

## Fisheries Law

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Pursuant to Constitution of the Socialist Republic of Vietnam in 1992 amended and supplemented according to Resolution No.51/2001/QH10 dated 25 December 2001 of the National Assembly, Legislature X at its 10th session

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Fisheries Law

Pursuant to Constitution of the Socialist Republic of Vietnam in 1992 amended and supplemented according to Resolution No.51/2001/QH10 dated 25 December 2001 of the National Assembly, Legislature X at its 10th session;

This Law stipulates fisheries activities.

Chapter I

## General provisions

### Article 1: Application of the Law

This Law shall apply to Vietnamese organizations and individuals and foreign organizations and individuals conducting fisheries activities in mainland, archipelagoes, internal waters, territorial sea, Exclusive Economic Zone and continental shelf of Socialist Republic of Vietnam.

Provisions of this Law shall be applied unless the international treaties to which Vietnam signed or a party state otherwise.

### Article 2: Explanation of terms

For the purposes of this Law,

1. Fisheries resources means aquatic living resources existing in natural waters and having economic and scientific value for the development of capture fishery, conservation and development of fisheries resources.
2. Fisheries activities means activities regarding fishing operations, aquaculture, transfer of exploited fisheries resources; preservation, processing, trading, import and export of fish and fishery products; services in fisheries activities; the survey, protection and development of fisheries resources.
3. Rehabilitation of fisheries resources means the renewable process, enhancement and increase of fisheries resources.
4. Fishing operations means the capture of fisheries resources at seas, in rivers, lakes, lagoons and other natural waters.
5. Fishing ground means sea areas with a high concentration of fisheries resources identified for fishing vessels coming to fish.
6. Aquaculture land includes land with inland water surface including ponds, lakes, lagoons, rivers, channels; coastal and riverine alluvial land, coastal sandy beaches; land used for farming economy purposes, non-agricultural land with water surface allocated and leased for aquaculture purposes.
7. Marine areas for aquaculture means sea areas that are planned for aquaculture purposes.
8. New fish fry means the fry introduced to or created in Vietnam in the first of its kind.

9. Fishing vessel includes vessel, boat, and other floating structures to be used specializedly in fishing operations, aquaculture, preservation and processing of fish and fisheries products.

10. Fishing port means a specialized port for fishing vessels including land of port and roadstead. The land of port covers an area of pier, warehouse, workshop, administration, logistic service, trade, import and export of fish and fishery product.

11. Individual in this Law includes a person directly involves in fisheries activities or a representative of a household engaged in fisheries activities.

### Article 3: Property over fisheries resources

Fisheries resources shall be subject to the ownership of the people and under the integrated management of the State. Organizations and individuals shall have rights to exploit the fisheries resources as provided for by legislation.

### Article 4: Principles in fisheries activities

Fisheries activities shall be conducted in accordance with the following principles:

1. They shall ensure the economic effectiveness in accordance with the protection, rehabilitation and development of fisheries resources and biodiversity; shall protect environment and natural landscape. The development of fisheries activities in all aspects shall be done in accordance with the development masterplan and plans of fisheries sector nationwide and in specific provinces.
2. They shall actively prevent, avoid and mitigate the adverse impacts caused by natural disaster and fish diseases; shall promote the safety of human being, fishing vessels, construction and facilities used in fisheries activities.
3. Fisheries activities shall be combined with the assurance of national defense security, the protection of national sovereignty and interests at seas and in rivers; shall comply with regulations of this Law and other relevant legislation.

### Article 5: Sustainable fisheries development

1. The State shall issue policies to ensure the sustainable fisheries development; shall encourage and create favorable conditions for organizations and individuals to rationally exploit and use fisheries resources and shall ensure the rehabilitation of fisheries resources and aquaculture development at seas, in rivers, lakes, lagoons and other natural waters.
2. The State shall encourage organizations and individuals to invest in and conduct scientific research and apply advanced technology, develop human resources and build up infrastructure in fisheries activities; shall develop clean and healthy aquaculture; shall

strongly boost fisheries extension service so as to best serve the fisheries activities, to protect and develop fisheries resources; shall encourage organizations and individuals to be subject to insurance of human and properties in fisheries activities, except for binding cases as regulated by legislation.

3. The State shall develop fisheries economy on the basis of development masterplan of fisheries sector in accordance with overall socio-economic development masterplans nationwide and of specific provinces; shall ensure that the setting up of coastal or riverine construction around the aquaculture sites is not to affect fisheries resources.

4. The Government shall identify the border of coastal areas in order to decentralize management to local coastal authorities for integrated coastal areas management as well as production and trade development based on the depth of water and the distance from shoreline and some other characteristics of coastal areas.

#### Article 6: Prohibited activities in fisheries activities

The prohibited activities shall be the followings:

1. The illegal exploitation and destruction of submarine reefs, coral reefs, submarine plantation systems, mangrove forests and other aquatic habitats; the illegal destruction and interference with the natural movement path of fish species living in rivers, lakes, lagoons, straits, bays and gulfs.
2. The exploitation of fish species under the prohibited lists including the time-limited prohibition lists except for scientific research purposes allowed by the Government; the exploitation of fish with smaller size than regulated, except for cases allowed for aquaculture purposes.
3. The encroachment or illegal intrusion of inland protected areas or marine parks that were planned and proclaimed; the violation of regulations set out in the management rules of protected areas.
4. The breach of regulations set out by law on environmental protection regarding the aquatic habitats.
5. The fishing operations conducted in closed areas, areas during closed time; and the over-fishing.
6. The production, circulation, usage of prohibited fishing gear; the use of prohibited fishery activities and methods; the use of explosives, poisons, electric and other destructive fishing methods.
7. The use of fishing gear that obstruct, interfere with or cause damages to the fishing organizations; the anchorage or stopping of fishing vessels at a place where fishing gear

of other organizations and individuals exists or where the other fishing vessels are showing signal of fishing, except for force-majeure.

8. Abandonment of fishing gear in natural waters; except for force-majeure;
9. Violation of relevant regulations regarding traffic safety and safety of constructions as regulated by legislation dealing with maritime, inland water ways and other relevant legislation.
10. Violation of regulations relating to masterplan on aquaculture development.
11. The transfer of use right of land or marine areas for aquaculture that was allocated and leased without permission of relevant competent State organs.
12. Conduct of new aquaculture activities without permission of Ministry of Fisheries and the cultivation of fish species under the prohibited list.
13. The conduct of aquaculture that is inconsistent with masterplan and obstruct the flows, interfere with fishing operations and cause adverse impact on the activities of other sectors and occupations.
14. The use of drugs, additives, chemicals under the prohibited list for aquaculture, feed production, fish processing and preservation purposes; insertion of extraneous matters to the fish materials and products.
15. The release of infected fish into aquaculture sites or natural waters.
16. The discharge of water, waste water from aquaculture sites, hatcheries, preservation units and processing units without treatment or disqualified treatment into surrounding environment.
17. The processing, transport or marketing of fish species under prohibited fishing list; fish originated from aquaculture sites during closed-time period; fish with poisonous residues over the permitted limit; fish with natural poisonous agents that are seriously harmful to the human health, except for cases allowed by competent State organs.
18. The import and export of fish and fishery products under the prohibited import and export lists.

## Chapter II

### Protection and development of fisheries resources

#### Article 7: Habitat protection

1. Organizations and individuals shall be responsible for the protection of aquatic habitat.
2. Organizations and individuals conducting fisheries activities and other activities that directly affect the aquatic habitat, migration, spawning of fish species shall comply with provisions as set out by this Law and other legislation dealing with environmental protection, water resources and other relevant legislation.
3. Organizations and individuals while setting up, altering or destroying the constructions related to aquatic habitat, migration, spawning of fisheries resources shall conduct environment impact assessment as set out by legislation dealing with environmental protection.
4. Organizations and individuals while fishing by setting barriers, set nets in rivers, lakes, lagoons shall have to spend a corridor areas for the movement of fisheries resources as regulated by local People's Committees.

Article 8: Conservation, protection, rehabilitation and development of fisheries resources

1. The State shall issue policies regarding the conservation and protection of fisheries resources, particularly of the endangered, rare and precious ones and ones that have economic value and scientific importance; shall encourage the scientific research for suitable measures to develop fisheries resources; shall invest in production of fish fry for releasing into their natural habitat and shall create artificial residence places in order to rehabilitate and develop fisheries resources.
2. Organizations and individuals shall be responsible for conservation, protection, rehabilitation and development of fisheries resources as set out by this Law and other relevant legislation.
3. Ministry of Fisheries shall periodically proclaim the followings:
  - a. The list of aquatic species which are named in the Red Book of Vietnam and other species prohibited to be fished; the list of aquatic species which are prohibited to be fished in time-limited manner and the closed time as well.
  - b. Fishing methods, types of fishery and fishing gear which are prohibited to be used or are restricted to be used;
  - c. Minimum size and type of aquatic species which are allowed to be fished and fishing seasons;
  - d. Closed areas and time-limited closed areas.
4. In case of necessity and with the acceptance of Ministry of Fisheries, the People's Committees of provinces and cities under central level (hereinafter referred to as

“provincial People’s Committee”) shall proclaim the supplement to the regulations made in paragraph 3 of this Article to make it suitable with practical fishing operations in their provinces.

#### Article 9: Planning and management of inland protected areas and marine parks

1. The inland protected areas and marine parks shall be classified as national parks, sanctuaries and aquatic habitat reserves based on the levels of typical biodiversity in accordance with national and international standards.
2. The Government shall issue the standards to classify and proclaim the protected area; shall plan, establish, manage and decentralize the inland protected areas and marine parks; shall issue the management rules of protected areas which are of national and international significant importance.

Provincial People’s Committee shall issue the management rule of protected areas to be decentralized to the local authorities for management in accordance with guidance provided by Ministry of Fisheries.

3. The State shall invest in conservation of genetic sources and biodiversity of aquatic resources ; shall issue policies to encourage the domestic and foreign organizations and individuals to establish and manage the protected areas; shall issue policies to support the job alternatives and the resettlement to ensure the interests of the residents living in protected areas.
4. The organizations and individuals shall be responsible for protection of inland protected areas and marine parks in accordance with management rule of protected areas.

#### Article 10: Financial sources for rehabilitation of fisheries resources

1. The financial sources for rehabilitation of fisheries resources shall come from:
  - a, State’s budget;
  - b, The Fund for Rehabilitation of Fisheries Resources shall be contributed by organizations and individuals engaged in fishing operations, aquaculture, trading, import and export of fish; by organizations and individuals involved in occupations that directly affect the fisheries resources; by donation of domestic and foreign organizations and individuals; and other sources as regulated by legislation.
2. The Government shall make regulations on the management, usage the financial sources for purposes of fisheries resources rehabilitation; shall make specific regulations on the persons, contribution and exempted cases of the Fund.

#### Chapter III

## Fishing operations

### Article 11: Principles in fishing operations

1. The fishing operations conducted at seas, in rivers, lakes, lagoons and other natural waters shall be ensured not lead to the depletion of fisheries resources; shall be done in compliance with regulations relating to fishing seasons, fishing time, fishing grounds, permitted types and sizes, annual allowable catch and shall be complied with provisions stated in this Law and other relevant legislation.
2. The fishing gear and fishing vessels used shall have sizes suitable with permitted fish species.

### Article 12: Offshore fishing

1. The State shall issue integrated policies on investment, job training, establishment of communication system, assessment of fisheries resources, prediction of fishing grounds, logistic service, organization of proper production means in order to promote organizations and individuals to develop offshore fishing.
2. Organizations and individuals investing in offshore fishing shall be subject to Law on Domestic Investment Encouragement and shall enjoy other preferential policies of the State.
3. Organizations and individuals involved in offshore fishing shall have communication system and lifevest on board; shall comply with regulations on maritime legislation.
4. The owners of offshore fishing vessels shall be responsible for buying insurance for crewmembers. The State shall have promotion policies for the owners who are voluntary to buy the insurance for offshore fishing vessels.

The insurance conditions, premium, minimum insurance fees of the crewmembers shall be applied in accordance with legislation on insurance trade.

### Article 13: Coastal fishing

1. The State shall issue policies regarding the re-organization of production, job alternatives related to coastal fishing operations and job structure among capture fishery, aquaculture, fish processing, farming, plantation and services.
2. Organizations and individuals engaged in coastal fishing when transferring to offshore fishing shall be provided with guidance, training, capital support, allocation of land and marine areas for aquaculture in accordance with State policies.



3. Organizations and individuals engaged in coastal fishing shall have lifevest, weather forecast monitoring equipment; shall comply with legislation on inland water ways and maritime.

#### Article 14: Survey and research of fisheries resources

1. The State shall invest in survey, research and assessment of fisheries resources and draw the maps on fisheries resources.
2. Ministry of Fisheries shall chair and in coordination with relevant Ministries and sectors and provincial People's Committees to conduct the survey and assessment of fisheries resources in specific sea areas, fishing grounds, rivers and big lakes; shall proclaim fishing grounds and identify annual allowable catch in specific sea areas and fishing grounds.
3. Provincial People's Committee shall have responsibility to conduct the assessment of fisheries resources within local jurisdiction in accordance with guidance of Ministry of Fisheries.

#### Article 15: Management of fishing grounds

1. Organizations and individuals engaged in fishing operations at seas, in rivers, lakes, lagoons and other natural waters shall comply with the regulations set out by this Law and other relevant legislation.
2. The Government shall have responsibility to demarcate sea areas and fishing routes, shall authorize powers to relevant Ministries and sectors and provinces to ensure the close and integrated coordination between fisheries inspection forces at seas and fishing routes.
3. The provincial People's Committees shall have responsibility to issue rules of fishing grounds in rivers, lakes, lagoons and other natural waters under its jurisdiction in accordance with guidance of Ministry of Fisheries; shall organize and promote the local residents to take part in monitoring, detection and prosecution of any violations committed to fisheries activities in fishing grounds.

#### Article 16: Fishing license

1. Organizations and individuals engaged in fishing operations shall hold fishing licenses except the individuals fishing by fishing vessels with tonnage smaller than 0,5 tons or not using fishing vessels.
2. The main content of fishing license shall include the followings:
  - a. Types of fishery; type of fishing gear
  - b. Allowable fishing grounds and routes.
  - c. Fishing time;
  - d. Duration of fishing license;
  - e. Other necessary contents as provided for by legislation.
3. The Government shall make regulations relating to process, procedures and competent agencies dealing with the granting and withdrawal of fishing licenses.

#### Article 17: Conditions for granting fishing license

Organizations and individuals engaged in fishing operations shall be granted fishing licenses if following conditions are met:

1. They shall register the fishing trade.
2. They shall have registered and inspected fishing vessels.
3. They shall have proper fishing gear and devices.
4. The masters and operators on board shall possess proper degrees and certificates as set out by legislation.

#### Article 18: Withdrawal of fishing license

Fishing licenses granted to organizations and individuals engaged in fishing shall be withdrawn in the circumstances as follows:

1. They have not met the conditions as regulated in Article 17 of this Law.

2. They have seriously violated the regulations stated in this Law regarding fishing operations or they were administratively punished more than three times within the valid duration of fishing licenses.
3. They have corrected or erased the content set out in fishing license.
4. They have committed to other violations that their fishing license shall be withdrawn as regulated by legislation.

#### Article 19: Fishing report and logbook

1. Organizations and individuals who hold fishing licenses shall make fishing report to fisheries management agencies located in place where the fishing vessels are registered.
2. Regarding the type of fishing vessels which requires the master degree, the master of that type of fishing vessel shall be responsible for recording a logbook while fishing.
3. The Ministry of Fisheries shall issue the form and content of logbook and its management regime as well as the report regime and its content.

Provincial People's Committee shall be responsible for organizing the fishing report within local jurisdiction in accordance with guidance of Ministry of Fisheries.

#### Article 20: Rights of organizations and individuals engaged in fishing operations

Organizations and individuals engaged in fishing operations shall have the following rights:

1. They shall have rights to fish as stated in fishing license;
2. They shall be informed of weather development, fisheries resources state, fisheries activities, fish marketing and shall be provided with fishing technique by specialized agencies.
3. Their legal rights and interests based on their produce and investment in fishing shall be protected by the State.
4. They shall have other rights as provided for by legislation.

#### Article 21: Obligations of organizations and individual engaged in fishing operations

The organizations and individuals engaged in fishing operations shall have the following obligations:

1. They shall comply with regulations as stated in fishing license.

2. They shall pay taxes, fees and charges as stated by legislation.
3. They shall mark fishing gear which are being used in fishing grounds by easily-recognizable markings as regulated by Ministry of Fisheries.
4. They shall be subject to the control and investigation of competent functionary agencies and forces as regulated by legislation;
5. They shall take part in rescue of human and fishing vessels at distress.
6. They shall comply with regulations relating to the management of fishing grounds, the maintenance of the security and order in fishing grounds.
7. They shall detect, prosecute and prevent the violations committed to fisheries legislation.
8. They shall comply with other obligations as set out by legislation.

Article 22: Prevention, control and mitigation of adverse impacts caused by natural disaster during fishing operations

1. Organizations and individuals engaged in fishing operations shall comply with legislation on control of natural disaster; shall be fully equipped with safety facilities as stated by the legislation; shall actively apply measures on prevention, control and mitigation of adverse impacted caused by natural disaster and shall participate in rescue work.
2. Relevant State agencies shall have responsibility to timely organize and apply all measures to rescue human, fishing vessels and other properties engaged in fishing operations when accidents and natural disasters occur.

## Chapter IV

### Aquaculture

Article 23: Masterplan on aquaculture development

1. The masterplan on aquaculture development shall be a part of overall development masterplan of fisheries sector approved by the Government.
2. Ministry of Fisheries shall chair the coordination with relevant Ministries and provincial People's Committees in formulating the masterplan on aquaculture development nationwide and of specific province and city under central level.

Provincial People's Committees, on the basis of the masterplan approved by the Government and in accordance with guidance of Ministry of Fisheries, shall formulate specific masterplan to submit to the People's Council at the same level for passage and to report to the Ministry of Fisheries.

On the basis of approved masterplans and plan regarding the aquaculture development issued by provinces or cities under central level and in accordance with the direction of provincial People's Committees, the People's Committees at lower levels shall prepare specific masterplan on aquaculture site within their jurisdiction to present to the People's Councils at the same levels for adoption and to report to People's Committees at the direct higher level.

3. Any changes and supplement of masterplan on aquaculture development shall be decided by agency dealing with masterplan approval.

#### Article 24: Aquaculture conditions

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

a. Construction sites for aquaculture facilities shall be placed in accordance with the masterplan.

b. Aquaculture facilities shall be complied with technical and conditional requirements; veterinary sanitary standards and environmental protection as stated by legislation.

c. They shall use feed and veterinary drugs that are up to standards as regulated by legislation regarding veterinary service.

2. Ministry of Fisheries shall issue standards, process and procedures of aquaculture sites; shall chair the coordination with relevant Ministries and ministerial-level agencies, provincial People's Committees to provide guidance, examination and recognition of qualified aquaculture sites conducted by means of semi-intensive and intensive methods that meet the food hygiene and safety standards.

#### Article 25: Rights of organizations and individuals engaged in aquaculture

Organizations and individuals engaged in aquaculture shall have the rights as follows:

1. They shall be granted a certificate of aquaculture land and marine areas use right for aquaculture purposes.

2. They shall be protected by the State when others violate their legal rights to use aquaculture land and marine areas for aquaculture purposes; they shall be compensated

when the State revoke these areas for public, security and national defense purposes prior to the termination of allocation and lease duration.

3. They shall enjoy the advocacy, training and transfer of new techniques on aquaculture, new fish fry production, the prevention and detection of fish diseases, shall be informed of environment and fish disease status as well as fish marketing by fisheries specialized agencies.

#### Article 26: Obligations of organizations and individuals engaged in aquaculture

The organizations and individuals engaged in aquaculture shall have the obligations as follows:

1. They shall effectively use aquaculture land and marine areas allocated and leased for aquaculture purposes with the right purposes and shall protect the public construction dedicated to aquaculture purposes.
2. They shall comply with their financial obligations regarding the use of aquaculture land and marine areas for aquaculture purposes as stated by legislation.
3. They shall report on aquaculture statistics as laid down by legislation on statistics.
4. They shall return the aquaculture land and marine areas for aquaculture purposes when withdrawal decision is made pursuant to legislation.
5. They shall comply with regulations relating to environmental protection.

#### Article 27: Allocation, lease and revocation of aquaculture land

1. The allocation, lease and revocation of aquaculture land shall be done in compliance with land law and other relevant legislation.
2. Organizations and individuals to whom aquaculture land is allocated and leased shall comply with rights and obligations as set out by this Law, land law and others regulations of relevant legislation.

#### Article 28: Allocation and lease of marine areas for aquaculture

1. The allocation and lease of marine areas for aquaculture purposes shall be done in accordance with masterplan on aquaculture development.
2. The People's Committees of districts, communes or cities under provinces shall allocate marine areas free of charge to local residents who directly conduct aquaculture and whose livelihood mainly depends on income derived from aquaculture as certified by local commune's People's Committees or those who have to shift their job structure as stated in paragraph 1 of Article 13 of this Law.

3. Provincial People's Committee shall lease marine areas for aquaculture in the following circumstances:
  - a. Organizations and individuals who use marine areas for aquaculture purposes in accordance with projects approved by State competent agencies.
  - b. Foreign organizations and individuals who lease marine areas for aquaculture in accordance with projects approved by State competent agencies
4. Organizations and individuals to whom the marine areas were allocated by the State for aquaculture purposes prior to the effectiveness of this Law shall convert to lease these areas upon the termination of allocation duration, except for those subjected to paragraph 2 of this Article.
5. Provincial People's Committee shall allocate marine areas to scientific institutions for fisheries research in accordance with masterplan and programs approved by State competent agencies.
6. The duration of allocation and lease of marine areas for aquaculture purposes shall not be exceed 20 years long. Upon the termination, if users wish to continue to use these areas and the State does not revoke this right, the right shall be renewed in accordance with a new allocation decision or lease contract.
7. The Government shall make specific regulations relating to the allocation, lease and the quota of marine areas to be allocated and leased for aquaculture purposes.

Article 29: Withdrawal of marine areas allocated and leased for aquaculture purposes

1. The State shall revoke the whole or a part of allocated or leased marine areas for aquaculture in the following circumstances:
  - a. Where the marine area is misused;
  - b. Where the marine area has not been used continuously for 24 months except for proper reasons accepted by State competent agencies;
  - c. Where the users of marine areas for aquaculture do not fully comply with obligations set out in Article 26 and Article 31 of this Law;
  - d. Where the users of marine areas for aquaculture voluntarily return the allocated/leased areas;
  - e. Where the State needs to revoke for the public, security and national defense purposes;

2. The agencies responsible for allocation and lease of marine areas for aquaculture purposes shall have rights to revoke allocated and leased areas as regulated by legislation.

Article 30: Rights of organizations and individuals to whom the marine areas are allocated and leased for aquaculture

Organizations and individuals to whom the marine areas are allocated and leased for aquaculture purposes shall have the below rights in addition to rights set out in Article 25 of this Law:

1. Individuals to whom the marine areas are allocated for aquaculture shall have right to leave it as inheritance property and to mortgage their assets in relation to marine areas use right in order to ask for production and trade loan as provided for by legislation.

2. Organizations and individuals to whom the marine areas are allocated for aquaculture by the State and who pay lease fee on annual basis shall have the following rights:

a. To mortgage their properties related to leased marine areas at Vietnamese credit organizations for production and trade loans as provided for by legislation;

b. To transfer their properties related to leased marine areas. In this case, the State shall continuously lease the marine areas to receivers upon their request and they shall enjoy the rights as stated in this point;

3. Organizations and individuals to whom the marine areas are leased by the State and have paid full lease fee at least for 10 years shall have the following rights:

a. To mortgage the value of leased marine areas use right and their properties related to leased marine areas within leasing duration at Vietnamese credit organizations for production and trade loans as prescribed by legislation;

b. To transfer the use right of marine areas and properties related to leased marine areas. Individual shall leave the use right of leased marine areas as inheritance property during its leasing duration as stated by legislation. The inheritor and transfer receiver shall have the rights as set out in this point.

c. To contribute capital by means of value of leased marine areas use right and properties related to leased marine areas for production and trade co-operation with domestic and external organizations and individuals as provided for by legislation;

d. To sub-lease the use right of marine areas during leasing duration. The sub-lease shall be only carried out when the leased marine areas have been invested in accordance with projects and the lessee shall use these marine areas in the right purposes.



### Article 31: Obligations of organizations and individuals using marine areas for aquaculture

Organizations and individuals using marine areas for aquaculture purposes shall have the following obligations in addition to obligations set out in Article 26 of this Law:

1. They shall use marine areas in accordance with designated limit and shall comply with legislation regarding the aquaculture, environmental protection as well as other relevant applicable regulations;
2. They shall conduct aquaculture activities without prejudice to legal interests of other users of marine areas; they shall enforce the regulations relating to safety of human and properties.

### Article 32: Concentrated aquaculture areas

1. The State shall support to invest in the establishment of infrastructure for concentrated aquaculture areas in accordance with development masterplan and plans of fisheries sector; shall invest in the setting up of monitoring stations for fisheries environment and fish disease control stations.
2. Organizations and individuals conducting aquaculture in concentrated aquaculture areas shall comply with regulations of concentrated aquaculture areas, professional technical requirements on aquaculture construction, aquaculture techniques and farming environmental protection.
3. Ministry of Fisheries shall make regulations relating to water quality standards on aquaculture, specialized technical standards on aquaculture construction; shall issue rules on organization and operation of concentrated aquaculture areas as well as closed-harvest time to ensure food hygiene and safety.
4. Provincial People's Committee shall have responsibility to manage concentrated aquaculture areas.

### Article 33: Fish fry

1. The quality of fish fry for aquaculture, rehabilitation and development of fisheries resources shall be ensured in accordance with criteria system of Vietnam.
2. Organizations and individuals who produce and trade fish fry shall meet all trade conditions as regulated by Government, shall ensure the fish fry production to be in accordance with sector's standard requirements.
3. New fish fry and firstly-introduced fish fry used in aquaculture shall be recognized and allowed to be produced by Ministry of Fisheries.

4. The State shall issue policies to promote the research of precious and rare fish fry and the creation of new fish fry; shall invest in establishment of national hatcheries. Ministry of Fisheries shall coordinate with provincial People's Committees to examine the fish fry quality in hatcheries.

#### Article 34: Import and export of fish fry

1. The imported fish fry shall be subject to quarantine as regulated by legislation regarding veterinary service and plant protection and quarantine legislation.
2. New fish fry imported for the first time shall be approved in writing by Ministry of Fisheries.
3. The transit of fish fry through Vietnam shall be done in accordance with legislation relating to veterinary service, plant protection and quarantine as well as other relevant legislation.
4. Exported fish fry shall be under the list of specialized exportable fishery products except the exchange of fish fry, scientific and technical research cooperation, gifts or other special cases as regulated by Ministry of Fisheries.

#### Article 35: Aquaculture feed; drugs and chemicals used in aquaculture

1. Feed and materials used as feed in aquaculture; drugs and chemicals used in aquaculture shall comply with sector's and national standards of Vietnam.
2. Organizations and individuals when import feed and materials used as feed in aquaculture, drugs and chemicals used in aquaculture under the list of specialized fisheries importable products shall comply with legislation relating to veterinary service, commodity quality, trade and other relevant legislation. In case that these products are not named in the list of specialized fisheries importable products, they shall be subject to experiment and test as regulated by Ministry of Fisheries before commercially being imported in the first time.
3. Organizations and individuals who produce and trade in aquaculture feed, drugs and chemicals used in aquaculture shall meet all trade conditions as regulated by the Government; shall comply with legislation relating to veterinary service, commodity quality, environmental protection, goods labeling, and other regulations of relevant legislation.
4. Ministry of Fisheries shall be responsible for:
  - a. Proclamation of the lists and standards of feed and materials used as feed in aquaculture; drugs and chemicals used in aquaculture under the list of specialized fisheries importable and exportable products.

- b. Regulation of veterinary sanity and environmental protection standards applied to units trading and producing aquaculture feed and veterinary drugs used in aquaculture;
- c. Proclamation of drugs and chemicals that are allowed or prohibited or restricted to be used in aquaculture.

#### Article 36: Prevention and control of fish disease

1. Organizations and individuals engaged in fish fry production and aquaculture shall apply measures to prevent fish disease. Where fish disease occurs, treatment shall be timely applied and local authorities and specialized agencies shall be informed at the same time.

Diseased farmed fish shall be treated in accordance with legislation on veterinary service and plant protection and quarantine.

2. Ministry of Fisheries and People's Committees at all its levels shall be responsible for prevention of fish disease. The proclamation of fish disease and its cancellation, the proclamation of the list on fish disease and epidemic shall be done in accordance with legislation relating to veterinary service.

#### Chapter V

##### Fishing vessels and service units for fisheries activities

#### Article 37: Development of fishing vessels

- 1. The development of fishing vessels shall be done in accordance with development masterplan of fisheries sector.
- 2. The State shall issue policies to promote the development of fishing vessels in accordance with offshore fishing strategy.
- 3. Organizations and individuals importing fishing vessels shall comply with regulations made by the Government.

#### Article 38: Building and upgrade of fishing vessels

1. The organizations and individuals when building and upgrading fishing vessels subjected to inspection requirement shall be allowed and have vessel's design approved by competent agencies. The newly-built and upgraded fishing vessels shall comply with standards on quality, technical safety and environmental protection.

Ministry of Fisheries shall allow and approve the design of fishing vessels to be built or upgraded with the length up to 20 meters. The State specialized fisheries agencies at provincial level shall allow and approve the design of fishing vessels to be built or upgraded with the length under 20 meters.

2. The units specialized in building and upgrading fishing vessels shall meet all trade conditions as provided for by the Government.

3. Ministry of Fisheries shall issue the standards on quality, technical safety and environmental protection applied to fishing vessels.

#### Article 39: Inspection of fishing vessel

1. Fishing vessels shall be subject to inspection except for non-engined fishing vessels with the length less than 15 meters or engined fishing vessels with total capacity of less than 20 HP.

2. Ministry of Fisheries, in the unified manner, shall organize the inspection of fishing vessels throughout the country; shall inspect the fishing vessels with the length up to 20 meters. Provincial People's Committee shall inspect fishing vessels with the length below 20 meters in accordance with the integrated guidance of Ministry of Fisheries.

3. Agency dealing with inspection of fishing vessels shall comply with sector and national standard system of Vietnam while examining the technical safety of fishing vessels.

#### Article 40: Registration of fishing vessel and its crew members

1. The fishing vessels shall be registered; the name and registered number of fishing vessel shall be marked on fishing vessel's body as regulated by Ministry of Fisheries.

2. The owner shall have to register his crew members on board, shall keep a list and registration book of crew members as set out by Ministry of Fisheries.

3. Ministry of Fisheries, in unified manner, shall manage the registration of fishing vessels and its crew members, shall regulate the titles of crew members throughout the country; shall conduct the registration of fishing vessels and its crew members belonging

to the units subordinate to Ministry of Fisheries, units belonging to the other Ministries and sectors, people's armed forces dealing with economic affairs, Vietnamese fishing vessels fishing in waters beyond the jurisdiction of Vietnam.

4. Provincial People's Committee shall register local fishing vessels and its crew members in accordance with the guidance of Ministry of Fisheries, except for those not subjected to regulations stated in paragraph 3 of this Article.

#### Article 41: Fishing ports, fish landing sites, storm-resistant places of fishing vessels

1. The development of fishing ports, fish landing sites and storm-resistant places of fishing vessels shall be done in accordance with development masterplan of fisheries sector.

2. The State shall invest in infrastructure of fishing ports and storm-resistant places structures and shall support to invest in infrastructure of fish landing sites; shall promote organizations and individuals under all economic sectors to invest in construction served to production and trade activities of fishing ports, fish landing sites and storm-resistant places.

3. Ministry of Fisheries shall chair the coordination with other relevant Ministries and provincial People's Committees to issue the standardized management rules of fishing ports, fish landing sites, storm-resistant places of fishing vessels; shall issue the technical standards of fishing ports and storm-resistant places.

4. Provincial People's Committee shall be responsible for organization and delegation of powers relating to the management of fishing ports, fish landing sites and storm-resistant places of fishing vessels under the local jurisdiction.

#### Article 42: Fish wholesale market

1. Fish wholesale market is the fish wholesale transaction place located in concentrated fish production areas or areas of fish consumption with large quantity. The development of fish wholesale markets shall be done in accordance with development masterplan of fisheries sector.

2. The State shall issue policies to support the investment in establishment of fish wholesale markets; shall encourage the organizations and individuals to take part in investment in setting up, trade and management of fish wholesale markets.

3. Ministry of Fisheries shall coordinate with relevant Ministries and provincial People's Committees to issue the standardized management rules of fish wholesale markets; shall provide guidance and examine the enforcement of management rules; shall formulate technical standards on fish wholesale markets.

4. Provincial People's Committee shall be responsible for approval of the rules, the management and operation of fish wholesale markets; and the examination of the food hygiene and safety at fish wholesale markets.

## Chapter VI

### Processing, sales, import and export of fish and fishery products

#### Article 43: Processing of fish and fishery products

1. The development of fish and fishery product processing units shall be done in accordance with the development masterplan of fisheries sector.
2. Fish and fishery products processing units shall comply with the conditions as follows:
  - a. Construction sites shall be placed in accordance with masterplan;
  - b. Warehouses, workshops, facilities, equipment, processing tools, cleaning tools, waste water treatment system, solid and gas waste and quality inspection equipment shall meet standards on techniques, food hygiene and safety and environmental protection as stated by legislation;
  - c. In case of using industrial processing methods, the staff and technical workers with appropriate skills and levels shall be recruited.
  - d. They shall apply quality management system and comply with regulations related to food hygiene and safety.
  - e. They shall ensure the proclaimed quality of final products; shall self-examine and be responsible for proclaimed product quality; shall comply with rules on labeling as provided for by legislation;
  - f. They shall not use additives and drugs under prohibition list for preservation and processing purposes.
3. Fish materials used for processing shall have clear origin ensuring food safety and hygiene.
4. Ministry of Fisheries shall coordinate with relevant Ministries and provincial People's Committees to examine and recognize qualified fish and fishery processing and trading units; shall issue standards on techniques, food safety and hygiene, environmental protection during fish processing.

#### Article 44: Preservation of fish materials and products

1. Fishing vessels, fishery transportation means, fishing ports, fish landing sites, fish wholesale markets, fish collecting units, fish warehouses and fish processing units shall apply proper technical measures to preserve fish and fishery materials and products in condition ensuring the quality and food hygiene and safety; shall not use additives and chemicals under the prohibition list for preservation purposes.

2. The Ministry of Fisheries shall be responsible for:

a. Issuance of criteria, technical requirements relating to preservation of fish and fishery materials and products;

b. Proclamation of the additives and chemicals list that are allowed to be used in preservation of fish and fishery materials and products.

#### Article 45: Fish quality, hygiene and safety

1. Organizations and individuals engaged in fishing operations, aquaculture, preservation, transport, processing, import and export of fish and fishery products shall comply with legislation relating to commodity quality and food hygiene and safety.

2. Ministry of Fisheries shall coordinate with relevant Ministries in examination and enforcement of regulations relating to quality and safety of imported and exported fish and fishery products as well as ones used for domestic consumption.

3. People's Committees at all its levels shall carry out State management task regarding the examination of quality, hygiene and safety of fish and fishery products and, within local jurisdiction, shall timely take action to organizations and individuals who produce and sell unqualified fish and fishery products.

#### Article 46: Import and export of fish and fishery products

1. The State shall promote and create favorable conditions for organizations and individuals under all various economic sectors to foster the export of fish and fishery products and expand the markets for exporting fish and fishery products.

2. Organizations and individuals engaged in import and export of fish and fishery products shall comply with provision as set out by this Law and other relevant legislation.

3. Ministry of Fisheries shall coordinate with relevant Ministries in formulation and implementation of strategy on fish export marketing development; shall provide fish trading enterprises with information on markets, processing technology, legislation on import and export of fishery products.

### Chapter VII

#### International cooperation on fisheries activities

#### Article 47: Principles in international cooperation on fisheries activities

Socialist Republic of Vietnam shall exercise international cooperation on fisheries activities with other States, territories and international organizations on the basis of equality, mutual interests with full respect of independence, sovereignty and legislation of respective parties and international law.

#### Article 48: Development of international cooperation on fisheries activities

1. The State shall issue policies to promote and facilitate Vietnamese organizations and individuals to take part in international economic cooperation on fisheries activities with foreign organizations and individuals as provided for by legislation; shall attract overseas Vietnamese and foreign organizations and individuals as well as international organizations to invest in and take part in fisheries activities in Vietnam as stated by this Law, Law on Foreign Investment in Vietnam and other relevant legislation.
2. The Government, in a unified manner, shall manage Vietnamese fishing vessels operating in sea waters beyond the jurisdiction of Vietnam and foreign fishing vessels operating in sea waters under jurisdiction of Vietnam

#### Article 49: Fishing in sea waters beyond the jurisdiction of Vietnam

1. Vietnamese organizations and individuals engaged in fishing operations in international waters, sea areas under jurisdiction of other States shall be allowed by State competent agencies; shall comply with international treaties to which Socialist Republic of Vietnam signed or a party; shall comply with this Law and other relevant legislation of Vietnam and legislation of the States to which fishing vessels come to fish.
2. The State competent agencies allowing organizations and individuals to fish in sea waters beyond the jurisdiction of Vietnam shall be responsible for dissemination and advocacy of Vietnam's legislation, international law and legislation of the States to which fishing vessels come to fish.
3. The Government shall make regulations on agencies dealing with license granting, conditions, procedures to allow Vietnamese fishing vessels to fish in sea waters beyond the jurisdiction of Vietnam.

#### Article 50: Foreign fishing in Vietnam sea waters

1. Foreign fishing vessels shall be considered to operate in sea waters of Vietnam based on annual allowable catch capacity, bilateral agreements to which Vietnam signed and in accordance with provisions of international Convention on the Law of the Sea as well as other international treaties to which Vietnam signed or a party.



2. Foreign fishing vessels operating in sea waters of Vietnam shall be licensed by State competent agencies of Vietnam and shall comply with provisions set out in this Law and other of relevant legislation.
3. The foreign fishing vessels licensed to operate in Vietnamese sea waters that violated the provisions set out by this Law and other relevant legislation as well as foreign fishing vessels intruded the sea waters of Vietnam shall be punished in accordance with Vietnam legislation.
4. The Government shall make regulations relating to conditions, procedures, agencies dealing with granting and withdrawal of license applied to foreign fishing vessels operating in sea waters of Vietnam.

## Chapter VIII

### State management of fisheries activities

#### Article 51: Content of State management of fisheries activities

The content of State management of fisheries activities shall include:

1. Establishment and carrying out of strategies, masterplan, plans and policies regarding the development of fisheries sector.
2. Formulation, advocacy, dissemination and implementation of fishery-related legal documents.
3. Survey, assessment, management and protection of sustainable development of fisheries resources; conduct of scientific research, application of advanced technology in fisheries activities; planning and management of inland protected areas and marine parks; conduct of statistics and information on fisheries activities.
4. Identification and delegation of powers of coastal areas management in fisheries activities; management and delegation of powers to manage fishing grounds; zoning the routes for fishing; proclamation of fishing grounds; management of the allocation, lease and revocation of aquaculture land and marine areas for aquaculture purposes.
5. Management of the granting and withdrawal of all kinds of licenses and certificates in fisheries activities in accordance with legislation; provision of training, examination, granting the master and operator's degrees; granting and revocation of fishing license of foreign fishing vessels.
6. Management of appraisal work and recognition of new fish fry, fish veterinary drugs and aquaculture feed; examination, prevention and control fish diseases; management of environmental protection in fisheries activities.

7. Management and delegation of powers of fishing vessels, fishing ports and fish wholesale markets.
8. Performance of international cooperation on fisheries activities.
9. Management of apparatus organization, provision of human resources training for fisheries sector; making guidance on the professional skills and expertise for fishery-related occupation associations.
10. Examination and inspection of fisheries legislation enforcement, taking action to violations committed to fisheries legislation; settlement of conflict, petitions and prosecution in fisheries activities as regulated by legislation.

#### Article 52: State management duties on fisheries activities

1. The Government shall manage fisheries activities in a unified manner throughout the country.
2. Ministry of Fisheries shall be responsible to the Government for the implementation of State management functions on fisheries activities throughout the country.
3. Ministries of Agriculture and Rural Development, Natural Resources and Environment, Health, Public Security, National Defense and other ministerial-level agencies within their functions, duties and authorities shall coordinate with Ministry of Fisheries in exercising State management on fisheries activities as set out by this Law and other relevant legislation.
4. People's Committees at all its levels shall be responsible for the State management regarding fisheries activities in their locality in accordance with this Law and other relevant legislation.

#### Article 53: Fisheries inspection force

1. Fisheries inspection force is a specialized force responsible for fisheries activities.
2. Fisheries inspection force shall be equipped with uniform, stripes and necessary facilities for operation.
3. The Government shall make specific regulation relating to the organization and operations of fisheries inspection force.

#### Article 54: Duties of fisheries inspection force

Fisheries inspection force shall have the following duties:

1. Inspect the enforcement of fisheries legislation; detect and prevent the violations committed against legislation on fisheries.
2. Co-ordinate with the specialized inspection, investigation and control forces of relevant Ministries, sectors and localities in the detection, prevention of violations committed against fisheries legislation.
3. Be responsible for consequences of inspection decisions.

#### Article 55: Competence of fisheries inspection force

Fisheries inspection agencies and inspectors when performing their task shall have the rights as follows:

1. Require organizations and individuals concerned to provide documents and answer the issues necessary for the inspection work.
2. Collect and verify the evidence, documents related to the inspection contents and take technical inspection measures at the current state.
3. Decide to temporarily suspend or suspend the behaviors showing the violations of legislation or other activities that may cause serious impacts in fisheries activities.
4. Take action within its competence or propose the State competent agencies to deal with violations committed against fisheries legislation.

#### Article 56: Duties of organizations and individuals during fisheries inspection activities

1. Organizations and individuals subjected to inspection shall have duties to comply with requests and obey the decisions made by fisheries inspection agency or inspectors; they shall have rights to appeal the decisions made by fisheries inspection agency or inspectors as set out by legislation.
2. Other organizations and individuals shall have duties to facilitate the fisheries inspectors when they are performing their tasks.

### Chapter IX

#### Rewards and sanction

##### Article 57: Rewards

Organizations and individuals who make a significant contribution to the enforcement of this Law shall be rewarded in accordance with legislation.

##### Article 58: Sanction

1. Any person committed against the regulations made under this Law shall be liable upon conviction to either an administrative punishment or a criminal prosecution depending on the nature and seriousness of violation, and they shall provide compensation in case of damage as regulated by legislation.
2. Any person who abuses his/her position or authorities to violate or protect the violators breaking the regulations of this Law shall be liable to punishment or a criminal prosecution depending on the nature and seriousness of violation, and they shall provide compensation in case of damage as regulated by legislation.

#### Article 59: Complaints and denunciation

1. Organizations and individuals shall have a right to make complaints; individuals shall have the right to prosecute the violations committed to fisheries legislation to the competent agencies, organizations and individuals as regulated by legislation.
2. The competent organizations and individuals upon the reception of complaints and denunciation shall be responsible for taking timely actions as regulated by legislation.

## Chapter X

### Executive provisions

#### Article 60: Transitional provisions

Licenses and certificates of trading all types of fishery-related occupations; certificates of aquaculture land use right, certificates of granting or leasing the marine areas for aquaculture purposes which were granted before the entry into force of this Law but are still valid and not subject to prohibited cases as set out by this Law shall remain its valid.

#### Article 61: Entry into force

This Law comes into force from July 1st 2004.

The Ordinance on Fisheries Resources Protection and Development dated 25 April 1989 of State Council shall be abolished.

All prior regulations that are inconsistent with this Law shall be abolished.

#### Article 62: Executive guidelines

The Government shall make specific regulations and guidelines regarding the implementation of this Law./.

This Law was adopted on 26 December 2003 by National Assembly of Socialist Republic of Vietnam, Legislature XI at its 4th session.

Chairman of National Assembly

Nguyen Van An (signed)

The Office of State President

Truly copied

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Hanoi 10th December 2003

No. 20 SL/VPCTN

For and on behalf of Chairman of Office of State

President

Vice Chairman

Nguyen Van Bich

(signed and stamped)

The President of State

Socialist Republic of Vietnam

No. 27/2003/L/CTN

Independence - Freedom - Happiness

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Hanoi 10th December 2003

Order of the State President

Regarding the proclamation of law

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The President

of Socialist Republic of Vietnam

Pursuant to Article 103 and Article 106 of Constitution of Socialist Republic of Vietnam 1992 amended and supplemented in accordance with Resolution No. 51/2001/QH 10 dated 25th December 2001 of National Assembly Legislature X, at its 10th session;

Pursuant to Article 91 of Law on Organization of National Assembly;

Pursuant to Article 50 of Law on formulation of legal normative documents;

Has proclaimed:

Fisheries Law

Was adopted on 26 December 2003 by the National Assembly of Socialist Republic of Vietnam Legislature XI, 4th session.

President of Socialist Republic of Vietnam

Tran Duc Luong (signed)

The Office of State President

Truly copied

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Hanoi 10th December 2003

No. 22 SL/VPCTN

For and on behalf of Chairman of Office of State  
President

Vice Chairman

Nguyen Van Bich (signed and stamped)

Source: Institute of Fisheries Economics and Planning

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