

THE PRIME MINISTER

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 27/2017/QĐ-TTg

Hanoi, July 03, 2017

DECISION

DEFINING FUNCTIONS, TASKS, POWERS AND ORGANIZATIONAL STRUCTURE OF THE DIRECTORATE OF FISHERIES AFFILIATED TO THE MINISTRY OF AGRICULTURE AND RURAL DEVELOPMENT

Pursuant to the Law on Government Organization dated June 19, 2015;

Pursuant to the Government's Decree No. 123/2016/ND-CP dated September 01, 2016 defining the functions, tasks, powers and organizational structures of Ministries and ministerial agencies;

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

At the request of the Minister of Agriculture and Rural Development;

The Prime Minister hereby promulgates a Decision defining functions, tasks, powers and organizational structure of the Directorate of Fisheries affiliated to the Ministry Of Agriculture and Rural Development.

Article 1. Position and functions

1. The Directorate of Fisheries (hereinafter referred to as “the Directorate”) is an organization that is affiliated to the Ministry of Agriculture and Rural Development and exercises the functions of assisting the Minister of Agriculture and Rural Development in performing state management and organizing implementation of the law on fisheries nationwide; organize provision of public services under its management in accordance with regulations of law.
2. The Directorate of Fisheries has its own legal status, seal bearing the national emblem, account and operating fund covered by state budget.
3. The headquarters of the Directorate of Fisheries is located in Hanoi city.

Article 2. Tasks and powers

1. Submit the following documents to the Minister of Agriculture and Rural Development:

a) The drafts of: laws and resolutions of the National Assembly; ordinances and resolutions of the Standing Committee of the National Assembly; decrees and resolutions of the Government; decisions and directives of the Prime Minister; mechanisms, policies and other documents under the Directorate's management;

b) Annual, medium-term and long-term development strategies, planning and plans, programs, projects, schemes and projects of national significance under the Directorate's management;

c) National standards, national technical regulations, technical regulations, specialized technical – economic norms and technological advances under the Directorate's management.

2. Provide professional guidelines under the Directorate's management.

3. Organize the dissemination of and education about laws on the fields under the Directorate's management.

4. Provide instructions, inspect and organize implementation of legislative documents, strategies, planning, plans, programs, projects and schemes under the Directorate's management.

5. Regarding conservation and development of aquatic resources:

a) Request the Ministry of Agriculture and Rural Development to:

Publish the list of aquatic species recorded in Vietnam's Red Data Book and aquatic species that need protecting, reproduced and developed; aquatic species banned from catching or banned from catching for a fixed term; time for and areas banned from catching, areas banned from catching for a fixed term, catching methods, the list of aquatic species banned from exploitation with fixed terms and time for ban on exploitation; regulations on fishery methods, types of fishing gears, banned fishing gears, types and minimum sizes of aquatic species allowed to be caught and catching seasons;

Publish protected area classification standards and sanctuaries of inland waters and marine protected areas; make plans and assign authorities to manage sanctuaries of inland waters and marine protected areas; promulgate regulations on management of sanctuaries of inland waters and marine protected areas related to aquatic resources in accordance with regulations of law;

b) Direct, provide guidance on and inspect implementation of regulations on protection of habitat of aquatic species; conservation, reproduction and development of aquatic resources; implementation of measures to protect environment of aquatic ecosystems; conserve gene funds and aquatic biodiversity;

c) Organize survey and assessment of aquatic resources in each territorial water, fishing grounds, water bodies, large rivers and lakes; forecast and announce fishing grounds and fishing zones; determine reserves and annual permitted catches in each territorial water and fishing ground;

d) Manage endangered, precious and rare aquatic species; import, export, temporary import and re-export, introduction from the sea, transit, rearing, breeding and artificial propagation of endangered, precious and rare aquatic species.

6. Regarding fishing:

a) Request the Minister of Agriculture and Rural Development to promulgate regulations on zoning for fishing activities; assign authorities to manage fishing; promulgate regulations on fishing management; procedures for issuance and revocation of fishing licenses; fishing conditions to be satisfied by foreign fishing vessels within territorial waters of Vietnam and Vietnamese fishing vessels carrying out fishing activities within and outside the territorial waters of Vietnam;

b) Provide instructions on production and occupational restructuring during fishing activities;

c) Provide instructions on and inspect implementation of regulations on planning for fishing, fishing ports, fishing wharves and storm shelters for fishing vessels.

7. Regarding registration of fishing vessels:

a) Submit to the Minister of Agriculture and Rural Development regulations on fishing vessel registration; facilities eligible for fishing vessel registration; conditions for assurance of safety of people and fishing vessels involved in fishing activities;

b) Provide guidance on and inspect implementation of regulations on fishing vessel registration; management of fishing vessel seafarers; carry out inspection and assessment, and recognize facilities eligible for fishing vessel registration;

c) Organize registration of fishing vessels under the management of the Ministry of Agriculture and Rural Development.

8. Regarding building and modification of fishing vessels:

a) Submit to the Minister of Agriculture and Rural Development technical requirements for design of fishing vessels; economic – technical norms for periodic maintenance and repair of fishing vessels; facilities eligible for building, upgrading and modification of fishing vessels;

b) Provide instructions on and inspect implementation of regulations on building, modification, maintenance and repair of fishing vessels.

9. Regarding aquaculture:

a) Submit to the Minister of Agriculture and Rural Development the planning for centralized aquaculture areas; the list of aquatic breeds; the list of chemicals banned from use or allowed to be used in aquaculture; request the Minister to recognize aquatic breeds and feeds as prescribed;

b) Provide guidance on and inspect quality and licensing of import and export of aquatic breeds; feeds and ingredients used as aquatic feeds; biological preparations, microorganisms, environmental remediation and treatment products used in aquaculture;

c) Direct, provide instructions on and inspect implementation of regulations on aquaculture planning and season; aquatic breeds; feeds and ingredients used as aquatic feeds; chemicals, biological preparations, microorganisms, environmental remediation and treatment products used in aquaculture in accordance with regulations of law;

d) Provide guidelines for organizing production in aquaculture;

dd) Carry out assessment and appoint certification bodies for aquaculture; organize, inspect, assess, appoint and suspend appointment of aquaculture testing laboratories in accordance with regulations;

e) Provide guidance on and inspect the aquaculture monitoring, warning, supervision and environmental remediation; aquaculture testing, surveying and accreditation; natural disaster management in aquaculture.

10. Regarding fisheries surveillance:

a) Perform state management of fisheries surveillance as prescribed by law and as assigned by the Minister of Agriculture and Rural Development;

b) Organize patrol, inspection, control, investigation, discovery and handling of violations against the law on fisheries;

c) Organize natural disaster management and cooperation in search and rescue and operation of hotlines intended for handling unexpected issues that arise from fishing; minimize the number of fishing vessels and fishermen arrested by foreign countries and take handling measures as assigned by the Ministry of Agriculture and Rural Development;

d) Participate in protection of national sovereignty, sovereign rights and jurisdiction within territorial waters in accordance with regulations of law;

dd) Provide guidance on communication, natural disaster management, fishing vessel search and rescue.

11. Perform state management of quality of products, goods and input materials that serve aquaculture and fishing in accordance with regulations of law.

12. Perform state management of food safety in aquaculture and fishing as prescribed by law and as assigned by the Ministry of Agriculture and Rural Development.

13. Perform state management of fishery product processing and fishery market as prescribed by law and as assigned by the Ministry of Agriculture and Rural Development.

14. Management fishery planning projects and fishery baseline survey as assigned by the Ministry of Agriculture and Rural Development.
15. Organize production of statistics; establish and manage fishery database and information in accordance with regulations of law.
16. Manage scientific research, technology transfer and fishery extension as assigned by the Ministry of Agriculture and Rural Development.
17. Foster international cooperation as assigned by the Ministry of Agriculture and Rural Development.
18. Carry out administrative reforms according to the administrative reform programs of the Ministry of Agriculture and Rural Development.
19. Manage organizational machinery, payroll, positions, number of officials and employees; carry out pay scheme, provide benefits and rewards, take disciplinary actions; provide professional training to officials under Directorate's management as assigned by the Ministry of Agriculture and Rural Development.
20. Provide instructions and inspect activities of associations and non-governmental organizations as assigned by the Ministry of Agriculture and Rural Development.
21. Carry out specialized inspections in accordance with regulations of law; receive and handle the people's complaints and denunciations; prevent and fight corruption and take actions against violations of law; practice thrift and combat wastefulness within the Directorate's power.
22. Manage finance and allocated assets and other resources in accordance with regulations of law.
23. Manage investment in construction as assigned by the Ministry of Agriculture and Rural Development and as prescribed by law.
24. Manage the Vietnam Fund for Aquatic Resources Reproduction and international assistance provided for fishery sector as prescribed.
25. Perform other tasks assigned by the Minister of Agriculture and Rural Development.

Article 3. Organizational structure

1. The Planning and Finance Department.
2. The Department of Science, Technology and International Cooperation.
3. The Department of Legal Affairs and Inspection.

4. The Department of Aquatic Resources Conservation and Development.
5. The Department of Aquaculture.
6. Fishing Department.
7. The Office of the Directorate.
8. Vietnam Fisheries Resources Surveillance.
9. Aquaculture Surveying, Testing and Accreditation Center.
10. Fishing Vessel Register.
11. Fisheries Information Center.

The organizations specified in Clause 1 through 8 of this Article are those assisting the Director General in performing state management; the organizations specified in Clause 9 through 11 of this Article are public service providers affiliated to the Directorate.

The Office of the Directorate has 04 divisions, the Vietnam Fisheries Resources Surveillance has an Office, 04 divisions and 05 Regional Fisheries Resources Surveillance Offices.

Article 4. Heads of the Directorate

1. The Directorate of Fisheries has a Director General and no more than 04 Deputy Directors General that are appointed and dismissed by the Minister of Agriculture and Rural Development in accordance with regulations of law.
2. The Director General of the Directorate of Fisheries is responsible to the Minister and the law for operation of the Directorate. Deputy Directors General of the Directorate of Fisheries are responsible to the Director General and the law for performance of their assigned tasks.
3. The Director General of the Directorate of Fisheries shall request the Minister Agriculture and Rural Development to define functions, tasks, powers and organizational structures of organizations affiliated to the Directorate; appoint and dismiss the heads and management affiliated to the Directorate as prescribed by law and as assigned by the Ministry of Agriculture and Rural Development.

Article 5. Effect

1. This Decision comes into force from August 18, 2017.
2. This Decision replaces the Prime Minister's Decision No. 57/2014/QĐ-TTg dated October 22, 2014.

Article 6. Responsibility for implementation

The Minister of Agriculture and Rural Development, other Ministers, heads of ministerial agencies, heads of Governmental agencies, Presidents of People's Committees of provinces and central-affiliated cities and Director General of Directorate of Fisheries are responsible for the implementation of this Decision./.

THE PRIME MINISTER

Nguyen Xuan Phuc

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