

LAW ON FISHERIES

(No. 17/2003/QH11)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001 of the 10th National Assembly, the 10th session;

This Law provides for fishery activities.

Chapter I

GENERAL PROVISIONS

Article 1. Objects and scope of application

This Law shall apply to fishery activities of Vietnamese organizations and individuals and foreign organizations and individuals on the land, islands, in the internal waters, the territorial sea, the exclusive economic zone and continental shelf of the Socialist Republic of Vietnam.

In cases where the international agreements which the Socialist Republic of Vietnam has signed or acceded to contain provisions different from those of this Law, the provisions of such international agreements shall apply.

Article 2. Interpretation of terms

1. *Aquatic resources* mean natural organisms in natural water areas, of economic or scientific value for development of the exploitation of aquatic resources, for conservation and development of aquatic resources.
2. *Fishery activities* mean the exploitation, culture, transportation of exploited aquatic resources; preservation, processing, trading in, export and import of aquatic products; services in fishery activities; survey, protection and development of aquatic resources.
3. *Reproduction of aquatic resources* mean the process of self-reproduction or activities of reproducing and increasing aquatic resources.
4. *Exploitation of aquatic resources* mean the exploitation of aquatic resources in the sea, rivers, lakes, marshes, lagoons and other natural water areas.
5. *Fishing grounds* mean sea areas with concentrated aquatic resources, which are identified for exploitation by fishing ships.

6. *Land for aquaculture* means land with inland water surfaces, including ponds, lakes, marshes, lagoons, rivers, canals, ditches and trenches; coastal land with water surfaces, riverside and coastal alluvial land; coastal sand banks and dunes; land used for farm economy; non-agricultural land with water surfaces assigned or leased for aquaculture.

7. *Sea surface for aquaculture* mean sea areas zoned off for aquaculture.

8. *New aquatic strains* mean aquatic strains imported for the first time into Vietnam or created for the first time in Vietnam.

9. *Fishing ships* mean ships, boats and other floating structures exclusively used for exploiting, rearing aquatic resources, preserving or processing aquatic products.

10. *Fishing port* means a port exclusively used for fishing ships, embracing the port land area and the mooring water area. The port land area covers quays, storing houses and yards, workshops, areas for administration, logistic services, trading in, export and import of aquatic products.

11. *Individuals* referred to in this Law are persons directly conducting fishery activities or representatives of households having registered their fishery business activities.

Article 3. Ownership of aquatic resources

Aquatic resources constitute a natural resource under the ownership of the entire people and the uniform management by the State. Organizations and individuals shall have the right to exploit aquatic resources under the provisions of law.

Article 4. Principles for fishery activities

1. To ensure economic efficiency in association with the protection, reproduction and development of aquatic resources as well as bio-diversity; to protect the environment and natural landscapes. The development of different domains in fishery activities must comply with the national and local fishery sector development plannings and plans.

2. To take initiative in preventing, avoiding and mitigating harms caused by natural disasters and epidemics in aquatic resources; to ensure safety for people, fishing ships, works and equipment in fishery activities.

3. Fishery activities must be combined with maintaining national defense and security; protect the national sovereignty and interests in the rivers and the sea; and comply with the provisions of this Law and other relevant law provisions.

Article 5. Sustainable development of fisheries

1. The State adopts policies to ensure the sustainable development of fisheries; to encourage, and create favorable conditions for, organizations and individuals to exploit and rationally use

aquatic resources; to secure the reproduction of aquatic resources and the development of aquaculture in the sea, rivers, lakes, marshes, lagoons and other natural water areas.

2. The State encourages organizations and individuals to invest, conduct scientific researches, apply advanced technologies, develop human resources, build infrastructures in service of fishery activities; to develop clean aquaculture; to step up fishery promotion activities in order to effectively serve fishery activities, protect and develop aquatic resources; and encourages organizations and individuals to buy person and property insurance in fishery activities, except for cases of compulsory insurance purchase as prescribed by law.

3. The State develops the fishery economy on the basis of the fishery sector development planning in line with the national and local overall socio-economic development plans; ensures the construction of riverside and coastal works or works close to aquaculture areas without affecting aquatic resources.

4. The Government delimits coastal sea areas on the basis of their depth and distance from the shore and a number of other characteristics of coastal sea areas so as to decentralize to the coastal localities the general management of such coastal sea areas in association with production and business development.

Article 6. Prohibited acts in fishery activities

1. Illegally exploiting and destroying reefs, coral reefs, underwater flora grounds, submerged forests and other biotopes; illegally destroying and obstructing natural movement routes of aquatic species in rivers, lakes, marshes, lagoons, straits and bays.

2. Exploiting aquatic species on the prohibited list, including those banned from exploitation for definite periods, except for the scientific research purposes permitted by the Government; exploiting aquatic resources smaller than the prescribed sizes, except for the permitted exploitation for culture.

3. Encroaching, occupying or infringing upon conservation zones of internal water areas or conservation sea areas already zoned off and announced; violating the regulations on management of such conservation zones.

4. Violating the provisions of the environmental protection legislation regarding the habitats of aquatic species.

5. Exploiting aquatic resources in restricted areas, areas being in the prohibited periods; exploiting aquatic resources in excess of the permitted volumes.

6. Producing, circulating and using banned fishing gear; practicing the banned occupations to exploit aquatic resources; using explosives, noxious substances, electric surge and other methods of destructive nature.

7. Using fishing gear to obstruct, or cause damage to, organizations and/or individuals that are

exploiting aquatic resources; to anchor or moor vessels in places where exist fishing gear of other organizations and/or individuals that are exploiting natural resources or in places where other fishing ships are giving signals that they are exploiting aquatic resources, except in case of *force majeure* events.

8. Jettisoning fishing gear in natural water areas, except for *force majeure* cases.

9. Violating the regulations on traffic safety and safety of works in accordance with the provisions of the maritime and inland waterway navigation legislation and other relevant law provisions.

10. Violating the regulations on aquaculture development plannings.

11. Changing without the permission of competent State bodies the use purposes of land areas or sea surface assigned or leased for aquaculture.

12. Culturing new aquatic strains without the permission of the Ministry of Fisheries and aquatic species on the list of those banned from culture.

13. Conducting aquaculture not in line with plannings, obstructing water flows, obstructing activities of exploiting aquatic resources, adversely affecting activities of other branches or occupations.

14. Using drugs, additives or chemicals on the list of those banned from use in aquaculture, production of aquaculture feeds or processing and preservation of aquatic products; putting alien matters in aquatic raw materials or products.

15. Stocking diseased aquatic resources in aquaculture places or natural water areas.

16. Discharging waste water and matters from aquatic resource-breeding establishments or aquaculture establishments, aquatic product-preserving and/or -processing establishments, which have not yet been treated or have been treated improperly, into the surrounding environment.

17. Processing, transporting or marketing aquatic species on the list of those banned from exploitation; aquatic products originating from aquaculture areas in the non-harvesting periods; aquatic products with toxic residues in excess of the permitted limits; aquatic products with deadly natural toxins, except for the cases permitted by competent State bodies.

18. Exporting or importing aquatic products on the list of those banned from export and import.

Chapter II

PROTECTION AND DEVELOPMENT OF AQUATIC RESOURCES

Article 7. Protection of habitats of aquatic resources

1. Organizations and individuals shall have to protect the habitats of aquatic species.
2. Organizations and individuals conducting fishery activities or other activities directly affecting the habitats, migration and/or reproduction of aquatic species must observe the provisions of this Law, the legislation on environmental protection, the legislation on natural water resources and other relevant law provisions.
3. Organizations and individuals, when building, renovating or dismantling works related to the habitats, migration and/or reproduction of aquatic species, must conduct the assessment of environmental impacts according to the law provisions on environmental protection.
4. Organizations and individuals exploiting aquatic resources by placing weirs, traps or other methods of enclosure in rivers, lakes, marshes or lagoons must reserve a corridor for the movement of aquatic species according to the regulations of the local People's Committees.

Article 8. Conservation, protection, reproduction and development of aquatic resources

1. The State shall adopt policies to conserve and protect aquatic resources, particularly those in danger of extinction, precious and rare species, species of high economic value and of scientific significance; to encourage scientific research so as to work out appropriate measures to develop aquatic resources; to invest in the production of aquatic breeds to be stocked in their natural habitats and to create artificial habitats with a view to reproducing and developing aquatic resources.
2. Organizations and individuals shall be obliged to conserve, protect, reproduce and develop aquatic resources in accordance with the provisions of this Law and other relevant law provisions.
3. The Ministry of Fisheries shall periodically announce:
 - a/ The list of aquatic species already inscribed in the red book of Vietnam and other species banned from exploitation; the list of aquatic species banned from exploitation for definite periods and the periods when exploitation is banned;
 - b/ Exploiting methods, exploiting occupations, fishing tools banned from use or subject to restricted use;
 - c/ Categories and minimum sizes of aquatic species permitted for exploitation, and exploitation seasons;
 - d/ Areas where exploitation is prohibited and areas where exploitation is prohibited for definite periods.
4. In case of necessity and if obtaining the approval of the Ministry of Fisheries, the People's Committees of the provinces or centrally-run cities (hereinafter referred collectively to as the provincial level) shall announce additional contents of the provisions of Clause 3 of this Article

to make them suitable to the actual activities of exploiting aquatic resources in their localities.

Article 9. Planning and managing conservation zones of inland water areas and conservation sea zones

1. On the basis of the typical degree of bio-diversity according to national and international standards, conservation zones of inland water areas and conservation sea zones shall be classified into national parks; species and biotope conservation zones; and natural aquatic resource reserve zones.

2. The Government shall promulgate criteria for the classification of, and announce, conservation zones; plan, build, and decentralize the management of, conservation zones of inland water areas and conservation sea zones; promulgate the regulations on management of conservation zones of important national and international significance.

The provincial-level People's Committees shall promulgate the regulations on management of conservation zones decentralized to their localities for management under the guidance of the Ministry of Fisheries.

3. The State shall invest in conserving the gene stocks and bio-diversity of aquatic resources; adopt policies to encourage organizations and individuals at home and abroad to invest in building, and participate in managing, conservation zones; adopt policies to support the shift of occupations, resettlement, ensuring the interests of inhabitants in the conservation zones.

4. Organizations and individuals shall have to protect conservation zones of inland water areas and conservation sea zones according to the Regulation on management of conservation zones.

Article 10. Financial sources for reproduction of aquatic resources

1. Financial sources for reproduction of aquatic resources include:

a/ State budget allocations;

b/ The fund for reproduction of aquatic resources, which is formed from contributions of organizations and individuals that exploit, culture, process, trade in, export and/or import aquatic resources; contributions of organizations and individuals engaged in the business lines and occupations directly affecting aquatic resources; financial supports from organizations and individuals at home and abroad; and other revenue sources as prescribed by law.

2. The Government shall prescribe the management and use of financial sources for reproducing aquatic resources; specify the contributors, contribution levels and cases of reduction of, and exemption from contribution to the fund for reproduction of aquatic resources.

Chapter III

EXPLOITATION OF AQUATIC RESOURCES

Article 11. Principles for exploitation of aquatic resources

1. The exploitation of aquatic resources in sea areas, rivers, lakes, marshes, lagoons and other natural water areas must not exhaust aquatic resources there; must abide by the regulations on exploitation seasons, exploitation periods, categories and sizes of exploitable aquatic resources and annual exploitable volumes, as well as the provisions of this Law and other relevant law provisions.
2. Fishing tools and means used for exploiting aquatic resources must be of sizes suitable to exploitable aquatic species.

Article 12. Offshore exploitation of aquatic resources

1. The State shall adopt synchronous policies on investment, occupation training, building of information and communication systems, resource survey, forecast of fishing grounds, logistic services, organization of various suitable production forms in order to encourage organizations and individuals to develop offshore exploitation of aquatic resources.
2. Organizations and individuals investing in the offshore exploitation of aquatic resources shall comply with the Law on Domestic Investment Promotion and enjoy other preferential policies of the State.
3. Organizations and individuals engaged in the offshore exploitation of aquatic resources must have information and communication equipment and life-saving devices on board their fishing ships; and abide by the provisions of the maritime legislation.
4. Ship owners shall have to buy compulsory insurance for crew members working on board their fishing ships for offshore exploitation of aquatic resources. The State shall adopt policies to encourage ship owners to buy ship hull insurance on a voluntary basis.

The insurance conditions, premium rates, minimum insurance sum for crew members shall comply with the law provisions on insurance business.

Article 13. Coastal exploitation of aquatic resources

1. The State shall adopt policies to reorganize production, restructure occupations in the exploitation of aquatic resources in coastal sea areas and restructure the occupations among the sectors of exploitation, culture, processing of aquatic resources, agriculture, forestry and services.
2. Organizations and individuals exploiting coastal aquatic resources, when shifting to offshore exploitation of aquatic resources or aquaculture, shall be provided with guidance, training and

capital supports, be assigned land or sea surface for aquaculture according to the State's policies.

3. Organizations and individuals exploiting coastal aquatic resources must have life-saving devices, devices for monitoring weather forecasts; and abide by the law provisions on inland waterway and maritime navigation.

Article 14. Survey of, and research into, aquatic resources

1. The State shall invest in surveying, researching into, and assessing, aquatic resources and drawing up maps on aquatic resources.

2. The Ministry of Fisheries shall assume the prime responsibility for, and coordinate with the concerned ministries and branches and the provincial-level People's Committees in, conducting surveys and assessments of aquatic resources in each sea region, fishing ground, river and large lake; announce fishing grounds, areas for aquatic resource exploitation, and determine the annual exploitable volumes in each sea region and each fishing ground.

3. The provincial-level People's Committees shall have to organize the assessment of aquatic resources within their respective localities under the guidance of the Ministry of Fisheries.

Article 15. Management of aquatic resource exploitation areas

1. Organizations and individuals exploiting aquatic resources in sea areas, rivers, lakes, marshes, lagoons or other natural water areas must abide by the provisions of this Law and other relevant law provisions.

2. The Government shall have responsibility to delimit sea areas and routes for aquatic resource exploitation, decentralize management to the concerned ministries and branches as well as localities in order to ensure the close and synchronous coordination among the forces in charge of examining and controlling fishery activities in the sea areas and routes for aquatic resource exploitation.

3. The provincial-level People's Committees shall have responsibility to promulgate regulations on aquatic resource exploitation areas in rivers, lakes, marshes, lagoons and other natural water areas under their management under the guidance of the Ministry of Fisheries; make arrangements for people to exercise their rights to supervise, detect and denounce acts of violating the legislation on aquatic resources in the aquatic resource exploitation areas.

Article 16. Aquatic resource exploitation permits

1. Aquatic resource-exploiting organizations and individuals must have aquatic resource exploitation permits, except for the cases where individuals exploit aquatic resources with fishing ships of under 0.5 ton or without fishing ships.

2. An aquatic resource exploitation permit shall contain the following principal contents:

- a/ The fishing occupation and fishing gear;
- b/ Areas and routes permitted for exploitation;
- c/ The duration of fishing activities;
- d/ The term of the permit;
- e/ Other necessary contents as prescribed by law.

3. The Government shall prescribe the order, procedures and decentralize the competence to grant and withdraw aquatic resource exploitation permits.

Article 17. Conditions for granting aquatic resource exploitation permits

To be granted aquatic resource exploitation permits, aquatic resource-exploiting organizations and individuals must meet all the following conditions:

- 1. Having registered the aquatic resource exploitation business;
- 2. Having made registration and registry for their fishing ships;
- 3. Having appropriate fishing gear and means;
- 4. Ship masters, chief engineers on board their fishing ships must possess appropriate diplomas and certificates as prescribed by law.

Article 18. Withdrawal of aquatic resource exploitation permits

Aquatic resource-exploiting organizations and individuals shall have their aquatic resource exploitation permits withdrawn in the following cases:

- 1. No longer meeting all conditions specified in Article 17 of this Law;
- 2. Committing serious violations of the provisions of this Law regarding aquatic resource exploitation or having been sanctioned for administrative violations in fishery activities for three times within the term of their aquatic resource exploitation permits.
- 3. Erasing, deleting or modifying the contents of their aquatic resource exploitation permits;
- 4. Committing other violation acts subject to, as prescribed by law, withdrawal of aquatic resource exploitation permits.

Article 19. Aquatic resource exploitation reports and recording of aquatic resource exploitation diaries

1. Organizations and individuals with aquatic resource exploitation permits must report on the aquatic resource exploitation to the aquatic resource management bodies in the localities where they have registered their fishing ships.
2. For types of fishing ships whose masters, according to the regulations of the Ministry of Fisheries, must have ship master's diplomas, when operating their ships to exploit aquatic resources, the ship masters shall have to organize the recording of aquatic resource exploitation diaries.
3. The Ministry of Fisheries shall promulgate the aquatic resource exploitation diary form, the management regime and the contents of such diary; the contents of aquatic resource exploitation reports and the reporting regime.

The provincial-level People's Committees shall have to organize the reporting on the aquatic resource exploitation in their localities under the guidance of the Ministry of Fisheries.

Article 20. Rights of aquatic resource-exploiting organizations and individuals

1. To exploit aquatic resources according to the contents of their aquatic resource exploitation permits.
2. To be notified in time by specialized agencies of weather changes, of aquatic resources and be provided with information on fishery activities, aquatic product markets and the guidance on aquatic resource-exploiting techniques.
3. To have their rights as well as legitimate interests being their labor and investment outcomes in the aquatic resource exploitation protected by the State.
4. To have other rights as prescribed by law.

Article 21. Obligations of aquatic resource-exploiting organizations and individuals

1. To abide by the provisions in their aquatic resource exploitation permits.
2. To pay taxes, fees and charges according to law provisions.
3. To mark their fishing tools being used in the fishing grounds with noticeable signs according to the regulations of the Ministry of Fisheries.
4. To submit to the examination and control by competent forces and agencies as prescribed by law.
5. To rescue persons and vessels being in distress.
6. To observe the regulations on management of exploitation areas, protection of order and

security in the exploitation areas.

7. To detect, denounce and stop acts of violating the legislation on fisheries.

8. To fulfill other obligations as prescribed by law.

Article 22. Prevention, avoidance and reduction of harms caused by natural disasters in aquatic resource exploitation

1. Aquatic resource-exploiting organizations and individuals must abide by the law provisions on prevention and avoidance of natural disasters; have adequate safety equipment as prescribed by law; and take initiative in applying measures to prevent, avoid and reduce harms caused by natural disasters; participate in rescue and salvage.

2. The concerned State bodies must organize in time the application of measures to rescue persons, vessels and other properties being in distress, meeting with incidents or natural disasters while exploiting aquatic resources.

Chapter IV

AQUACULTURE

Article 23. Aquaculture development planning

1. Aquaculture development plannings constitute a part of the overall planning on fishery sector development already approved by the Government.

2. The Ministry of Fisheries shall assume the prime responsibility for, and coordinate with the concerned ministries and the provincial-level People's Committees in, elaborating the aquaculture development plannings for the whole country, each province or centrally-run city.

Basing themselves on the planning already approved by the Government and the guidance of the Ministry of Fisheries, the provincial-level People's Committees shall draw up detailed plannings and submit them to the People's Councils of the same level for adoption before reporting them to the Ministry of Fisheries.

Basing themselves on the approved aquaculture development plannings and plans of the provinces or centrally-run cities and the direction of the provincial-level People's Committees, the People's Committees of lower levels shall draw up detailed plannings on aquaculture areas under their management and submit them to the People's Councils of the same level for adoption before reporting them to the People's Committees of the immediate higher level.

3. The modification and supplementation of aquaculture development plannings must be decided by the bodies with competence to adopt and approve such plannings.

Article 24. Aquaculture conditions

1. Organizations and individuals engaged in aquaculture must meet all the following conditions:

a/ Having the places for building aquaculture establishments in line with the plannings;

b/ Their aquaculture establishments must satisfy technical conditions and standards for aquaculture; veterinary hygiene and environmental protection as prescribed by law;

c/ Using feeds and veterinary drugs satisfying the standards prescribed by the legislation on veterinary practice.

2. The Ministry of Fisheries shall promulgate aquaculture standards, processes and rules for application by aquaculture establishments; assume the prime responsibility for, and coordinate with the concerned ministries and ministerial-level agencies and the provincial-level People's Committees in, guiding the aquaculture establishments to apply the semi-intensive and intensive farming methods up to the food hygiene and safety standards, organizing the examination and recognition of such establishments.

Article 25. Rights of organizations and individuals engaged in aquaculture

1. To be granted by competent State bodies certificates of the right to use land or sea surface for aquaculture.

2. To be protected by the State when their right to use lawfully land or sea surfaces for aquaculture is infringed upon by other persons, receive damage compensation when their land or sea surface is recovered by the State for public, defense or security purposes ahead of the expiry of the assigning or leasing term according to law provisions.

3. To be supplied by specialized aquatic agencies with information and training on the transfer of new aquaculture techniques, techniques of producing new aquatic strains, techniques of preventing and detecting epidemics of aquatic resources, be informed of the environmental situation, epidemics in the aquaculture areas, informed of the aquatic product market.

Article 26. Obligations of organizations and individuals engaged in aquaculture

1. To use for the right purposes and efficiently the land areas and sea surfaces assigned or leased for aquaculture and to protect the public works in service of aquaculture.

2. To perform the financial obligations regarding the use of land or sea surface for aquaculture according to law provisions.

3. To report on aquaculture statistics in accordance with the legislation on statistics.

4. To hand back land or sea surface for aquaculture under recovery decisions according to law

provisions.

5. To implement the law provisions on environmental protection.

Article 27. Assignment, lease and recovery of aquaculture land

1. The assignment, lease and recovery of aquaculture land must comply with the law provisions on land and other relevant law provisions.

2. Organizations and individuals assigned or leased land for aquaculture must discharge their rights and obligations prescribed by this Law, the land legislation and other relevant laws.

Article 28. Assignment and lease of sea surface for aquaculture

1. The assignment or lease of sea surfaces for aquaculture must be effected in accordance with the aquaculture development plannings.

2. The People's Committees of rural districts, urban districts, provincial towns or cities may assign sea surface without collecting use levy to individuals living in their localities, who are directly engaged in aquaculture and live largely on their incomes from aquaculture, which is certified by the People's Committees of communes, wards or townships where they reside, or who must change their occupations as prescribed in Clause 1, Article 13 of this Law.

3. The provincial-level People's Committees may lease sea surface for aquaculture in the following cases:

a/ Organizations and individuals rent sea surface for aquaculture under projects approved by competent State bodies;

b/ Foreign organizations and individuals rent sea surface for aquaculture under projects approved by competent Vietnamese State bodies.

4. For organizations and individuals that are assigned by the State sea surface for aquaculture before this Law takes effect, they shall be allowed to shift to rent such sea surface upon the expiry of their assigning terms, excluding the subjects prescribed in Clause 2 of this Article.

5. The provincial-level People's Committees may assign sea surface to aquatic scientific research institutions according to the plannings and programs approved by competent State bodies.

6. The terms of assignment or lease of sea surface for aquaculture shall not exceed 20 years. Upon the expiry of such terms, if the users wish to continue using the assigned or leased sea surface for aquaculture while the State has no demand to recover such sea surface, the users shall have the right to continue using such sea surface under new sea surface assignment decisions or lease contracts.

7. The Government shall specify the assignment and lease of sea surface for aquaculture as well

as the assigned or leased sea surface area limits.

Article 29. Recovery of sea surface assigned or leased for aquaculture

1. The State shall recover the whole or part of sea surface assigned or leased for aquaculture in the following cases:

a/ Such sea surface is used for wrong purposes;

b/ After 24 consecutive months, sea surface has not been used for aquaculture, except for plausible reasons accepted by competent State bodies;

c/ The users of sea surface for aquaculture fail to fulfill their obligations prescribed in Article 26 and Article 31 of this Law;

d/ The users of sea surface for aquaculture voluntarily return their assigned or leased sea surface;

e/ The State has the demand to recover sea surface for public, defense or security purposes.

2. The bodies with competence to assign or lease sea surface for aquaculture shall have the right to recover such assigned or leased sea surface according to law provisions.

Article 30. Rights of organizations and individuals assigned or leased sea surface for aquaculture

Organizations and individuals assigned or leased sea surface for aquaculture shall, apart from the rights prescribed in Article 25 of this Law, also have the following rights:

1. Individuals who are assigned sea surface for aquaculture may bequeath such sea surface and mortgage their own properties associated with their right to use sea surface to borrow capital for their production and/or business according to law provisions;

2. Organizations and individuals that are leased by the State sea surface for aquaculture and pay sea surface rents annually shall have the following rights:

a/ To mortgage their own properties associated with their leased sea surface at Vietnamese credit institutions to borrow capital for their production and/or business according to law provisions;

b/ To transfer their own properties associated with their leased sea surface; if, having demand and being further leased by the State such sea surface for aquaculture, the transferees of such properties shall still have the rights prescribed in this Clause.

3. Organizations and individuals that are leased by the State sea surface for aquaculture and have prepaid rents therefore for at least 10 years shall have the following rights:

a/ To mortgage the value of their right to use the leased sea surface and their own properties

associated with the leased sea surface within the lease terms at Vietnamese credit institutions to borrow capital for their production and/or business according to law provisions;

b/ To transfer their right to use the leased sea surface together with their own properties associated with the leased sea surface. Individuals may bequeath their right to use the leased sea surface within the lease terms according to law provisions. The transferees or the heirs of the right to use the sea surface leased for aquaculture shall have the rights prescribed in this Clause;

c/ To make capital contribution with the value of the right to use the leased sea surface together with their own properties associated with the leased sea surface in order to enter into production and business cooperation with organizations and/or individuals at home and/or abroad according to law provisions;

d/ To sub-lease the right to use sea surface within the lease terms. The sub-lease shall be effected only when such sea surface has been invested under projects and the sub-lessees must use such sea surface for the right purposes.

Article 31. Obligations of organizations and individuals using sea surface for aquaculture

Organizations and individuals using sea surface for aquaculture shall, apart from the obligations prescribed in Article 26 of this Law, also have the following obligations:

1. To use the aquaculture areas within their boundaries, to abide by the law provisions on aquaculture and environmental protection and other relevant law provisions;
2. Not to harm the legitimate interests of the users of adjacent sea surface; to implement regulations on safety for people and properties.

Article 32. Concentrated aquaculture zones

1. The State shall provide capital supports for building infrastructures in the concentrated aquaculture zones according to the fishery sector development plannings and plans; invest in building aquatic resource environment observatories and aquatic resource epidemic control stations.

2. Organizations and individuals conducting aquaculture in the concentrated aquaculture zones must comply with the regulations of such zones; the specialized technical standards of aquaculture works, aquaculture techniques and aquaculture environment.

3. The Ministry of Fisheries shall set forth the water quality standards for aquaculture and specialized technical standards of aquaculture works; promulgate regulations on the organization and operation of concentrated aquaculture zones and the non-harvesting periods in order to ensure food hygiene and safety.

4. The provincial-level People's Committees shall have the responsibility to organize the

management of concentrated aquaculture zones.

Article 33. Aquatic breeds

1. Aquatic breeds for culture, reproduction and development of aquatic resources must be of quality up to the system of Vietnamese standards.
2. Organizations and individuals producing and trading in aquatic breeds must satisfy all business conditions prescribed by the Government; and guarantee that the breed production comply with branch standards.
3. New aquatic strains or aquatic strains to be cultured for the first time must be recognized by the Ministry of Fisheries; if they are to be put into production or business, the permission of the Ministry of Fisheries is required.
4. The State shall adopt policies to encourage the research into precious and rare aquatic varieties and the creation of new ones; and invest in building national aquatic resource breeding centers. The Ministry of Fisheries shall coordinate with the provincial-level People's Committees in conducting examination of the quality of aquatic breeds at the breeding establishments.

Article 34. Import and export of aquatic breeds

1. Imported aquatic varieties must be quarantined in accordance with the law provisions on veterinary practice as well as plant protection and quarantine.
2. For new aquatic breeds imported for the first time, the written permission of the Ministry of Fisheries is required.
3. Aquatic varieties transited in Vietnam must comply with the law provisions on veterinary medicine as well as plant protection and quarantine, and other relevant law provisions.
4. Exported aquatic varieties must be those on the list of specialized aquatic export goods, except for the case of breed exchange, scientific and technical research cooperation, gifts and other special cases prescribed by the Ministry of Fisheries.

Article 35. Aquaculture feeds; drugs and chemicals used in aquaculture

1. Aquaculture feeds and raw materials for production thereof; drugs and chemicals used in aquaculture must satisfy branch and Vietnamese standards.
2. When importing aquaculture feeds and raw materials for production thereof; drugs and chemicals used in aquaculture on the list of specialized aquatic import goods, organizations and individuals must abide by the law provisions on veterinary medicine, goods quality, commerce and other relevant law provisions. Where they are not on the list of specialized aquatic import goods, before being imported commercially for the first time, they must be assayed and tested

according to the regulations of the Ministry of Fisheries.

3. Organizations and individuals producing and/or trading in aquaculture feeds; drugs and chemicals used in aquaculture must satisfy all conditions stipulated by the Government; observe law provisions on veterinary medicine, goods quality, environmental protection, trademarks and other relevant law provisions.

4. The Ministry of Fisheries shall have the following responsibilities:

a/ To announce the lists and standards of aquaculture feeds and raw materials for production thereof; drugs and chemicals used in aquaculture on the lists of specialized aquatic export and import goods;

b/ To prescribe the veterinary hygiene and environmental protection standards for establishments which produce and/or trade in aquaculture feeds and/or veterinary drugs for use in aquaculture;

c/ To announce the lists of drugs and chemicals for use in aquaculture; banned from use or subject to restricted use in aquaculture.

Article 36. Prevention and eradication of aquatic resource epidemics and diseases

1. Organizations and individuals producing aquatic breeds and/or culturing aquatic resources must apply measures to prevent aquatic resource epidemics and diseases. When an aquatic resource epidemic breaks out, they must take timely measures to deal with it and notify the local administrations and specialized agencies thereof.

Infected cultured aquatic resources must be dealt with according to law provisions on veterinary practice as well as plant protection and quarantine.

2. The Ministry of Fisheries and the People's Committees at all levels shall have to organize the prevention and eradication of aquatic resource epidemics and diseases. The decision to proclaim and the cancellation of decisions to proclaim aquatic resource epidemics; the announcement of the list of aquatic resource diseases and epidemics shall comply with the law provisions on veterinary practice.

Chapter V

FISHING SHIPS AND FISHERY ACTIVITY SERVICE-PROVIDING ESTABLISHMENTS

Article 37. Development of fishing fleets

1. The development of fishing fleets must comply with the fishery sector development planning.

2. The State shall adopt policies to encourage the development of fishing fleets in line with the

strategy on offshore exploitation of aquatic resources.

3. Organizations and individuals that import fishing ships must observe the Government's regulations.

Article 38. Building and transformation of fishing ships

1. Organizations and individuals that build or transform fishing ships subject to registry must obtain the permission of, and have the fishing-ship design dossiers approved by, competent State bodies; newly built or transformed fishing ships must meet all quality and technical safety standards as well as environmental protection standards.

The Ministry of Fisheries shall permit and approve design dossiers for building or transforming fishing ships with a designed waterline length of 20 meters or more; the provincial-level agencies performing the State management over fisheries shall permit and approve design dossiers for building or transforming fishing ships with a designed waterline length of under 20 meters.

2. Production and/or business establishments that build and/or transform fishing ships must meet all business conditions stipulated by the Government.

3. The Ministry of Fisheries shall promulgate quality and technical safety standards as well as environmental protection standards.

Article 39. Registry of fishing ships

1. Fishing ships must undergo registry, excluding those with a designed waterline length of under 15 meters and with no engine fitted aboard or with fitted engines of under 20 horse powers.

2. The Ministry of Fisheries shall organize the uniform registry of fishing ships nationwide; make registry of fishing ships with a designed waterline length of 20 meters or over. The provincial-level People's Committees shall, under the guidance of the Ministry of Fisheries, make registry of fishing ships with a designed waterline length of under 20 meters.

3. The fishing ship registry offices, when checking the technical safety of fishing ships, must comply with the systems of branch and Vietnamese standards.

Article 40. Registration of fishing ships and their crew members

1. Fishing ships must undergo registration; their names and registration numbers must be inscribed on their bodies according to the regulations of the Ministry of Fisheries.

2. The owners of fishing ships shall register crew members working on board their ships, have crew directories and crew member's books according to the regulations of the Ministry of Fisheries.

3. The Ministry of Fisheries shall perform the uniform management of the registration of fishing

ships and their crew members, prescribe the titles for crew members on board fishing ships nationwide; effect the registration of fishing ships and their crew members of the units under the Ministry of Fisheries, units under other ministries and branches, people's armed force units conducting economic activities; and Vietnamese fishing ships exploiting aquatic resources outside Vietnam's seas.

4. The provincial-level People's Committees shall organize the registration of fishing ships and crew members in their localities under the guidance of the Ministry of Fisheries, excluding fishing ships and crew members prescribed in Clause 3 of this Article.

Article 41. Fishing ports, fishing wharves, and storm-sheltering docks of fishing ships

1. The development of fishing ports, fishing wharves and storm-sheltering docks of fishing ships must comply with the fishery sector development planning.

2. The State shall invest in building infrastructures in fishing ports and storm-sheltering docks and give investment supports for building infrastructures in fishing wharves; encourage organizations and individuals of all economic sectors to participate in investing in building facilities in service of the production and business at fishing ports, fishing wharves and storm-sheltering docks of fishing ships.

3. The Ministry of Fisheries shall assume the prime responsibility for, and coordinate with the concerned ministries and the provincial-level People's Committees in, promulgating a model regulation on management of fishing ports, fishing wharves and storm-sheltering docks of fishing ships, and technical standards of fishing ports, fishing wharves and storm-sheltering docks of fishing ships.

4. The provincial-level People's Committees shall have to organize and decentralize the management of fishing ports, fishing wharves and storm-sheltering docks of fishing ships under the management of their localities.

Article 42. Axial aquatic product marketplaces

1. Axial aquatic product marketplaces are the places for wholesale of aquatic products, which are situated in concentrated aquatic product production zones or in places where aquatic-products are consumed in large quantities. The development of axial aquatic product marketplaces must comply with the planning on development of the fishery sector.

2. The State shall adopt policies to support investments in building axial aquatic-product marketplaces, encourage organizations and individuals to participate in investing in building, commercially operating and managing axial aquatic-product marketplaces.

3. The Ministry of Fisheries shall coordinate with the concerned ministries and the provincial-level People's Committees in promulgating a model regulation on management of axial aquatic-product marketplaces; guiding and checking the implementation of such regulations; and

formulate technical standards of axial aquatic-product marketplaces.

4. The provincial-level People's Committees shall have to approve the regulations on management of axial aquatic-product marketplaces and organize the management of the operation of such marketplaces.

Chapter VI

PROCESSING, TRADING IN, EXPORT AND IMPORT OF AQUATIC PRODUCTS

Article 43. Processing of aquatic products

1. The development of aquatic product-processing establishments must comply with the plannings and plans on development of the fishery sector as well as localities.

2. Aquatic product-processing establishments must ensure the following conditions:

a/ Their construction locations must be in line with the plannings;

b/ Their workshops, storehouses, equipment, processing tools, cleaning tools, the system of treatment of waste water, waste solid matters and discharge gas, product quality inspection equipment and devices must satisfy technical standards, food hygiene and safety as well as environmental protection standards prescribed by law;

c/ In case of processing aquatic products by industrial mode, they must have technical officials and employees with relevant professional qualifications;

d/ They must apply the quality management system and observe the law provisions on food hygiene and safety;

e/ They must ensure the publicized quality of ex-factory products; must control by themselves and take responsibility for the publicized product quality; and observe the regulations on goods labeling in accordance with law provisions;

f/ They must not use additives or chemicals on the list of those banned from use in the preservation and processing of aquatic products.

3. Aquatic raw materials put into processing must be of clear origin, ensuring food hygiene and safety.

4. The Ministry of Fisheries shall coordinate with the concerned ministries and the provincial-level People's Committees in examining aquatic product-processing establishments and recognizing those which have met all standards; promulgating technical standards, food hygiene and safety standards and environmental protection standards for the processing of aquatic products.

Article 44. Preservation of aquatic raw materials and products

1. Appropriate technical measures must be applied on board fishing ships and aquatic resource transport means; at fishing ports, fishing wharves, axial aquatic product marketplaces; aquatic resource-collecting establishments, aquatic product storehouses as well as aquatic product-processing establishments to preserve aquatic raw materials and products in order to ensure their compliance with quality standards and food hygiene and safety standards; additives and chemicals on the list of those banned from use for preserving aquatic raw materials and products must not be used.

2. The Ministry of Fisheries shall have the following responsibilities:

a/ To promulgate technical standards and rules for preservation of aquatic raw materials and products;

b/ To announce the list of additives and chemicals permitted for use for preserving aquatic raw materials and products.

Article 45. Aquatic food quality, hygiene and safety

1. Organizations and individuals exploiting, culturing, preserving, transporting, processing, exporting and/or importing aquatic resources or products must abide by the law provisions on goods quality and food hygiene and safety.

2. The Ministry of Fisheries shall coordinate with the concerned ministries in examining the observance of the regulations on the quality, hygiene and safety of aquatic foods which are exported, imported, and consumed in the country.

3. The People's Committees at all levels shall perform the State management over the control of the quality, hygiene and safety of aquatic food, promptly handle organizations and individuals that produce and market aquatic food failing to ensure food quality, hygiene and safety under the management of their localities.

Article 46. Export and import of aquatic goods

1. The State shall encourage and create favorable conditions for organizations and individuals of all economic sectors to step up the export of aquatic goods and develop the aquatic product export markets.

2. Organizations and individuals exporting and/or importing aquatic goods must abide by the provisions of this Law and other relevant law provisions.

3. The Ministry of Fisheries shall coordinate with the concerned ministries in formulating, and organizing the implementation of, a strategy on development of aquatic product export markets; organizing the supply of information on markets, processing technologies, laws on export,

import of aquatic goods to the aquatic product-trading enterprises.

Chapter VII

INTERNATIONAL COOPERATION ON FISHERY ACTIVITIES

Article 47. Principles for international cooperation on fishery activities

The State of the Socialist Republic of Vietnam shall undertake international cooperation on fishery activities with other countries, territories as well as the international organizations on the basis of equality, mutual benefit, respect for each other's independence, sovereignty and laws, and in accordance with international law.

Article 48. Development of international cooperation on fishery activities

1. The State shall adopt policies to encourage and create conditions for Vietnamese organizations and individuals to participate in international economic cooperation on fishery activities with foreign organizations and individuals in accordance with law provisions; to attract overseas Vietnamese as well as foreign organizations and individuals and international organizations to invest and participate in fishery activities in Vietnam in accordance with the provisions of this Law, the Law on Foreign Investment in Vietnam and other relevant law provisions.

2. The Government shall perform the uniform management of Vietnamese fishing ships operating outside Vietnam's seas and foreign fishing ships operating in Vietnam's seas.

Article 49. Exploitation of aquatic resources outside Vietnam's seas

1. Vietnamese organizations and individuals exploiting aquatic resources in international seas or seas of other countries must obtain the permission of competent State bodies; must abide by the international agreements which the Socialist Republic of Vietnam has signed or acceded to, the provisions of this Law, other provisions of Vietnamese laws as well as laws of the countries where their fishing ships come to exploit aquatic resources.

2. Competent State bodies which permit organizations and individuals to exploit aquatic resources outside Vietnam's seas shall have to disseminate Vietnam's laws, international laws and laws of the countries where the fishing ships come to exploit aquatic resources.

3. The Government shall prescribe the permit-granting, conditions and procedures for granting permits for Vietnamese fishing ships to go to exploit aquatic resources outside Vietnam's seas.

Article 50. Foreign fishing ships entering to operate in Vietnam's seas

1. Foreign fishing ships shall be considered and permitted to enter and operate in Vietnam's seas on the basis of the possible annual exploitable output, under the bilateral agreements which Vietnam has signed, in accordance with the provisions of the UN Convention on the Law of the

Sea, and other international agreements which Vietnam has signed or acceded to.

2. Foreign fishing ships entering to operate in Vietnam's seas must have fishery activity permits granted by competent Vietnamese State bodies and observe the provisions of this Law and other relevant law provisions.

3. If foreign fishing ships with permits for conducting fishery activities in Vietnam's seas violate the provisions of this Law or other relevant law provisions and if foreign fishing ships trespass Vietnam's seas, they shall be handled according to the provisions of Vietnamese laws.

4. The Government shall prescribe the conditions, procedures and competence to grant and withdraw fishery activity permits with regard to foreign fishing ships operating in Vietnam's seas.

Chapter VIII

STATE MANAGEMENT OVER FISHERIES

Article 51. Contents of the State management over fisheries

1. Formulating, and organizing the implementation of, strategies, plannings, plans and policies on development of the fishery sector.

2. Promulgating, disseminating, popularizing, educating, and organizing the implementation of, legal documents on fisheries.

3. Organizing surveys, evaluating, managing and protecting the sustainable development of, aquatic resources; conducting scientific research and applying new technologies to fishery activities; planning and managing conservation zones of inland water areas and conservation sea zones; performing the statistical and information work on fishery activities.

4. Defining and decentralizing the management of coastal sea areas in fishery activities; managing, and decentralizing the management of, sea areas for exploitation; allocating exploitation routes; announcing fishing grounds for exploitation; managing the assignment, lease and recovery of land and sea surface used for aquaculture.

5. Managing the grant and withdrawal of assorted permits and certificates in the fishery domain according to law provisions; training, testing and granting fishing ship master's and chief engineer's diplomas; granting fishery activity permits to foreign fishing ships and withdrawing such permits.

6. Managing the evaluation and recognition of new aquatic strains, veterinary drugs for aquatic resources and aquaculture feeds; examining, and organizing the prevention and eradication of, epidemics in aquatic resources; managing the environment protection in fishery activities.

7. Managing, and decentralizing the management of, fishing ships, fishing ports and axial aquatic

product marketplaces.

8. Undertaking international cooperation on fishery activities.

9. Managing and organizing the apparatus and training human resources for the fishery sector; providing professional and technical guidance for the fisheries associations.

10. Examining and inspecting the implementation of the fisheries legislation, handling acts of violating the fisheries legislation; settling disputes, complaints and denunciations in fishery activities according to law provisions.

Article 52. State management responsibilities for fisheries

1. The Government shall perform the uniform State management over fisheries nationwide.

2. The Ministry of Fisheries shall be answerable to the Government for performing the function of State management over fisheries nationwide.

3. The Ministry of Agriculture and Rural Development, the Ministry of Natural Resources and Environment, the Ministry of Health, the Ministry of Defense and other ministries and ministerial-level agencies shall, within the scope of their respective tasks and powers, coordinate with the Ministry of Fisheries in performing the State management over fisheries in accordance with the provisions of this Law and other relevant law provisions.

4. The People's Committees at all levels shall perform the State management over fisheries in their localities in accordance with the provisions of this Law and other relevant law provisions.

Article 53. Fisheries inspectorate

1. The fisheries inspectorate is an inspectorate specialized in fisheries activities.

2. The fisheries inspectorate shall be equipped with uniforms, insignias and equipment necessary for its operation.

3. The Government shall specify the organization and operation of the fisheries inspectorate.

Article 54. Tasks of the fisheries inspectorate

1. To inspect the implementation of the fisheries legislation; detect and stop acts of violating the fisheries legislation.

2. To coordinate with other specialized inspectorates, examination and control forces of the ministries, branches and localities in detecting and stopping acts of violating the fisheries legislation.

3. To take responsibility before law for consequences of their inspection decisions.

Article 55. Competence of the fisheries inspectorate

When conducting inspection, the fisheries inspectorate and inspectors shall have the following powers:

1. To request the related organizations and individuals to supply documents and reply on matters necessary for the inspection.
2. To collect and verify evidences, documents related to the inspection contents and take technical examination measures on the sites;
3. To decide to suspend or stop acts showing signs of law violation or activities in danger of seriously harming fishery activities.
4. To handle according to their competence or propose competent State bodies to handle acts of violating the fisheries legislation.

Article 56. Responsibilities of organizations and individuals for activities of the fisheries inspectorate

1. Inspected organizations and individuals shall be obliged to comply with the request and execute the decisions of the fisheries inspectorate and inspectors; be entitled to lodge complaints about such decisions in accordance with law provisions.
2. Other organizations and individuals shall have to create conditions for the fisheries inspectorate to perform its duties.

Chapter IX

COMMENDATION AND HANDLING OF VIOLATIONS

Article 57. Commendation

Organizations and individuals that record achievements in the implementation of this Law shall be commended and/or rewarded according to law provisions.

Article 58. Handling of violations

1. Those who commit acts of violating the provisions of this Law shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability; if causing damage, they must pay compensation therefore according to law provisions.
2. Those who abuse their positions and powers to violate, or cover up persons who have committed acts of violating, the provisions of this Law shall, depending on the nature and

seriousness of their violations, be disciplined or examined for penal liability; if causing damage, they must pay compensation therefore according to law provisions.

Article 59. Complaints, denunciations

1. Organizations and individuals shall have the right to complain about, individuals shall have the right to denounce, acts of violating the fisheries legislation to competent bodies, organizations or individuals according to law provisions.
2. Competent organizations or individuals, upon receiving complaints or denunciations, shall have to settle them promptly according to law provisions on complaints and denunciations.

Chapter X

IMPLEMENTATION PROVISIONS

Article 60. Transitional provisions

All types of permits and certificates of eligibility for conducting various fishery business lines; certificates of the right to use land for aquaculture, assignment or lease of sea surface for aquaculture, which have been granted before the effective date of this Law but have not yet expired and do not fall into the prohibited cases prescribed by this Law, shall still be valid.

Article 61. Implementation effect

This Law takes implementation effect as from July 1, 2004.

To abrogate the State Council's 1989 Ordinance on Protection and Development of Aquatic Resources.

Article 62. Implementation guidance

The Government shall detail and guide the implementation of this Law.

This Law was adopted on November 26, 2003 by the 11th National Assembly of the Socialist Republic of Vietnam at its 4th session.

**THE NATIONAL
ASSEMBLY
CHAIRMAN**
(signed)
Nguyen Van An