

CO-OPERATION AGREEMENT
ON
IMPORT AND EXPORT FISHERY PRODUCTS INSPECTION,
QUARANTINE AND HEALTH SUPERVISION
BETWEEN
MINISTRY OF FISHERIES OF
THE SOCIALIST REPUBLIC OF VIETNAM
AND
GENERAL ADMINISTRATION OF QUALITY SUPERVISION,
INSPECTION AND QUARANTINE OF
THE PEOPLE'S REPUBLIC OF CHINA

Ministry of Fisheries of the Socialist Republic of Vietnam and General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (hereinafter referred to as "the two sides"), desiring to strengthen mutual cooperation on the inspection and quarantine and health supervision of imported and exported fishery products and promoting bilateral trade of fishery products, through friendly consultation and negotiation have reached the following Agreement:

Article 1

1. Within the competence sphere of their own, the two sides shall support and develop the cooperation in the fields of inspection and quarantine, hygiene and safety supervision over the imported and exported fishery products on the basis of equality and mutual benefit, in accordance with the relevant laws and regulations of the two countries and the International Law.
2. The focal-point authorities of both sides are respectively: National Fisheries Quality Assurance and Veterinary Directorate (NAFIQAVED) under the Ministry of Fisheries of the Socialist Republic of Vietnam (MOFI) and Bureau of Import and Export Food Safety and Certification and Accreditation Administration (CNCA) under General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) of the People's Republic of China.

Article 2

The application of this Agreement shall be limited to the fisheries products imported and exported for human consumption:

1. that originated from the captured or the aquacultured fisheries (excluding live animals); and
2. that are in form of raw materials or processed products (i.e. aquatic products that have gone through the preliminary stage(s) of processing, such as cutting, grinding, heating, drying, cooking or sousing) without using banned food additives and chemical substances.

Article 3

The two sides shall cooperate through the followings:

1. Ensure the hygiene safety of fishery products exported to the other country;
2. Exchange of information regarding development, revision and enforcement of legislation and technical standards on quality and safety control in the production and border control of fisheries products for import and export;
3. Develop and implement of the mutual recognition procedures for inspection and certification and the hygiene registration of fishery products traded between the two countries to avoid the duplication of examination and inspection;
4. Organize study tours to the other side to facilitate the exchange of information and knowledge in the field of inspection, quarantine, hygiene and safety supervision of fishery quality imported and exported between officials and experts of both sides;
5. Co-operate and exchange the monitoring techniques of hygiene and safety and veterinary conditions in fishery animals and products;
6. Strengthen the exchanges and cooperation on the implementation of the provisions of WTO/SPS/TBT agreements regarding imported and exported fishery products between the two sides;
7. Cooperate in other aspects.

Article 4

In the next five years (2004-2008), the two sides shall endeavor to realize the following cooperation items:

1. Provide quarterly each other with updated information on its legislation and regulations regarding the hygiene and safety control in whole chain of fishery production (from the course of capture/aquaculture, raw materials storage, processing, cold, final products storage, transport, distribution/export, etc.), and

regarding the hygiene safety control and inspection and quarantine of fisheries products for import and export between the two countries; the annual data on quantity, quality and hygiene status of fishery products imported/exported between the two countries at the beginning of March of the next year;

2. Any revision and supplementation to legislation and technique standards concerning the border control of fisheries products for import and export shall be informed immediately to the other side in expeditious methods such as e-mail or telefax;

3. According to the requirements of hygiene registration of import country, promptly inform the other side of the updated details (name, address and approval number) of fishery processing establishments authorized to export products to the country of the other side, and inform immediately to the other side of the details of products found with non-compliance with the regulations on quality and safety control, including registration name, address and approval number;

4. Assure that each consignment of fisheries products exported to the country of the other side is originated from the establishments currently satisfy the health requirements; the competent authorities of both sides regularly supervise fishery processing establishment that have registered to export their products to the country of the other side in order to assure the full implementation of the respective regulations and health requirements;

5. Assure that each consignment of fishery products exported to the country of the other side shall be accompanied with health certificate issued by the competent authority of exporting country certifying to be satisfactory with the import country's regulation on fishery quality, hygiene safety and veterinary, which shall be compliance with the certification requirements of the other side;

6. If necessary, through negotiation, conduct thorough inspections of the health safety conditions of fishery processing establishments that have registered to export their products to the country of the other side in order to assure the full implementation of the respective regulations on fishery quality and safety, and also for exchanging the inspection experiences;

7. Exchange results of the residue monitoring programme of toxic and harmful substance in the fishery products of last year and the residue monitoring programme of the current year every early March; Co-operate and exchange in controlling certain harmful substances in aquaculture animals and aquaculture products, in compiling and applying the Good Aquaculture Practices (GAP), and in monitoring and recognizing the hygienic aquaculture area;

8. Establish and operate a Rapid Alert System on import and export fishery products between the two sides to provide prompt information on warning or detention of any fishery consignment violating the regulations on quality and safety including concerned information from the third country;

9. Periodically send to the other side the experts in monitoring residues for exchange of knowledge and experiences and hold in turn between the two sides; conduct the team of analysts to the country of the other side to exchange the professional knowledge and experiences of sampling and testing on fisheries products;

10. Conduct the team to the country of the other side to evaluate the capability of laboratories in testing fishery products hygiene and safety criteria based on relevant legislation of the two countries and the Codex Alimentarius Commission (CAC) standards, and using these evaluations for considering the examination exemption to imported fishery products that were examined and issued with health certificates by those laboratories and authorities; organize the proficiency testing program in order to evaluate the equivalency of laboratories of the two sides.

11. Cooperate in study tours in the country of the other side with participation of officials and/or experts in order to exchange knowledge and experience on management and technical negotiation; consult each other to resolve technical issues of inspection and quarantine on fishery products imported/exported between the two countries.

12. The cooperation activities conducted by the both sides shall be compliance with the principle of WTO/SPS/TBT that the influence of health measures on the trade should be minimized.

Article 5

The relevant information provided from the other side not be transferred to the third party without the permission of the other side. The both sides shall designate respectively 1-2 contact staffs, inform each other with convenient contact ways such as telephone, fax and e-mail address to assure the quick transfer of the concerning information.

Article 6

The side sending officials and/or experts to the country of the other side shall bear the expenses for relevant international travel and accommodation. The host side shall provide the visit delegation with necessary facilities to conduct cooperation activities in local.

Article 7

This Agreement shall not prejudice the rights and obligations of either side as defined in agreements or treaties concluded with any third country.

Article 8

This Agreement shall enter into force on the date of its signing and remain in force for an initial duration of five (5) years. This Agreement shall be automatically extended for subsequent periods of five (5) years unless either side notifies the other side in writing, six (6) months in advance, of its intention to terminate it.

Article 9

In case this Agreement was terminated, any co-operation programme that has been implementing but not finished will be going on until its completion.

Article 10

This Agreement may be revised or amended by mutual consent of the two sides.

DONE in Hanoi, Vietnam on 7th October 2004 in two originals in the Vietnamese, Chinese and English languages, all texts being equally authentic. In case of divergence of interpretation while implementing the Agreement, the English version shall prevail.

For
Ministry of Fisheries of
the Socialist Republic of
Vietnam

For
General Administration of Quality
Supervision, Inspection and Quarantine of
the People's Republic of China

