16.KT in Appendix II to this Decree**;

b) A certified copy of the certificate of technical safety of the fishing vessel;

c) A report on the operation of the fishing vessel during the period of issuance of the license;

d) Aquatic resource exploitation log (for vessels engaged in fishing for aquatic resources).

5. Order and procedures for granting, re-granting and extending licenses to operate in Vietnam's waters

a) Organizations and individuals wishing to grant, re-grant or extend licenses to operate in Vietnam's waters shall send corresponding dossiers as prescribed in Clauses 2, 3 and 4 of this Article to agencies assigned by the Minister of Agriculture and Environment to receive administrative procedure dossiers;

b) In case of issuance or re-issuance: After receiving a complete and valid dossier, the competent agency specified in Clause 1 of this Article shall submit it to the Ministry of Agriculture and Environment for consultation with the Ministry of Public Security and the Ministry of National Defense on the list of seafarers and people working on board. Within 05 working days from the date of receipt of the written request for opinions, the Ministry of Public Security and the Ministry of National Defense must reply in writing. Within 02 working days from the date of receipt of opinions from the Ministry of Public Security and the Ministry of National Defense, the competent agencies specified in Clause 1 of this Article shall consider granting or re-granting fishery activity licenses of foreign ships in Vietnamese waters according to **Form No. 17.KT in Appendix II issued together with this Decree**. In case of refusal to grant or re-grant the License, it must reply in writing, clearly stating the reason;

c) In case of extension: Within 02 working days from the date of receipt of a complete and valid dossier, the competent authority specified in Clause 1 of this Article shall extend the license for fishery activities of foreign ships in Vietnamese waters according to **Form No. 18.KT in Appendix II issued together with this Decree**. In case of refusal to extend the License, it must reply in writing, clearly stating the reason;

d) After granting, re-granting or extending fishery activity licenses of foreign ships in Vietnamese waters, the competent agencies specified in Clause 1 of this Article shall notify the provincial-level state management agencies in charge of fisheries of the localities where the ships come to conduct fishery activities in Vietnamese waters and the Border Guard, The Vietnam Coast Guard and the Vietnam Maritime and Waterway Administration shall know for coordination in monitoring and management according to **Form No. 21.KT in Appendix II to this Decree**.

6. Revocation of licenses to operate in Vietnamese waters

When detecting violations in one of the cases specified in **Clause 5, Article 56 of the Fisheries Law**, the competent agency shall issue a decision to revoke the aquatic activity license and announce it on the mass media.

### **Article 33. Regulations on foreign ships entering fishing ports, leaving fishing ports or anchoring in fishing port waters**

1. When entering or leaving fishing ports or anchored in the waters of Vietnamese fishing ports, foreign ships must hoist the Vietnamese national flag on the top of the highest mast of the ship and the national flag of which the ship is registered on the lower mast.
2. To declare and comply with the inspection, examination and control of functional forces in accordance with law.

## **Chapter V**

### **MANAGEMENT OF FISHING VESSELS AND OFFICIAL-DUTY VESSELS**

#### **Article 34. Classification of establishments for building and renovating fishing vessels**

Establishments for building and renovating fishing vessels are classified as follows:

1. Grade-I establishments: building and converting all types of fishing vessels according to hull materials.
2. Grade-II establishments: building or converting fishing vessels with a maximum length of less than 24 meters according to the hull material.
3. Grade-III establishments: building or converting fishing vessels with a maximum length of less than 15 meters according to hulling materials.

#### **Article 35. Conditions for establishments for building and converting steel-hulled fishing vessels**

1. Having workshops, equipment and human resources at least as prescribed in Section 1 of [Appendix V to this Decree](#).
2. Having a certificate of quality management system according to ISO 9001 or equivalent (for establishments of type I and type II); having technological processes according to national technical regulations on decentralization and construction of fishing ships (for grade-III establishments).

#### **Article 36. Conditions for establishments for building and converting wooden-hulled fishing vessels**

1. Having workshops, equipment and human resources at least as prescribed in Section 2 of [Appendix V to this Decree](#).
2. Having a certificate of quality management system according to ISO 9001 standards or equivalent (for establishments of type I); having technological

processes in accordance with national technical regulations on classification and construction of fishing ships (for establishments of class II and type III).

**Article 37. Conditions for establishments for building and converting fishing vessels with new materials**

1. Having workshops, equipment and human resources at least as prescribed in Section 3 of [Appendix V to this Decree](#).
2. Having a certificate of quality management system according to ISO 9001 or equivalent (for establishments of type I and type II); having technological processes according to national technical regulations on decentralization and construction of fishing ships (for grade-III establishments).

**Article 38. Issuance, re-issuance and revocation of certificates of eligibility for building and renovating fishing vessels**

1. Agencies competent to grant, re-grant and revoke certificates of eligibility for building or conversion of fishing vessels are provincial-level state management agencies in charge of fisheries.
2. Dossier for issuance of the Certificate of eligibility for building or renovating fishing ships:
  - a) An application made according to [Form No. 01.TC in Appendix IV to this Decree](#);
  - b) A written explanation of the conditions of the establishment, made according to [Form No. 02.TC in Appendix IV to this Decree](#).
3. Dossier for re-issuance of the Certificate of eligibility for building or renovating fishing ships:
  - a) An application for re-issuance, made according to [Form No. 03.TC in Appendix IV to this Decree](#);
  - b) The issued certificate of eligibility.
4. Order and procedures for issuance of certificates of eligibility for building or renovating fishing vessels
  - a) Organizations and individuals shall submit dossiers specified in Clause 2 of this Article to agencies assigned by the Chairperson of the provincial-level People's Committee (where the establishment's fishing vessel building or renovation location is located) to receive administrative procedure dossiers;
  - b) Within 03 working days from the date of receipt of a complete and valid dossier, the competent agency specified in Clause 1 of this Article shall inspect

and assess the conditions of the establishment according to **Form No. 04.TC Appendix IV issued together with this Decree**.

In case the dossier and conditions of the establishment are satisfactory, within 02 working days from the date of completion of the inspection, the competent authority specified in Clause 1 of this Article shall issue a certificate of eligibility for building or renovating fishing vessels according to **Form No. 05.TC Appendix IV issued together with this Decree**.

In case the establishment fails to fully meet the conditions, the establishment shall remedy and send a written notice to the competent authority as prescribed in Clause 1 of this Article within 07 working days.

Within 01 working day from the date of receipt of the notice of remediation, the competent agency shall inspect and assess the conditions of the establishment. In case the establishment satisfies the conditions, within 01 working day from the date of completion of the inspection, the competent authority shall issue a certificate of eligibility for building or converting fishing vessels according to **Form No. 05.TC in Appendix IV issued together with this Decree**. In case of refusal, it must reply in writing, clearly stating the reason.

5. Order and procedures for re-issuance of the Certificate of eligibility for building or conversion of fishing vessels

a) When falling into one of the cases specified in **Clause 2, Article 64 of the Law on Fisheries**, organizations and individuals shall submit dossiers specified in Clause 3 of this Article to the agencies assigned by the Presidents of the provincial-level People's Committees (where the locations for building or renovating fishing vessels of the establishments are located) to receive dossiers of administrative procedures;

b) Within 02 working days from the date of receipt of a complete and valid dossier, the competent authority specified in Clause 1 of this Article shall consider the dossier and issue a certificate of eligibility for building or converting fishing vessels according to **Form No. 05.TC in Appendix IV issued together with this Decree**.

6. Revocation of the certificate of eligibility for building or renovating fishing vessels

When detecting an establishment violating one of the cases specified in **Clause 3, Article 64 of the Fisheries Law**, the competent agency shall issue a decision to revoke the granted certificate of eligibility and announce it on the mass media.

**Article 39. Fishing ship crew training and retraining establishments**

*According to the provisions of **Part A, Appendix I of Resolution No. 17/2026/NQ-CP**: Failure to comply with the conditions for training and retraining institutions for seafarers of fishing vessels in Article 39 of Decree No. 41/2026/ND-CP.*

1. Conditions of fishing ship crew training and retraining establishments:

- a) Being an institution with the function of training and retraining established in accordance with law;
- b) Having material foundations, equipment and lecturers that meet the requirements specified in **Appendix VI issued together with this Decree**;
- c) Having training and retraining programs and textbooks as prescribed; establish and maintain the application of the quality management system according to ISO 9001 or equivalent standards.

2. Rights and obligations of fishing ship crew training and retraining establishments:

- a) To collect training and refresher training fees as prescribed;
- b) Send a written notice according to **Form No. 06.TC in Appendix IV to this Decree** to the state management agency in charge of fisheries under the Ministry of Agriculture and Environment at least 30 days before participating in the training and retraining of seafarers of fishing ships;
- c) Ensure that material foundations, equipment and lecturers meet the prescribed requirements;
- d) Provide training and retraining for seafarers of fishing vessels according to the framework program promulgated by the Ministry of Agriculture and Environment.

**Article 40. Classification of fishing ship registration establishments and regulations on registration and inspection of fishery official-duty ships**

1. Fishing ship registration establishments are classified as follows:

- a) Type I: Registration and inspection of all types of fishing vessels;
- b) Type II: Registration and inspection of fishing vessels with a maximum length of less than 24 meters;
- c) Type III: Registration and inspection of fishing vessels with a maximum length of less than 15 meters.

2. Regulations on registration and inspection of fishery official-duty ships:

- a) Organizations managing fishery official-duty ships may select fishing ship registration establishments as prescribed in Clause 1 of this Article or other registration organizations to carry out registration and inspection of fishery official-duty ships;
- b) The supervision of technical safety, environment and quality of aquatic official-duty ships shall comply with regulations on registration and inspection applied by the registration and inspection organizations that have been selected for application.

#### **Article 41. Conditions for fishing ship registration establishments**

##### **1. For grade-I fishing ship registration establishments:**

- a) It is established by a competent agency (in case it is a public non-business registration establishment) or is established in accordance with the provisions of the [Law on Enterprises](#) or the [Law on Cooperatives](#); Fishing ship registration establishments must be legally and financially independent from organizations and individuals dealing in fishing ships, building and converting fishing ships, designing fishing ships;
- b) Having material foundations and technical equipment that meet the requirements: having equipment for data entry and storage; having equipment connected to the network and transmitting data with relevant agencies on the registration and inspection of fishing vessels of the establishment; having tools and equipment for technical inspection according to [Appendix V issued together with this Decree](#);
- c) Having a labor contract with a term of 12 months or more or an indefinite-term labor contract as prescribed by law with a registrar with a university degree or higher in related technical disciplines: ship hull, ship machinery, electricity, fishery exploitation, etc cold heat or seafood processing; during the performance of the contract with the registry establishment, the registrar does not have a labor contract with a term of 03 months or more with another employer; including at least 01 grade I registrar and 02 grade II registrars;
- d) Establish and maintain the application of the quality management system according to ISO 9001 or equivalent.

##### **2. For class-II fishing ship registration establishments:**

- a) Satisfying the conditions specified at Points a, b, d, Clause 1 of this Article;
- b) Having a labor contract with a term of 12 months or more or an indefinite-term labor contract as prescribed by law with a registrar with a university degree or higher in related technical disciplines: ship hull, ship machinery,

electricity, fishery exploitation, etc cold heat or seafood processing; during the performance of the contract with the registry establishment, the registrar does not have a labor contract with a term of 03 months or more with another employer; including at least 02 Grade II registrars.

3. For class III fishing ship registration establishments:

- a) Satisfying the conditions specified at Points a and b, Clause 1 of this Article;
- b) Having a labor contract with a term of 12 months or more or an indefinite-term labor contract as prescribed by law with a registrar with a college degree or higher in related technical disciplines: ship hull, ship machinery, fishery exploitation; during the performance of the contract with the registry establishment, the registrar does not have a labor contract with a term of 03 months or more with another employer; including at least 01 Grade II registrar;
- c) Establish and maintain the application of the quality management system according to ISO 9001 or equivalent; or have a process of technical inspection and supervision of fishing vessels in accordance with the provisions of the national technical regulations on decentralization and construction of fishing ships.

#### **Article 42. Issuance and re-issuance of certificates of eligibility for registration of fishing vessels**

1. Competence to grant and re-grant the Certificate of eligibility for registration of fishing ships:

- a) The state management agency in charge of fisheries under the Ministry of Agriculture and Environment shall grant, re-grant and revoke the certificate of eligibility for registration of fishing vessels for fishing ship registration establishments under the management of the Ministry of Agriculture and Environment;
- b) Provincial-level state management agencies in charge of fisheries shall grant, re-grant and revoke certificates of eligibility for fishing ship registration and inspection establishments in their respective localities, except for the case specified at Point a of this Clause.

2. A dossier of application for a certificate of eligibility for registration of fishing vessels comprises:

- a) An application for issuance of a certificate of eligibility for registration of fishing ships, made according to **Form No. 07.TC in Appendix IV to this Decree**;
- b) Quality management dossiers according to ISO 9001 standards or equivalent.

3. A dossier of application for re-issuance of a certificate of eligibility for registration of fishing vessels includes an application for re-issuance made according to **Form No. 11.TC in Appendix IV to this Decree**.

4. Order and procedures for issuance of certificates of eligibility for registration of fishing ships:

a) Organizations and individuals shall submit dossiers of application for certificates of eligibility for registration of fishing vessels to agencies assigned by the Minister of Agriculture and Environment or presidents of provincial-level People's Committees to receive dossiers of administrative procedures;

b) Within 03 working days from the date of receipt of a complete and valid dossier, the competent agency specified in Clause 1 of this Article shall conduct a physical inspection according to **Form No. 08.TC in Appendix IV issued together with this Decree**.

In case the dossier and conditions of the establishment are satisfactory, within 02 working days from the date of completion of the inspection, the competent agency specified in Clause 1 of this Article shall consider and decide to grant the certificate of eligibility for registration of fishing vessels according to **Form No. 09.TC in Appendix IV issued together with this Decree**.

In case the conditions of the establishment are unsatisfactory, the establishment shall remedy and send a written notice to the competent authority specified in Clause 1 of this Article within 05 working days. Within 01 working day from the date of receipt of the notice of remediation, the competent authority shall consider and issue a certificate of eligibility for registration of fishing vessels according to **Form No. 09.TC in Appendix IV issued together with this Decree**. In case of refusal, a written notice must be issued clearly stating the reason;

c) The registry shall equip and apply technical marks and prints of fishing ship registration and inspection according to **Form No. 10.TC in Appendix IV to this Decree** in the registration and inspection of fishing ships.

5. Order and procedures for re-issuance of the Certificate of eligibility for registration of fishing vessels

a) When falling into one of the cases specified in **Clause 2, Article 69 of the Law on Fisheries**, organizations and individuals shall submit dossiers of application for re-issuance of certificates of eligibility for registration of fishing vessels to the agencies assigned by the Minister of Agriculture and Environment or the presidents of provincial-level People's Committees to receive dossiers of administrative procedures;

b) Within 03 working days from the date of receipt of a complete and valid dossier, the competent agency specified in Clause 1 of this Article shall appraise and consider and decide on re-issuance of the certificate of eligibility for registration of fishing vessels according to **Form No. 09.TC in Appendix IV issued together with this Decree**. In case of refusal to re-grant, a written notice must be issued clearly stating the reason to the organization or individual.

**Article 43. Issuance of written approval for construction, renovation, lease or purchase of Vietnamese fishing vessels**

1. The agency competent to issue written approvals for the construction, renovation, lease or purchase of Vietnamese fishing vessels is the provincial-level state management agency in charge of fisheries.

2. A dossier of application for a written approval for the construction, renovation, lease or purchase of a Vietnamese fishing vessel shall comprise a declaration made according to **Form No. 12.TC in Appendix IV to this Decree**.

3. Order and procedures for issuance of written approvals for construction, renovation, lease and purchase of Vietnamese fishing vessels

a) Organizations and individuals shall submit dossiers to agencies assigned by provincial-level People's Committee presidents to receive administrative procedure dossiers;

b) Within 02 working days from the date of receipt of a complete and valid dossier, the competent authority specified in Clause 1 of this Article shall, based on the quota of the fishery exploitation license and specific criteria of the locality, appraise the dossier and consider granting a written approval according to **Form No. 13.TC in Appendix IV issued together with the Decree this**. In case of refusal to grant written approval, it must reply in writing and clearly state the reason.

4. Fishing ship owners must complete the procedures for registration of fishing vessels within 06 months in case of renovation, lease or purchase or within 12 months in case of new construction from the effective date of the written approval.

5. Within 30 days from the date of completion of papers on purchase, sale, charter, import, donation, inheritance or auction winning of fishing ships, organizations and individuals shall go to the agency competent to register fishing vessels to carry out procedures for grant of registration as prescribed.

6. Refusing to approve the construction or conversion of fishing vessels engaged in trawl nets or trawl nets (except for fishing vessels engaged in trawl nets or trawl trawlers converted to other occupations); do not approve the

conversion of fishing vessels that are doing other occupations to work in trawl nets, tuna trawl nets.

#### **Article 44. Export of fishing vessels**

1. Fishing vessels may be exported when the provincial-level state management agency in charge of fisheries where the fishing vessel registers is granted a certificate clearly stating the reason for deregistration of the fishing vessel for export.
2. The exit of fishing ships in cases where fishing vessels are transported by specialized vessels shall comply with the provisions of the law on export of goods.
3. The exit of fishing vessels in case of self-movement to the importing country shall comply with the provisions of the maritime law.

#### **Article 45. Cases of deregistration of fishing vessels**

1. Fishing vessels that are destroyed, dismantled or sunk cannot be salvaged.
2. Fishing vessels that commit illegal, unreported or unregulated fishing in the waters of other countries or territories or waters under the management of regional fisheries management organizations shall be arrested, confiscated and destroyed.
3. Fishing vessels shall be notified by the fishing ship registry to the fishing ship owners and searched in the media for 06 months but no information is available.
4. Fishing vessels may be sold, donated, donated, inherited, exported or aided.
5. At the request of fishing ship owners.

### **Chapter VI FISHERIES CONTROL**

#### **Article 46. Fisheries Surveillance Organization**

1. The Central Fisheries Surveillance Committee is organized as follows:
  - a) The Department of Fisheries and Fisheries Surveillance is an agency attached to the Ministry of Agriculture and Environment. The Department of Fisheries and Fisheries Control has specialized departments, Regional Fisheries Control Sub-Departments and Centers serving fishery control activities;
  - b) Regional Fishery Surveillance Sub-Departments shall have specialized divisions, fishery surveillance vessels and fishery surveillance stations;

c) The Department of Fisheries and Fisheries Surveillance and the Regional Fisheries Surveillance Sub-Departments shall have legal person status, have their own head offices and seals and may open accounts at the State Treasury;

d) Fishery surveillance stations of regional fishery surveillance sub-departments shall have their own seals for administrative transactions and perform the tasks of handling administrative violations according to their competence.

2. Fishery surveillance of provinces and cities with seas is an administrative organization under the provincial-level state management agency in charge of fisheries, established under a decision of the provincial-level People's Committee.

3. Scope of operation of fishery surveillance.

a) The Central Fisheries Surveillance shall patrol, inspect, control, investigate and handle violations of law, apply measures to prevent violations and perform other tasks and exercise other powers as prescribed in Article 88 of the Law on Fisheries in the exploitation and protection of aquatic resources in offshore areas.

Based on the requirements for protection of aquatic resources, combating illegal, unreported and unregulated fishing, the Minister of Agriculture and Environment shall decide on the patrolling, inspection, control and enforcement of law in coastal areas, open areas and fishing ports. anchorage areas for storm shelters of fishing vessels;

b) Fishery surveillance of provinces and cities with seas patrols, inspects, controls and handles violations of law, applies measures to prevent violations and performs other tasks and exercises other powers as prescribed in **Article 88 of the Law on Fisheries** in the exploitation and protection of aquatic resources in the inland. coastal areas, open areas, fishing ports and storm shelter anchorage areas for fishing vessels under their management.

4. For provinces and cities without seas, the presidents of provincial-level People's Committees shall assign state management agencies in charge of fisheries or law enforcement agencies and forces to patrol, inspect and control the exploitation and protection of aquatic resources in their localities.

#### **Article 47. Funding sources for fishery surveillance activities**

1. State budget sources to ensure fishery control activities according to the current state budget decentralization:

a) The central budget shall ensure funding for the operation of the Central Fisheries Surveillance, including: development investment capital; recurrent

expenditures;

b) Local budgets shall ensure funding for the activities of fishery surveillance in provinces and cities with seas, including: development investment capital; recurrent expenditures.

2. Other funding sources as prescribed by law.

#### **Article 48. Expenditures on fishery surveillance activities**

1. Expenditures for the operation of the fishery surveillance apparatus shall comply with the Government's regulations on the regime of autonomy and self-responsibility for the use of payrolls and administrative management funds for state agencies.

2. Expenditures for fishery surveillance activities from the state budget for annual maintenance:

a) Expenditure on hotline duty to ensure the handling of unexpectedly arising cases of fishery activities at sea between Vietnam and neighboring countries and other on-duty tasks assigned by competent authorities;

b) Expenses for conferences, seminars, preliminary review, review, training, retraining and training in fishery surveillance operations;

c) Expenditure on raw materials and fuel for fishery surveillance vessels to perform the tasks of patrolling, inspection and control; carry out natural disaster prevention, rescue, rescue and remedy of incidents at sea; coordinate with relevant forces in patrolling, inspecting and handling foreign fishing vessels violating Vietnamese waters, preventing Vietnamese fishing vessels from violating foreign waters; participate in the protection of sovereignty over Vietnam's waters and islands as prescribed;

d) Expenses for purchasing insurance for the fishery surveillance fleet, including (insurance for people working on fishery surveillance ships, insurance for fishery surveillance ships and boats); other taxes and fees as prescribed;

dd) Expenses for collecting and purchasing information from collaborators, processing information, documents and exhibits related to fishery surveillance operations; expenses for verification, investigation and solicitation of expertise on contents related to fishery surveillance operations;

e) Expenses for renting docking positions and anchorage areas for the fishery surveillance fleet and the violating vessels temporarily detained by the Fisheries Surveillance force for handling;

g) Expenses for periodic and irregular repairs of fishery surveillance ships and boats;

- h) Expenses for procurement of fishery surveillance vessels, ships, boats, military weapons, combat gears, special-use equipment and uniforms for the Fishery Surveillance force; procurement of consumables, medicines and medical equipment for first aid on fishery surveillance ships and boats;
- i) Expenditures for building and managing databases and maintaining the operation of the fishery surveillance information system;
- k) Expenses for propagation and reporting of hot news on television, dissemination and education of the law on fisheries control; designing and printing forms specialized in Fisheries Control;
- l) Extraordinary rewards to collectives and individuals with outstanding achievements when participating in patrolling, inspection and control to ensure the observance of the fisheries law and participating in the struggle to protect sovereignty at sea;
- m) Other expenses related to fishery control activities.

## **Chapter VII**

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

#### **Article 49. Licensing the export of aquatic species listed in the List of aquatic species banned from export or the List of aquatic species subject to conditional export but failing to meet the conditions for the purpose of scientific research or international cooperation**

1. The Minister of Agriculture and Environment is competent to grant export permits for aquatic species named in the list of aquatic species banned from export or the list of aquatic species subject to conditional export but failing to meet the conditions for the purpose of scientific research or international cooperation.
2. A dossier of application for an export license comprises:
  - a) An application for an export license, made according to **Form No. 29.NT in Appendix I to this Decree**;
  - b) Documents proving the export of aquatic species for the purpose of scientific research or international cooperation.
3. Procedures for issuance of export licenses:
  - a) Organizations and individuals shall submit dossiers to agencies assigned by the Minister of Agriculture and Environment to settle administrative procedures;

b) Within 07 working days from the date of receipt of a complete and valid dossier, the agency assigned by the Minister of Agriculture and Environment to handle administrative procedures shall consider the contents of the dossier and submit it to the Minister of Agriculture and Environment for licensing according to **Form No. 30.NT in Appendix I to this Decree**. In case the contents of the dossier are unsatisfactory, they must reply in writing to the organization or individual, clearly stating the reason.

**Article 50. Control of foreign ships exploiting, transporting and transshipment of aquatic products and aquatic products originating from exploitation and docking at Vietnamese ports**

1. Competence to announce and remove from the list of designated ports:

a) The Ministry of Agriculture and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Construction in, designating and announcing the list of seaports for foreign ships to exploit, transport and transshipment aquatic animals and aquatic products originating from exploitation and docking at ports to carry out import or temporary import activities. re-export, border-gate transfer or transit through the territory of Vietnam and notify the list of designated ports to the Food and Agriculture Organization of the United Nations;

b) The Ministry of Agriculture and Environment shall assume the prime responsibility for, and coordinate with the Ministry of Construction in, removing from the list of ports designated for foreign ships to exploit, transport and transshipment aquatic products originating from exploitation and docking at ports for import or temporary import activities. re-export, border-gate transfer or transit through the territory of Vietnam in case the port fails to properly perform the responsibilities of the designated port in accordance with the provisions of the Agreement on Measures for Countries with Ports in order to prevent and combat illegal, undeclared and undeclared fishing of fisheries.

2. Subjects of control:

Logistics ships that catch aquatic resources, supply manpower, fuel, fishing gear and other equipment at sea of foreign countries dock at ports for port services; foreign ships that exploit, transport and transshipment aquatic products originating from exploitation and dock at ports to carry out activities of import, temporary import, re-export, border transfer or transit through the territory of Vietnam.

3. Notice before docking:

Organizations and individuals having foreign ships specified in Clause 2 of this Article must notify the state management agency in charge of fisheries under

the Ministry of Agriculture and Environment 72 hours before docking at the port according to **Form No. 20.KT in Appendix II to this Decree** enclosed with copies of documents specified at Point b, Clause 5 of this Article in Vietnamese or in English (in case the original document is not in English, there must be a translation into Vietnamese or English certified as prescribed).

4. Inspection to decide whether to allow ships to dock at ports or refuse to allow ships to dock:

Within 72 hours after receiving the request for port entry, the state management agency in charge of fisheries under the Ministry of Agriculture and Environment shall examine and verify information about the ship on the list of illegal fishing vessels or aquatic products of fishing vessels and aquatic resource products. whether aquatic products on board ships are on the list of the International Convention on International Trade in Endangered Species of Wild Fauna and Flora to decide:

a) Allow the ship to dock at the port and notify the ship owner or the shipowner's lawful representative if it does not violate regulations on fishing or support illegal fishing without reporting and not in accordance with regulations according to **Form No. 21.KT in Appendix II to this Decree**;

b) Refuse to allow the ship to dock at the port and notify the competent authorities at the port, and at the same time send a notice to the flag country, relevant coastal states, regional fisheries management organizations and relevant organizations if one of the following cases is detected:

Such vessels are on the list of illegal fishing vessels published by coastal states, regional fisheries management organizations, and relevant international organizations;

There are requests from coastal countries, regional fisheries management organizations, and relevant international organizations.

5. Physical inspection on board the ship when the ship docks:

a) Inspection principles: Ensuring fairness, transparency, non-discrimination and not causing trouble during the inspection process; do not affect the quality of seafood on board. Inspectors must be professional and knowledgeable about the law on fisheries; not to interfere with the captain's ability to exchange information with the authorities of the country in which the ship is flagged, on the basis of conformity with international law; in case of necessity, representatives of the flag-bearing ship country and international experts may be invited to participate in the inspection;

b) Documents to be supplied to the inspecting officer: Fishing ship registration certificate; Fishery exploitation licenses; Transshipment licenses, transshipment

reports and information of ships participating in transshipment (operating licenses, transshipment permits, registration papers, declarations of captains); cargo hold layout diagram; a copy of the license to import aquatic species originating from exploitation on the list of the International Convention on International Trade in Endangered Species of Wild Fauna and Flora (in case of having aquatic products on the list of the International Convention on International Trade in Species of Fauna, endangered wild plants); documents related to other information specified in **Form No. 20.KT in Appendix II to this Decree**.

6. Contents of physical inspection when the ship docks:

- a) Check the accuracy of the information declared according to **Form No. 20.KT in Appendix II to this Decree** compared with the dossiers archived on board;
- b) Inspect the volume and composition of aquatic species, aquatic products, fishing gear and related equipment on board the ship with the declared contents according to **Form No. 20.KT in Appendix II to this Decree**;
- c) Compare the actual volume of loading and unloading through the port with the declared quantity to finalize the record according to **Form No. 25.KT in Appendix II to this Decree**.

7. The process of physical inspection when the ship docks:

- a) The examiner presents papers showing official duties to the captain;
- b) Conduct the inspection according to the contents specified in Clause 6 of this Article and the information in **Form No. 20.KT in Appendix II to this Decree**;
- c) The captain must provide the declared information and produce the documents specified at Point b, Clause 5 of this Article and papers related to the inspection contents and information declared before docking;
- d) Make an inspection record according to **Form No. 25.KT in Appendix II to this Decree**;
- dd) Notify and handle inspection results as prescribed in Clause 8 of this Article.

8. Notification and handling of results of physical inspection when the ship docks:

- a) The state management agency in charge of fisheries under the Ministry of Agriculture and Environment shall refuse to allow aquatic products to enter the port and request the competent agency to force the ship out of the Vietnamese territory (except for force majeure cases due to humanitarian factors) and notify according to **Form No. 21.KT in Appendix II to the Decree** to the competent

authority not to use the services at the port and at the same time notify the flag country, the coastal state, the Regional Fisheries Management Organization, the Food and Agriculture Organization of the United Nations (FAO) and relevant international organizations, the country of which the captain of the fishing ship is a citizen in terms of inspection results and measures to handle violations if one of the following cases is detected:

Imported aquatic products and aquatic products are exploited by ships without permits or permits are invalid or invalid according to the regulations of the country where the ship flies the flag or of the competent coastal state.

Aquatic products and aquatic products that are imported, transported or transshipped by ships without permits or permits are invalid or invalid according to the regulations of the country where the ship flies the flag or of the competent coastal state.

Imported aquatic products and aquatic products are exploited by ships without permits or permits are invalid or invalid in the waters under the jurisdiction of regional fisheries management organizations.

Imported aquatic products and aquatic products transported or transshipped by ships without permits or permits are invalid or invalid in the waters under the jurisdiction of regional fisheries management organizations.

There is evidence that aquatic animals and aquatic products imported on board are exploited in excess of the permitted quota of the competent coastal country or the regional fisheries management organization.

There is evidence that imported aquatic products and aquatic products on board are exploited in contravention of regulations of competent coastal states or regulations on management and conservation measures in the waters under the jurisdiction of regional fisheries management organizations, or there is evidence that ships carry out or support illegal fishery exploitation under prescribed in [Article 60 of the Fisheries Law](#).

Imported aquatic products and aquatic products exploited by ships are on the IUU list of the country where the ship is flagged or of the competent coastal country or of the regional fisheries management organization.

b) The inspection record made according to [Form No. 25.KT in Appendix II to this Decree](#) shall be made in 02 copies, and the captain and the inspecting unit shall each keep 01 copy.

c) The state management agency in charge of fisheries under the Ministry of Agriculture and Environment: Withdraw the decision to refuse to allow aquatic animals and aquatic products to enter the port or request the port authority not to allow the use of services at the port when there is sufficient evidence to

prove that the findings specified at Point a of this Clause are based on insufficient or insufficient grounds or those bases are no longer applicable. Notify the shipowner or its legal representative, state management agencies at the port, the flag-flying country, the coastal state, the Regional Fisheries Stewardship Organization, the Food and Agriculture Organization of the United Nations and relevant international organizations, the country of which the captain of the fishing vessel is a citizen of this decision.

9. In case of receiving a request from the flag-flying country, a coastal state, a regional fisheries management organization or a relevant international organization on the violation of illegal fishing of aquatic products or aquatic products after customs clearance, the competent agencies shall impose penalties for administrative violations in the field of fisheries as prescribed.

10. Criteria and rights of examiners:

a) Criteria:

Being civil servants and public employees working at the state management agency in charge of fisheries under the Ministry of Agriculture and Environment assigned to perform the task of controlling foreign ships exploited, ships transporting aquatic products and aquatic products originating from exploitation and docking at Vietnamese ports; having expertise and knowledge of fisheries law; have the skills to inspect as required and understand the provisions of the Agreement on measures of countries with ports.

b) Quyền của người kiểm tra:

Yêu cầu thuyền trưởng, thuyền viên, chủ hàng và đại lý hàng hải cung cấp các tài liệu theo quy định.

Collect documents and evidences related to ships, aquatic products and aquatic products on board for inspection.

Boarding and checking the areas on board in relation to the information to be checked; access to the cruise monitoring system of VMS and AIS ships (if any), fishing nets, cargo hold layout diagrams and other relevant equipment on board.

To participate in training, retraining courses and professional training in the implementation of the Agreement on National Measures with Ports.

To discuss with the focal point of the flag ship country and other countries, regional fisheries management organizations and relevant international organizations to verify information about ships, aquatic products and aquatic products on board.

To propose to the national focal point the invitation of representatives of the flag ship and international experts to participate in the inspection in case of

necessity; propose the establishment of an interdisciplinary inspection team or use an interpreter (if necessary).

Request the suspension of loading and unloading or request the port authority to stop providing port services.

11. Responsibilities of inspectors: Ensure that the inspection is conducted according to the principles specified at Point a, Clause 5 of this Article.

**Article 51. Control of aquatic products and aquatic products originating from fishing transported by container ships imported into Vietnam**

1. At least 48 hours before the shipment (except for the sample shipment with a weight of less than 50 kg, not used for commercial purposes or not circulated on the market) is transported to the port, organizations and individuals importing aquatic products originating from exploitation into Vietnam by container ship shall declare and send the dossier to the management agency the Ministry of Agriculture and Environment to appraise and certify that the origin of imported aquatic raw materials does not violate regulations on illegal fishing and serve the inspection, examination and declaration dossiers in Vietnamese or English (in case the original documents are not in English, they must be translated into Vietnamese or UK certified according to regulations) including:

a) Information about the shipment, made according to **Form No. 22.KT in Appendix II to this Decree**

;

b) A copy of the bill of lading for aquatic animals and aquatic products originating from imported exploitation;

c) A copy of the written certification of the origin of aquatic products from exploitation issued by the competent agency of the exporting country to the shipment or papers showing the certification or certification of aquatic products originating from exploitation issued by the competent agency of the exporting country to the shipment;

d) In case there are no papers specified at Point c of this Clause, a copy of the fishing vessel's fishing license shall be submitted. Particularly for the shipment of swordfish (*Xiphias gladius*) and species subject to inspection under the plan on inspection and control of fisheries and aquatic products originating from exploitation, import, temporary import, re-export, border transfer or transit through the territory of Vietnam by container ships promulgated by the Ministry of Agriculture and Environment, a copy of the fishing license shall be submitted assets of the fishing ship and the Captain's statement of the fishing ship. The

contents of the captain's certificate show information about the fishing vessel for aquatic products and aquatic products imported into Vietnam, including: name of the ship, ship registration number (IMO/international calling sign/external marking/RFMO registration number if any), country of flag hoisting, number of fishing licenses, type of fishing gear, time and area of fishing; the date and place of the ship's first docking, which certifies that the fishery is exploited in full compliance with current laws, management and conservation measures. The captain's certificate bears the signature of the captain of the fishing vessel.

2. The state management agency in charge of fisheries under the Ministry of Agriculture and Environment shall:

- a) Synthesize the declared information provided by organizations and individuals in service of post-import examination and inspection related to regulations on combating illegal fishing, failing to report or comply with regulations for imported aquatic product containers and aquatic products that are not subject to inspection under the inspection plan; control of aquatic products and aquatic products originating from exploitation, import, temporary import, re-export, border transit, and transit through the territory of Vietnam by container ships promulgated by the Ministry of Agriculture and Environment;
- b) Organize the appraisal of dossiers of declaration to certify that the origin of imported aquatic raw materials and aquatic products do not violate regulations on illegal exploitation of each shipment of swordfish (*Xiphias gladius*) and species subject to inspection according to the inspection plan, control of aquatic animals and aquatic products originating from exploitation, import, temporary import, re-export, border-gate transfer or transit through the territory of Vietnam by container ships promulgated by the Ministry of Agriculture and Environment. The appraisal contents include: checking the validity of information and declaration dossiers sent by goods owners as prescribed in Clause 1 of this Article; check and compare with the fishing quotas of each country, fishing area and species permitted to be fished as prescribed (if available).

In case the declared information and dossier are satisfactory, the state management agency in charge of fisheries under the Ministry of Agriculture and Environment shall issue a notice to the goods owner within 48 hours from the time of receipt of a complete and valid declaration dossier, and at the same time send it to the customs office for coordination in completing import customs clearance procedures according to **Form No. 23. Appendix II promulgated together with this Decree.**

In case there are signs that the imported aquatic product batch is illegally exploited or transported, without reporting or in contravention of regulations according to information and dossiers declared upon import, the state management agency in charge of fisheries under the Ministry of Agriculture and Environment shall notify the goods owner and appoint inspectors to meet the provisions specified in **Clause 10, Article 50 of this Decree** cooperate with the customs office to organize the physical inspection of aquatic products on the container for physical inspection of the shipment and complete the inspection record according to **Form No. 24.KT in Appendix II to this Decree**. In case the species composition cannot be determined, samples shall be taken for examination.

Processing of test results:

In case the results of the physical inspection detect that the imported shipment is exploited by a ship on the list of illegal, unreported, and not in accordance with the regulations of the country where the ship flies the flag or the competent coastal state or the regional fisheries management organization; or being exploited, transported or transshipped by ships without licenses or permits that are invalid or invalid according to the regulations of the country where the ship flies the flag or of the competent coastal state; or being exploited, transported or transshipment by ship without a license or an invalid or invalid permit in the waters under the jurisdiction of the regional fisheries management organization; or there is evidence that aquatic products and aquatic products on board are exploited in excess of the quota of fishing species of coastal countries or of regional fisheries management organizations; or there is evidence that aquatic animals or aquatic products on board are exploited in contravention of regulations of competent coastal states or regulations on management and conservation measures in waters under the jurisdiction of regional fisheries management organizations, or there is evidence that ships carry out or support illegal fishery exploitation according to regulations prescribed in **Article 60 of the Fisheries Law**, the competent agency shall send a notice to the goods owner and concurrently send it to the customs office for handling the shipment according to the provisions of law according to **Form No. 23.KT in Appendix II to this Decree**.

In case the results of the physical inspection are satisfactory, the competent agency shall notify the goods owner and the customs office to carry out customs clearance procedures for the imported goods lot as prescribed.

3. In case of request of the flag-flying country, coastal state, regional fisheries management organizations and relevant international organizations that

aquatic animals and aquatic products are transported by container ships originating from illegal fishing, not reported, not in accordance with regulations:

a) In case the cargo has not yet entered the port: the state management agency in charge of fisheries under the Ministry of Agriculture and Environment shall coordinate with relevant agencies in not allowing cargo loading and unloading;

b) In case the goods have arrived at the port and are under customs supervision: the state management agency in charge of fisheries under the Ministry of Agriculture and Environment shall coordinate with relevant agencies in notifying the importer of the handling according to regulations and forcible re-export of the goods lot;

c) In case goods have been cleared from customs: Comply with regulations on sanctioning of administrative violations in the field of fisheries.

4. In case of receiving information from flag-flying countries, coastal states, regional fisheries management organizations and international organizations that the shipment of aquatic animals and aquatic products shows signs of violation or the information received is considered to show signs of violation on illegal fishing, not reported, not in accordance with regulations:

a) In case the goods have not yet entered the port or have not yet been cleared from customs: the state management agency in charge of fisheries under the Ministry of Agriculture and Environment shall coordinate with relevant agencies in organizing the inspection and examination as prescribed at Point b, Clause 2 of this Article. In case no violations are detected, the inspection results shall be sent to the goods owner to complete customs clearance procedures. In case of detecting violations, forcible re-export of the shipment and handling according to regulations;

b) In case the goods have been cleared from customs: the state management agency in charge of fisheries under the Ministry of Agriculture and Environment shall coordinate with relevant agencies in organizing the inspection and examination. In case of detecting violations, they shall be handled in accordance with regulations on sanctioning of administrative violations in the field of fisheries.

5. Handle post-import inspection and inspection results related to regulations on combating illegal, unreported and unregulated fishing for imported aquatic product containers that are species not subject to the inspection plan. control of aquatic products and aquatic products originating from exploitation, import, temporary import, re-export, border-gate transfer or transit through the territory

of Vietnam by container ships promulgated by the Ministry of Agriculture and Environment shall comply with Point b, Clause 2 of this Article. The inspection record shall be made according to **Form No. 24.KT in Appendix II to this Decree.**

6. Based on the actual situation, the state management agency in charge of fisheries under the Ministry of Agriculture and Environment shall formulate and organize the implementation of plans on inspection and control of aquatic animals and aquatic products originating from exploitation, import, temporary import, re-export, border transfer, etc transiting through the territory of Vietnam by container ships.

**Article 52. Responsibilities of relevant agencies and organizations in controlling foreign ships exploiting, transporting and transshipment aquatic products originating from exploitation and landing at Vietnamese ports and controlling aquatic products and aquatic products originating from exploitation transported by container ships imported into Vietnam**

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

a) Assume the prime responsibility for, and coordinate with relevant forces at the port in, controlling aquatic products originating from exploitation;

b/ To assume the prime responsibility for formulating mechanisms for cooperation in exchanging information with coastal states on permitted quotas for species caught and imported into Vietnam;

c) Supervise the classification process at the warehouse for tuna species that are exploited, transported or transshipped by foreign ships as prescribed in **Article 51 of this Decree**; take samples for examination when there are suspicious signs or upon request; selection of enterprises for supervision, according to practical requirements or randomly to serve management;

d) Develop random control measures at importing factories to ensure that the declared quantities and types are accurate and consistent with the species quotas granted by coastal countries or regional fisheries management organizations.

2. Port operators:

a) Arrange human resources, working locations, means and equipment for competent state agencies to organize the performance of tasks as prescribed;

b) Send a report to the state management agency in charge of fisheries under the Ministry of Agriculture and Environment on the actual volume of loading and

unloading through the port, enclosed with detailed information on the number of vehicles, names of customers, weighing dates, weight of vehicles and cargo, weight of vehicles and cargo, weight of cargo, etc cargo hold code immediately after the end of loading and unloading.

3. Port authorities at ports shall appoint persons to participate in on-board inspection at the request of the state management agency in charge of fisheries under the Ministry of Agriculture and Environment.

4. Captains, ship owners, cargo owners and enterprises importing aquatic animals and aquatic products originating from exploitation must comply with the inspection, control and supply of information and documents at the request of inspectors and inspection teams in accordance with law; the goods owner shall provide relevant papers and documents to serve the control and management of the chain.

5. Organizations and individuals shall comply with the provisions of law to inspect and control ships, aquatic products and aquatic products originating from exploitation and docking at ports to carry out activities of import, temporary import, re-export, border-gate transfer and transit through the territory of Vietnam.

6. Doanh nghiệp nhập khẩu thủy sản:

a) Report to the state management agency in charge of fisheries under the Ministry of Agriculture and Environment on the actual output and composition of imported species after classification with the contents declared according to **Form No. 20.KT in Appendix II to this Decree** and a copy of the customs declaration cleared within 60 days from the date of commencement of loading and unloading at ports;

b) Take responsibility for the legality of the declaration papers and dossiers; supply dossiers according to the information declared in **Form No. 22.KT in Appendix II** to the state management agency in charge of fisheries under the Ministry of Agriculture and Environment for inspection and examination under **Clause 2, Article 51 of this Decree** upon request;

c) Create conditions and favorable conditions for the state management agency in charge of fisheries under the Ministry of Agriculture and Environment in the process of supervising and classifying at the preservation warehouse.

7. Provincial-level state management agencies in charge of fisheries shall coordinate with the state management agencies in charge of fisheries under the Ministry of Agriculture and Environment in inspecting foreign ships docking at ports upon request.

## **Chapter VIII**

### **STATE MANAGEMENT OF FISHERIES**

#### **Article 53. Responsibilities of relevant ministries and branches**

##### **1. The Ministry of Agriculture and Environment:**

- a) Organize and implement the provisions of Clause 2, Article 101 of the Law on Fisheries;
- b/ To direct and provide professional guidance on fisheries and fisheries control in accordance with law nationwide;
- c/ To direct the implementation of the law on fisheries and fisheries control nationwide in accordance with law;
- d) Formulate and direct the implementation of technical guidance documents; technical process; supervision and assessment in the field of fisheries;
- dd) Organize the development of the national fisheries database; unify the management of the fishing vessel monitoring system nationwide; regulations on technical management of fishing vessel monitoring systems;
- e) Decentralize and authorize the management of fishery activities to their affiliated units and localities; assign state management agencies under the Ministry of Agriculture and Environment to receive and settle administrative procedures and organize and implement this Decree according to their competence;
- g) Organize the implementation of fishery logistics public services, management, exploitation and maintenance of fishing ports and storm shelter anchorage areas for fishing vessels in accordance with the Government's regulations on assignment of tasks, placing orders or bidding for the supply of public products and services funded by the state budget from recurrent expenditures;
- h) To propose competent authorities or decide according to their competence to approve the guidelines and allocation of the state budget for investment and organization of the implementation of projects in service of the management and sustainable development of the fisheries sector in accordance with law;
- i) Propose competent authorities or decide according to their competence the allocation of the state budget to perform the tasks of state management of fisheries and fisheries control in accordance with law.

##### **2. The Ministry of Construction:**

a) Assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Environment in, ensuring maritime safety, security and protection of the marine environment for activities of fishing ships and fishing ports;

b) Coordinate with the Ministry of Agriculture and Environment in managing the transportation of aquatic products and aquatic products through seaports, logistics services and fishing vessels at seaports and inland waterway ports under their management in accordance with the Agreement on National Measures with Ports; export and import of fishing ships.

### 3. The Ministry of Finance:

a) Regulations on charges and fees as prescribed in this Decree and the law on charges and fees in the field of fisheries;

b) Direct the Customs Department not to grant customs clearance for illegally exploited aquatic products and aquatic product shipments on the basis of opinions of competent agencies under the Ministry of Agriculture and Environment; coordinate with agencies competent to control the origin of aquatic products from exploitation and import into Vietnam under the Ministry of Agriculture and Environment in adopting solutions to control the origin of aquatic products from fishing and imported into Vietnam by container ships;

c) Assign the Customs Department to periodically supply information and documents on aquatic product shipments originating from exploitation and import into the Vietnamese territory to agencies attached to the Ministry of Agriculture and Environment for monitoring and serving inspection activities. origin control. The contents provided shall be based on the request of competent agencies under the Ministry of Agriculture and Environment and on the basis of relevant information indicators on the system managed by customs offices;

d) Coordinate with the Ministry of Agriculture and Environment in managing the transportation of aquatic products through seaports, logistics services and fishing vessels at seaports in accordance with the Agreement on National Measures with Ports.

### 4. The Ministry of National Defense:

a) Direct the border guard forces to assume the prime responsibility for, and coordinate with local state management agencies in charge of fisheries in, inspecting and controlling fishery activities in maritime border areas; inspection of fishing vessel cruise monitoring equipment, fishing vessel registration certificates, fishing vessel technical safety certificates, fishing licenses; control

seafarers entering and exiting fishing ports and storm shelter anchorages in accordance with law;

b) Direct the coast guard to patrol, inspect, control and handle violations of law in fishery activities in accordance with law;

c/ To direct the navy, border guard and coast guard forces to propagate and disseminate the law on fisheries; ensure security, order and safety for fishermen engaged in fishery activities in the sea areas in accordance with law;

d/ To assume the prime responsibility for, and coordinate with the Ministry of Agriculture and Environment in, managing fishing vessels, crew members and persons working on foreign fishing vessels operating in Vietnamese waters and Vietnamese fishing vessels operating in the sea areas;

dd) Perform other tasks and exercise other powers related to the fisheries sector in accordance with law.

5. The Ministry of Public Security:

a) Organize the grasp of the situation, detect and investigate criminal and administrative handling of violations of law in the field of fisheries according to their functions and competence;

b) Coordinate with the Ministry of Agriculture and Environment in reviewing and updating information on fishing vessels and fishermen on the National Identification Application (VNeID) in service of management in the field of fisheries;

c) Coordinate with functional forces in patrolling, controlling and detecting acts of violating the fisheries law in Vietnamese waters and sea areas in accordance with law to handle according to their functions and competence.

**Article 54. Responsibilities of provincial-level People's Committees**

1. To organize and implement the provisions of **Clause 1, Article 102 of the Fisheries Law**.

2. To organize the management, examination, inspection, propagation, training and dissemination of laws, guide and allocate resources for the implementation of the management of fishery activities assigned in this Decree.

3. To direct provincial-level state management agencies in charge of fisheries and commune-level People's Committees to implement and implement the provisions assigned in this Decree.

4. To organize the survey of aquatic resources and announce the quotas for exploitation of aquatic resources in coastal areas and open areas under the

management of localities.

5. Arrange local fishery control forces to patrol, inspect, control and handle violations in inland, coastal areas, open areas, fishing ports, storm shelter anchorage areas for fishing vessels and marine protected areas under their management.

6. To direct and inspect the activities of local fishery surveillance; the coordination of activities of fisheries control with relevant agencies and forces in the province; equipping fisheries surveillance ships and boats; weapons, combat gears, special-use vehicles; uniforms, insignia, insignia and pennants to the Fisheries Surveillance in accordance with law.

7. To propose competent authorities or decide according to their competence to approve the guidelines and allocation of the state budget for investment and organization of the implementation of projects in service of the management and sustainable development of the fisheries sector in accordance with law.

8. To propose competent authorities or decide according to their competence the allocation of the state budget to perform the tasks of state management of fisheries and fisheries surveillance in accordance with law.

## **Chapter IX**

### **IMPLEMENTATION PROVISIONS**

#### **Article 55. Transitional provisions**

1. Organizations and individuals that have received dossiers for settlement according to administrative procedures by state agencies or competent persons before the effective date of this Decree but have not yet obtained results of settlement of administrative procedures shall continue to be settled in accordance with law provisions at the time of receipt; except for cases where organizations and individuals request to comply with the provisions of this Decree.

2. Documents, permits, certificates and certifications which are results of settlement of administrative procedures which have been promulgated by competent agencies or persons before the effective date of this Decree and have not yet expired or have not expired shall continue to be applied. shall be used for the duration stated in such documents, permits, certificates and certificates until the expiration of the duration.

In case organizations and individuals wish to amend, supplement or re-grant documents, permits, certificates or certificates, they shall send written requests to competent agencies or persons in this Decree for settlement.

3. Certificates of identification codes of commercial pangasius ponds of pangasius farming establishments shall continue to be used and have the same value as certificates of key aquaculture objects; in case of change of information on the Certificate, the pangasius farming establishment shall carry out the procedures for registration of key aquaculture objects in accordance with the provisions of this Decree.
4. Cruise monitoring equipment installed on fishing vessels before the effective date of Decree No. 37/2024/ND-CP, fishing ship owners must update and supplement technical features as prescribed in this Decree before December 31, 2026.
5. For fishing vessels equipped with 03 or more fishing vessel cruise monitoring devices before the effective date of this Decree, they may continue to use the third or more fishing vessel cruise monitoring devices as prescribed in this Decree until the end of June 30, 2026. When dismantling the third or more fishing vessel's cruise monitoring device, the fishing vessel owner must make a declaration as prescribed at **Point d, Clause 9, Article 26 of this Decree** to delete the disassembled equipment from the fishing vessel cruise monitoring system.
6. Provinces and cities without seas shall continue to review and determine the number of existing fishing vessels and operating areas of fishing vessels, fishing licenses granted to fishing vessels with a maximum length of between 06 meters and less than 15 meters before the effective date of this Decree and send them to the provincial People's Committees. cities with seas where fishing vessels operate for negotiation and inclusion in the quota of licenses for exploitation of coastal and open areas of provinces and cities with seas and coordinate in managing the activities of fishing vessels.

#### **Article 56. Enforcement effect**

1. This Decree takes effect from the date of signing for promulgation, except for the case specified in Clause 2 of this Article.
2. The provisions at **Point c, Clause 4, Article 26 of this Decree** take effect from the date the Ministry of Agriculture and Environment announces the fisheries chart at sea.
3. The following Decrees cease to be effective from the effective date of this Decree:
  - a) The Government's Decree No. 26/2019/ND-CP dated March 08, 2019 detailing and guiding the implementation of a number of articles of the Law on Fisheries;

b) The Government's Decree No. 12/2020/ND-CP dated January 20, 2020 on the suspension of the implementation of Article 63, Point c, Clause 1, Article 64, Point b, Clause 2 and Clause 3, Article 65 of the Government's Decree No. 26/2019/ND-CP dated March 08, 2019 detailing a number of articles and measures for the implementation of the Law on Fisheries;

c) The Government's Decree No. 37/2024/ND-CP dated April 04, 2024 amending and supplementing a number of articles of the Government's Decree No. 26/2019/ND-CP dated March 08, 2019 detailing and guiding the implementation of a number of articles of the Law on Fisheries;

d) The Government's Decree No. 309/2025/ND-CP dated November 29, 2025 amending and supplementing a number of articles of the Government's Decree No. 26/2019/ND-CP dated March 08, 2019 detailing and guiding the implementation of a number of articles of the Law on Fisheries.

4. The following regulations and documents are annulled:

a) **Chapter IV** and **Appendix III** of the Government's Decree No. 136/2025/ND-CP dated June 12, 2025 regulating decentralization and decentralization in the field of agriculture and environment;

b) **Section 3** and **Appendix II** of the Government's Decree No. 131/2025/ND-CP dated June 12, 2025 stipulating the delimitation of competence of local governments at 02 levels in the field of state management of the Ministry of Agriculture and Environment.

#### **Article 57. Implementation responsibilities**

Ministers, heads of ministerial-level agencies, heads of government-attached agencies, presidents of provincial/municipal People's Committees and relevant agencies shall implement this Decree.

##### ***Recipient:***

- Party Central Secretariat;
- The Prime Minister, Deputy Prime Ministers;
- Ministries, ministerial-level agencies and agencies attached to the Government;
- People's Councils, People's Committees of provinces and centrally-run cities;
- The Central Office and Committees of the Party;
- Office of the General Secretary;
- Office of the President;

**TM. KT. GOVERNMENT**  
**PRIME MINISTER**  
**DEPUTY PRIME MINISTER**

**TRAN HONG HA**

- The Nationality Council and Committees of the National Assembly;
- Office of the National Assembly;
- The Supreme People's Court;
- The Supreme People's Procuracy;
- State Audit;
- The Central Committee of the Vietnam Fatherland Front;
- Central agencies of socio-political organizations;
- Corporate Office: Organizing Committee, PCNs, Assistant Editors, General Directors of E-Commerce Portal, Departments, Departments, affiliated units, Official Gazette;
- Save: VT, NN (2b).

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