

No. 43/2010/TT-BNNPTNT

Hanoi, July 14, 2010

CIRCULAR

AMENDING AND SUPPLEMENTING ARTICLES 16 AND 17 OF THE AGRICULTURE AND RURAL DEVELOPMENT MINISTRY'S CIRCULAR NO. 06/2010/TT-BNNPTNT OF FEBRUARY 2, 2010, STIPULATING THE ORDER AND PROCEDURES FOR QUARANTINE OF AQUATIC ANIMALS AND AQUATIC PRODUCTS

Pursuant to the Government's Decree No. 01/2008/CP of January 3, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development; and Decree No. 75/2009/ND-CP of September 10, 2009, amending Article 3 of Decree No. 01/2008/ND-CP of January 3, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Agriculture and Rural Development;
Pursuant to the April 29, 2004 Ordinance on Animal Health;
Pursuant to the Government's Decree No. 33/2005/ND-CP of March 15, 2005, detailing the implementation of a number of articles of the Ordinance on Animal Health;
Pursuant to the Government's Decree No. 119/2008/ND-CP of November 28, 2008, amending and supplementing a number of articles of the Government's Decree No. 33/2005/ND-CP of March 15, 2005, detailing the implementation of a number of articles of the Ordinance on Animal Health;
The Ministry of Agriculture and Rural Development amends and supplements Articles 16 and 17 of the Agriculture and Rural Development Ministry's Circular No. 06/2010/TT-BNNPTNT of February 2, 2010, stipulating the order of and procedures for quarantine of aquatic animals and aquatic products as follows:

Article 1. To amend and supplement Articles 16 and 17 of the Agriculture and Rural Development Ministry's Circular No. 06/2010/TT-BNNPTNT of February 2, 2010, stipulating the order of and procedures for quarantine of aquatic animals and aquatic products as follows:

1. Article 16 is amended and supplemented as follows:

"Article 16. Quarantine registration and declaration of aquatic animals and aquatic products for import

1. A goods owner wishing to import aquatic animals or aquatic products shall register for import quarantine with the Department of Animal Health of Vietnam.

For recalled or returned export aquatic products or those imported from foreign fishing ships: A goods owner shall declare with the border-gate animal quarantine agency instead of registering for import quarantine with the Department of Animal Health of Vietnam.

2. An import quarantine registration dossier comprises:

a/ An application for quarantine registration of aquatic animals or aquatic products (the goods owner may work out a plan on import of commodities for 3 months from the date of filing application);

b/ A notarized copy of the business registration certificate (for enterprises); an enterprise is required to submit only the first-time business registration certificate or after changing or adding business lines;

c/ The health certificate or sanitary certificate of the exporting country's competent authority (as required);

For aquatic animals (specified at Point a, Section I of Appendix I), upon their import into Vietnam, their owners must have a health certificate granted by the exporting country's quarantine agency certifying that aquatic animals are healthy and originate from disease-free rearing farms or zones or countries or have been quarantined and certified to be free from diseases on the list of QLE'S aquatic diseases against those aquatic animals.

d/ The permit of a competent agency in charge of aquaculture for aquatic species not on the list of aquatic species permitted for production and trading promulgated by the Ministry of Agriculture and Rural Development;

e/ The permit of the CITES Management Authority of Vietnam for aquatic animals and aquatic products of species on the list of endangered, precious and rare species of wild fauna and flora prescribed by Vietnamese law or in CITES annexes;

f/ The veterinary hygiene certificate for the quarantine isolation place for keeping breeding aquatic animals (if any);

g/ Other documents related to the import lot (at the request of the Department of Animal Health of Vietnam for each specific object).

3. Within 5 working days after receiving a valid dossier, based on the aquatic animal disease situation in Vietnam and the importing country, the Department of Animal Health of Vietnam shall reply the goods owner and guide a competent agency in inspecting the veterinary hygiene of the quarantine isolation place (for breeding aquatic animals) or an animal quarantine agency in quarantining imported aquatic animals and aquatic products.

4. After obtaining the approval of the Department of Animal Health of Vietnam, the goods owner shall report to the animal quarantine agency designated by the Department of Animal Health of Vietnam at least 4 days for aquatic animals or 2 days for aquatic products before their arrival at the border gate for quarantine.

An import quarantine declaration dossier comprises:

a/ The quarantine registration form (form 3); when necessary, the animal quarantine agency may request the goods owner to additionally fill in the form of declaration for quarantine of produced or imported aquatic animals or aquatic products (form 2);

b/ The written reply of the Department of Animal Health of Vietnam concerning the import quarantine of aquatic animals or aquatic products;

c/ A copy of the health certificate of the exporting country (if any);

Within 1 working day after receiving a valid dossier, the animal quarantine agency shall notify the goods owner of the quarantine place and time.

5. For recalled or returned export aquatic products

The goods owner shall declare these products with the border-gate animal quarantine agency, submitting an import quarantine declaration dossier which comprises:

The quarantine registration form (form 3);

A copy of the certificate of export quarantine of aquatic products (if any);

6. For aquatic products imported for processing exports to foreign countries:

An import quarantine declaration dossier shall comply with the provisions of Points a. b and e. Clause 2. Article 16 of this Circular.

7. For aquatic products imported from foreign fishing ships:

The goods owner shall declare these products with the border-gate animal quarantine agency, submitting an import quarantine declaration dossier which comprises a quarantine registration form (form 3);"

2. Article 17 is amended and supplemented as follows:

"Article 17. Quarantine of aquatic animals and aquatic products at border gates of importation

The animal quarantine agency shall:

1. Examine the import quarantine declaration dossier:

a/ The import quarantine dossier as specified at Points a and b, Clause 4, Article 16 of this Circular;

b/ The original quarantine certificate consistent with the goods lot (in terms of category, quantity, weight, size and package).

2. Inspect actual conditions of imports; compare them with the health certificate of the exporting country in terms of category, size, quantity, weight, package and labeling.

3. Inspect veterinary hygiene conditions and disinfection of means of transport; dispose of or supervise the goods owner in disposing of wastes and beddings generated in the course of transportation.

4. If imported goods satisfy veterinary hygiene requirements and their health certificates and other relevant papers are valid, the border-gate animal quarantine agency shall:

a/ Issue a paper for transportation of imported aquatic animals and aquatic products to a quarantine isolation place (form 6), permitting the goods owner to transport the goods to the quarantine isolation place (for goods subject to quarantine isolation) or to the establishment which will receive the goods lot for quarantine or food quality and safety inspection;

b/ Issue an import aquatic animal and aquatic product quarantine certificate (form 7) for goods lots not subject to quarantine isolation and sampling for disease test and veterinary hygiene inspection;

The paper for transportation of imported aquatic animals and aquatic products to a quarantine isolation place (form 6) and the import aquatic animal and aquatic product quarantine certificate (form 7) shall serve as a basis for the border-gate customs office to carry out customs clearance procedures for quarantined goods.

5. Inform the goods owner of necessary requirements in the course of transportation of goods from the border gate to the quarantine isolation place.

6. For imported aquatic animals and aquatic products which go through customs procedures at a border gate or customs clearance point other than the border gate of importation, the border-gate animal quarantine agency shall:

a/ Implement the provisions of Clauses 1, 2 and 3 of this Article;

b/ Supervise the loading and unloading of aquatic animals and aquatic products onto means of transport;

- c/ Seal up means of transport loaded with aquatic animals and aquatic products;
- d/ Clean and disinfect, or supervise the cleaning and disinfection of, the place where aquatic animals and aquatic products are gathered for loading;
- e/ Issue a paper for transportation of imported aquatic animals and aquatic products to a quarantine isolation place (form 6) and notify necessary information on the goods lot to the animal quarantine agency at the border gate of arrival.

7. If the dossier is invalid and imported aquatic animals and aquatic products fail to satisfy veterinary hygiene requirements, the animal quarantine agency shall handle them under regulations.

8. For recalled or returned export aquatic products:

a/ Inspect the conditions of preservation, packaging and labeling specifications and appearance of the products at the gathering place;

b/ Give certification in the quarantine registration form for the goods owner to carry out customs procedures;

c/ Take a sample for inspecting veterinary hygiene upon doubting or detecting that the goods fail to satisfy veterinary hygiene requirements; and issue an import aquatic animal and aquatic product quarantine certificate (form 7) for the goods lot which satisfies veterinary hygiene requirements.

9. For aquatic products imported into Vietnam for processing exports to foreign countries.

The animal quarantine agency shall examine the quarantine declaration dossier of the goods lot imported for processing exports under Points b and c. Clause 4, Article 16 and Point c, Clause 8, Article 17 of this Circular.

10. For aquatic products imported from foreign fishing ships:

a/ Inspect actual conditions of goods;

b/ Comply with provisions of Points b and c. Clause 8 of this Article."

Article 2. Effect

This Circular takes effect on the date of its signing.

Any problems arising in the course of implementation should be reported to the Ministry of Agriculture and Rural Development for study and settlement.-

**FOR THE MINISTER OF AGRICULTURE
AND RURAL DEVELOPMENT
VICE MINISTER**

Diep Kinh Tan