

**THE MINISTRY OF AQUATIC RESOURCES**

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**SOCIALIST REPUBLIC OF VIET NAM**  
**Independence - Freedom - Happiness**

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No: 15/2002/QD-BTS

*Hanoi, May 17, 2002*

**DECISION**

**PROMULGATING THE REGULATION ON CONTROL OF RESIDUES OF TOXIC AND HAZARDOUS SUBSTANCES IN REARED AQUATIC ANIMALS AND PRODUCTS THEREOF**

**THE MINISTER OF AQUATIC RESOURCES**

*Pursuant to the Government's Decree No.50/CP of June 21, 1994 on the tasks, powers and organizational structure of the Ministry of Aquatic Resources;*

*Pursuant to the Government's Decree No.86/CP of December 8, 1995 assigning the responsibilities for State management over goods quality;*

*At the proposal of the director of the Science and Technology Department,*

**DECIDES:**

**Article 1.-** To promulgate together with this Decision the Regulation on control of residues of toxic and hazardous substances in reared aquatic animals and products thereof.

**Article 2.-** This Decision takes effect 15 days after its signing.

**Article 3.-** The director of the Office, the director of the Science and Technology Department, the director of the Department for Protection of Aquatic Resources, the director of the Center for Aquatic Animal Quality and Hygiene Control; the directors of the provincial/municipal Services of Aquatic Resources and Services of Agriculture and Rural Development with aquatic resources management responsibility, and the heads of the concerned units shall have to implement this Decision.

**FOR THE MINISTER OF AQUATIC  
RESOURCES  
VICE MINISTER**

**Nguyen Thi Hong Minh**

**REGULATION**

**ON CONTROL OF RESIDUES OF TOXIC AND HAZARDOUS SUBSTANCES IN REARED  
AQUATIC ANIMALS AND PRODUCTS THEREOF**

*(Promulgated together with Decision No. 15/2002/QD-BTS of April 29, 2002 of the Minister of Aquatic Resources)*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1.-** Application objects and scope

This Regulation prescribes the responsibilities and powers of units involved in the activities of controlling residues of toxic and hazardous substances in reared aquatic animals and products thereof (hereinafter referred to as reared aquatic animals for short) used as foodstuffs.

This Regulation applies to the management agencies and inspecting agencies; establishments engaged in rearing commercial aquatic animals, establishments collecting and purchasing raw materials being reared aquatic animals and aquatic animal-processing establishments (hereinafter referred collectively to as establishments).

## **Article 2.- Term interpretation**

In this Regulation, the following terms are construed as follows:

1. Residues of toxic and hazardous substances (called residues for short) mean residual content of veterinary drugs, growth and reanimation stimulants, toxic and hazardous substances originated from feeds, rearing environment, and their derivatives left over in reared aquatic animals, which may harm consumers health.
2. Equivalent commercial aquatic animal rearing areas (hereinafter referred to as rearing areas for short) are rearing areas concurrently satisfying the following requirements:
  - a/ Rearing the same feeder,
  - b/ Applying the same rearing form,
  - c/ Having the same rearing environment.
3. Aquatic raw material lot means a collection of many individuals of a reared aquatic animal harvested at the same time in an equivalent commercial aquatic animal rearing area.

## **Article 3.- Bases for controlling residues at establishments**

1. Regulations, the Vietnamese standards, the aquatic resources branch's standards regarding environment and food hygiene and safety or other relevant State regulations.
2. For reared aquatic animals exported to markets with requirements and standards different from those of Vietnam, the control and supervision of residues shall be based on the importing countries standards or regulations recognized and permitted for application by the Ministry of Aquatic Resources, or under agreements signed between Vietnam and importing countries.

## **Article 4.- Assignment of tasks**

1. The Science and Technology Department shall perform the function of State management over the control of residues in reared aquatic animals.
2. The Department for Protection of Aquatic Resources shall perform the State management function of directing and coordinating activities of supervising the environment and harvesting reared aquatic animals by the local sub-departments for protection of aquatic resources.
3. The provincial/municipal Services of Aquatic Resources and Services of Agriculture and Rural Development with aquatic resources management responsibility shall perform the function of State management in localities over the control of residues in reared aquatic animals.
4. The Center for Aquatic Animal Quality and Hygiene Control shall organize the administration of the program for residue control, directly carry out the plan for control of residues in reared aquatic animals and inspect the implementation thereof (hereinafter referred to as the inspecting body).
5. Local sub-departments for protection of aquatic resources shall supervise the rearing environment and harvesting in rearing areas (hereinafter referred to as the supervising bodies).

6. Authorized testing labs are those inside or outside the aquatic resources branch, which are fully capable of analyzing norms of residues in reared aquatic animals and designated by the inspecting body.

## **Chapter II**

### **RESPONSIBILITIES AND POWERS OF BODIES INVOLVED IN THE CONTROL OF RESIDUES**

#### **Article 5.- Responsibilities and powers of the Science and Technology Department**

1. To organize the promulgation of, or elaborate and propose to the Ministry of Aquatic Resources for promulgation, technical regulations, branch standards and documents regarding the State management over the control of residues in reared aquatic animals;
2. To evaluate the plan on control of residues in reared aquatic animals, drawn up and submitted by the inspecting body to the Ministry of Aquatic Resources for approval;
3. To assume the prime responsibility and coordinate with the concerned State management agencies in inspecting the observance of this Regulation by involved parties;
4. To head inspection delegations and settle complaints about activities of controlling residues in reared aquatic animals;
5. To request, on behalf of the Minister of Aquatic Resources, the provincial/municipal Services of Aquatic Resources, Services of Agriculture and Rural Development with aquatic resources management responsibility, and the inspecting body to extraordinarily report or supply necessary information on the control of residues.

#### **Article 6.- Responsibilities and powers of the Department for Protection of Aquatic Resources**

1. To join delegations for inspection of activities of controlling residues in reared aquatic animals; and take part in settling complaints;
2. To direct the supervising bodies in fully observing relevant provisions in this Regulation, and request them to supply information related to the control of residues.

#### **Article 7.- Responsibilities and powers of the provincial/municipal Services of Aquatic Resources and Services of Agriculture and Rural Development with aquatic resource management responsibility**

1. To direct the dissemination of and guidance on regulations, standards and animalion norms regarding residues in aquatic animals among enterprises, organizations and individuals rearing aquatic animals;
2. To direct the supervising bodies in organizing the implementation of this Regulation toward the establishments defined in Article 1;
3. To inspect and supervise the observance of this Regulation by the involved units under their respective management;
4. To make quarterly, annual or extraordinary reports on activities of controlling residues in reared aquatic animals in localities under their respective management at the request of the Ministry of Aquatic Resources;
5. To request the supervising bodies to supply information related to activities of controlling residues in reared aquatic animals in localities under their respective management.

#### **Article 8.- Responsibilities and powers of the inspecting body**

1. To work out annual plans on residue control and submit them to the Ministry of Aquatic Resources for approval; to organize the administration and periodically review the

implementation of such plans, and notify supplements and/or readjustments thereto to make them suitable to realities.

2. To receive and process dossiers for evaluation of testing labs, and designate testing labs authorized to analyze residues;
3. To elaborate and promulgate procedures for recognizing authorized testing labs. To unify residue-analyzing methods for use by the authorized testing labs;
4. To sample aquatic animals reared in localities without supervising bodies;
5. To receive and process on a monthly basis the results of the analysis of residues in samples of reared aquatic animals from the authorized testing labs; then notify the analysis results to the concerned agencies. In cases where analysis results show that residue contents exceed the prescribed limit, it shall notify areas where the reared aquatic animal harvest is prohibited, together with remedial measures to the provincial/municipal Services of Aquatic Resources and Services of Agriculture and Rural Development with aquatic resource management responsibility, the Department for Protection of Aquatic Resources, the supervising bodies and aquatic animal processing enterprises;
6. To coordinate with the local functional bodies in devising plans for handling environmental incidents in rearing areas, if any;
7. To elaborate and promulgate declaration forms of origin of reared aquatic animals, technical instructions on methods of sampling, preservation and transport of reared aquatic animal samples and other relevant technical materials;
8. To assume the prime responsibility and coordinate with other agencies in organizing training courses to provide guidance on the Regulation on residue control, in order to forge close and harmonious coordination from the central to local levels; coordinate with the local State management agencies and the supervising bodies in organizing courses guiding organizations and individuals producing and/or trading in aquatic animals to observe the standards, norms and procedures for controlling residues in reared aquatic animals;
9. To make quarterly, annual or extraordinary reports on the results of the control of residues in reared aquatic animals and supply other relevant information, when so requested by the Ministry of Aquatic Resources;
10. To make and submit on an annual basis tentative funding estimates to the Ministry of Aquatic Resources for approval and allocation of funds to the units involved in the residue control (defined in Article 4);
11. To request the supervising bodies to supply monthly or extraordinary information related to the situation of aquatic animal rearing and residue control in their respective localities.

**Article 9.- Responsibilities and powers of the supervising bodies**

1. To base themselves on residue control plans already approved by the Ministry of Aquatic Resources to take samples of reared aquatic animals in rearing areas under their respective management, preserve and transport them to the authorized testing labs strictly according to regulations;
2. To send the inspecting body's monthly notices on residue control results to rearing establishments and establishments collecting and purchasing aquatic raw materials. In cases of notification on areas where aquatic animal harvesting is prohibited, to promptly and effectively organize harvest prohibiting activities;

3. To supervise the harvesting at rearing ponds, and prevent the processing and putting into market circulation of reared aquatic animals from harvesting prohibition areas;
4. To notify the rearing establishments of drugs and chemicals banned from use in aquaculture.
5. To distribute aquatic animal origin declaration forms to rearing establishments in their respective management localities; to guide rearing establishments and establishments collecting and purchasing raw materials being reared aquatic animals in observing the provisions of this Regulation;
6. To make monthly, annual or extraordinary reports on activities of controlling residues in reared aquatic animals and supply other relevant information when so requested by the inspecting body, the provincial/municipal Services of Aquatic Resources or Services of Agriculture and Rural Development with aquatic animal management responsibility;
7. To coordinate with the inspecting body and other concerned agencies in devising plans for handling environmental incidents in rearing areas, if any;
8. To request rearing establishments to inform the situation of diseases and epidemics, used veterinary drugs for aquatic animals and chemicals (if any), output and species of aquatic animals reared and harvested in the year, the harvesting time and other information related to activities of controlling residues in reared aquatic animals.

**Article 10.-** Responsibilities of authorized testing labs

1. To conduct the analysis of residue norms under the designation by the inspecting body;
2. To promptly notify the analysis results to the inspecting body; and bear responsibility for such analysis results.

**Article 11.-** Responsibilities of establishments rearing commercial aquatic animals

1. The establishments rearing commercial aquatic animals have to ensure that:
  - a/ They do not use any chemicals, veterinary drugs and growth stimulants banned from use as prescribed by the Ministry of Health and the Ministry of Aquatic Resources.
  - b/ They use substances permitted for use in right doses and stop using them within a prescribed time before harvesting reared aquatic animals in order to keep residues of such substances in harvested aquatic animals below the permitted level.
  - c/ They apply measures to prevent the danger of contamination of residues in reared aquatic animals.
2. To notify to the supervising bodies in rearing areas of species of reared aquatic animals, rearing forms and acreage (or number of rearing cages and space of each cage), harvesting time, veterinary drugs and chemicals for use, if any, and other necessary information related to activities of controlling residues in reared aquatic animals;
3. Not to harvest reared aquatic animals in areas where harvesting is prohibited;
4. To be subject to the supervision by the supervising bodies; create conditions for the inspecting body and supervising bodies to perform their tasks prescribed in this Regulation; supply aquatic animal samples for residue analysis according to the inspecting body's approved plans.
5. To fully and accurately fill in reared aquatic animal origin declaration forms and hand them to the processing enterprises and collecting-purchasing establishments upon selling and delivering aquatic animals;

6. To make written records on aquatic raw materials lots for purpose of tracing the origin thereof when detecting aquatic animal samples with residues exceeding the permitted level or containing banned substances.

**Article 12.-** Responsibilities of establishments collecting and purchasing reared aquatic raw materials

1. Not to collect and purchase raw materials from areas where the aquatic animal harvesting is prohibited;
2. To supply declaration forms of origin of reared aquatic animals for each raw material lot to aquatic animal-processing establishments and other aquatic raw material-trading establishments when selling and delivering raw materials;
3. To be subject to the supervision by the local supervising bodies, supply information related to raw materials lots to the latter when so requested; and supply samples of purchased aquatic animals for analyzing residues at the request of the inspecting body.
4. To make written records on aquatic raw materials lots for purpose of tracing the origin thereof when detecting aquatic animal samples with residues exceeding the permitted level or containing banned substances.

**Article 13.-** Responsibilities of aquatic animal processing establishments

1. To purchase only raw materials being reared aquatic animals with clear origin from areas where the harvesting thereof is not prohibited;
2. To keep all declaration forms of origin of reared aquatic animals for each raw material lot;
3. To comply with regulations of the inspecting body. In cases where animals are made from raw materials lots detected to containing residues in excess of the permitted level, such lots shall be promptly seized for handling.

### **Chapter III**

#### **CONTROL OF REARED AQUATIC ANIMALS WITH RESIDUES EXCEEDING THE PERMITTED LEVEL**

**Article 14.-** Residues in reared aquatic animals exceeding the permitted level

In rearing areas, when any aquatic animal sample is detected to contain residues in excess of the permitted level, the inspecting body and the supervising bodies shall carry out the following activities:

1. The inspecting body shall coordinate with the supervising bodies in:
  - a/ Identifying causes for the fact that reared aquatic animals contain residues exceeding the permitted level;
  - b/ Devising and applying appropriate measures to handle the aquatic animals in such rearing areas;
  - c/ Guiding and controlling organizations and individuals rearing aquatic animals in the application of already devised measures;
2. The inspecting body shall announce areas where the harvesting of reared aquatic animals for use as foodstuffs is prohibited;
3. The supervising bodies shall send notices on areas where the harvesting of reared aquatic animals for use as foodstuffs is prohibited to rearing establishments and establishments collecting and purchasing aquatic raw materials; and at the same time, organize and inspect the suspension of harvesting and apply remedial measures at the request of inspecting bodies.

**Article 15.-** Detection of residues exceeding the permitted level in lots of raw materials being reared aquatic animals or animals of reared aquatic animals

In cases where after the harvest, lots of raw materials being reared aquatic animals or products processed therefrom are detected containing residues exceeding the permitted level, or where some raw materials have earlier been harvested from rearing areas where residues exceeding the permitted level are detected in aquatic animals reared there, the inspecting body shall coordinate with the supervising body in performing the following tasks:

1. Identifying establishments rearing, collecting, purchasing or processing such aquatic raw materials lots;
2. Taking samples for re-analyzing residues.

If residues exceed the permitted level, the inspecting body shall coordinate with the supervising body in notifying such to owners of aquatic raw material lots and requesting them to apply measures to treat such lots so as to ensure safety and health of the community. The supervising body shall have to monitor and inspect the application of the said measures by the lot owners.

**Article 16.-** Residues in aquatic animals in rearing areas where the harvesting is prohibited, which are below the permitted level

Where the results of the intensified inspection show that residues in aquatic animals in rearing areas where the aquatic animal harvesting is prohibited are below the permitted level, the inspecting body shall send notices on areas where harvesting is permitted to be continued to the concerned agencies, while the supervising bodies shall send such notices to rearing establishments and raw material purchasing establishments.

## **Chapter IV**

### **COMPLAINTS AND HANDLING OF VIOLATIONS**

**Article 17.-** All organizations and individuals have the right to complain about and denounce acts of violation of this Regulation according to the provisions of law.

**Article 18.-** All organizations and individuals that violate this Regulation shall, depending on the nature and severity of their violations, be disciplined, administratively sanctioned or examined for penal liability according to the provisions of law.

## **Chapter V**

### **IMPLEMENTATION PROVISIONS**

**Article 19.-** The Science and Technology Department, the Department for Protection of Aquatic Resources, the provincial/municipal Services of Aquatic Resources and Services of Agriculture and Rural Development with aquatic resource management responsibility, the Center for Aquatic Animal Quality and Hygiene Control, the local sub-departments for protection of aquatic resources shall, within the ambit of their responsibilities and powers, have to guide the implementation of this Regulation.

**Article 20.-** All previous stipulations contrary to this Regulation are hereby annulled. All amendments or supplements to this Regulation shall be decided by the Minister of Aquatic Resources.

**FOR THE MINISTER OF AQUATIC  
RESOURCES  
VICE MINISTER**

**Nguyen Thi Hong Minh**