

THE PRIME MINISTER

DECISION No. 133/2003/QĐ-TTg OF JULY 4, 2003 ON THE MANAGEMENT OF NAVIGABLE CHANNELS

THE PRIME MINISTER

Pursuant to the December 25, 2001 Law on Organization of the Government;

Pursuant to the July 12, 1990 Maritime Code of Vietnam;

At the proposals of the Ministry of Communications and Transport (Official Dispatch No. 359/GTVT-KHDT of January 28, 2003) and the Ministry of Justice (Official Dispatch No. 358/TP/HTQT of May 30, 2003),

DECIDES:

Chapter I

GENERAL PROVISIONS

Article 1.- This Decision prescribes the management of construction and investment as well as operation of navigable channels in and out of seaports, applicable to all subjects that deal in the exploitation of seaports in Vietnam, except for channels in and out of ports used exclusively for military purposes, which are managed by the Ministry of Defense.

Article 2.- Interpretation of terms

In this Decision, the following phrases are construed as follows:

1. "Navigable channels" mean the limits of waters determined by maritime signaling system, including the system of maritime signals and support works,

which ensure the safe operation of ships and boats, and are announced by competent agencies.

2. "Public navigable channels" mean navigable channels invested and built by the State for public use.

3. "Special-use navigable channels" mean channels in and out of special-use ports which are invested and built by enterprises themselves for use for the exclusive purposes of such ports.

4. "Maritime signals" mean maritime works, including visible, sound and radio signals, which are set up to guide the operation of ships and boats.

Chapter II

MANAGEMENT OF NAVIGABLE CHANNELS

Article 3.- Contents and responsibilities of State management over navigable channels

1. Contents of State management over navigable channels:

a/ To elaborate, approve and organize the implementation of planning and plans on development of navigable channels in line with the planning on development of Vietnam's seaport system;

b/ To elaborate and promulgate legal documents on management of navigable channels, and promulgate technical standards related to navigable channels; to guide, inspect and examine the implementation of such regulations;

c/ To sign, accede to, and organize the implementation of, international treaties related to navigable channels;

d/ To prescribe technical norms on navigable channels for use as a basis for assigning tasks to units to build and renovate navigable channels;

e/ To announce the list of public navigable channels and special-use navigable channels;

f/ To make maritime notices;

g/ To coordinate in search and rescue on navigable

channels;

h/ To protect the marine environment and maintain security and defense.

2. The Ministry of Communications and Transport shall have to uniformly manage the navigable channels nationwide.

3. Vietnam National Maritime Bureau shall have to assist the Minister of Communications and Transport in performing the tasks of State management over navigable channels as prescribed in Clause 1 of this Article; direct the attached units to operate, exploit and renovate navigable channels strictly according to regulations.

Article 4.- Investment and construction of navigable channels

1. The investment and construction of navigable channels cover:

- a/ Construction of navigable channels' waters;
- b/ Construction of maritime signals;
- c/ Construction of work items for protection of navigable channels;
- d/ Supply of other equipment and facilities in service of the maritime guarantee work.

2. Capital for investment and construction of public navigable channels shall be allocated from the State budget and mobilized from other capital sources.

3. Special-use navigable channels shall be invested and built by enterprises themselves. When transforming them into public channels, the State shall refund the invested capital to the investors. The Ministry of Finance shall coordinate with the Ministry of Communications and Transport in prescribing the order and modes for determining the channels' value when transforming special-use navigable channels into public navigable channels.

Article 5.- Management of investment and construction of navigable channels

1. The management of investment and

construction of navigable channels must ensure the following regulations:

a/ Projects on investment and construction of navigable channels must conform to the planning on channels' development and be approved in writing by Vietnam National Maritime Bureau;

b/ The investment-deciding competence and order for the implementation of projects on investment and construction of navigable channels shall comply with the regulations on investment and construction management;

c/ The construction of navigable channels must comply with the regulations on technical standards promulgated by competent agencies.

2. The opening and announcement of navigable channels shall be effected simultaneously with the announcement of the opening of ports.

Article 6.- Management of the operation of navigable channels

1. The management of the operation of navigable channels covers:

- a/ Maintenance of navigable channels as well as support works and equipment, ensuring safety for the operation of ships and boats;
- b/ Management of the operation of maritime signals;
- c/ Maritime surveys and notification according to regulations.

2. The management of the operation of public navigable channels shall be effected by Vietnam Maritime Safety Guarantee Agency.

3. The management of the operation of special-use navigable channels shall be effected by enterprises that invest in and build such special-use navigable channels according to regulations.

Article 7.- Charge collection and funds for the management of the operation of navigable channels

1. Funds for the management of the operation of public navigable channels shall comply with the

current regulations.

2. Funds for the management of the operation of special-use navigable channels shall be provided by enterprises that operate such special-use navigable channels.

3. The Ministry of Finance shall assume the prime responsibility and coordinate with the Ministry of Communications and Transport in prescribing the collection, management and use of maritime guarantee charges.

Article 8.- Management of the operation of special-use navigable channels

Enterprises that manage special-use navigable channels shall have the following tasks:

1. To ensure that navigable channels fully meet the prescribed technical standards.

2. To make periodical reports on the conditions of navigable channels according to regulations. When there appear any changes in navigable channels as compared to the time of announcement, or when detecting obstacles on navigable channels, the enterprises must immediately notify such to Vietnam Maritime Safety Guarantee Agency for handling measures.

Committees of the concerned provinces and centrally-run cities shall have to implement this Decision.

For the Prime Minister
Deputy Prime Minister
NGUYEN TAN DUNG

Chapter III

IMPLEMENTATION PROVISIONS

Article 9.- Implementation effect

This Decision takes implementation effect 15 days after its publication in the Official Gazette.

All previous stipulations contrary to this Decision shall be no longer effective.

Article 10.-

The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government and the presidents of the People's