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Hanoi, March 10, 2015

CIRCULAR
**DEFINING RISK ASSESSMENT FOR IMPORTED LIVE AQUATIC ANIMALS AND PLANTS
USED FOR FOOD**

Pursuant to the Government's Decree No. 199/2013 / ND-CP dated November 26, 2013 defining the functions, tasks, entitlements and organizational structure of the Ministry of Agriculture and Rural development;

Pursuant to the Law on Fishery dated 2003;

Pursuant to the Law on Commerce dated 2005;

Pursuant to the Law on Biological diversity dated 2008;

Pursuant to the Law on Environment protection dated 2014;

pursuant to the government's decree no. 187/2013 / ND-CP dated November 20, 2013 detailing the implementation of the Law on Commerce regarding international goods trading and operations in agency, trading , processing and transiting goods with foreign countries ;

At the request of the General Director of Directorate of Fisheries,

The Minister of Agriculture and Rural development promulgates the Circular defining risk assessment for imported live aquatic animals and plants used for food.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of and subjects regulation

This Circular defines contents, methods of risk assessment and management of live aquatic plants and animals imported in Vietnam used for food including aquatic species that are not listed in the following list: The list of live aquatic species allowed to import used for food; The list of harmful alien species; The list of potential harmful alien species.

Article 2. Regulated entities

This Circular shall be applied to the management agencies, organizations and individuals having direct operations or operations related to the import and trading live aquatic plants and animals used for food.

Article 3. Interpretation of terms

In this Circular, the following terms shall be interpreted as follows:

1. "Risk" is ability to cause effects which can be harmful to biodiversity, environment and human from transportation, preservation, storage, processing, consumption of imported live aquatic plants and animals used for food.
2. "Harmful risk" is existing risk which shall be harmful (if happens) to biodiversity, environment and human from transportation, preservation, storage, processing, consumption of imported live aquatic plants and animals used for food.

3. “risk assessments of live aquatic plants and animals” imported in Vietnam used for food (hereinafter referred to as risk assessments) are operations determining the adverse effects that may occur for humans and environment in operations related to imported live aquatic plants and animals used for food.

4. “Live aquatic plants and animals” are aquatic plants and animals that still have the ability to grow and develop.

5. “Live aquatic plants and animals used for food” are live aquatic animals and plants used for food of humans.

Chapter II

RISK ASSESSMENT OF LIVE AQUATIC ANIMALS AND PLANTS USED FOR FOOD

Article 4. Contents and methods of risk assessment

1. Contents of risk assessment shall include:

- a) Ability to survive in the environment, ecological zones in Vietnam.
- b) Ability to become predators, harmful alien species or potential harmful alien species and ability to compete food with native aquatic species.
- c) Ability to hybridize between the imported aquatic species and native aquatic species.
- d) Risk of spreading pathogens to native aquatic species, human.

(The main criteria for risk assessment shall in accordance with the above contents shall be specified in Appendix I enclosed herewith this Circular)

2. Methods of risk assessment shall include:

- a) Assessment under the expert method: the methods for collecting and handling of the forecast assessment by summarizing and consulting experts. Thereby, objective conclusions on the imported live aquatic plants and animals used for food shall be drawn.
- b) Assessment on the dossiers provided by organizations, individuals requesting for risk assessment on growth characteristics, reproduction, living and eating habits and common diseases on assessment subjects in comparison with documents on the biological characteristics of the subjects of risk assessment widely publicized.

Article 5. Risk Assessment board

1. Organization of the Board

- a) The board is an organization established by the General Director of Directorate of Fisheries to advise the General Director to give conclusions of allowing import of live aquatic species or not and to propose risk management measures for imported aquatic species used for food.
- b) The Board shall consist of 7-9 members, including the Chairman, Vice Chairman, Secretary Member, critic member and other members. Board members are experts with knowledge and experience in the field as ichthyologist, biodiversity, environment, aquaculture, aquatic diseases with at least 03 years of experience.

2. Operation of the Board

- a) The board shall operate under democratic and objective principles; Take individual responsibility for the science and accuracy of comments, independent assessment and collective responsibility of the general conclusions of the Board.

b) A meeting of the Board shall be convened by the Chairman of the Board and must be attended by at least 2/3 of the total number of Board. If the Chairman is absent, the Vice chairman shall conduct the meeting.

c) The Board may invite representatives of organizations and individuals importing live aquatic plants and animals used for food to attend the meeting to provide additional information and answer questions from members of the Board.

d) The Board shall be responsible for carrying out the risk assessment of imported live aquatic plants and animals used for food under the contents and methods specified in Article 4 of this Circular. The Board shall draw conclusions and recommend risk management measures for live aquatic species concluded that there is no risk of harm and eligible for import for food by the Board (report form of risk assessment specified in Appendix II enclosed herewith this Circular).

3. Responsibilities of Board members

a) Attend all meetings of the Board, have specifically written comments.

b) Manage provided documents, ensure no leakage, do not transfer information to third party and submit the documents at the request of the Directorate of Fisheries after completing the task.

4. Operational funding

Funding for the operation of the Board shall be covered by organizations and individuals importing live aquatic plants and animals under the provisions of the Regulation on management topics, projects of technology science of the Ministry of Agriculture and Rural Development enclosed herewith the Minister of Agriculture and Rural Development's Decision No. 36/2006 / QD-BNN dated May 15, 2006.

Chapter III

MANAGEMENT OF LIVE AQUATIC PLANTS AND ANIMALS LICENSED TO IMPORT USED AS FOOD

Article 6: General requirements

1. The import and trading of live aquatic plants and animals used for food must be complied strictly with measures of precaution, handling and remedy of risk in plans for management and monitoring imported goods approved by Directorate of Fisheries.

2. If there is a risk in the import and trading of live aquatic plants and animals, causing aquatic species of imported goods batches likely to become predators, harmful or potentially harmful, facilities of import, transport, preservation, storage, processing, consumption of the batches shall promptly report to the local management bodies of aquaculture and Directorate of Fisheries to take handling measures.

3. In case of detecting the harm or potential harm in other countries on the live aquatic plants and animals used for food licensed to import, import registration facility shall notify promptly to the local aquaculture management body and Directorate of Fisheries for handling measures and report to the Ministry of Agriculture and Rural Development.

Article 7. Transportation, storage, preservation, processing and consumption

1. Imported live aquatic plants and animals used for food must be transported, stored isolatedly, preserved, processed and consumed under conditions suitable for each live aquatic plant or animal and not be lost to the environment.

2. During transport, storage, preservation, processing and consumption of live aquatic plants and animals used for food, importing organizations and individuals shall periodically inspect, inventory. The result of inspection and inventory must be kept in the records of the facilities.
3. Breeding and dispersal of live aquatic plants and animals used for food to the natural environment and aquaculture environments shall not be allowed.
4. In case of loss during transport, storage, preservation, processing and consumption, organizations and individuals must commence promptly measures in order to recover all the lost amount of live aquatic plants and animals and handle with appropriate measures, as well as at the latest within 2 working days must report to the local aquaculture management body and Directorate of Fisheries.

Chapter IV

IMPLEMENTATION RESPONSIBILITIES

Article 8. Directorate of Fisheries

1. Provide guidance and commence the implementation of this Circular
2. Take charge to carry out risk assessment, cooperate with related organizations and individuals to carry out risk management measures, periodically summarize information, assess the results of commencement of risk management measures in import of live aquatic plants and animals used for food and propose adjustments as necessary.
3. Report the Minister of Agriculture and Rural Development on the implementation of this Circular every 6 months.

Article 9. Local aquaculture management body

1. Run the Program of monitoring and management of batches of imported live aquatic plants and animals used for food of organizations and individuals registering for import on the management areas.
2. Reckon up and report to Directorate of Fisheries the monitoring and management of batches of imported live aquatic plants and animals used for food on the management areas every 6 months

Article 10. Organizations or individuals of import, distribution, transport, storage, preservation, processing and consumption of live aquatic plants and animals used for food

1. Comply with registration, carry out risk management and bear inspection and supervision of the functional agencies under the provisions of this Circular.
2. Pay fee as prescribed.

Chapter V

IMPLEMENTATION ORGANIZATIONS

Article 11. Execution provisions

1. This Circular takes effect from May11, 2015.
2. Any problems arising in the course of implementation should be reported to the Directorate of Fisheries to summarize and request the Minister of Agriculture and Rural development for amendment and supplementation./.

PP.MINISTER

DEPUTY MINISTER

Vu Van Tam

APPENDIX I

CRITERIA FOR RISK ASSESSMENT (Enclosed herewith the Minister of Agriculture and Rural development's Circular No. 11/2015 / TT-BNN dated March 10, 2015)

1. Ability to survive in the environment, ecological zones in Vietnam.

No	Environmental factors	The highest	Appropriate	The lowest
1	temperature			
2	pH			
3	oxygen			
4	salinity			
5			

Conclusion:

2. Ability to become predators, harmful alien species or potential harmful alien species and ability to compete food with native aquatic species

No	Assessment factors	Information
1	Eating habits	
2	Similarities eating habits with any aquatic species in VN.	
3	Competition for food with native species.	
4	Ability to hunt native aquatic species (economic value) for food	
5	Reproductive characteristics	
6	Reproductive conditions.	

7	Ability to establish populations in the wild.	
8	Ability to spread, invade the habitat of native species.	
9	Tendency to cause ecological imbalance at the place they appear.	

Conclusion:

3. Ability to hybridize between the imported aquatic species and native aquatic species.

No	Assessment factors	Information
1	Genetic structure (chromosomes) of imported aquatic species.	
2	Similarities in the genetic structure with any native species.	
3	ability to pair for breeding (same species) in the wild and artificiality	
4	ability to pair for breeding (different species) in the wild and artificiality	
5	Ability to pair for breeding of F1 (between imported species and native species) in the wild and artificiality.	

Conclusion:

4. Risk of spreading pathogens to native aquatic species, human.

No	Assessment factors	Information
1	The common diseases and pathogens in imported aquatic species.	
2	Pathogens appeared in VN.	

3	Conditions for growth of the pathogens.	
4	Ability to spread and cause disease to native aquatic species of the pathogens	
5	Ability to spread and cause disease to human of the pathogens	

Conclusion: