

PRIME MINISTER

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 76/2021/ND-CP

Hanoi, July 28, 2021

DECREE

PRESCRIBING CRITERIA FOR CLASSIFICATION OF SEAPORTS

Pursuant to the Law on Government Organization dated June 19, 2015; the Law on Amending and Supplementing certain Articles of the Law on Government Organization and the Law on Local Government Organization dated November 22, 2019;

Pursuant to the Vietnam Maritime Code dated November 25, 2015;

Upon the request of the Minister of Transport;

The Government hereby promulgates the Decree on criteria for classification of seaports of Vietnam.

Article 1. Scope

This Decree prescribes criteria and procedures for assessment and classification of seaports of Vietnam.

Article 2. Subjects of application

This Decree shall apply to entities and persons involved in planning, investment, construction, management, use and operation of seaports of Vietnam.

Article 3. Criteria for classification of seaports

1. Criteria for assessment and classification of seaports of Vietnam, including criteria regarding the influence area and size of seaports.

2. Criteria regarding the influence area of seaports

Criteria for the influence area of seaports are measured on the basis of the master plan for development of seaports that is approved by the competent state authority, including the followings:

a) Seaports that serve the purposes of the nationwide or inter-regional socio-economic development and function as international transit or international gateway ports;

b) Seaports that serve the purposes of the nationwide or inter-regional socio-economic development;

c) Seaports that serve the purposes of regional socio-economic development;

d) Seaports that serve the purposes of local socio-economic development.

3. Criteria regarding the size of seaports

Criteria for the size of seaports are measured on the basis of the throughput of cargos and the tonnage of ship received at seaports, including the followings:

a) Cargo throughput;

b) Tonnage of ships received at seaports.

Article 4. Methods for assessment and classification of seaports

1. Seaports are assessed and classified according to the scoring method. The 100-point scale is used. Each criterion has the assessment scale which is specified in Appendix hereto.

2. Seaports are assessed and classified into 04 types

a) Special seaports: total score is greater than 90 points;

b) Class-I seaports: total score is from greater than 70 points to 90 points;

c) Class-II seaports: total score is from 50 points to 70 points;

d) Class-III seaports: total score is from 50 points to 70 points;

3. Bases for assessment and classification of seaports

a) Data on the influence area of seaports which are based on the master plan for development of seaports that is approved by the competent state authority;

b) Data on the size of seaports that are based on the statistics of the average throughput of cargos in the last 3 years of the Vietnam Maritime Administration and the data on the tonnages of ships received at seaports according to the decisions on opening announcement of berths and wharves of the Vietnam Maritime Administration in the latest year.

4. Classification of seaports for the purposes of seaport planning or seaport plan revision must be based on data on goods, expected tonnage of ship in each planning period and other criteria specified in this Decree.

Article 5. Procedures for assessment and classification of seaports

1. On a quinquennial basis and in January of the first year or based on the actual development situation at seaports, Vietnam Maritime Administration shall compile a list of seaports, assess and classify seaports, and then report to the Ministry of Transport.

The submitted dossier, including:

- a) Request form for classification of seaports and announcement of the list of seaports;
- b) Draft decision on announcement of the list of seaports;
- c) Other related documents.

2. The Ministry of Transport shall, based on the report of the Vietnam Maritime Administration, consult with the Ministries, the People's Committees of the provinces and centrally-run cities and relevant agencies, conduct the review, seek the Prime Minister's approval decision on classification of seaports and announcement of the list of seaports.

The submitted dossier, including:

- a) Application form for classification of seaports and announcement of the list of seaports that is submitted to the Prime Minister;
- b) Review report of the Ministry of Transport;
- c) Prime Minister's draft decision on announcement of the list of seaports;
- d) Other relevant documents.

Article 6. Entry into force

- 1. This Decree shall enter into force as of September 10, 2021.
- 2. Abolishing clause 1, Article 20 in the Government's Decree No. 58/2017/ND-CP dated May 10, 2017, detailing a number of articles of the Vietnam Maritime Code on management of maritime activities.
- 3. Prime Minister's Decision No. 70/2013/QĐ-TTg dated November 19, 2013 on announcement of the classification list of seaports of Vietnam shall be invalidated as from the effective date of this Decree.

Article 7. Implementation responsibilities

Ministers, Heads of Ministry-level agencies, Heads of Governmental bodies, Chairpersons of People's Committees of provinces and centrally-affiliated cities and other organizations and individuals involved, shall be responsible for implementing this Decision./.

**FOR GOVERNMENT
PP. PRIME MINISTER
DEPUTY PRIME MINISTER**

Le Van Thanh

APPENDIX

CHART OF CRITERIA FOR ASSESSMENT AND CLASSIFICATION OF SEAPORTS
(To the Government's Decree No. 76/2021/ND-CP dated July 28, 2021)

No.	Criteria description	Score (maximum)
A	Influence area	50
	Serving the purposes of nationwide or inter-regional socio-economic development and functioning as international transit or international gateway ports	50
	Serving the purposes of nationwide or inter-regional socio-economic development	40
	Serving the purposes of regional socio-economic development	30
	Serving the purposes of local socio-economic development	20
B	Seaport size	50
I	Cargo throughput	30
1	Dry cargo, mixed cargo through seaports	12
	Greater than 04 million tonnes/year	12
	From 02 to 04 million tonnes/year	10
	From 01 to less than 02 million tonnes/year	8
	Less than 01 million tonne/year	6
2	Container cargo through seaports	10
	Greater than 04 million tonnes/year	10
	From 02 to 04 million tonnes/year	8

	From 01 to less than 02 million tonnes/year	6
	Less than 01 million tonne/year	4
3	Liquid cargo through seaports	8
	Greater than 02 million tonnes/year	8
	From 01 to 02 million tonnes/year	6
	From 0.5 to less than 01 million tonnes/year	4
	Less than 0.5 million tonne/year	2
II	Tonnage of ships received at seaports	20
1	Seaports with mixed-use and container terminals for commercial purposes	10
	Receiving ships of at least 70,000 DWT	10
	Receiving ships from 30,000 DWT to less than 70,000 DWT	8
	Receiving ships from 10,000 DWT to less than 30,000 DWT	6
	Receiving ships of less than 10,000 DWT	4
2	Seaports with special-use terminals	10
	Receiving ships of at least 70,000 DWT	10
	Receiving ships from 30,000 DWT to less than 70,000 DWT	8
	Receiving ships from 10,000 DWT to less than 30,000 DWT	6
	Receiving ships of less than 10,000 DWT	4
	Total score	100

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