

BUSINESS CONDITIONS OF A NUMBER OF FISHERIES TRADES

Pursuant to the Government's Decree No. 43/2003/ND-CP of May 2, 2003, defining the functions, tasks, powers and organizational structure of the Ministry of Fisheries;

Pursuant to the Government's Decree No. 59/2005/ND-CP of May 4, 2005, on production and business conditions of a number of fisheries trades (hereinafter referred to as the Decree), the Ministry of Fisheries hereby guides the implementation of the Decree as follows:

I. On general provisions (guiding some provisions of Chapter I of the Decree)

1. Guidance on Clause 2, Article 1 of the Decree:

The conditions on organizations and individuals producing, trading in, importing and circulating veterinary drugs, bio-products, microorganisms and chemicals used in aquatic animal medicine and conditions on individuals practicing aquatic animal medicine shall comply with the provisions of the Ordinance on Veterinary Medicine and the Government's Decree No. 33/2005/ND-CP of March 15, 2005, detailing the implementation of the Ordinance on Veterinary Medicine (hereinafter referred to as Decree No. 33/2005/ND-CP), specifically:

a/ Conditions for production, processing and portioning of veterinary drugs, bio-products, microorganisms and chemicals used in aquatic animal medicine shall be as defined in Article 38 of the Ordinance on Veterinary Medicine and Article 52 of Decree No. 33/2005/ND-CP.

b/ Conditions for trading in veterinary drugs, bio-products, microorganisms and chemicals used in aquatic animal medicine shall be as defined in Article 39 of the Ordinance on Veterinary Medicine and Article 54 of Decree No. 33/2005/ND-CP.

THE MINISTRY OF FISHERIES

CIRCULAR No. 02/2006/TT-BTS OF MARCH 20, 2006, GUIDING THE IMPLEMENTATION OF THE GOVERNMENT'S DECREE No. 59/2005/ND-CP OF MAY 4, 2005, ON PRODUCTION AND

c/ Conditions for import of veterinary drugs, bio-products, microorganisms and chemicals used in aquatic animal medicine shall be as defined in Article 48 of the Ordinance on Veterinary Medicine and Article 53 of Decree No. 33/2005/ND-CP.

d/ Conditions for permission to circulate in Vietnam veterinary drugs, bio-preparations, microorganisms and chemicals used in aquatic animal medicine which are newly produced or imported for the first time in the country shall be as defined in Article 40 of the Ordinance on Veterinary Medicine and Article 57 of Decree No. 33/2005/ND-CP.

e/ Conditions on aquatic animal medicine practitioners who practice their profession within the scope defined in Article 52 of the Ordinance on Veterinary Medicine shall be as defined in Article 53 of the Ordinance on Veterinary Medicine and Article 64 of Decree No. 33/2005/ND-CP.

2. Cases not subject to Decree No. 59 (Clause 3, Article 2 of the Decree):

a/ Households and individuals involved in aquaculture, aquatic product processing, trading in aquatic materials for food processing (including trading in, collecting, preserving and transporting aquatic products) on a small scale and by manual methods shall not be subject to the Decree when they earn low incomes according to the provisions of Clause 2, Article 24 of the Government's Decree No. 109/2004/ND-CP of April 2, 2004, on business registration (hereinafter referred to as Decree No. 109/2004/ND-CP), provided that they ensure all conditions for food hygiene and safety and environmental protection as provided for by the laws on food hygiene and safety and environmental protection.

b/ Business conditions on organizations and individuals trading in raw, fresh and processed aquatic products; collecting, preserving and transporting aquatic products for direct human consumption shall be as defined in the Government's Decree No. 73/

2002/ND-CP of August 20, 2002, on the addition of commercial goods and services to List 1 of goods banned from circulation and commercial services banned from provision; List 3 of goods and commercial services subject to business conditions issued together with the Government's Decree No. 11/1999/ND-CP of March 3, 1999, and the Fisheries Ministry's Circular No. 03/2002/TT-BTS of December 31, 2002, guiding the implementation of this Decree.

II. Provisions on aquatic resource exploitation permits

1. Form of aquatic resource exploitation permit (Clause 3, Article 4 of the Decree).

The Aquatic Resource Exploitation and Protection Department shall be responsible for issuing the form of aquatic resource exploitation permit as defined in Appendix 1 to this Circular for nationwide use.

2. Conditions for the grant of aquatic resource exploitation permits:

To be granted permits, organizations and individuals must meet all the conditions defined in Clause 1, Article 5 of the Decree, specifically:

a/ Having certificates of fishing vessel registration, for powered fishing vessels with total main motor capacity of 20 horse powers or more or non-powered vessels with a design waterline length of 15 m or more; the registration of non-powered fishing vessels with a capacity of over 0.5 ton and a length of under 15 m or powered vessels with total main engine capacity of under 20 CV shall comply with the Government's Decree No. 66/2005/ND-CP of May 19, 2005, on assurance of safety for persons and fishing vessels engaged in fisheries activities (hereinafter referred to as Decree No. 66/2005/ND-CP) and the Fisheries Ministry's Circular guiding the implementation of this Decree.

b/ Having certificates of technical safety, for types

of vessel defined at Point a, Clause 1, Article 10 of Decree No. 66/2005/ND-CP, which are still valid;

c/ Having crewmember books, for vessels operating along exploitation routes defined in Clause 3, Article 12 of Decree No. 66/2005/ND-CP.

d/ Having shipmaster's and chief engineer's diplomas according to current regulations of the Ministry of Fisheries;

e/ Practicing suitable exploitation trades and possessing fishing gear according to regulations of the Ministry of Fisheries and regulations of the provincial-level People's Committees already approved by the Ministry of Fisheries.

The Ministry of Fisheries shall provide for:

- The ban on use of fishing gear with mesh sizes smaller than those specified in Appendix 2 or Appendix 3 to this Circular;

- The compliance of means used in exploiting aquatic resources with the aid of artificial light with the following regulations on the use of lighting sources in aquatic resource exploitation:

- + In coastal areas, the total capacity of lighting equipment used by a single exploiting unit shall not exceed 200 W for *ro* (liftnet) fishing (with lift nets handled with a manual spinning reel) or 500 W, for squid fishing.

- + For inshore areas: the total capacity of lighting equipment used by a single exploiting unit shall not exceed 5,000 W, for fishing with *luoi vay* (purse seine), *vo, manh* (lift net), fishing squid with hook or cast net, and *pha xuc* (fishing with stick-held dip net); light bulbs used in *pha xuc* fishing shall have an output of no more than 2,000 W each and must be installed over 1.2 m above water surface.

- + For offshore areas: No limit is set on the total capacity of lighting equipment and the output of each light bulb.

- + The distance between the location of a lighting

post and the location of *cha rao* (artificial luring objects) or a fixed fishing trade shall not be less than 500 m.

f/ Apart from the conditions defined at Points a, b, c, d and e of this Clause, the certificate of aquatic resource exploitation business registration defined in Clause 1, Article 17 of the Law on Fisheries is also required, except for cases not subject to business registration defined in Clause 2, Article 24 of Decree No. 109/2004/ND-CP.

3. In implementation of Clause 2, Article 5 of the Decree, organizations and individuals shall not be granted aquatic resource exploitation permits in the following cases:

- a/ Exploitation of aquatic resources in no-exploitation areas in marine conservation zones, inland water conservation zones, areas where exploitation is banned for definite periods in a year as defined in Appendix 4 to this Circular and according to regulations of provincial-level People's Committees already approved by the Ministry of Fisheries.

- b/ Exploitation of objects banned from exploitation or banned from exploitation for definite periods (during the ban time) as defined in Appendix 5 and Appendix 6 to this Circular and according to regulations of the provincial-level People's Committees already approved by the Ministry of Fisheries; exploitation of aquatic species on the list of those whose reserves are seriously diminishing or threatened with extinction according to decisions of the Ministry of Fisheries which remain effective; exploitation for use as seeds of aquatic species which live in natural water areas and are of sizes smaller than the minimum sizes permitted for exploitation as defined in Appendix 7 to this Circular, except for cases permitted by provincial-level state management agencies in charge of aquatic resource exploitation and protection;

- c/ Prohibited aquatic resource exploitation activities include:

- Activities of exploiting aquatic resources with

dynamite, electricity, electricity-generating or electric pulse-charging devices, chemicals or noxious substances.

- Specialized trades or gears for catching puffer;
- Fishing trades using fishing gear with mesh sizes smaller than the sizes specified at Point e, Clause 2, Section II of this Circular;

- Fishing trades and vessels of types banned from operation along certain exploitation routes:

- + For onshore fishing, the following trades are banned: trawl fishing (excluding trawling to fish small shrimps in surface water layer), light fishing (excluding fishing with lift net, hand line of squid) and other fishing trades banned by provincial-level People's Committees and approved by the Ministry of Fisheries; fishing trades employing fishing vessels with a main motor capacity larger than or a design waterline length longer than the level defined in the Government's decree on management of exploitation of aquatic resources by Vietnamese organizations and individuals in Vietnam's seas.

- + For inshore fishing, the following fishing trades are banned: light fishing using lighting sources exceeding the level defined at Point e, Clause 2, Section II of this Circular; fishing with fishing vessels having a main motor capacity larger than or a design waterline length longer than the level defined in the Government's decree on management of exploitation of aquatic resources by Vietnamese organizations and individuals in Vietnam's seas.

d/ Newly built fishing vessels with a main motor capacity or employing fishing trades banned from development according to regulations of the Ministry of Fisheries or regulations of provincial-level People's Committees already approved by the Ministry of Fisheries.

The Ministry of Fisheries bans the development of:

- Light fishing in coastal and inshore areas;

- Fishing trades with *te, xiep, xich, day* nets in rivers or seabed;

- Powered vessels with a capacity of under 90 horse powers, used for fishing with trawl nets;

- Powered vessels with a capacity of under 30 horse powers, used for other fishing trades.

4. Procedures and process of grant and extension of aquatic resource exploitation permits:

a/ First-time application for permits or extension of permits:

- The procedures and process of and fees for the grant or extension of permits shall comply with the provisions of Article 6 of the Decree.

The form of application for a permit is included in Appendix 8 to this Circular (not printed herein).

The form of application for extension of a permit is included in Appendix 9 to this Circular (not printed herein).

- The validity duration of an extended permit shall comply with the provisions of Clause 3, Article 5 of the Decree. Each permit may be extended for no more than 03 times.

b/ Renewal and re-grant of permits:

- Permits may be re-granted in the following cases:

- + Permits are torn out in the course of use;

- + Permits are lost for plausible reasons certified by local administrations in localities where fishing vessels are registered.

- Permits may be renewed in the following cases:

- + There is a change in the fishing vessel, fishing gear, area and time of operation;

- + Permits have been extended three times.

- A dossier of application for renewal or re-grant of a permit comprises:

- + An application for renewal or re-grant of permit, with certification given by the People's Committee of

the commune or ward where the fishing vessel owner resides or by the managing agency (in case of loss of permits), made according to the form included in Appendix 10 to this Circular (not printed herein), enclosed with the old permit (except for the case of loss of permits);

- + The fishing vessel's certificate of registration as prescribed in this Circular;

- + The fishing vessel's certificate of technical safety, for cases of application for renewal of permits for changed vessels subject to registration.

- The validity duration of a re-granted permit shall be that of the granted permit; the validity duration of a renewed permit shall comply with the provisions of Clause 2, Article 4 of the Decree.

- The rates of fee for renewal or change of permits shall comply with current regulations of the Ministry of Finance.

5. Cases of permit withdrawal (Clause 4, Article 5 of the Decree):

Cases of permit withdrawal are specified in Article 18 of the Fisheries Law. Other acts of violation subject to permit withdrawal as prescribed by law include:

Depriving of the right to use permits for acts specified in Clause 2, Clause 3, Article 9; revoking permits for acts specified in Clause 8, Article 10 of the Government's Decree No. 128/2005/ND-CP of October 11, 2005, providing for sanctioning administrative violations in the fisheries domain.

6. Permit-granting agencies (Article 7 of the Decree)

Agencies competent to grant, extend, renew, re-grant and withdraw permits are defined in Article 7 of the Decree. For large provinces with large numbers of fishing vessels, provincial-level Services performing the state management of fisheries may propose provincial-level People's Committees to authorize district-level People's Committees to grant, renew, re-

grant and withdraw permits with regard to powered fishing vessels with a main motor capacity of under 20 CV or non-powered fishing vessels with a design waterline length of under 15 m.

III. Legal grounds for regulations on production and business conditions of a number of conditional production and business lines

1. Production of and trading in fishing gear and aquatic resource exploitation equipment (Article 9 of the Decree)

- a/ In implementation of the provisions of Clause 3, Article 9 of the Decree, workshops, storehouses, equipment and system for treatment of wastewater, solid waste and exhaust gases of establishments producing fishing gear and aquatic resource exploitation equipment must ensure environmental protection standards specified in Vietnam standards No. 6.1 and 6.2, Section 6 of Appendix 11 to this Circular.

- b/ In implementation of the provisions of Clause 5, Article 9 of the Decree, establishments producing fishing gear and aquatic resource exploitation equipment must comply with the following provisions of law:

- Goods being fishing nets must comply with the provisions of Clause 5, Section A, Part II of the Fisheries Ministry's Circular No. 03/2000/TT-BTS of September 22, 2000, guiding the implementation of the Prime Minister's Decision No. 178/1999/QĐ-TTg of August 30, 1999, promulgating the Regulation on labeling of domestically circulated goods and imports and exports, regarding aquatic products.

- Aquatic resource exploitation equipment must comply with the provisions of Section II of the Trade Ministry's Circular No. 34/1999/TT-BTM of December 15, 1999, guiding the Prime Minister's Decision No. 178/1999/QĐ-TTg of August 30, 1999, promulgating the Regulation on labeling of domestically circulated

goods and imports and exports.

c/ In implementation of the provisions of Clause 6, Article 9 of the Decree, establishments producing fishing gear and aquatic resource exploitation equipment shall comply with the following provisions:

- Refraining from producing or trading in fishing gear with mesh sizes smaller than those specified at Point e, Clause 2, Section II of this Circular;

- Refraining from producing or trading in explosives, detonators, fuses, electricity-generating or electric purse-charging devices.

- Refraining from producing or trading in fishing gear or aquatic resource exploitation equipment banned from use according to regulations of the Ministry of Fisheries or of provincial-level People's Committees already approved by the Ministry of Fisheries.

2. Fishing vessel building and transformation (guidance on Clause 4, Article 10 of the Decree)

a/ Workshops, equipment of establishments building or transforming vessels of different types (according to vessel-building materials and vessel sizes) must satisfy technical specifications set by the Ministry of Fisheries.

b/ The establishments' waste water and solid waste treatment systems must satisfy environmental protection requirements according to Vietnam standards stated at Point a, Clause 1, Section III of this Circular.

3. Aquatic seed production and trading (Article 11 of the Decree)

Organizations or individuals producing and/or trading in (providing preservation services for) aquatic seeds must fully meet the conditions specified in Article 11 of the Decree, specifically:

a/ They must have certificates of business registration issued by competent business registration

agencies (Point a, Clause 1, Article 11), except for cases with low incomes specified in Clause 2, Article 24 of Decree No. 109/2004/ND-CP;

b/ The establishments' material and technical foundations, technical facilities and equipment, water supply and drainage, wastewater treatment systems, means of transport and preservation facilities must meet technical and veterinary sanitary requirements as well as environmental protection conditions (Point c, Clause 1, Article 11) according to current provisions of law.

Legal provisions already promulgated and included in this Circular include:

- Promulgated Vietnam standards and branch standards stated in Sections 1 and 2, Appendix 11 to this Circular;

- Provisions of Appendix 12 and Appendix 13 to this Circular.

c/ Establishments producing and/or trading in parental or commercial breed stocks must have technical employees who possess certificates of training in aquacultural techniques issued by aquaculture research institutes or centers or aquaculture training schools, except for technicians already possessing an intermediate or higher degree in aquaculture (Point d, Clause 1, Article 11);

d/ Aquatic seed production establishments must apply the compulsory technical process in aquatic seed production in accordance with regulations of the Ministry of Fisheries (Point g, Clause 1, Article 11). The Ministry of Fisheries has promulgated the technical process recommended for the production of certain aquatic seeds (Section 3, Appendix 11 to this Circular);

e/ Establishments producing and/or trading in male, female breeds, seed sperms, eggs and larvae of aquatic animals must have technical employees who possess certificates of training in artificial fertilization, embryo inoculation, egg-hatching techniques or

aquatic breeding technologies, issued by aquaculture research institutes or centers or aquaculture training schools, except for technicians possessing an intermediate or higher degree in aquaculture (Point b, Clause 2, Article 11);

f/ Establishments producing and/or trading in male, female breeds, seed sperm and larvae of aquatic animals must comply with the regulations on management, exploitation and use of sperms and embryos and the environment for preservation and preparation of sperms and embryos; regulations on management, exploitation and use of male, female breeds, seed sperms, eggs and larvae of aquatic animals issued by the Ministry of Fisheries (Points c and e, Clause 2, Article 11).

4. Aquaculture (guidance on Clauses 3 and 4, Article 12 of the Decree)

a/ Aquaculture establishments must ensure technical conditions and criteria on aquaculture as well as criteria on veterinary sanitation, food safety and hygiene according to current provisions of law.

Current branch standards are stated in Section 4, Appendix 11 to this Circular.

b/ Current standards and regulations on environmental protection related to aquaculture establishments are stated in Section 2, Appendix 11 to this Circular.

Shrimp culture establishments in concentrated shrimp culture areas must observe regulations on management of the environment in concentrated shrimp culture areas, promulgated together with the Fisheries Minister's Decision No. 04/2002/QĐ-BTS of January 24, 2002.

c/ For use in aquaculture, feeds, veterinary drugs, bio-products, microorganisms and chemicals must comply with the following provisions:

- They are on the list of those permitted for circulation in Vietnam, as announced by the Ministry

of Fisheries;

- They do not contain substances on the list of chemicals and antibiotics banned from use, promulgated together with the Fisheries Minister's Decision No. 07/2005/QĐ-BTS of February 24, 2005, and other current provisions of law;

- Establishments culturing aquatic animals for commercial purposes must observe regulations on control of noxious residues in cultured animals and products thereof, issued together with the Fisheries Minister's Decision No. 15/2002/QĐ-BTS of May 17, 2002.

5. Production of aquatic animal feeds (guidance on Clause 2 and Clause 4, Article 13 of the Decree)

a/ Workshops, storehouses, facilities and equipment as well as waste treatment systems of establishments producing aquatic animal feeds must ensure veterinary sanitation standards applicable to produced aquatic animal feeds according to current provisions of law.

b/ Workshops, storehouses, facilities and equipment as well as waste treatment systems of establishments producing aquatic animal feeds must meet water and air environment protection requirements according to Vietnam standards stated in Section 6, Appendix 11 to this Circular.

6. Trading in aquatic animal feeds (guidance on Clauses 3, 4 and 5, Article 14 of the Decree)

a/ Preservation, display and sale places must be airy and dry to ensure the quality of feeds. Storehouses, preservation containers and places of display of aquatic animal feeds must be separated from areas where aquatic animal drugs, cattle and poultry feeds, plant protection drugs or other veterinary drugs for agricultural use are kept (for establishments trading in these goods);

Sale places must be at least 100 m far from garbage sites and places of manufacture emitting a

lot of noxious dust or substances; there must be securely closed tanks and baskets for containing baggage.

b/ Sale managers or salespersons must possess an intermediate or higher degree in aquaculture or certificates of training in aquatic animal feeds issued by aquaculture research institutes or centers or aquaculture training schools, agencies performing the state management of aquatic animal health or fisheries extension agencies.

c/ Traded feeds must ensure veterinary sanitary criteria set in branch standards stated in Section 5, Appendix 11 to this Circular.

d/ Traded feeds must be on the list of aquatic-animal feeds permitted for ordinary use (permitted for circulation in Vietnam), announced by the Ministry of Fisheries;

e/ Traded feeds must be contained in packages labeled according to the provisions of Clause 3, Section A, Part II of the Fisheries Ministry's Circular No. 03/2000/TT-BTS, guiding the implementation of the Prime Minister's Decision No. 178/1999/QĐ-TTg of August 30, 1999, promulgating the Regulation on labeling of domestically circulated goods and imports and exports, regarding aquatic products. On such labels must be shown the commitment "Feeds do not contain banned substances according to regulations of the Ministry of Fisheries."

7. Processing of aquatic products (guiding Clause 3, 4 and 6, Article 15 of the Decree)

a/ Conditions of food hygiene and safety on aquatic product-processing establishments are defined in branch standards stated in Section 7, Appendix 11 to this Circular.

b/ Aquatic product-processing establishments shall comply with the regulations on management of the environment in aquatic product-processing establishments, issued together with the Fisheries Minister's Decision No. 19/2002/QĐ-BTS of

September 18, 2002.

Newly built aquatic product-processing establishments must prepare environmental impact assessment reports which describe solutions to treatment of waste (solid, liquid and gaseous) in conformity with environmental standards and environment monitoring regime. Such a report must be approved by the provincial-level environment management agency.

Operating aquatic product-processing establishments must ensure waste standards as defined in Vietnam standards and branch standards stated in Section 6, Appendix 11 to this Circular.

c/ Agencies competent to grant certificates of assurance of food hygiene and safety conditions in the fisheries domain to establishments (including establishments processing aquatic products for use as food) are defined in Joint Circular No. 24/2005/TTLT-BYT-BTS of December 8, 2005, of the Ministry of Health and the Ministry of Fisheries, guiding the assignment of and coordination in the state management of aquatic food hygiene and safety and shall comply with current regulations of the Ministry of Fisheries. Branch standards stated in Section 7, Appendix 11 to this Circular shall serve as the basis for inspection and recognition (grant of certificates to) of establishments processing aquatic products for use as food to assure all food hygiene and safety conditions.

d/ Laborers directly involved in processing aquatic products must be free from contagious diseases stipulated by the Ministry of Health (possessing certificates of satisfaction of all health conditions, issued by competent health agencies), must have regular medical checks-up according to branch standards No. 7.1 and No. 7.3 stated in Section 7, Appendix 11 to this Circular.

8. Trading in aquatic raw materials for food processing (guidance on Clauses 3, 4 and 5, Article 16 of the Decree)

a/ Establishments' workshops, storehouses,

equipment, instruments and means of collection and purchase, preservation and transport of aquatic products must meet food hygiene and safety conditions according to branch standards No. 7.9 and No. 7.1 (for establishments engaged in preliminarily processing aquatic products) in Section 7, Appendix 11 to this Circular.

b/ Business and service establishments may use only food additives and chemicals on the list of those permitted for use in food issued together with the Health Ministry's Decision No. 3742/2001/QĐ-BYT of August 31, 2001, and comply with the Fisheries Ministry's regulations in branch standard No. 7.8, Section 7, Appendix 11 to this Circular.

c/ Business and service establishments must ensure waste standards for environmental protection according to regulations of Vietnam standard No. 6.1, Section 6, Appendix 11 to this Circular, and meet veterinary sanitation requirements set in branch standard No. 7.9, Section 7, Appendix 11 to this Circular.

IV. Inspection, examination of production and business conditions; handling of violations

1. Responsibilities for inspection and examination of fisheries production and business conditions (guidance on Clause 1, Article 17 of the Decree)

a/ The fisheries inspectorate under the Ministry of Fisheries shall be responsible for:

- Giving unified direction nationwide of the inspection and examination of the observance of law in fisheries production and business establishments' activities governed by the Decree;
- Directly or in coordination with concerned agencies within and outside the fisheries sector inspecting and examining fisheries production and business activities when necessary; supervising the performance of inspection and examination tasks by the fisheries inspectorates under provincial/municipal

Fisheries Services or provincial/municipal Services responsible for state management of fisheries (hereinafter collectively referred to as Fisheries Services) with regard to fisheries production and business activities.

- Directing the fisheries inspectorates under Fisheries Services to implement the Fisheries Ministries' regulations on inspection and supervision of fisheries production and business activities of local organizations and individuals as well as ministries', central branches' and armed forces' economic units based in their localities; and, when necessary, coordinating with concerned local agencies in performing this task.

b/ Responsibilities of the Aquatic Resource Exploitation and Protection Department and the Aquatic Product Quality, Safety and Hygiene and Aquatic Veterinary Medicine Management Department:

- To give unified direction nationwide of the supervision of fisheries production and business conditions within the scope of regulation of the Decree according to their respective tasks defined in current legal documents;

- When necessary, to examine directly or in coordination with the fisheries inspectorate under the Ministry of Fisheries and concerned agencies within and outside the fisheries sector fisheries production and business conditions according to their assigned respective tasks;

- According to their assigned respective functions and tasks, to direct sub-departments in charge of state management of aquatic resource exploitation and protection and aquatic product quality, safety and hygiene and aquatic animal medicine in localities to examine fisheries production and business conditions of local organizations and individuals as well as ministries', central branches' and armed forces' economic units based in their localities; and, when necessary, coordinating with concerned local agencies

in performing this task.

c/ Provincial-level fisheries inspectorates and sub-departments in charge of state management of aquatic resource exploitation and protection and aquatic product quality, safety and hygiene and aquatic animal medicine shall be responsible for inspecting and examining fisheries production and business activities according to their competence defined in current legal documents.

2. Handling of violations

a/ Organizations and individuals committing administrative violations of the provisions of the Decree and this Circular shall be administratively handled under the Government's Decree No. 128/2005/ND-CP of October 11, 2005, providing for sanctioning of administrative violations in the fisheries domain and other relevant provisions of law (the 2002 Ordinance on Handling of Administrative Violations and the Government's Decree No. 134/2003/ND-CP of November 14, 2003, detailing the implementation of a number of articles of the 2002 Ordinance on Handling of Administrative Violations).

b/ Acts for which legal grounds for determining their severity of violation are not available shall not be handled.

V. Organization of implementation

1. This Circular takes effect 15 days after its publication in "CONG BAO" and replaces Circular No. 02/2002/TT-BTS of December 6, 2002, guiding the implementation of the Government's Decree No. 86/2001/ND-CP of November 16, 2001, on fisheries business conditions.

This Circular replaces the provisions of Section A; Clauses 1, 2, 4 and 5, Section B, Part III of the Circular guiding the implementation of the Government's Decree No. 73/2002/ND-CP of August 20, 2002, on adding commercial goods and services to List 1 of goods banned from circulation and commercial

services banned from provision, and List 3 of commercial goods and services subject to conditional business, issued together with the Government's Decree No. 11/1999/ND-CP of March 3, 1999.

2. Departments, agencies, institutes and centers under the Ministry of Fisheries; provincial/municipal Fisheries Services and provincial/municipal Services in charge of state management of fisheries shall, according to their respective functions, tasks and powers, guide, urge and supervise the implementation of this Circular; if facing any problems in the process of implementation, they should promptly report them to the Ministry of Fisheries.

The Organization and Personnel Department shall coordinate with concerned units in elaborating and submitting to the Minister for promulgation regulations on organization of training courses and grant of certificates stated at Points c and e, Clause 3, Point b, Clause 6, Section III of this Circular.

The Aquatic Resource Exploitation and Protection Department shall have to formulate and submit to the Minister for promulgation branch standards related to fishing vessels, fishing ports, environment and aquatic resources.

The Science and Technology Department shall have to coordinate with concerned units in formulating and submitting to the Minister for promulgation regulations on management of exploitation and use of sperms and embryos and environment for preservation and preparation thereof; regulations on management of exploitation and use of male and female breeds of aquatic animals, seed eggs, larvae of aquatic species; and standards which need to be promulgated, amended or supplemented.

3. Revision and supplementation of the contents of this Circular shall be considered and decided by the Minister of Fisheries.

Minister of Fisheries
TA QUANG NGOC

Appendix 5

OBJECTS BANNED FROM EXPLOITATION

*(Enclosed with the Fisheries Ministry's Circular No. 02/2006/TT-BTS
of March 20, 2006)*

Ordinal number	Scientific names
1	<i>Pteria maxima</i>
2	<i>Tenuulosa toli</i>
3	<i>Anguilla bicolor pacifica</i>
4	<i>Chitala chitala</i>
5	<i>Semilabeo notabilis</i>
6	<i>Pangasianodon deloustali</i>
7	<i>Crocodylus porosus</i>
8	<i>Crocodylus siamensis</i>
9	<i>Lipotes vexillifer</i>
10	<i>Balaenoptera musculus</i>
11	<i>Neophocaena phocaenoides</i>
12	<i>Dugong dugon</i>
13	<i>Catlocarpio siamensis</i>
14	<i>Crenolobus sarissophorus</i>
15	<i>Lepidochelys olivacea</i>
16	<i>Dermochelys coriacea</i>
17	<i>Chelonia mydas</i>
18	<i>Eretmochelys imbricata</i>
19	<i>Scleractinia</i>
20	<i>Gorgonacea</i>
21	<i>Pennatulacea</i>

Appendix 6

OBJECTS BANNED FROM EXPLOITATION FOR A DEFINITE PERIOD IN THE YEAR

(Enclosed with the Fisheries Ministry's Circular No. 02/2006/TT-BTS
of March 20, 2006)

Ordinal number	Scientific name	Period during which exploitation is banned
A	Marine shrimps and fishes	From April 1-July 31
1	<i>Panulirus penicillatus</i>	ditto
2	<i>P. homarus</i>	ditto
3	<i>P. longipes</i>	ditto
4	<i>P. simpsoni</i>	ditto
5	<i>P. ornatus</i>	From March 1-May 31
6	<i>Chanos chanos</i>	ditto
7	<i>Nematalosa nasus</i>	ditto
8	<i>Clupanodon thrissa</i>	ditto
9	<i>Konovirus biauritus</i>	ditto
10	<i>Otolithoides biauritus</i>	ditto
11	<i>Polidactylus plebeius</i>	ditto
12	<i>Eleutheronema tetradactylum</i>	ditto
B	Molluscs	
13	<i>Anadara antiquata</i>	From April 1-July 31
14	<i>Chlamys senatoria</i>	ditto
15	<i>Modiolus philippinarum</i>	ditto
16	<i>Pinna vexillum</i>	ditto
17	<i>Meretrix lyrata</i>	From June 1-November 30
18	<i>Paphia undulata</i>	From June 1-November 30
19	<i>Tridacna maxima</i> <i>Tridacna crocea</i> <i>Tridacna squamosa</i>	From April 1-July 31 From April 1-July 31 From April 1-July 31
C	Freshwater shrimps and fishes	
20	<i>Channa striata</i>	From April 1-June 1
21	<i>Channa micropeltes</i>	ditto
22	<i>Macrobrachium rosenbergii</i>	From April 1-June 30
23	<i>Trichogaster pectoralis</i>	From April 1-June 1

24	Anabas testudineus	ditto
25	Clarias macrocephalus	ditto
26	Notopterus notopterus	ditto
27	Cirrhinus jullieni	From June 1-August 30

Appendix 7

**MINIMUM SIZES OF VALUABLE AQUATIC SPECIES LIVING IN NATURAL WATER AREAS
PERMITTED FOR EXPLOITATION**

*(Enclosed with the Fisheries Ministry's Circular No. 02/2006/TT-BTS
of March 20, 2006)*

1. Marine fishes (the length is measured from the tip of the snout to the fork of the tail fin)

Ordinal number	Scientific name	Minimum length permitted for exploitation (in mm)
1	Sardinella jussieni	80
2	S.aurita	100
3	Anchoviella spp. (excluding Stolephorus tri)	50
4	Decapterus maruadsi	120
5	Selaroides leptolepis	90
6	Perastromateus niger	310
7	Pampus argentens	200
8	Scomberomorus guttatus	320
9	Scomber japonicus	200
10	Scomberomarus commerson	730
11	Arius spp.	250
12	Auxis thazard	220
13	Euthynnus affinis	360
14	Rastrelliger kanagurta	150
15	Cypselurus spp.	120
16	Trichiurus lepturus	200
17	Lutianus erythropterus	260
18	Saurida spp.	200
19	Miichthys miiuy	330
20	Otolithoides biauritus	830

21	Eleutheronema tetradactylum	820
22	Polydactylus plebeius	200
23	Clupanodon spp.	120
24	Muraenesox cinereus	900
25	Seriolina nigrofasciata	300
26	Seriola dumerili	560
27	Serranidae (epinephelus spp., Cephalopholis spp., Serranus spp.)	250
28	Dentex tumifrons	150
29	Nemipterus spp.	150
30	Gymnocranius griseus	150
31	Ilisha elongata	180

2. Marine shrimps (the length is measured from the eye orbit to the end of the posterior vertebra)

Ordinal number	Scientific name	Minimum length permitted for exploitation (in mm)
1	Metapenaeus ensis	85
2	M.affinis	95
3	M.joyneri	90
4	M.intermedius	95
5	M.tenuipes	85
6	M.brevicornis	90
7	P.enaesus merguensis	110
8	P.monodon	140
9	P.indicus	120
10	P.semisulcatus	120
11	P.japonicus	120
12	Panulirus penicillatus	200
13	P.homarus	175
14	P.longipes	160
15	P.stimsoni	160
16	P.ornatus	230

3. Freshwater shrimps (the length is measured from the eye orbit to the end of the posterior vertebra)

1	Macrobrachium rosenbergii	100
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4. Marine species:

Ordinal number	Scientific name	Minimum length permitted for exploitation (in mm)
1	Loligo edulis Loligo chinensis	250 200
2	Sepioteuthis lessoniana	120
3	Sepia pharaonis	100
4	Haliotis diversicolor	70
5	Arca granosa	30
6	Placuna placenta	75
7	Chlamys nobilis	60
8	Holothuria vagabunda	170
9	Scylla serrata Scylla paramamosaim	100 100
10	Sipunculus nudus	100
11	Meretrix lusoria	50
12	Ranina ranina	100
13	Tripneustes gratilla	50
14	A. antiquata	55
16	Modiolus philippinarum	120
17	Babylonia areolata	55
18	Meretrix lyrata	30
19	Portunus pelagicus	100
20	P. sanguinolentus	100
21	Logig beka	60
22	Tridacna maxima Tridacna crocea Tridacna squamosa	340 140 350

5. Freshwater fishes (the length is measured from the tip of the snout to the fork of the tail fin)

Ordinal number	Scientific name	Minimum length permitted for exploitation (in mm)
1	Cyprinus carpio	150
2	Onychostoma laticeps	200
3	Labeo tonkinensis	430
4	Bangana lemasoni	130
5	Cirrhitina molitorella	220
6	Spinibarbus hollandi	150
7	Spinibarbus denticulatus	400

8	Mylopharyngodon piceus	470
9	Ctenopharyngodon idellus	550
10	Hypophthalmichthys molitrix	300
11	Monopterus albus	360
12	Bagarius rutilus	450
13	Megalobrama terminalis	230
14	Pangasianodon hypophthalmus	300
15	Channa micropeltes	380
16	Clarias macrocephalus	200
17	Clarias batrachus	200
18	Trichogaster pectoralis	100
19	Cirrhinus microlepis	170
20	Cyclochilichthys enoplos	200
21	Cyprinus centralus	160
22	Onychostoma gerlachi	210
23	Acrossochellus krempfi	200
24	Barbonymus altus	100
25	Erythroculter recurvirostris	260
26	Squaliobalbus curriculus	170
27	Mampala macrolepidota	180
28	Cranogobius sinensis	210
29	Anabas testudineus	80
30	Mastacembelus armatus	200
31	Channa striata	220
32	Henicorhynchus siamensis	50
33	Barbonymus gonionotus	100
34	Oxyeleotris marmorata	200
35	Notopterus notopterus	200
36	Leptobarbus hoevenii	200
37	Hemibarbus gruttatus	560
38	Hemibarbus pluriradiatus	500
39	Anguilla marmorata	500
40	Carassioides cantonensis	150

The allowable percentage of mixture with objects of a size smaller than the prescribed size shall be at most 15% of the exploited quantity (at least 3 random samples shall be taken for the calculation of an average percentage).

Appendix 11**CURRENT VIETNAM STANDARDS, BRANCH STANDARDS RELATED TO PRODUCTION AND BUSINESS CONDITIONS OF A NUMBER OF FISHERIES TRADES****1. Regarding technical and veterinary sanitation requirements for establishments producing and/or trading in aquatic seeds:**

1.1. Branch standard 28 TCN 173: 2001: Grade I aquatic seed center - General requirements;

1.2. Branch standard 28 TCN 92:2005: Sea shrimp seed production establishments - Technical and veterinary sanitation requirements;

1.3. Branch standard 28 TCN 220:2005: Blue-legged giant prawn seed production establishments - Technical and veterinary sanitation requirements.

2. Regarding regulations on water environment protection for establishments producing and/or trading in aquatic seeds:

2.1. TCVN 5524-1995: Water quality - General requirements on protection of surface water from contamination;

2.2. TCVN 5525-1996: Water quality - General requirements on protection of groundwater;

2.3. TCVN 5942-1995: Water quality - Standards of surface water quality;

2.4. TCVN 5943-1995: Water quality - Standards of coastal sea water quality;

2.5. TCVN 5944-1995: Water quality - Standards of groundwater.

3. Regarding the technical process of producing a number of aquatic seeds (the application of which is encouraged):

3.1. Branch standard 28 TCN 120:1998: Process of producing *Catla* fish seeds;

3.2. Branch standard 28 TCN 125:1998: Process of raising giant tiger prawns aged between 15 and 45 days;

3.3. Branch standard 28 TCN 109: 1998: Technical process of producing *gracilaria verrucosa* seeds;

3.4. Branch standard 28 TCN 211:2004: Technical process of producing *Tra* (*pangasius hypophthalmus*) fish seeds;

3.5. Branch standard 28 TCN 212:2004: Technical process of producing *Basa* (*pangasius bocourti*) fish seeds;

3.6. Branch standard 28 TCN 215:2004: Technical process of producing *Bong* (*spinibarichthys denticulatus*) fish seeds.

4. Regarding conditions and technical standards for aquaculture; veterinary sanitation and food hygiene and safety standards for aquaculture establishments:

4.1. Branch standard 28 TCN 176:2002: Establishments culturing *Basa* fish and *tra* fish in cages - Conditions for assurance of food hygiene and safety;

4.2. Branch standard 28 TCN 190:2004: Shrimp culture establishments - Conditions for assurance of food hygiene and safety;

4.3. Branch standard 28 TCN 191:2004: Shrimp culture zone - Conditions for assurance of food hygiene and safety;

4.4. Branch standard 28 TCN 192:2004: Zone of culturing fish in cages - Conditions for assurance of food hygiene and safety;

4.5. Branch standard 28 TCN 193:2004: Zone of harvest of bivalve molluscs- Conditions for assurance of food hygiene and safety.

5. Regarding veterinary sanitation of aquatic animal feeds

5.1. Branch standard 28 TCN 102:2004: Mixed feed in pellets for tiger prawns;

5.2. Branch standard 28 TCN 187:2004: Mixed feed in pellets for blue-legged giant prawns;

5.3. Branch standard 28 TCN 188:2004: Mixed feed in pellets for *Tra* fish and *Basa* fish;

5.4. Branch standard 28 TCN 189:2004: Mixed feed in pellets for tilapia.

6. Regarding environmental protection requirements for establishments producing and trading in fishing gear and aquatic resource exploitation equipment; aquatic animal feed production establishments and aquatic product processing establishments:

6.1. TCVN-5945-1995: Industrial waste water - Waste standards;

6.2. TCVN 5939-1995: Air standards - Industrial gas emission standards for dust and inorganic matters;

6.3. TCVN 5940-1995: Air standards - Industrial gas emission standards for organic matters;

7. Regarding food hygiene and safety conditions for establishments processing aquatic products or trading in raw materials used for aquatic product processing:

7.1. Branch standard 28 TCN 130:1998: Aquatic product processing establishments - General conditions for assurance of food hygiene and safety;

7.2. Branch standard 28 TCN 137:1999: Canned

food production establishments - Conditions for assurance of food hygiene and safety;

7.3. Branch standard 28 TCN 138:1999: Instant aquatic food production establishments - Conditions for assurance of food hygiene and safety;

7.4. Branch standard 28 TCN 139:1999: Dried aquatic food processing establishments - Conditions for assurance of food hygiene and safety;

7.5. Branch standard 28 TCN 175:2002: Fish sauce production establishments - Conditions for assurance of food hygiene and safety;

7.6. Branch standard 28 TCN 136:1999: Bivalve mollusc-producing establishments - Conditions for assurance of food hygiene and safety;

7.7. Branch standard 28 TCN 129:1998: Establishments producing aquatic products under the food quality and safety management program;

7.8. Branch standard 28 TCN 156:2000: Regulations on use of food additives in aquatic product processing;

7.9. Branch standard 28 TCN 164:2000: Aquatic resource purchasing establishments - Conditions for assurance of food hygiene and safety.

Appendix 12

ALLOWABLE VALUE LIMITS ON CONCENTRATION OF CONTAMINANTS IN SEA WATER IN COASTAL AQUACULTURE AREAS

(Enclosed with the Fisheries Ministry's Circular No. 02/2006/TT-BTS
of March 20, 2006)

Ordinal number	Parameter	Unit of calculation	Chemical formula	Value limit
1	PH	mg/l		6.5-8.5
2	Dissoluble oxide	"		≥ 5
3	BOD ₅ (20°C)	"		< 10
4	Drifting solid matters	"		50
5	Arsenic	"	As	0.001

6	Ammonia (calculated by N)	"	NH ₃	0.50
7	Cadmium	"	Cd	0.001
8	Lead	"	Pb	0.02
9	Chrome (VI)	"	Cr ⁺⁶	0.01
10	Chrome (III)	"	Cr ⁺³	0.10
11	Chloride	"	Cl ₂	0.01
12	Copper	"	Cu	0.01
13	Fluoride	"	F ⁻	1.50
14	Zinc	"	Zn	0.01
15	Manganese	"	Mn	0.10
16	Iron	"	Fe	0.10
17	Mercury	"	Hg	0.002
18	Sulfur	"	S ⁻²	0.005
19	Cyanide	"	CN ⁻¹	none
20	Aggregate phenol	"		0.001
21	Grease and oil films	"		none
22	Grease and oil latex	"		1.0
23	Aggregate plant protection chemicals	"		0.01
24	Aggregate radioactivity a	Bq/l		none
25	Aggregate radioactivity b	Bq/l		none
26	Coliform	MPN/100 ml		1.000

Wastes numbered 5, 7, 8, 9, 17, 10, 19, 24 and 25 are particularly hazardous (according to List A issued together with the Prime Minister's Decision No. 155/1999/QĐ-TTg of July 16, 1999, issuing the Regulation on management of hazardous wastes).

Appendix 13

ALLOWABLE VALUE LIMITS ON CONCENTRATION OF CONTAMINANTS IN FRESHWATER AQUACULTURE AREAS

(Enclosed with the Fisheries Ministry's Circular No. 02/2006/TT-BTS
of March 20, 2006)

Ordinal number	Parameter	Unit of calculation	Chemical formula	Value limit
1	PH	mg/l		5.5-8.5
2	BOD ₅ (20°C)	"		< 25

3	COD	"		35<COD<100
4	Dissoluble oxide	"		>3
5	Drifting solid matters	"		80
6	CO ₂	"		12
7	Arsenic	"	As	0.001
8	Magnesium	"	Mg	50
9	Cadmium	"	Cd	0.001
10	Lead	"	Pb	0.02
11	Chrome (VI)	"	Cr ⁺⁶	0.01
12	Chrome (III)	"	Cr ⁺³	1.0
13	Copper	"	Cu	1.0
14	Zinc	"	Zn	2.0
15	Manganese	"	Mn	0.1
16	Nickel	"	Ni	1.0
17	Iron	"	Fe	2.0
18	Mercury	"	Hg	0.002
19	Ammonia (calculated by N)	"	NH ₃	1.0
20	Nitride (calculated by N)	"	NO ₂	<0.01
21	Fluoride	"	F ⁻	1.5
22	Hydro sulfur	"	H ₂ S	<0.01
23	Cyanide	"	CN ⁻¹	none
24	Phenol (total)	"		0.02
25	Grease and oil films	"		none
26	Grease and oil latex	"		0.3
27	Detergents	"		0.2
28	Coliform	MPN/100 ml		5.000
29	Plant protection drugs (except DDT)	mg/l		0.15
30	DDT	mg/l		0.01
31	Aggregate radioactivity α	Bq/l		none
32	Aggregate radioactivity β	Bq/l		none

Wastes numbered 7, 9, 10, 11, 18, 23, 31 and 32 are particularly hazardous (according to List A issued together with the Prime Minister's Decision No. 155/1999/QĐ-TTg of July 16, 1999, issuing the Regulation on management of hazardous wastes).