

THE MINISTRIES

international goods purchase and sale, and goods purchase and sale agency, processing and transit with foreign countries;

THE MINISTRY OF FISHERIES

At the proposal of the director of the Department for Management of Aquatic Product Quality, Safety, Hygiene and Veterinary Medicine,

DECISION No. 15/2006/QĐ-BTS OF SEPTEMBER 8, 2006, PROMULGATING THE REGULATION ON MANAGEMENT OF IMPORT AND EXPORT OF FISHERY GOODS

DECIDES:

Article 1.- To promulgate together with this Decision the Regulation on management of import and export of fishery goods.

THE FISHERIES MINISTER

Pursuant to the 2003 Fisheries Law;

Pursuant to the 2004 Veterinary Medicine Ordinance; the 2004 Livestock Breeds Ordinance; and the 2004 Plant Varieties Ordinance;

Pursuant to the Government's Decree No. 33/2005/ND-CP of March 15, 2005, detailing the implementation of a number of articles of the Veterinary Medicine Ordinance;

Pursuant to the Government's Decree No. 15/CP of March 19, 1996, on management of livestock feed;

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 Fisheries Ministry;

Pursuant to the Government's Decree No. 12/2006/ND-CP of February 23, 2006, detailing the implementation of the Commercial Law regarding

Article 2.- This Decision shall take effect 15 days after its publication in "CONG BAO" and replace the Fisheries Minister's Decision No. 344/2001/QĐ-BTS of May 2, 2001, on management of import and export of fishery goods in the 2001-2005 period and other Decisions amending, supplementing or extending Decision No. 344/2001/QĐ-BTS. All previous stipulations which are contrary to this Decision are hereby annulled.

Article 3.- The director of the Office, the chief inspector and the heads of the departments of the Fisheries Ministry; the directors of the provincial/ municipal Fisheries Services and Agriculture and Rural Development Services in charge of state management of fisheries; organizations and individuals that import or export fishery goods shall have to implement this Decision.

**For the Fisheries Minister
Vice Minister
NGUYEN THI HONG MINH**

REGULATION ON MANAGEMENT OF IMPORT AND EXPORT OF FISHERY GOODS

(Promulgated together with the Fisheries Minister's Decision No. 15/2006/QĐ-BTS of September 8, 2006)

Chapter I

GENERAL PROVISIONS

Article 1.- Subjects of application and scope of regulation

1. Subjects of application include domestic as well as foreign organizations and individuals (hereinafter referred to as establishments for short) that conduct activities related to import and export of fishery goods.

2. Scope of regulation covers live aquatic products, breeding aquatic species; aquatic animal feed and raw materials for production thereof; veterinary drugs for aquatic animals and raw materials for production thereof; products for treating and improving aquaculture environment (hereinafter referred to as fishery goods).

Article 2.- Interpretation of terms

In this Regulation, the following terms are construed as follows:

1. Breeding aquatic species means aquatic animal or plant species, including their eggs, embryos, sperms and larvae, which may be used for production of breeds, or rearing of commercial aquatic products or aquarium species.

2. Testing of breeding aquatic species means the nursing, rearing and monitoring under specific conditions and within a given period of time of new aquatic plant or animal species, which have been imported for the first time or newly created in the country, for the purposes of determining their distinctness, stability and uniformity in terms of productivity, quality and disease resistance, and

assessing the impacts of such aquatic species.

3. Veterinary drugs for aquatic animals means substances or compounds of animal, plant, microorganism, mineral or chemical origin and used for disease prevention, diagnosis and treatment or for rehabilitation, adjustment or improvement of body functions of aquatic animals, including: pharmaceuticals, chemicals, vaccines, hormones and some other biological preparations as well as a number of microorganisms for use in veterinary medicine for aquatic animals.

4. Products for treating or improving aquaculture environment means substances or compounds of mineral, chemical, animal, plant or microorganism origin, and preparations thereof, which are used to regulate the pH degree, alkalinity, soluble oxygen, organic substances, or to stimulate or inhibit algae, or put into a culturing environment for purposes other than utility and effect of veterinary drugs.

5. Raw materials for production of veterinary drugs for aquatic animals means substances used as ingredients of veterinary drugs for aquatic animals.

6. Testing of veterinary drugs for aquatic animals or products for treating or improving aquaculture environment means the inspection and identification of particular properties, effects, safety and environmental impacts of samples of veterinary drugs for aquatic animals or products of treating or improving aquaculture environment, which are registered for first-time import into Vietnam and experimented on a number of aquatic animals or plants at testing establishments.

7. Aquatic animal feed means products of animal, plant, microorganism, chemical or mineral origin, which provide domestic aquatic animals with nutrients to assure their living, growing and reproductive activities.

8. Feed supplements means materials added to food rations in order to balance substances necessary

for domestic aquatic animals.

9. Raw materials for production of aquatic animal feed means products used for production of, or processed into, feed for aquatic animals.

10. Testing of aquatic animal feed means the use of aquatic animal feed for rearing of a number of aquatic breeds within a given period of time, on a certain scale and under specific conditions in order to assess such feed's impacts on the growth and development of tested aquatic breeds.

11. Valid copies means copies certified by competent state agencies (state notary public, representatives of administrations at all levels, competent bodies of ministries and government-attached agencies).

Article 3.- Fees

Establishments which import or export fishery goods must pay fees according to current regulations.

Chapter II

IMPORT AND EXPORT OF FISHERY GOODS

Article 4.- Ordinary import without permits

Goods specified in the list of aquatic species eligible for ordinary import (Appendix 1, not printed herein); the list of veterinary drugs for aquatic animals and products for treating or improving aquaculture environment eligible for ordinary import (Appendix 2, not printed herein) shall only be subject to customs clearance procedures at border-gate customs offices and require no permits. Particularly for import of aquarium fishes, the import dossiers shall contain importing establishments' written commitments (made according to a set form) that such fishes will be imported only for adornment purpose and will not be dispersed into natural environment.

Products and goods specified in the list of goods

subject to ordinary import and the list of goods subject to conditional import must be those permitted for circulation in Vietnam.

Article 5.- Conditional import and export

For goods specified in the list of goods in service of aquaculture which are subject to conditional import (Appendix 3, not printed herein); or the list of aquatic species subject to conditional export (Appendix 4, not printed herein), when fully satisfying the conditions specified in Appendices 3 and 4, their owners shall directly carry out the import or export procedures with border-gate customs offices.

Products and goods specified in the list of goods subject to ordinary import and the list of goods subject to conditional import must be those permitted for circulation in Vietnam.

Article 6.- Import with permits

1. Goods not yet specified in the list of goods subject to ordinary import or the list of goods subject to conditional import mentioned in Articles 4 and 5 of this Regulation shall only be imported in quantities sufficient for testing, research or display at trade fairs or exhibitions.

2. In the case specified in Clause 1 of this Article, establishments importing fishery goods shall have to make dossiers and carry out procedures to apply for import permits according to the provisions of Chapter III of this Regulation.

3. In order to have their imported goods added to the list of goods subject to ordinary import and the list of goods subject to conditional import, enterprises which import goods for testing shall have to report on testing results and file applications to agencies competent to grant permits defined in Article 14 of this Regulation.

Article 7.- Export of aquatic species specified in the list at Appendix 5

The aquatic species specified in the list at Appendix 5 (not printed herein) shall be exported only in some cases for implementation of treaties which Vietnam has signed or acceded to. Exporting establishments shall have to compile dossiers and carry out procedures to apply for export permits according to the provisions of Chapter III of this Regulation.

Article 8.- Announcement of amendments to the lists

Basing itself on testing results, the Fisheries Ministry shall consider and add to or put out of the list of goods subject to ordinary import and the list of goods subject to conditional import those goods detected to have bad impacts or effects on human health, domestic animals, environment or ecosystem in the course of production and trading thereof in Vietnam.

Once every two months, the Fisheries Ministry shall announce supplements or amendments to the lists mentioned in Articles 4, 5 and 7 of this Regulation.

Article 9.- Quality inspection and quarantine of import and export goods

1. Import fishery goods (goods specified in the list of goods subject to ordinary import or the list of goods subject to conditional import or imported for testing and research) shall have their quality inspected and be quarantined according to current regulations. The Fisheries Ministry shall promulgate the list of import goods subject to compulsory quarantine when so requested.

2. The quality inspection and quarantine of export goods shall be conducted at the request of countries of importation.

Chapter III

DOSSIERS AND PROCEDURES FOR GRANTING OF PERMITS FOR IMPORT OR EXPORT OF FISHERY GOODS

Article 10.- Dossier of application for permits for import or export of aquatic products

1. In case of import of breeding aquatic species for testing

a/ An import permit application (made according to a set form, not printed herein);

b/ A valid copy of the importing establishment's business registration certificate which states appropriate business lines;

c/ A photo or a drawing describing the aquatic species to be imported, accompanied with its trade name and scientific name;

d/ A written explanation of biological characteristics and economic value of the aquatic species to be imported;

e/ A tentative scheme on testing of aquatic species (in Appendix 7A, not printed herein) and proposal on quantity of breeds to be imported for testing of the testing establishment accredited by the Fisheries Ministry;

f/ The competent agency's written record on inspection of aquatic veterinary hygiene conditions of the establishment conducting the testing, concluding that all requirements are satisfied according to current regulations.

2. In case of import of breeding aquatic species for research

Apart from the documents specified at Points a, c and d of Clause 1, the following documents must be added:

a/ A summarized tentative research scheme, accompanied with a proposal on quantity of products which need to be imported (Appendix 8, not printed herein).

b/ A valid copy of the research institute's establishment decision or the Fisheries Ministry's written approval in case the importing establishment is an enterprise.

3. In case of import of aquatic species not yet specified in the list of goods subject to ordinary import or the list of goods subject to conditional import for display at trade fairs or exhibitions in Vietnam

Apart from the documents specified at Points a, b and c of Clause 1, the following documents must be added:

a/ Valid papers for participation in a trade fair or exhibition in Vietnam.

b/ A plan on disposal of products after they are displayed at the trade fair or exhibition.

4. In case of export of aquatic species specified in the list in Appendix 5

a/ An export permit application (Appendix 9, not printed herein).

b/ A valid copy of the international treaty which Vietnam has signed or acceded to.

c/ For species covered by the CITES, the regulations of CITES Vietnam shall be complied with.

Article 11.- Dossier of application for permit for import of veterinary drugs for aquatic animals or products for treating or improving aquaculture environment

1. In case of import for testing

a/ An import permit application (Appendix 6, not printed herein);

b/ A valid copy of the business registration certificate for appropriate business lines;

c/ A written certification of the product permitted for production, circulation or use for aquaculture, issued by a competent agency of the country of production (the original or valid copy) and its verbatim Vietnamese translation;

d/ A summary of characteristics, effect and safety of the product (Appendix 10A for veterinary drugs for aquatic animals; Appendix 10B for products for treating or improving aquaculture environment, both not printed

herein);

e/ A product test card issued by the producer and the competent agency of the country of production or an independent testing laboratory (the original or a valid copy) and its verbatim Vietnamese translation;

f/ A tentative testing scheme (Appendix 7B for veterinary drugs and Appendix 7C for products for treating or improving aquaculture environment) of the testing establishment accredited by the Fisheries Ministry;

g/ A competent agency's written record on inspection of veterinary hygiene conditions of the establishment conducting the test, concluding that all requirements are satisfied according to current regulations.

2. In case of import for research

Apart from the documents specified at Points a, e and f of Clause 1, the following documents must be added:

a/ A summarized tentative research scheme (Appendix 8, not printed herein).

b/ A valid copy of the research institute's establishment decision or the Fisheries Ministry's written approval in case the importing establishment is an enterprise.

3. In case of import of products not yet specified in the list of goods subject to ordinary import or the list of goods subject to conditional import for display at trade fairs or exhibitions in Vietnam

Apart from the documents specified at Points a, b and c, Clause 1 of this Article, the following documents must be added:

a/ Valid papers for participation in a trade fair or exhibition in Vietnam.

b/ A plan on disposal of products after they are displayed at the trade fair or exhibition.

Article 12.- Dossier of application for permit for

import of new biological preparations not yet specified in the list at Appendix 3

1. In case of import for testing

a/ An import permit application (Appendix 6, not printed herein)

b/ A valid copy of the business registration certificate for appropriate business lines;

c/ A written certification of the biological preparation permitted for production, circulation, issued by a competent agency of the country of production (the original or valid copy) and its verbatim Vietnamese translation;

d/ A product test card issued by the producer and the competent agency of the country of production or an independent testing laboratory (the original or a valid copy) and its verbatim Vietnamese translation;

e/ A tentative testing scheme (Appendix 7D, not printed herein) of the testing establishment accredited by the Fisheries Ministry;

f/ A competent agency's written record on inspection of veterinary hygiene conditions of the establishment conducting the test, concluding that all requirements are satisfied according to current regulations.

2. In case of import for research purpose

Apart from the documents specified at Point a and d, Clause 1 of this Article, the following documents must be added:

a/ A summarized tentative research scheme (Appendix 8).

b/ A valid copy of the research institute's establishment decision or the Fisheries Ministry's written approval in case the importing establishment is an enterprise.

3. In case of import of products not yet specified in the list of goods subject to ordinary import or the list of goods subject to conditional import for display at trade fairs or exhibitions in Vietnam

Apart from the documents specified at Points a, b, c and d, Clause 1 of this Article, the following documents must be added:

a/ Valid papers for participation in a trade fair or exhibition in Vietnam.

b/ A plan on disposal of products after they are displayed at the trade fair or exhibition.

Article 13.- Procedures for grant of import or export permits

1. Establishments which wish to import or export fishery goods according to the provisions of Articles 6 and 7 of this Regulation shall have to send dossiers of application for import or export permits to the Department for Management of Aquatic Product Quality, Safety, Hygiene and Veterinary Medicine.

2. Within 5 working days, the agency in charge of management of aquatic product quality, safety, hygiene and veterinary medicine shall have to check such dossiers and notify results to importing or exporting establishments, clearly stating the request for supplementation if the dossiers fail to satisfy the requirements.

3. Within 15 working days after receiving valid dossiers, the agency in charge of management of aquatic product quality, safety, hygiene and veterinary medicine shall grant import permits (Appendix 11, not printed herein) or export permits (Appendix 12, not printed herein). In case of refusal to grant permits, it shall have to reply in writing, clearly stating the reasons therefor.

4. Within 2 months after receiving reports on testing results of importing enterprises, the Department for Management of Aquatic Product Quality, Safety, Hygiene and Veterinary Medicine shall have to coordinate with professional agencies defined in the Veterinary Medicine Ordinance in examining the testing results before adding tested goods to the list of goods subject to ordinary import and the list of goods subject to conditional import,

and notifying enterprises thereof.

Chapter IV

RESPONSIBILITIES AND POWERS

Article 14.- Responsibilities and powers of the Department for Management of Aquatic Product Quality, Safety, Hygiene and Veterinary Medicine

1. Responsibilities:

a/ To organize the dissemination of this Regulation and relevant legal documents to units in its system and enterprises importing or exporting fishery goods throughout the country, and the elaboration of documents guiding the implementation thereof.

b/ To organize the inspection of the observance of this Regulation and relevant legal documents on import and export of specialized goods for use in aquaculture by regional centers, provincial/municipal agencies in charge of management of aquatic product quality, safety, hygiene and veterinary medicine, and production and business establishments.

c/ Once every 2 months, to propose the Fisheries Ministry to promulgate amendments and supplements to the lists mentioned in Articles 4, 5 and 7 of this Regulation and load them on its website.

d/ To directly receive and examine, within 2 years after this Regulation takes effect, dossiers of application for permits for import or export of fishery goods, and grant such permits according to the provisions of Articles 6 and 7 of this Regulation.

e/ To train, guide and decentralize the responsibilities specified at Point d and f, Clause 1 of Article 14 to agencies in charge of management of aquatic product quality, safety, hygiene and veterinary medicine in provinces or centrally-run cities where exist border-gates.

f/ To keep secret documents in service of the grant of permits for import or export of fishery goods sent

by establishments being permit applicants.

2. Powers

a/ To request establishments to supply dossiers and documents for the examination of application dossiers for grant of import or export permits according to the provisions of Chapter III of this Regulation.

b/ To grant and withdraw permits for import or export of fishery goods in the cases specified in Articles 6 and 7 of this Regulation.

Article 15.- Responsibilities and powers of regional centers for aquatic product quality, safety, hygiene and veterinary medicine

1. Responsibilities

To inspect the veterinary hygiene conditions of establishments conducting the testing defined in Clause 1, Article 10; Clause 1, Article 11; and Clause 1, Article 12 within the scope of their management.

2. Powers

To request establishments conducting the testing to supply dossiers and documents and create favorable conditions for the inspection of their veterinary hygiene conditions.

Article 16.- Responsibilities and powers of provincial/municipal agencies in charge of management of aquatic product quality, safety, hygiene and veterinary medicine

1. Responsibilities

To inspect the circulation and use of imported fishery goods as provided for in this Regulation at aquatic product importing establishments, distribution agents, shops and production establishments in provinces or centrally-run cities.

To perform the responsibilities specified at Points d and f, Clause 1, Article 14 and decentralized by the Department for Management of Aquatic Product Quality, Safety, Hygiene and Veterinary Medicine.

2. Powers

a/ To request aquatic product importing establishments, distribution agents, shops and production establishments to supply dossiers and documents and create favorable conditions for the inspection of fishery goods according to the provisions of this Regulation and relevant legal documents.

b/ To seal up imported goods for use in aquaculture, which are not specified in the list of goods subject to ordinary import or the list of goods subject to conditional import; or imported without import permits in the cases specified in Article 6 of this Regulation.

c/ To report to the specialized fishery inspectorate upon detecting acts of violating the provisions of this Regulation (Appendix 13, not printed herein).

Article 17.- Responsibilities and powers of the specialized fishery inspectorate

1. Responsibilities

a/ To regularly or extraordinarily inspect agencies or units having the responsibilities and powers in the implementation of this Regulation.

b/ To promptly inspect acts of violation when it is notified thereof by inspecting agencies.

2. Powers

a/ To request agencies or units having the responsibilities and powers in the implementation of this Regulation, aquatic product-importing or -exporting establishments, distribution agents, shops and production establishments to supply dossiers and documents and create favorable conditions for the inspection.

b/ To handle acts of violation according to the provisions of law.

Article 18.- Obligations and benefits of organizations and individuals importing or exporting fishery goods

1. Obligations

a/ To strictly abide by the provisions of this Regulation and other regulations on import and export of specialized fishery goods.

b/ To submit to the inspection and examination by competent functional agencies.

2. Benefits

a/ To be provided with guidance on procedures for importing or exporting fishery goods.

b/ To have their inquiries about dossiers and procedures of application for permits to import or export fishery goods answered.

c/ To be entitled to participate in professional training courses or courses for dissemination of regulations on import or export of fishery goods.

Chapter V

HANDLING OF VIOLATIONS AND SETTLEMENT OF COMPLAINTS AND DENUNCIATIONS

Article 19.- Handling of violations

1. Fishery goods-importing or -exporting establishments which commit acts of violation shall be administratively sanctioned according to the provisions of law.

2. Organizations and individuals that commit acts of violation in the course of implementing this Regulation shall be handled according to the provisions of law.

Article 20.- Settlement of complaints and denunciations

1. Organizations and individuals that import or export fishery goods may lodge complaints with competent agencies about acts of violation of this Regulation.

2. Individuals may denounce acts of violation of this Regulation to competent functional agencies.

3. The settlement of complaints and denunciations shall comply with the provisions of the Law on Complaints and Denunciations.

Chapter VI

IMPLEMENTATION PROVISIONS

Article 21.- Organization of implementation

The Department for Management of Aquatic Product Quality, Safety, Hygiene and Veterinary Medicine shall have to:

1. Guide and organize the implementation of this Regulation.

2. Train and guide competent organizations in order to proceed to decentralize permit-granting powers to provincial/municipal agencies in charge of management of aquatic product quality, safety, hygiene and veterinary medicine in compliance with this Regulation.

Article 22.- Supplementation and amendment of the Regulation

The supplementation and amendment of this Regulation shall be decided by the Fisheries Minister.

Fisheries Minister