

MINISTRY OF FISHERIES

No. 640/1999/QD-BTS

SOCIALIST REPUBLIC OF VIETNAM

Independence-Freedom-Happiness

Hanoi 22 September 1999

DECISION OF FISHERIES MINISTER

regarding the issuance of Regulations on hygiene and safety on bivalve molluscs harvest

FISHERIES MINISTER

Pursuant to Government Decree No. 50/CP dated 21 June 1994 on duties, authorities and structure organization of Ministry of Fisheries;

Pursuant to Government Decree No. 86 dated 8 December 1995 regulating responsibilities of State management on goods quality;

Pursuant to request of Director of Department of Science and Technology in official submitted document dated 18 September 1999

DECIDES

Article 1: Status on Hygiene and Safety Control on bivalve molluscs harvest is issued in connection with this Decision

Article 2: This Decision replaces Decision No 386b QD/KHCN dated 31 July 1997 and comes into effect since the signing date.

Article 3: Units specializing in harvesting, depuration, relaying and processing of bivalve molluscs; State management bodies, bivalve molluscs hygiene and safety inspection agency and harvesting control agency shall be responsible for the implementation of Status issued in line with this Decision.

Article 4: Directors of Miniature's Office, Departments, sub-Departments, Head of Inspection Service, Fisheries Hygiene and Quality Control Centre; Fisheries Departments, Agriculture and Rural Development Department concerning fisheries sector as well as other relevant units shall be responsible of implementing this Decision.

Recipients:

- As article 4
- Office of Government
- Ministry of Science, Technology and Environment, Ministry of Health, Ministry of Finance, Ministry of Trade, Ministry of Agriculture and Rural Development
- Supreme People's Investigation Institute
- General Department of Custom
- People's Committees of coastal provinces under Central
- Leadership of Ministry
- Kept at clerical office and Department of Science and Technology

For Fisheries Minister

Deputy Minister

Nguyen Thi Hong Minh

**REGULATIONS ON HYGIENE AND SAFETY CONTROL OF
BIVALVE MOLLUSC HARVEST**

(issued in line with Decision No. 640/1999/QĐ-BTS dated 22nd September 1999 of Fisheries Minister)

Chapter I

General Provision

Article 1: This regulation spells out the duties and authorities of relevant units; procedures, progress and contents of the control of hygiene and safety of bivalve mollusc harvesting and post-harvest processing used as foodstuff.

Article 2: Units specialized in bivalve molluscs harvesting, depuration, relaying, processing and raw material trading shall be subject to this Regulation's amendment.

Article 3: For the purpose of this Regulation,

1. Harvesting area: an area distributed by cultured or natural bivalve mollusks, which are harvested for foodstuff purpose.
2. Infection: the entrance of unwanted element into bivalve molluscs
3. Dissolution of extraneous matters: a process of bivalve molluscs from permitted harvesting areas with appropriate instruments in order to sort out sandy, muddy or slimy matter at the maximum acceptant rate.
4. Depuration: a process to keep infected bivalve molluscs in natural or well-treated marine water within appropriate instruments, during necessary time and under acceptable conditions and control, in order to make bivalve molluscs available for direct consumption (live eating).
5. Relaying: to bring bivalve molluscs from contaminated area to other purified waters during necessary time under the supervision of competent body.
6. Harvesting unit: an organization or individual harvesting bivalve molluscs in harvesting area.
7. Raw material trading unit: an organization or individual collecting, preserving and transporting raw bivalve molluscs from harvesting area to consumption place.

Article 4: The basis for bivalve molluscs hygiene and safety control are:

1. All regulations set out in Ordinance of fisheries resources protection and development proclaimed by State Council of Socialist Republic of Vietnam on 25 April 1989.
2. Criteria of Vietnam and standards pursuant to fisheries sector regarding environment, protection of fisheries resources, hygiene and safety as well as other relevant regulations.

Article 5: Department of Science and Technology is a body to assist Fisheries Minister implementing hygiene and safety control of bivalve molluscs harvest.

Article 6: Fisheries resources protection Department is a body to assist Fisheries Minister in its State management functions on protection of bivalve molluscs.

Article 7: Fisheries Department, Agriculture and Rural Development Department (concerning management of fisheries field) are bodies to implement State management functions at localities with regard to hygiene and safety control of bivalve mollusc harvest.

Article 8: Fisheries hygiene and quality control Centre is a body organizing and exercising control activities of hygiene and safety of harvesting sites, regulating status of harvesting, control and certify conditions of hygiene and safety of post-harvest processing units (hereafter referred to as Bivalve Molluscs Hygiene and Safety Inspection Agency).

Article 9: Fisheries resources protection sub-department is a body organizing and exercising control activities of bivalve molluscs harvesting at localities (hereinafter referred to as Harvesting Investigation Agency).

Chapter II

Duties and authorities of Control Agencies of Bivalve Mollusc Hygiene and Safety in Harvesting

Article 10: Duties and authorities of Department of Science and Technology:

1. Based on real state, organizing survey activities to establish and amend Control program on Hygiene and Safety of Bivalve Molluscs in harvesting then submit to Ministry of Fisheries for approval.
2. Hold training course on control hygiene and safety of bivalve mollusc in harvesting ; making guidelines on regulations so as to set up the close coordination from Central to localities.
3. Establish and submit to Ministry of Fisheries in order to issue technical process, sectoral standards and other documents related to control of bivalve molluscs hygiene and safety.
4. Chair the cooperation among relevant agencies to inspect the control of hygiene and safety in bivalve molluscs harvesting.

Article 11: Duties and authorities of Fisheries Resources Protection Department:

Direct sub-departments of fisheries resources protection in implementation of relevant regulations set out in this Regulation.

Article 12: Duties and authorities of Fisheries Department or Agriculture and Rural Development Department (related to fisheries management)

1. Direct the Harvesting Investigation Agency to organize and carry out Regulation in every unit which specialize in bivalve molluscs harvesting, depuration, relaying and raw material trading.
2. Control the implementation of Regulation of Harvesting Investigation Agency.
3. Make 6-month periodic reports as well as ad hoc ones on request of Ministry of Fisheries regarding investigating activities of hygiene and safety of bivalve molluscs harvesting within their scope of management.
4. Based on annual actual development of bivalve mollusc resources in localities, Fisheries Department or Department of Agriculture and Rural Development (related to fisheries management) shall make proposal to Ministry of Fisheries to expand or narrow the harvesting areas of bivalve molluscs then make plan to Program on hygiene and safety control of bivalve molluscs harvesting.

Article 13: Duties of Bivalve molluscs hygiene and safety inspection agency:

1. Establish annually estimated budget from State budget for getting samples and analyzing hygiene and safety parameters in harvesting area of bivalve molluscs then submit to Ministry of Fisheries for approval.
2. According to approved Program on hygiene and safety control of bivalve molluscs harvesting, collect samples to analyze hygiene and safety parameters for each harvesting area.
3. Unify activities of agencies responsible for analysing hygiene and safety parameters in environment and in bivalve molluscs flesh and take responsibility of the analyzed results.
4. Based on analysed results of hygiene and safety parameters to classify harvesting areas, regulating harvesting status and sending an announcement concerning harvesting status in accordance with form 02 TS/QLNT to Harvesting Investigation Agencies 3 days before harvesting crop.
5. Cooperate with relevant bodies to investigate, propose the contents that need amendment; supplement Program on hygiene and safety control of bivalve molluscs harvesting so as to make it suitable with the actual state of each period.
6. Organize training course on hygiene and safety control of bivalve molluscs harvesting, guiding the progress and stipulations during the implementation.
7. Cooperate with Harvesting Investigation Agency to check and certify hygiene and safety conditions of units specialized in bivalve molluscs depuration and relaying.

8. Make 6-month periodic report to Ministry of Fisheries (Department of Science and Technology) regarding the results of implementation of Program on hygiene and safety control of bivalve molluscs harvesting.

Article 14: Authorities of Bivalve molluscs hygiene and safety inspection agency:

1. Require Harvesting Investigation Agency to duly and timely implement the harvesting status and provide monitoring data of bivalve molluscs within their management localities.

2. Cooperate with Harvesting Investigation Agency in collecting water and bivalve mollusc samples from each harvesting area.

Article 15. Duties of Harvesting Investigation Agency

1. Announce the regulation on harvesting and processing status of Bivalve molluscs hygiene and safety inspection Agency to the units specialized in harvesting, depuration and delaying in localities.

2. Grant license for bivalve molluscs harvesting:

After receiving application for harvesting license of harvesting units, Harvesting Investigation Agency shall follow below steps:

- Consider, guide the amendments of contents which are lack of information or incorrect.

- Grant harvesting license to harvesting units; validity of a harvesting license is 6 months. Time for completion of licensing procedures is not over 5 days from the date of receiving harvesting license application.

3. Give certificate of bivalve molluscs origin:

Certificate of bivalve molluscs origin shall be made in 02 documents (one original and one copy) with the same content. The copy one will be kept at Harvesting Investigation Agency, harvesting units will keep the original one. In case the harvesting units need more copy ones, Harvesting Investigation Agency will consider and supply more if needed.

4. Guide and monitor the implementation of harvesting status of harvesting areas included in Program approved by Ministry of Fisheries.

5. Statistic and keep the harvesting data of bivalve molluscs in each harvesting area, keep files on harvesting control (certificate of origin of bivalve molluscs, application for bivalve molluscs harvesting, harvesting status and post-harvest treatment)

6. Organize training course on hygiene and safety control of bivalve molluscs harvesting, guide the progress and stipulations on the implementation process.

7. Collect water sample and sample of bivalve molluscs in accordance with the plan of Bivalve molluscs hygiene and safety inspection agency.

8. Report regime:

- Monthly report the results of local harvesting investigation activities to Bivalve molluscs hygiene and safety inspection Agency.

- Every six month, report the results of local harvesting investigation activities to Fisheries Department and Department of Fisheries Resources.

Article 16: Authorities of Harvesting Investigation Agency:

1. Cooperate with relevant bodies in localities to check the implementation of regulations on harvesting status in each harvesting area.

2. Require harvesting and raw material units to provide evidence related to origin of raw material lots before granting certificate of origin of bivalve molluscs.

3. Have rights to suspend, revoke the application of harvesting certificate depending on the seriousness of violations of harvesting units.

4. Have right to collect fees, fee for granting harvesting certificate and certificate of origin of bivalve molluscs in accordance with regulation set out in Article 22 of this Regulation.

Chapter III

Duties of units specialized in bivalve molluscs harvesting, depuration, relaying and raw material trading and processing

Article 17: Duties of harvesting units

1. Apply for harvesting license of bivalve molluscs to local Harvesting Investigation Agency in accordance with form 01-TS/QLNT

2. Comply with harvesting status regulated by Bivalve molluscs hygiene and safety inspection Agency; fill in the declaring part in certificate of origin of bivalve molluscs for each lot (in accordance with form 03-TS/QLNT)

3. Give certificate of origin of bivalve molluscs as well as each lot of raw material to customer.

4. Pay fee for harvesting license, fees for certificate of origin of bivalve molluscs to Harvesting Investigation Agency pursuant to Article 22 of this Regulation.

Article 18: Duties of delaying units

1. Delay bivalve molluscs in waters recognized by Ministry of Fisheries.

2. Maintain delaying status in accordance with regulation of Bivalve molluscs hygiene and safety inspection Agency.
3. Harvest bivalve mollusc only after delaying as Bivalve mollusc hygiene and safety inspection Agency approved the assurance on hygiene and safety and comply with all regulations set out in Article 17 of this Regulation.
4. Make relevant files available

Article 19 Duties of depuration units:

1. Comply with post-harvest processing status of bivalve molluscs in accordance with regulations of Bivalve molluscs hygiene and safety inspection Agency.
2. Only consume depured bivalve molluscs as competent Agency approved the assurance of hygiene and safety.
3. Give certificate of origin, certificate of bivalve molluscs depuration with raw material lot for customer.
4. Maintain conditions ensuring hygiene and safety in process of depuration and make relevant files available.

Article 20: Duties of raw material trading units:

1. Comply with technical regulations on collecting, preserving, transporting bivalve molluscs material of Ministry of Fisheries
2. Give certificate of origin of bivalve molluscs with raw material lot to customer.

Article 21: Duties of processing units

1. It is not permitted to use bivalve molluscs which were harvested from prohibited harvesting areas for processing materials
2. Send certificate of origin of bivalve molluscs with application file of hygiene certificate of final product lots to Bivalve mollusc hygiene and safety inspection Agency before delivering to consumption market.
3. Maintain conditions ensuring hygiene and safety as well as keep relevant files

Chapter IV

Fees

Article 22: All sorts of fees shall be imposed in accordance with Government Decree 04/1999/ND-CP dated 30 January 1999 on fees under State budget, Circular 54/1999/TT-BTC dated 10 May 1999 guiding the implementation of Decree 04/1999/ND-CP and other related documents of Ministry of Finance and Ministry of Fisheries.

Article 23: Fees for collecting samples and checking the hygiene and safety parameters shall be given by State budget in accordance with annually estimated budget of Bivalve molluscs hygiene and safety inspection Agency.

Chapter V

Complaints and violation treatment

Article 24. Every organization and individual shall have right to complain and prosecute to competent levels with respect to violations occurred in the implementation of this Regulation.

Article 25. Every organization and individual breaking this Regulation, depending on the seriousness of the violations, shall be punished administratively or criminally in accordance with regulations of legislation.

Chapter VI

Executive Provisions

Article 26: The previous regulations which are contrary to this Regulation shall be abolished. Any amendment or supplement of this Regulation's contents shall be decided by Fisheries Minister.

For Fisheries Minister
Deputy Minister
Nguyen Thi Hong Minh

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APPLICATION FOR BIVALVE MOLLUSCS HARVESTING

To: Harvesting Control Agency of Provincial City

Name of harvester:.....

Address and Tel:.....

Area registered for harvesting:.....

Kind of bivalves registered for harvesting:.....

Harvesting method:.....

Quantity per year*:.....

Hereby request Harvesting Control Agency to permit the bivalve molluscs harvesting as above application.

The Harvester commit to follow strictly The regulation on monitoring hygiene and safety conditions for harvesting areas of bivalve molluscs adopted by Ministry of Fisheries on.....

Harvesting Control Agency

Date.....

Harvester

(Sign)

** Apply for natural harvesting zone only*

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HARVESTING STATUS AND POST-HARVEST TREATMENT

No:

Bivalve Molluscs Hygiene and Safety Inspection Agency:.....

Address:.....

According to Hygiene and Safety parameter testing results forsampling of.....

HEREBY ANNOUNCES

The Harvesting Control Agency of....., bivalve molluscs Harvesting, Depuration, Relaying and processing Establishment are required to implement the following harvesting status and post-harvest treatment*:
.....
.....

for the harvesting site:.....from.....to.....

Date:.....

Representative of Hygiene and Safety Inspection Agency
(Sign and Stamp)

*Describe clearly harvesting status and post-harvest treatment

- Closed
- Open for harvesting for direct consumption
- Open for harvesting but purification (relaying) and/or heat treatment is required before consumption.

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CERTIFICATE OF ORIGIN OF BIVALVE MOLLUSCS

No:

1 . DECLARATION OF HARVESTER

Harvester:.....
Address:.....
Harvesting date:.....
Kind of bivalve molluscs:.....Weight.....kgs
At the site name:.....

Harvesting Controller
(Sign)

Representative of Harvesting
Establishment
(Sign)

2. OPINION OF HARVESTING CONTROL AGENCY

Bivalve mollusc harvesting control Agency:.....
Address:.....
According to the announcement No.....dated.....of Hygiene and safety
inspection agency

HEREBY CERTIFIES

The lot of the above mentioned raw
material*.....
.....
.....
.....

Date.....

Representative of harvesting control agency
(Sign and Stamp)

*Describe clearly harvesting status and post-harvest treatment

- For direct consumption
- Purification or relaying and/or heat treatment is required before consumption