

No. 50/2015/TT-BNNPTNT

Hanoi, December 30, 2015

CIRCULAR

REGULATIONS ON VALIDATION OF CATCH CERTIFICATES, STATEMENTS

Pursuant to the Law on Fishery dated November 26, 2003;

Pursuant to the Government's Decree No. 59/2005/ND-CP dated May 04, 2005 regulating conditions for production and trading in a number of fishery branches;

Pursuant to the Government's Decree No. 14/2009/ND-CP dated February 13, 2009 amending a number of articles of Decree No. 59/2005/ND-CP ;

Pursuant to the Government's Decree No. 33/2010/ND-CP dated March 31, 2010 regulating management of fishery activities by Vietnamese organizations and individuals in territorial waters;

Pursuant to the Government's Decree No. 53/2012/ND-CP dated June 20, 2012 amending a number of articles of decrees on fisheries;

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;

At the request of general director of Directorate of Fisheries and general director of National Agro - Forestry – Fisheries Quality Assurance Agency,

The Minister of Agriculture and Rural Development promulgates the Circular regulating issuance of catch certificates.

Chapter I

GENERAL PROVISIONS

Article 1. Governing scope

This Circular regulates sequence, procedures and subject matters for issuance of catch statement for raw material, statement of exported fishery products processed from fish catches.

Article 2. Regulated entities

1. This Circular applies to organizations and individuals that exploit, procure, process, export and import fish catches for exportation into the markets requiring catch certificates.
2. This Circular does not apply to fish catches and fishery products as prescribed in Annex I enclosed herewith.

Article 3. Interpretation of terms

In this Circular, some terms are construed as follows:

1. *Catch statement for raw material* refers to the confirmation given by competent authorities to caught raw material that does not violate regulations on illegal, unreported and unregulated fisheries (hereinafter referred to as 'IUU regulation').
2. *Catch certificate* refers to a certificate issued by competent authorities for a shipment sourced from the raw material that does not violate IUU regulation.
3. *Statement of fishery products processed from catches* refers to the statement issued by competent authorities to the shipment processed from imported catches that do not violate IUU regulation. .

4. *Catch area* means territorial waters where fishing vessels carry out fishery activities within a certain period of time of a fishing trip.
5. *Catch time* refers to a period of time between the time a fishing vessel starts to drop fishing gears and the time all the gears are packed up (for each fishing trip).
6. *Certified shipment* refers to the shipment certified by the competent agency for exportation into the markets requiring catch certificates.
7. *Transshipment at sea* means the transfer of part or whole of a fish catch from this vessel to the other vessel.
8. *Shipment owner* refers to the owner of a shipment under request for issuance of catch certificate, catch statement for raw material, statement of export fishery products processed from fish catches.
9. The competent agency includes Fisheries Department, National Agro-Forestry-Fisheries Quality Assurance Department.

Article 4. Illegal, unreported and unregulated fisheries

Illegal, unreported and unregulated fisheries (hereinafter referred to as ‘illegal fisheries’) fall within one of the following cases:

1. Catching activity not licensed or not in compliance with the license requirements.
2. Fail to record and make daily report on catches as prescribed;
3. Carry out catching activities in the areas where or during the time when fishing is prohibited; catch, transport or load onto vessels species banned from fishing; catch species with sizes smaller than permissible limit.
4. Use gears prohibited or not as prescribed;
5. Hide, forge or destroy evidence of violations of regulations in connection with catching and protection of aquatic resources;
6. Preclude or protest against the inspection and supervision of compliance with regulations on catching and protection of aquatic resources;
7. Carry out transshipment at sea, support and participate in catching activities with illegal fishing vessels;
8. Carry out catching activities in territorial waters within management of fisheries management organizations of the region and other countries without eligible licenses;

Article 5. Competent agencies issuing catch certificates, statement

1. Fisheries Department as prescribed in Annex II enclosed herewith shall carry out inspection and validation of catch certificates, statements for raw material and inspect illegal fisheries;
2. National - Agro -Forestry – Fisheries Quality Assurance Center as prescribed in Appendix III enclosed herewith shall carry out inspection and issue statement of export fishery products processed from imported catches.

Chapter II

PROCEDURES ON ISSUANCE OF CATCH CERTIFICATES, STATEMENT

Article 6. Catch statement for raw material

1. Any shipment owner who requests issuance of the catch statement for raw material should submit two (02) copies of written confirmation of raw material (according to the form in Annex IV enclosed herewith) in person or by post to the competent agency as prescribed in Clause 1, Article 5 hereof where the owner buys the raw material.
2. Within two working days since receipt of the written request for catch statement for raw material, the competent agency shall inspect authenticity of the information declared in the written confirmation of raw material submitted and:

- a) Issue the catch statement for raw material if the shipment is consistent with the written confirmation of raw material and return one copy to the shipment owner and keep one copy at its office;
 - b) Not issue the catch statement for raw material if the shipment is inconsistent with the written confirmation of raw material or using raw material from the fishing vessels listed as illegal fishing vessels; In case of rejection, the competent agency should issue a written notice to the shipment owner specifying the reason.
3. The competent agency shall return the result in person or by post to the shipment owner.

Article 7. Catch certificates

1. Any shipment owner who makes requests for issuance of catch certificate should submit two (02) sets of applications in person or by post to either of the competent agencies as prescribed in Clause 1, Article 5 hereof where the catch statement for raw material has been issued.
2. The application for issuance of catch certificates comprises:
 - a) Catch certificate form (as prescribed in Annex V enclosed herewith) or other forms at the request of the competent agencies of the importing country; Additional information as prescribed in Appendix Va, Annex V enclosed herewith (in case the shipment uses raw material from more than one vessel or raw material is bought from one single vessel and processed into various shipments);
 - b) Written declaration of transport information (according to the form as prescribed in Appendix Vb, Annex V enclosed herewith);
 - c) Copy of catch certificate form;
3. Within two working days since receipt of the application, the competent agency shall review and inspect information declared in the catch certificate form and:
 - a) Issue the catch certificate if the shipment is consistent with the catch certificate form and return one set of application to the shipment owner and keep one set at its office;
 - b) Not issue the catch certificate if the shipment is inconsistent with the application or using raw material from the fishing vessels listed as illegal fishing vessels; In case of rejection, the competent agency should issue a written notice to the shipment owner specifying the reason.
4. The competent agency shall return the result in person or by post to the shipment owner.

Article 8. Re-issuance of catch certificates

1. Only catch certificates that are torn, seriously damaged shall be considered for re-issuance.
2. Any shipment owner who makes requests for re-issuance of catch certificate should submit two (02) sets of applications in person or by post to either of the competent agencies as prescribed in Clause 1, Article 5 hereof where the catch certificate has been issued.
3. The application for re-issuance of catch certificates comprises:
 - a) Written request for re-issuance of catch certificates (as prescribed in Annex VI enclosed herewith);
 - a) Specimen catch certificate (as prescribed in Annex V enclosed herewith) or other forms at the request of the competent agencies of the importing country;
 - c) Torn, damaged catch certificate;
4. Sequence of implementation according to Clause 3, Article 7 hereof;
5. Catch certificate re-issued should have the number coincide with number of the previous catch certificate and be marked with some distinction (as prescribed in Section 1.2, Annex VII enclosed herewith).
6. The competent agency shall return the result in person or by post to the shipment owner.

Article 9. Statement of export fishery products processed from imported catches

1. Any shipment owner who needs to export the shipment manufactured from imported fish catches should submit two (02) sets of applications in person or by post to the competent agencies as prescribed in Clause 2, Article 5 hereof for confirmation.

2. The application comprises:

a) Catch certificate (original or copy);

b) Statement of export fishery products processed from imported catches (according to the form prescribed in Annex VIII enclosed herewith) or other forms at the request of competent agencies of the importing country.

3. Do not issue the statement if the shipment owner fails to comply with regulations of the importing country on export fishery products processed from imported catches. In case of rejection, the competent agency should issue a written notice to the shipment owner specifying the reason.

4. Procedures on issuance of statement of export fishery products processed from imported catches shall be combined with procedures on inspection and issuance of certificates for the shipment as prescribed in Circular No. [48/2013/TT-BNNPTNT](#) dated November 12, 2013 on inspection and confirmation of food safety for export fisheries.

Chapter III

INSPECTION OF ILLEGAL CATCHING ACTIVITIES

Article 10. Inspection of illegal catching activities

1. Entities subject to inspection: fishing vessels that provide raw material for processing export fishery products;

2. Inspecting agencies: Provincial, municipal Department of Fisheries as prescribed in Clause 1, Article 5 hereof;

3. Principles of inspection:

a) Inspection as planned or unexpected;

b) Inspection shall be conducted on the principle that the number of times of inspection should not be less than 5% of total number of times of port arrivals per annum on average.

4. Heads of the investigating agencies shall make decisions on the establishment of the Inspectorate with scope, content and locations for inspection, full names of heads and members of the Inspectorate being specified. The decision on establishment of the Inspectorate should be announced at the location under inspection before the inspection starts.

5. Content of inspection: As prescribed in Article 4 hereof;

6. After the inspection is done, the Inspectorate shall make a written record (according to the form as prescribed in Annex IX enclosed herewith) and make notice to the entities inspected. The written record is made into two copies of the same value. Each party keeps one copy. Upon finding any fishing vessel conducting illegal catching activities as prescribed in Article 4, the inspecting agencies shall take following actions:

a) Do not issue catch statement for raw material, catch certificates to fishery products from the offending fishing vessel since result of inspection is announced;

b) Transfer records to functional agencies for handling as prescribed by laws;

Article 11. Removing fishing vessels out of the list of illegal fishing vessels

1. The competent agency shall remove a fishing vessel out of the list of illegal fishing vessels in following cases:

a) The fishing vessel is deregistered.

b) The fishing ship does not commit any violation as prescribed in Article 4 hereof after two years since it is listed as illegal fishing vessels;

2. The vessel owner who has fulfilled remedial measures for illegal activities needs to remove his/her fishing vessel out of the list ahead of time as prescribed in Point b, Clause 1, this Article.

Article 12. Sequence and procedures on removing fishing vessels out of the list of illegal fishing vessels

1. The vessel owner should submit a written request according to the form prescribed in Annex X enclosed herewith in person or by post to the competent agency where the vessel registration is carried out.

2. Within five working days since receipt of the written request, the competent agency shall inspect remedial measures taken by the vessel owner and issue the written notice about removal of the fishing vessel out of the list. This notice shall be delivered to Directorate of Fisheries after two working days at the latest since the announcement is made; in case of rejection, a written reply should be issued with reasons specified.

3. The agency that receives the written request shall return results to the vessel owner in person or by post.

Chapter IV

RESPONSIBILITY AND AUTHORITY OF ORGANIZATIONS, INDIVIDUALS

Article 13. Duties of Directorate of Fisheries

1. Organize propaganda and instruct implementation of this Circular;
2. Organize training in professional competence to persons involved in inspection and issuance of catch certificates, statement;
3. Organize inspection of the implementation of issuance of catch certificates, catch statement to relevant organizations, individuals;
4. Preside over and cooperate with relevant agencies in exchanging and negotiating with foreign competent agencies on cooperation, exchange of information and handling of difficulties in activities of validating catch certificates, statements and statement of export fishery products processed from imported catches.
5. Post the list of illegal fishing vessels on the portal of Directorate of Fisheries;
6. Make regular reports (on a six-month basis) on inspection, validation of catch certificates, statements to the Ministry of Agriculture and Rural Development;

Article 14. Duties of National Agro - Forestry - Fisheries Quality Assurance Department

1. Direct and organize unification of professional competence activities; conduct regular inspection and supervision of activities in connection with inspection and certification of export fishery products processed from imported catches;
2. Unify professional competence management; organize training for staff performing the inspection and validation of statement of export fishery products processed from imported catches;
3. Make regular reports (on a six-month basis) on inspection and validation of statement of export fishery products processed from imported catches to the Ministry of Agriculture and Rural Development;
4. Direct National – agro – forestry – fisheries quality assurance centers to:
 - a) Implement validation of statement of export fishery products processed from imported catches as prescribed in Article 9 hereof;
 - b) Provide instructions to the shipment owner on validation of statement of export fishery products processed from imported catches;
 - c) Make report to National Agro - Forestry - Fisheries Quality Assurance Department as prescribed;
 - d) Store records concerning certification of export fishery products processed from imported catches for three years since the date of certification;

Article 15. Duties of Service of Agriculture and Rural Development of coastal provinces and cities

1. Direct, instruct and inspect the implementation of this Circular by competent agencies as prescribed in Clause 1, Article 5 hereof;
2. Carry out propaganda, dissemination, instruction and inspection of the implementation of this Circular in the administrative divisions within management;
3. Act as advisor for People's committees of provinces in guaranteeing expenditures, human resources and relevant conditions for the competent agencies to perform catch certification;
4. Direct Fisheries Branches to:
 - a) Handle documents concerning validation of catch certificates, statements, add or remove fishing vessels out of the list of illegal fishing vessels;
 - b) Provide instructions to the shipment owner, vessel owner, captain on the implementation of the tasks related to validation of catch certificates, statements;
 - c) Establish and make notification of the list of illegal fishing vessels to Directorate of Fisheries;
 - d) Store records concerning validation of catch certificates, statements for three years since the process of certification starts;
 - dd) Cooperate with Directorate of Fisheries in receiving, handling and verifying information about validation of catch certificates at the request of foreign competent agencies;
 - g) Make report to Directorate of Fisheries on changes to human resources and organization of the agency for notifications to foreign competent agencies;
 - h) Make reports to Directorate of Fisheries on a monthly basis (before 25th of month) or on request on catch certification, illegal fishing vessels; Specimen report is instructed in Annex XI enclosed herewith;
 - i) Request captain, vessel owner or her/his representative, shipment owner to provide relevant information to serve the inspection and validation of catch certificates, statements;

Article 16. Responsibility of fishery port management board

Provide information related to fishing vessels that anchor, load and unload catch raw material at the port to competent agencies as prescribed in Article 5 hereof;

Article 17. Responsibility and authority of captain, vessel owner

1. Provide relevant information contained in catch certificates to the shipment owner; countersign and be responsible for the information supplied;
2. Carry out catching activities according to law provisions;
3. Create favorable conditions for the Inspectorate to perform duties;
4. Vessel owners may request the competent agency to provide regulations on catch certification, addition or removal of fishing vessels out of the list of illegal fishing vessels.

Article 18. Responsibility and authority of shipment owner

1. Provide relevant information contained in catch certificates, statement of export fishery products processed from catches; countersign and be responsible for the information supplied;
2. Store records concerning catch certification for three years since the date of certification;
3. Cooperate with competent agencies in providing information, explanations to competent agencies of importing countries on the shipment;
4. Create favorable conditions for the Inspectorate to perform duties;
5. The shipment owner may request competent agencies to provide information concerning catch certification;

6. Request the competent agency where the raw material is purchased to certify the raw material;
7. Be entitled to choose one of the competent agencies that have certified the raw material to make submission of applications for issuance of catch certificates;

Chapter V

IMPLEMENTATION

Article 19. Transitional provisions

Any document of catch statement for raw material executed before the effective date of this Circular shall remain valid for applying for catch certificates as prescribed hereof.

Article 20. Implementary provisions

1. This Circular takes effect since February 15, 2016.
2. This Circular shall supersede the Ministry of Agriculture and Rural Development's Circular No. [28/2011/TT-BNNPTNT](#) dated April 15, 2011 regulating validation of catch certificates, statements for exportation into EU markets.
3. Any amendment or supplement made to the documents referred to in this Circular shall prevail.
4. Agencies that are tasked with inspecting and certifying catch raw material; validating statement of export fishery products processed from catches shall be responsible for making annual budget estimation and submission to competent authorities for approval.
5. Difficulties that arise during the implementation of this Circular should be reported (by organizations, units) to Directorate of Fisheries or National Agro - Forestry - Fisheries Quality Assurance Department for compilation and reporting to the Minister of Agriculture and Rural Development for consideration and decision./.

**PP THE MINISTER
DEPUTY MINISTER**

Vu Van Tam