MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

No.: 36/2018/TT-BNNPTNT

SOCIALIST REPUBLIC OF VIETNAM Independence – Freedom – Happiness

Hanoi, December 25, 2018

CIRCULAR

ON AMENDMENTS TO THE CIRCULAR NO. 26/2016/TT-BNNPTNT DATED JUNE 30, 2016 BY THE MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT ON QUARANTINE OF AQUATIC ANIMALS AND PRODUCTS THEREOF

Pursuant to the Government's Decree No. 15/2017/ND-CP dated February 17, 2017 defining functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development;

Pursuant to the Law on veterinary medicine No. 79/2015/QH13 dated June 19, 2015;

At the request of the Director of the Department of Animal Health;

The Minister of Agriculture and Rural Development promulgates the Circular on amendments to the Circular No. 26/2016/TT-BNNPTNT dated June 30, 2016 by the Minister of Agriculture and Rural Development on quarantine of aquatic animals and products thereof.

Article 1. Amendments to the Circular No. 26/2016/TT-BNNPTNT dated June 30, 2016 by the Minister of Agriculture and Rural Development on quarantine of aquatic animals and products thereof (hereinafter referred to as "Circular No. 26/2016/TT-BNNPTNT")

1. Clause 5, Clause 6, Clause 7 and Clause 8 are added to Article 2 as follows:

"5. Import/ export article refers to aquatic animal products that are of the same category, name, label, manufacturer and packaging material.

6. Shipment means the entire aquatic animal products of an import or export shipment (in the same bill of lading). A shipment may comprise a single or multiple articles.

7. High-risk aquatic animal product means the simply prepared, fresh, chilled or frozen aquatic animal product.

8. Low-risk aquatic animal product means the aquatic animal product which has been processed by adopting industrial or handmade method for instant use."

2. Clause 3 Article 4 is amended as follows:

"3. The quarantine declaration for imported aquatic animal products for processing of foods for export, aquatic animal products imported directly from foreign fishing vessels or imported indirectly from foreign fishing vessels and transshipped at transfer ports of other countries for processing of foods for export, aquatic animal products used as samples, or exported aquatic animal products that are recalled or returned includes:

a) The quarantine declaration made using the form No. 03 TS provided in the Appendix V enclosed herewith;

b) The copy bearing the enterprise's certification or the original of the Certificate of quarantine granted by a competent authority of the exporting country, except the aquatic animal products imported directly from foreign fishing vessels or imported to Vietnam indirectly from foreign fishing vessels and transshipped at transfer ports of other countries, and samples whose weight is less than 50 kg. If the copy of the Certificate of quarantine is submitted or at the time of submission of declaration documents, the Certificate of quarantine given by a competent authority of the exporting country is not available, the original of such Certificate of quarantine must be presented when goods are inspected;

c) The copy of the License as prescribed in Point c Clause 2 of this Article;

d) The copy bearing the enterprise's certification of the bill of lading of imported aquatic animal products used for processing of foods for export (except aquatic animal products imported directly from foreign fishing vessels);

dd) The copies bearing the enterprise's certification of documents concerning the shipment (including Certificate of food safety, notice of recall of the shipment given by the enterprise, customs declaration, and packing list) of the exported aquatic animal products to be recalled or returned;

e) The copy bearing the enterprise's certification of the Captain's statement or the Seller's statement. This document must include the following information: Name and registration number of the fishing vessel, the flag state, catch method, catch dates and area(s) with respect to the aquatic animal products imported directly from foreign fishing vessels;

g) If the aquatic animal products are imported indirectly from foreign fishing vessels and transshipped at transfer ports of foreign countries to Vietnam, in addition to the documents mentioned in Points a, c, d and e of this Clause, the enterprise is required to provide the copy of the Certificate given by a competent authority of the country where the transfer port is located (this copy must bear the enterprise's certification). Such Certificate must include the following information: Name, registration number and flag state of the fishing vessel and those of the transport vessel; name, type and quantity of aquatic animal products, unloading date and location, storage conditions, and the statement that the aquatic animal products are not under any works other than unloading."

3. Point c is added to Clause 6 Article 4 as follows:

- "c) The copy bearing the enterprise's certification of the bill of lading."
- 4. Point c is added to Clause 7 Article 4 as follows:
- "c) The copy bearing the enterprise's certification of the bill of lading."

5. Clause 6 is added to Article 11 as follows:

"6. The goods owner shall assume responsibility for the quarantine of exported products and must not submit the Certificate of quarantine of the export shipment to customs authorities for customs clearance."

6. Clause 1, Clause 2, Clause 4 and Clause 5 Article 13 are amended as follows:

"1. Quarantine registration

a) Before importing aquatic animals/ aquatic animal products, the goods owner shall submit an application for quarantine registration including the documents prescribed in Clause 2 Article 4 hereof to the Department of Animal Health via the National Single Window Portal, by post, via email/ fax with the original application submitted later, or directly;

c) The Department of Animal Health shall process the application in accordance with regulations laid down in Clause 2 Article 46 of the Law on veterinary medicine; provide written approval and instructions for the goods owner and the animal quarantine authority at the checkpoint via email (if the application for quarantine registration is submitted by post, via email/fax or directly) or through the National Single Window Portal (if the application for quarantine registration for quarantine registration is submitted through the National Single Window Portal).

2. Quarantine declaration

a) Upon the receipt of the written approval and instructions for quarantine from the Department of Animal Health, before the shipment arrives at the checkpoint of import, the goods owner shall submit a set of quarantine declaration documents as regulated in Clause 6 Article 4 hereof to the animal quarantine authority at the checkpoint of import via the National Single Window Portal, by post, via email/ fax with the original application submitted later, or directly;

b) The animal quarantine authority at the checkpoint of import shall process the application in accordance with regulations laid down in Clause 3 Article 46 of the Law on veterinary medicine;

c) When receiving the quarantine declaration documents for imported aquatic animals/ aquatic animal products, the animal quarantine authority at the checkpoint shall compare the received documents with information concerning illegal, unreported and unregulated (IUU) fishing posted on the website of European Commission (<u>https://ec.europa.eu/fisheries/cfp/illegal fishing/info</u>), the website of the Regional fisheries management organizations (RFMOs) or as announced by competent authorities of other countries. If the shipment is found to be originated from IUU fishing vessel, the animal quarantine authority at the checkpoint shall suspend the quarantine and immediately inform the Department of Animal Health for cooperating with relevant authorities in dealing with the shipment.

4. Quarantine contents

a) The animal quarantine authority at the checkpoint shall comply with quarantine contents prescribed in Article 47 of the Law on veterinary medicine;

b) With regard to aquatic animals used for breeding purpose: Samples shall be taken for testing for diseases as regulated in the Appendix IV enclosed herewith;

c) With regard to commercial aquatic animals: Samples shall be taken for disease testing only when the aquatic animals are found to carry the diseases prescribed in the Appendix III enclosed herewith;

d) With regard to aquatic animal products: The physical inspection of documents and goods shall be conducted at the checkpoint of import or at the place where goods are gathered. If the inspection results denote that the shipment and related documents meet relevant requirements, the animal quarantine authority at the checkpoint shall take samples serving testing for the indicators specified in the Appendix IV enclosed herewith and issue the Certificate of transport of imported aquatic animals/ aquatic animal products (using form No. 09TS) to the goods owner for transporting the shipment to the warehouse which is required to meet veterinary hygiene requirements. The goods owner shall be responsible for the transport and storage of imports and is not allowed to transport goods for sale before receiving quarantine results.

If the animal quarantine authority at the checkpoint cannot take samples at the checkpoint or at the place where goods are gathered, the sampling may be taken at the warehouse.

Frozen aquatic animal products must be kept at the checkpoint of import until the quarantine results are provided and show that the shipment is satisfactory.

dd) Isolation period for quarantine: The isolation period for quarantine of aquatic animals used for breeding and commercial aquatic animals shall not exceed 10 days and 03 days respectively from the beginning date of isolation. If the isolation is extended, the animal quarantine authority at the checkpoint shall give a written notification indicating reasons for such extended isolation to the goods owner.

5. Issuing Certificate of quarantine

a) With regard to the shipment of which samples are taken: Within 05 business days from the beginning of the quarantine, the animal quarantine authority at the checkpoint shall issue the Certificate of quarantine of imported aquatic animals/ aquatic animal products to the owner of the shipment that meets quarantine requirements for completing customs procedures. If the animal quarantine authority at the checkpoint fails to issue the Certificate of quarantine within the prescribed time limit, written reasons thereof shall be provided for the goods owner;

b) With regard to the shipment of which sampling is not required: Within 01 business day, the animal quarantine authority at the checkpoint shall issue the Certificate of quarantine of imported aquatic animals/ aquatic animal products to the owner for completing customs procedures if the inspected shipment documents are satisfactory;

c) With regard to aquatic animals used for breeding: Immediately after receiving the testing report which shows that the imported aquatic animals are healthy and meet quarantine requirements, the animal quarantine authority at the checkpoint shall issue the Certificate of quarantine of imported aquatic animals/ aquatic animal products to the owner for completing customs procedures;

d) With regard to commercial aquatic animals: One day after animals are transported to the isolation area, the animal quarantine authority at the checkpoint shall issue the Certificate of quarantine of imported aquatic animals/ aquatic animal products to the owner for completing customs procedures if animals are health; in case of sampling, regulations laid down in Point c of this Article shall apply;

dd) The animal quarantine authority at the checkpoint shall notify the animal quarantine authority at the place where the shipment is transported to by email or fax of the number and date of issue of the Certificate of quarantine, and quantity of goods of the shipment after issuing the Certificate of quarantine." 7. Article 13a is added as follows:

"Article 13a. Quarantine of indirectly exported aquatic animal products

1. The quarantine of aquatic animal products for which import quarantine procedures have been completed but which are not yet processed or re-packaged for indirect export is not required.

2. If aquatic animal products are sold from the domestic market to export processing enterprises, only the quarantine for transport of aquatic animal products to another province shall be carried out."

8. Article 14 is amended as follows:

"Article 14. Quarantine for import of aquatic animal products used for processing of foods for export; import of aquatic animal products directly from foreign fishing vessels or indirectly from foreign fishing vessels through transshipment at transfer ports of other countries for processing of foods for export; aquatic animal products used as samples; exported aquatic animal products recalled or returned

1. The goods owner shall submit a set of documents as prescribed in Clause 3 Article 4 hereof to the animal quarantine authority at the checkpoint of import. Documents may be submitted via the National Single Window Portal, by post, via email/ fax with original documents submitted later, or directly.

a) Within 01 business day from the receipt of valid documents, the animal quarantine authority at the checkpoint shall make certification on the quarantine declaration for the goods owner to carry out customs procedures, and inform the goods owner of the quarantine date and location;

b) The animal quarantine authority at the checkpoint shall take actions according to Point c Clause 2 Article 13 hereof.

2. The animal quarantine authority at the checkpoint shall carry out the quarantine tasks as follows:

a) Inspect storage conditions, packing specifications, labeling, and appearance of products;

b) Take samples for testing for veterinary hygiene indicators in case the products are suspected of or found to fail to meet veterinary hygiene requirements;

c) Aquatic animal products which are imported for processing of foods for export may be transported to the goods owner's warehouse (which is required to meet veterinary hygiene requirements) for quarantine in accordance with applicable regulations. The goods owner shall be responsible for the transport and storage of the products and is not allowed to transport goods for selling before receiving quarantine results.

In case of violations, the quarantine for import of following import shipments must be carried out at the checkpoint of import. The goods owner may continue transporting imports to the warehouse for quarantine if his/her 03 consecutive import shipments are granted satisfactory quarantine results."

3. Issuing Certificate of quarantine

a) Within 02 business days from the beginning of the quarantine, the animal quarantine authority at the checkpoint shall issue the Certificate of quarantine of imported aquatic animals/ aquatic animal products for the shipment that meets veterinary hygiene requirements (using the form No. 10TS, the content "This certificate is valid until......" shall be left blank);

b) With regard to the shipment for which sampling is required: Within 05 business days from the beginning of the quarantine, the animal quarantine authority at the checkpoint shall issue the Certificate of quarantine for the import shipment that meets veterinary hygiene requirements;

c) With regard to aquatic animal products imported from foreign fishing vessels, within 60 business days from the issuance of the Certificate of quarantine for import, if the goods owner submits a modified declaration for quarantine according to product category or exporting market, the animal quarantine authority at the checkpoint that previously issued the Certificate of quarantine shall take charge of issuing a new Certificate of quarantine for replacing the old one.

The declaration for quarantine according to product category or exporting market must ensure the origin and quantity of products specified in the previously issued Certificate of quarantine. The goods owner shall be responsible for modified contents provided in the quarantine declaration.

4. Inspection of imported aquatic animal products used for processing of foods for export; aquatic animal products imported directly from foreign fishing vessels or imported indirectly from foreign fishing vessels through transshipment at transfer ports of other countries for processing of foods for export; aquatic animal products used as samples; exported aquatic animal products recalled or returned:

a) Samples shall be taken for testing for the indicators regulated in the Appendix IV enclosed herewith;

b) Notification of violations shall be made in accordance with Clause 6 Article 13 hereof."

9. Article 15 is amended as follows:

"Article 15. Quarantine of aquatic animals/ aquatic animal products temporarily imported for re-export, moved to another checkpoint or transited through Vietnam

1. Before the aquatic animals/ aquatic animal products are temporarily imported for re-export, moved to another checkpoint or transited through Vietnam, the goods owner shall submit an application for quarantine registration as regulated in Clause 4 Article 4 hereof to the Department of Animal Health via the National Single Window Portal, by post, via email/ fax with the original application submitted later, or directly.

2. The Department of Animal Health shall process the application in accordance with regulations laid down in Clause 2 Article 49 of the Law on veterinary medicine; provide instructions for quarantine for the goods owner and the animal quarantine authority at the checkpoint via email (if the application is submitted by post, via email/fax or by hand) or through the National Single Window Portal (if the application is submitted through the National Single Window Portal).

3. Upon the receipt of instructions for quarantine from the Department of Animal Health, before the shipment arrives at the checkpoint, the goods owner shall submit a set of quarantine declaration documents as regulated in Clause 7 Article 4 hereof to the animal quarantine authority at the checkpoint via the National Single Window Portal, by post, via email/ fax with original documents submitted later, or directly; The animal quarantine authority at the checkpoint shall process the received documents according to Clause 3 Article 49 of the Law on veterinary medicine and perform the quarantine tasks according to Article 50 of the Law on veterinary medicine.

4. The animal quarantine authority at the checkpoint shall take actions according to Point c Clause 2 Article 13 hereof."

10. Article 17 is amended as follows:

"Article 17. Quarantine of aquatic animals/ aquatic animal products sent to/ dispatched from bonded warehouse

1. Before aquatic animals/ aquatic animal products are sent to or dispatched from the bonded warehouse, the goods owner shall submit an application for quarantine registration as regulated in Clause 4 Article 4 hereof to the Department of Animal Health via the National Single Window Portal, by post, via email/ fax with the original application submitted later, or directly. 2. The Department of Animal Health shall process the application in accordance with regulations laid down in Clause 2 Article 49 of the Law on veterinary medicine; provide instructions for quarantine for the goods owner and the animal quarantine authority at the checkpoint via email (if the application is submitted by post, via email/ fax or by hand) or through the National Single Window Portal (if the application is submitted through the National Single Window Portal).

3. Upon the receipt of instructions for quarantine from the Department of Animal Health, before the shipment arrives at the checkpoint, the goods owner shall submit a set of quarantine declaration documents as regulated in Clause 7 Article 4 hereof to the animal quarantine authority at the checkpoint of import via the National Single Window Portal, by post, via email/ fax with original documents submitted later, or directly. The animal quarantine authority at the checkpoint shall process the received documents according to Clause 3 Article 49 of the Law on veterinary medicine and perform the quarantine tasks according to Clause 5 and Clause 7 of this Article.

4. The animal quarantine authority at the checkpoint shall take actions according to Point c Clause 2 Article 13 hereof.

5. The animal quarantine authority at the checkpoint shall carry out the quarantine of aquatic animals/ aquatic animal products sent to the bonded warehouse as follows:

a) Issue the Certificate of transport to the goods owner for transporting aquatic animals/ aquatic animal products from the checkpoint of import to the bonded warehouse;

b) At the bonded warehouse, the animal quarantine authority at the checkpoint shall cooperate with the customs authority in inspecting the status of the shipment and giving certification to the goods owner for sending goods to the bonded warehouse.

6. Before goods are dispatched from the bonded warehouse, the goods owner shall submit quarantine declaration documents to the animal quarantine authority at the checkpoint as follows:

a) If aquatic animal products are sold to domestic manufacturers for processing of foods for export, the quarantine declaration documents shall be prepared according to Clause 3 Article 4 hereof;

b) If aquatic animals/ aquatic animal products are imported for domestic consumption, the quarantine declaration documents shall be prepared according to Clause 6 Article 4 hereof.

7. The animal quarantine authority at the checkpoint shall carry out the quarantine of aquatic animals/ aquatic animal products dispatched from the bonded warehouse as follows:

a) Perform quarantine tasks according to Clause 2, Clause 3 and Clause 4 Article 14 hereof if aquatic animal products are used for processing of foods for export by domestic manufacturers;

b) Perform quarantine tasks according to Clause 4, Clause 5 and Clause 6 Article 13 hereof if aquatic animals/ aquatic animal products are sold domestically;

c) Perform quarantine tasks according to Article 50 of the Law on veterinary medicine if aquatic animals/ aquatic animal products are sent to the bonded warehouse for re-export; in such case, the Certificate of quarantine shall be issued using the form No. 12TS;

d) If the shipment is partially dispatched from the bonded warehouse, the animal quarantine authority at the checkpoint shall deduct the quantity of goods dispatched according to the original Certificate of quarantine issued by a competent authority of the exporting country and keep a copy thereof together with the quarantine dossier. The animal quarantine authority at the checkpoint shall keep the original Certificate of quarantine issued by a competent authority of the exporting country together with the dossier of the final dispatching of goods of the shipment (in case products are imported for domestic consumption or processing of foods for export) or return it to the goods owner (in case products are re-exported)."

11 . Point d is added to Clause 1 Article 22 as follows:

"d) Inform the Directorate of Fisheries and relevant authorities when detecting any catch vessels or vessels transporting aquatic products that commit violations against IUU regulations during the quarantine inspection for taking appropriate measures."

12. Section 2 Part B of the Appendix I is amended as follows:

"2. Aquatic animal products cooked, kept in airtight containers and properly labeled for immediate use."

13. Tilapia lake virus disease is added to Section I Part A of the Appendix IV as follows:

"A. Aquatic animals

I. Aquatic animal diseases

No.	Name of disease (English name)	Pathogens	Aquatic animals to be infected by disease		
Fish diseases					
6.	Tilapia Lake virus disease		Tilapias (Oreochromis mosambicus, Oreochromis niloticus)		

14. Point 1 Section I Part B and Section II Part B of the Appendix IV are amended as follows:

"B. Aquatic animal products

I. Aquatic animal products used as foods

1. Inspection indicators

1.1. Harmful microorganisms:

Product	Inspection indicators	Evaluation basis	
	Salmonella		
Fresh or frozen fish and aquatic products (treated by	E. Coli	Applicable regulations, national standards and national technical regulations of Vietnam, and international regulations.	
heat before use)	V. cholerae		
	V. parahaemolyticus		
	E.coli		
Products of fish and aquatic products (for direct use	CI.perfringens		
without heat treatment before use)	Salmonella		
	V. parahaemolyticus		
	E.coli		
Simply prepared dried aquatic products (treated by	S.aureus		
heat before use)	Salmonella		
	V. parahaemolyticus		
	E. coli		
Crustaceans and mollusks, whether or not in shell by heating	S.aureus		
	Salmonella		

1.2. Organoleptic and physicochemical indicators as regulated.

1.3. Sampling frequency:

a) With simply regard to high-risk aquatic animal products (simply prepared, fresh, chilled or frozen products): Samples shall be taken from 03 (three) consecutive shipments for inspection and testing, and inspection/testing results shall be handled as follows:

a1) If the inspection/ testing results of all 03 (three) consecutive shipments are satisfactory, samples shall be randomly taken from one of the next 05 shipments for inspection/ testing; in case any violation is detected, samples shall be taken from 03 consecutive shipments for inspection/ testing and results thereof shall be handled according to regulations of this section;

a2) If the inspection/ testing results of 01 – 02 shipments are unsatisfactory, samples shall be still taken from 03 (three) consecutive shipments for inspection/ testing;

a3) If the inspection/ testing results of all 03 (three) consecutive shipments are unsatisfactory, a request for suspension of import of such type of aquatic products shall be made;

b) With regard to low-risk aquatic animal products (processed):

Samples shall be randomly taken from one of every 05 shipments for inspection/ testing; in case any violation is detected, samples shall be taken from 03 consecutive shipments for inspection/ testing and results thereof shall be handled according to regulations laid down in sections a1, a2 and a3 of this point;

c) With regard to shipments of which sampling is compulsory: 03 samples shall be taken from the shipment that comprises only one import/ export article; 05 samples shall be taken from the shipment that comprises 02 import/ export articles or more;

d) With regard to shipments of which sampling is not required, only the shipment documents are inspected. If the shipment documents are satisfactory, the animal quarantine authority at the checkpoint shall issue the Certificate of quarantine for imports (the goods owner shall self-assume responsibility for such imports);

dd) Sampling according to the prescribed sampling frequency shall apply to total import shipments from January 01 to December 31 of the same year.

1.4. Animal quarantine authorities at checkpoints are required to immediately notify the Department of Animal Health of any unsatisfactory results of inspected/ sampled shipments for notifying violations and taking actions such violations as regulated.

II. Aquatic animal products not used as foods: Such aquatic animal products shall be inspected for the indicators prescribed in applicable standards and technical regulations; sampling methods and frequency prescribed in Point 1.3 Section I Part B of this Appendix shall apply."

15. Some contents of the Appendix V are amended as follows:

a) Point 10 Section I is changed into "Giấy chứng nhận kiểm dịch động vật, sản phẩm động vật thủy sản nhập khẩu -Mẫu 10TS" ("Certificate of quarantine for import of aquatic animals and aquatic animal products – Form 10TS");

b) The phrase "CMND/Thẻ CCCD/Hộ chiếu số" ("Number of ID Card/ Citizen's identity card/ Passport") is changed into "Số Chứng minh nhân dân/số Hộ chiếu/số định danh cá nhân" ("Number of ID Card/ Passport or personal identification number") at Form 01TS, and Form 03TS;

c) The phrase "GIÁY CHỨNG NHẠN KIỀM DỊCH ĐỘNG VẠT, SẢN PHẨM ĐỘNG VẠT THỦY SẢN NHẠP KHẦU KHÔNG DÙNG LÀM THỰC PHẨM" ("CERTIFICATE OF QUARANTINE FOR IMPORT OF AQUATIC ANIMALS AND AQUATIC ANIMAL PRODUCTS NOT USED AS FOODS") is changed into "GIẤY CHỨNG NHẠN KIỀM DỊCH ĐỘNG VẠT, SẢN PHẨM ĐỘNG VẠT THỦY SẢN NHẠP KHẦU" ("CERTIFICATE OF QUARANTINE FOR IMPORT OF AQUATIC ANIMALS AND AQUATIC ANIMALS AND AQUATIC ANIMAL PRODUCTS"); the phrase "Địa điểm cách ly kiểm dịch...từ ngày../20...đến ngày../20..." ("Isolation location:......from [date]....... to [date]......") is changed into "Nơi chuyển đến:" ("Place of arrival:") at Form 10TS;

d) Clause 11 Part I and From 11TS are abrogated."

16. The phrase "Cơ quan Thú y vùng" ("Regional Animal Health Authority") is changed into "Chi cục Thú y vùng" ("Regional Animal Health Office") at Article 11, Article 22 and Form 22TS of the Appendix V.

Article 2. Effect

1. This Circular comes into force from February 10, 2019.

2. Article 5 of the Circular No. 02/2018/TT-BNNPTNT dated January 31, 2018 by the Minister of Agriculture and Rural Development is abrogated.

3. If the application software is not available on the National Single Window Portal on the effective date of this Circular, goods owners shall submit relevant documents to the Department of Animal Health by post, via email/ fax with original documents submitted later or directly and receive processing results thereof via email.

Article 3. Implementation

1. The Director of the Department of Animal Health, the Director General of the Directorate of Fisheries, heads of relevant authorities/organizations and relevant individuals shall implement this Circular.

2. Difficulties that arise during the implementation of this Circular should be reported to the Ministry of Agriculture and Rural Development for consideration./.

PP. MINISTER DEPUTY MINISTER

Phung Duc Tien