

LEGAL DOCUMENTS

THE MINISTRY OF TRANSPORT

Circular No. 10/2013/TT-BGTVT of May 8, 2013, guiding a number of articles of the Government's Decree No. 21/2012/ND-CP of March 21, 2012, on management of seaports and navigable channels

Pursuant to the Government's Decree No. 21/2012/ND-CP of March 21, 2012, on management of seaports and navigable channels;

Pursuant to the Government's Decree No. 107/2012/ND-CP of December 20, 2012, defining the functions, tasks, powers and organizational structure of the Ministry of Transport;

At the proposal of the director of the Transport Infrastructure Department and the director of the Vietnam Maritime Administration;

The Minister of Transport promulgates the Circular to guide a number of articles of the Government's Decree No. 21/2012/ND-CP of March 21, 2012, on management of seaports and navigable channels (below referred to as Decree No. 21/2012/ND-CP).

Section 1

PROVISIONS ON NAMING AND RENAMING OF SEAPORTS, OFFSHORE OIL AND GAS PORTS, HARBORS, WHARVES, BUOY LANDING STAGES AND WATER ZONES AND AREAS

Article 1. Competence to decide on naming or renaming of seaports, offshore oil and gas

ports, harbors, wharves, buoy landing stages and water zones and areas

1. The Ministry of Transport may decide on naming or renaming of seaports and offshore oil and gas ports.

2. The Vietnam Maritime Administration may decide on naming or renaming of harbors, wharves, buoy landing stages and water zones and areas.

Article 2. Procedures for naming and renaming seaports, offshore oil and gas ports, harbors, wharves, buoy landing stages and water zones and areas

1. Procedures for naming seaports and offshore oil and gas ports

a/ When formulating an investment project or announcing a seaport or an offshore oil and gas port, an investor shall send directly or by post to the Vietnam Maritime Administration one written request for naming of such seaport or offshore oil and gas port, made according to form No. 01 provided in the Appendix to this Circular;

b/ The Vietnam Maritime Administration shall receive the dossier and check its validity, and submit it together with a written report to the Ministry of Transport within 3 working days after receiving the valid dossier. For an invalid dossier, it shall notify such to the investor for completion of the dossier;

c/ The Ministry of Transport shall receive the dossier and consider and decide on the naming of the seaport or offshore oil and gas port and concurrently issue a reply on the proposed investment project or the announcement of the seaport or offshore oil and gas port.

2. Procedures for naming harbors, wharves, buoy landing stages and water zones and areas

a/ When formulating an investment project on construction of a facility or announcing the use of a facility, an investor shall send directly or by post to the Vietnam Maritime Administration one written request for naming of a harbor, wharf, buoy landing stage or water zone or area, made according to form No. 01 provided in the Appendix to this Circular;

b/ The Vietnam Maritime Administration shall receive the dossier, consider and decide on the naming of the harbor, wharf, buoy landing stage or water zone or area, and concurrently issue a reply on the conformity with the master plan or the announcement of the harbor, wharf, buoy landing stage or water zone or area. For an invalid dossier, it shall notify such to the investor for completion of the dossier.

3. Procedures for renaming announced seaports and offshore oil and gas ports

a/ The investor or operator of a seaport or an offshore oil and gas port shall send a written request, made according to form No. 01 provided in the Appendix to this Circular, together with a copy of the decision on announcement of the seaport or offshore oil and gas port, to the Vietnam Maritime Administration. The Vietnam Maritime Administration shall receive the dossier, check its validity and submit it together with a written report to the Ministry of Transport within 3 working days. In case the dossier is invalid or the name of the seaport is inappropriate, it shall notify such to the investor or operator of the seaport for completion of

the dossier or giving of an appropriate name to the seaport;

b/ Within 3 working days after receiving a valid dossier, the Ministry of Transport shall consider and issue a decision on renaming of the seaport or offshore oil and gas port.

4. Procedures for renaming announced harbors, wharves, buoy landing stages and water zones and areas

a/ The investor or operator of a harbor, wharf, buoy landing stage or water zone or area or its authorized person shall send a written request, made according to form No. 01 provided in the Appendix to this Circular, and a copy of the decision on announcement of the harbor, wharf, buoy landing stage or water zone or area, to the Vietnam Maritime Administration.

The Vietnam Maritime Administration shall receive the dossier and check its validity. In case the dossier is invalid or the name of the harbor, wharf, buoy landing stage or water zone or area is inappropriate, it shall notify such to the investor or operator of the seaport for completion of the dossier or giving of an appropriate name to the facility.

b/ Within 3 working days after receiving a valid dossier, the Vietnam Maritime Administration shall consider and issue a decision on renaming of the harbor, wharf, buoy landing stage or water zone or area.

Article 3. Prohibited acts in naming or renaming seaports, offshore oil and gas ports, harbors, wharves, buoy landing stages and water zones and areas

1. Giving a seaport, offshore oil and gas port, harbor, wharf, buoy landing stage or water zone or area a name which is identical or confusingly similar to the announced name of an enterprise or another seaport, offshore oil and gas port, harbor, wharf, buoy landing stage or water zone or area, or is inappropriate to the name and functions of such seaport, offshore oil and gas port, harbor, wharf, buoy landing stage or water zone or area.

2. Using the name of a state agency, armed forces unit, political organization or socio-political organization or an enterprise as the whole or part of the proper name of a seaport, offshore oil and gas port, harbor, wharf, buoy landing stage or water zone or area without the consent of such agency, unit, organization or enterprise and approval of a competent agency defined in Article 1 of this Circular.

3. Giving names containing words, phrases or signs in contravention of the national historical tradition, culture, moral values and fine traditions and customs.

Section 2

ANNOUNCEMENT OF THE LIST OF CLASSIFIED VIETNAMESE SEAPORTS AND UPDATING OF THE LIST OF HARBORS AND WHARVES OF VIETNAMESE SEAPORTS

Article 4. Announcement of the list of classified Vietnamese seaports

1. Once every five years from 2008 and in the first quarter, the Vietnam Maritime Administration shall elaborate and submit to the Ministry of Transport a list of classified seaports for announcement. A dossier of request

for announcement comprises:

a/ A written report for announcement of the list of classified seaports;

b/ The draft list of classified seaports;

c/ A copy of the decision on announcement of seaports, offshore oil and gas ports, harbors, wharves, buoy landing stages, water zones or areas.

2. The Ministry of Transport shall consider, appraise and submit the list of classified seaports to the Prime Minister for announcement.

3. The Vietnam Maritime Administration shall organize the distribution of the list of classified seaports after it is announced.

Article 5. Updating and announcement of the list of harbors and wharves

In January every year, the Vietnam Maritime Administration shall submit to the Ministry of Transport a list of harbors and wharves already announced for use or closure under regulations. In the first quarter, the Ministry of Transport shall update and issue a decision to announce the list of harbors and wharves of Vietnamese seaports announced in the year.

Section 3

SUPERVISION OF IMPLEMENTATION OF MASTER PLANS AND PLANS, CONSTRUCTION OF SEAPORTS AND NAVIGABLE CHANNELS AND CONSTRUCTION OF OTHER FACILITIES IN SEAPORT WATERS

Article 6. Supervision of implementation of master plans and plans, construction of seaports and navigable channels

1. Reply to investors on conformity with the master plan on seaports and navigable channels

a/ In case a seaport, harbor, wharf, navigable channel, water zone or area to be constructed at the request of an investor conforms with the master plan on seaports, the Vietnam Maritime Administration shall issue a written agreement specifying the location, size and functions of the facility and clearly stating the valid duration for construction investment;

b/ In case a seaport, harbor, wharf, navigable channel, water zone or area requested by an investor does not conform with the approved master plan, the Vietnam Maritime Administration shall reply in writing, clearly stating the reason.

2. Examination and supervision of implementation of the master plan and plans, and construction of seaports, harbors, wharves, navigable channels, water zones or areas

a/ Annually, the Vietnam Maritime Administration shall coordinate with local administrations and related agencies in examining the implementation of the master plan and plans on development of seaports, reviewing and proposing the handling of projects which do not conform with the master plan, and reporting them to the Ministry of Transport;

b/ The Vietnam Maritime Administration shall direct regional port authorities in examining and supervising conditions for construction of facilities as prescribed by law; construction locations, means, equipment, methods and progress, construction supervision

by investors, plans to assure maritime safety and other necessary contents in the process of construction of seaports, harbors, wharves, navigable channels, water zones or areas in conformity with the approved master plan and projects, assuring maritime security and safety and preventing environmental pollution. The examination and supervision finish only when investors complete the construction of facilities and removal of obstacles (if any), and at the same time port authorities shall report on examination and supervision results to the Vietnam Maritime Administration.

Article 7. Supervision of construction of other facilities and ports or inland waterway landing stages in seaport waters

1. Investors that construct ports or inland waterway landing stages in seaport waters shall carry out the procedures prescribed in Article 9 of this Circular.

2. For a project on construction of a facility stretching over or crossing a seaport water area or navigable channel or a facility which may impact maritime activities, such as bridge, power line, suspension cable line, underground work and the like, in the course of proposing the project, the investor shall send to the Vietnam Maritime Administration a written request for its opinions on the expected location, size, clearance height and depth of the work. Within 7 working days after receiving a valid dossier, the Vietnam Maritime Administration shall reply in writing the investor, clearly stating requirements which must be satisfied to assure maritime

safety and security and prevent environmental pollution. In case of rejection of the facility, it shall reply in writing, clearly stating the reason.

3. The investor of another work not specified in Clauses 1 and 2 of this Article, in the course of proposing the construction of the facility, shall send to the regional port authority a written request for its opinions on the expected location and size of the facility. Within 5 working days after receiving a valid dossier, the regional port authority shall reply in writing the investor, clearly stating requirements which must be satisfied to assure maritime safety and security and prevent environmental pollution. In case of rejection of the facility, it shall reply in writing, clearly stating the reason.

4. The regional port authority shall examine and supervise the conditions for construction commencement and construction as prescribed by law; construction location and scale, means, equipment, measures, progress, construction supervision by the investor, plan to assure maritime safety and other necessary contents in the course of construction of a port or an inland waterway landing stage in a seaport water area, conformity with the approved master plan or plan, assurance of maritime safety and security and prevention of environmental protection. The examination and supervision finish only when the investor completes the construction of the facility and removal of obstacles (if any), and at the same time the port authority shall report on examination and supervision results to the

Vietnam Maritime Administration.

Article 8. Dossiers for announcement of opening of seaports, harbors, wharves and water zones or areas and approval of maritime safety assurance plans

1. Investors shall select specialized organizations to survey, sweep and remove obstacles (if any) in water areas in front of harbors, wharves, navigable channels and water zones and areas as prescribed.

After the survey, sweeping and removal of obstacles prescribed in Clause 1 of this Article are completed, involved parties shall organize pre-acceptance test and make written records of pre-acceptance test of the survey, sweeping and removal of obstacles.

2. For a seaport having only one harbor or wharf, after completing the procedures for announcement of the opening of the seaport and before putting the harbor or wharf into use, the investor shall complete the procedures for announcement of the opening of the harbor or wharf as prescribed in Article 18 of Decree No. 21/2012/ND-CP.

3. For a water zone or area exclusively used for embarkation and disembarkation of pilots or as an area for quarantine, storm sheltering, mooring or anchorage of ships waiting permission to enter the port, harbor or wharf, but not for cargo transshipment, loading and unloading and other transport services, the announcement of its opening for use is exempt from the papers prescribed at Point d, dd and e, Clause 2, Article 18 of Decree No. 21/2012/ND-CP.

4. In a decision approving a maritime safety assurance plan, the port authority shall provide general information of the facility or project and clearly indicate the time of handover of the construction site; construction duration; construction method; maritime safety assurance measure; installation and adjustment of signs; plan on organization and coordinated implementation, examination, supervision and other necessary contents. After the investor completes the construction of the facility, the port authority shall review and report results of implementation under the approved maritime safety assurance plan to the Vietnam Maritime Administration.

Section 4

MANAGEMENT OF PORTS, INLAND WATERWAY LANDING STAGES AND FISHING PORTS IN SEAPORT WATERS

Article 9. Management of ports, inland waterway landing stages and fishing ports in seaport waters

1. The management of investment in construction of ports, inland waterway landing stages and fishing ports in seaport waters complies with Article 24 of Decree No. 21/2012/ND-CP and relevant laws. After completing the construction of ports, inland waterway landing stages and fishing ports in seaport waters, investors shall send relevant papers to competent agencies to request announcement of the putting of these facilities into use, and concurrently carry out procedures for announcing the putting of facilities into use as prescribed in Article 19 of Decree No. 21/2012/ND-CP.

2. Port authorities shall perform the state management of assurance of maritime safety and security and prevention of environmental pollution for ships, ports, inland waterway landing stages and fishing ports in seaport waters.

3. Competent agencies shall organize the state management of the operation of ports and inland waterway landing stages in seaport waters in accordance with the law on inland waterway navigation, and of the operation of fishing ports in seaports waters in accordance with the law on fisheries.

4. Before seagoing ships enter or leave ports or inland waterway landing stages in seaport waters, their masters or procedure-conducting persons shall notify the regional port authority and state management agency in charge of ports, inland waterway landing stages and fishing ports of their entry or departure for making plans and guiding the implementation of regulations on assurance of maritime safety and security and prevention of environmental pollution.

Section 5

DRAWING AND ISSUANCE OF NAUTICAL CHARTS OF SEAPORT WATERS AND NAVIGABLE CHANNELS

Article 10. Drawing and issuance of nautical charts of seaport waters and navigable channels

1. Nautical charts of seaport waters and navigable channels are drawn and issued in paper and electronic forms to serve organizations and individuals in their maritime activities and other relevant activities.

2. The Vietnam Maritime Administration shall assume the prime responsibility for, and coordinate with related agencies and organizations in, elaborating and submitting to the Ministry of Transport for approval contents of and plans on drawing, adjustment and issuance of nautical charts of seaport waters and navigable channels, such as principles of drawing, type of nautical charts (paper or electronic), projection, scale of nautical charts and other relevant contents, and organizing the implementation thereof.

Section 6

REGULAR INSPECTION OF QUALITY OF SEAPORT INFRASTRUCTURE FACILITIES

Article 11. Responsibility to inspect quality of seaport infrastructure facilities

1. Investors that construct seaport infrastructure facilities or organizations that manage the operation of seaport infrastructure facilities, harbors and wharves (below referred to as organizations managing the operation of seaport infrastructure facilities) shall conduct regular quality inspection of seaport infrastructure facilities under Point c, Clause 2, Article 29 of Decree No. 21/2012/ND-CP. The irregular quality inspection of seaport infrastructure facilities complies with relevant laws; procedures for reporting, appraising and approving inspection results comply with this Circular.

2. Organizations conducting quality inspection of seaport infrastructure facilities are those having capability as provided in the

current laws and selected by organizations managing the operation of seaport infrastructure facilities for conducting quality inspection of seaport infrastructure facilities.

3. In the first quarter every year, the Vietnam Maritime Administration shall evaluate the capability of eligible organizations conducting quality inspection of seaport infrastructure facilities and make and submit a list of these organizations to the Ministry of Transport for approval.

Article 12. Deadline for regular inspection

1. For seaport infrastructure facilities which are announced for use on or after June 1, 2012 or those which were announced for use before June 1, 2012, but will not have been operated for full five years by December 31, 2013, once every five years from the date such seaport infrastructure facilities are announced for use, organizations managing the operation of such facilities shall conduct quality inspection of bridges and harbors of seaports in operation in accordance with this Circular and other relevant laws.

2. For seaport infrastructure facilities which were announced for use and have been operated for more than 5 years by June 1, 2012, organizations managing the operation of such facilities shall complete the quality inspection of bridges and harbors of seaports in operation before December 31, 2013.

3. The Vietnam Maritime Administration shall approve results of the quality inspection of seaport infrastructure facilities after appraising them; organize and direct port authorities in

inspecting and supervising the improvement of seaport infrastructure facilities according to results of inspection of their quality.

Article 13. Order of quality inspection of seaport infrastructure facilities

1. Before the deadline for quality inspection of seaport infrastructure facilities, organizations managing the operation of such facilities shall select capable organizations to conduct inspection.

2. Organizations inspecting seaport infrastructure facilities shall conduct inspection and make dossiers of quality inspection of seaport infrastructure facilities as prescribed by relevant laws. A report on results of regular inspection must be in writing and certified by the organization managing the operation of seaport infrastructure facilities and the organization conducting the inspection, and have the following principal details:

- a/ Names of inspected seaport infrastructure facilities;
- b/ Basic technical specifications of seaport infrastructure facilities;
- c/ Organization managing the operation of seaport infrastructure facilities;
- d/ Organization conducting the inspection;
- dd/ Contents of inspection;
- e/ Inspection results;
- g/ Conclusions and recommendations.

The organization managing the operation of seaport infrastructure facilities shall select a capable consultancy organization to

appraise the report on inspection results as prescribed.

3. Based on the appraised report on results of regular inspection, the organization managing the operation of seaport infrastructure facilities shall repair, remedy or add facility items according to recommendations (if any) and submit a dossier to the Vietnam Maritime Administration for approval of results of quality inspection of seaport infrastructure facilities.

4. A dossier to be submitted for approval of results of quality inspection of seaport infrastructure facilities comprises:

- a/ A written request for approval of results of quality inspection of seaport infrastructure facilities showing that these facilities are eligible for operation;
- b/ An inspection dossier made by the inspecting organization;
- c/ A report on results of quality inspection of seaport infrastructure facilities and a report on appraisal;
- d/ A dossier on renovation, addition and pre-acceptance test of items related to seaport infrastructure facilities (if any).

5. Within 5 working days after receiving a complete dossier prescribed in Clause 4 of this Article, the Vietnam Maritime Administration shall approve in writing results of quality inspection of seaport infrastructure facilities. In case of disapproval, it shall send by post or post up at its office a written reply to the organization managing the operation of seaport infrastructure facilities, clearly stating the reason.

Section 7

PLANNING, CONSTRUCTION
INVESTMENT AND ANNOUNCEMENT
FOR USE AND MANAGEMENT OF
OPERATION OF NAVIGABLE CHANNELS

Article 14. Management of the planning and investment in construction of navigable channels

1. The investment in construction of navigable channels must be in line with the approved master plan on seaports.

2. The Vietnam Maritime Administration shall:

a/ Elaborate and submit to the Ministry of Transport for approval a master plan on development of Vietnam's navigable channels. The elaboration, approval and implementation of the master plan and plans on development of navigable channels must be in line with the master plan on development of Vietnam's seaport system;

b/ Publicly announce, and guide and inspect the implementation of, the approved master plan;

c/ Make, announce and annually update the directory of navigable channels.

3. Investment in construction of navigable channels

a/ Before making a report on investment in construction of a navigable channel, an investor shall send directly or by post to the Vietnam Maritime Administration a written request for the latter's reply on conformity with the master plan on development of seaports and navigable channels;

b/ Within 5 working days after receiving the written request of the investor, the Vietnam Maritime Administration shall make and send directly or by post a written reply to the investor, and concurrently report to the Ministry of Transport and the provincial-level People's Committee of the locality where the navigable channel is constructed. In case of disapproval, it shall make a written reply clearly stating the reason.

c/ Before constructing the navigable channel, the investor shall send to the Vietnam Maritime Administration photocopies of the decision on investment in construction of the facility together with the general site plan, decision approving the facility construction design and approved plan on assurance of maritime safety.

d/ The Vietnam Maritime Administration shall inspect and supervise the investment in construction of navigable channels in conformity with the approved master plan, assuring maritime safety and security and preventing environmental pollution.

Article 15. Announcement of navigable channels for use

1. Competence to announce navigable channels for use

a/ In case a navigable channel is announced at the same time with the opening of a seaport: The Ministry of Transport shall announce the navigable channel simultaneously with the announcement of the opening of the seaport;

b/ In case a navigable channel is announced after the time of announcement of the opening

of a seaport, a new navigable channel is constructed or an existing navigable channel is re-announced due to its adjustment, expansion or expanding: the Vietnam Maritime Administration shall announce it for use.

2. The order and procedures for requesting announcement of navigable channels for use:

a/ The order and procedures for announcement of navigable channels specified at Point a, Clause 1 of this Article comply with Article 17 of Decree No. 21/2012/ND-CP;

b/ The order and procedures for announcement of navigable channels specified at Point b, Clause 1 of this Article are as follows:

- After completing the construction of a new navigable channel or the adjustment, expansion or upgrading of an existing one, the investor or project-managing organization shall submit directly or send by post to the Vietnam Maritime Administration one dossier of request for announcement of the navigable channel for use which comprises:

+ A written request for announcement of the navigable channel for use;

+ A written record of pre-acceptance test of the completed facility for use, enclosed with drawings of complete construction and system of maritime signs constructed under the project;

+ The process of instructing the operation of the navigable channel, including: channel standards, system of maritime signs, designed ship specifications and other specific operation conditions;

+ Notice to mariners enclosed with the plan

of the navigable channel; notice to mariners on the system of maritime signs constructed under the project; written record of the pre-acceptance test of results of survey of and sweeping of obstacles on the bottom of the navigable channel and adjacent waters, jointly made by the investor and the competent agency or capable organization.

- Within 5 working days after receiving the dossier prescribed at this Point, the Vietnam Maritime Administration shall announce the navigable channel for use under regulations. In case of refusal to announce the channel, it shall reply in writing clearly stating the reason.

Article 16. Management of operation of navigable channels and maritime signs

1. The management of operation of navigable channels and maritime signs covers:

a/ Maintenance and regular repair of navigable channels, maritime signs and auxiliary works and equipment for assurance of maritime safety;

b/ Management of operation of the system of maritime signs;

c/ Periodical survey of the depth and publicization of notices to mariners under regulations.

2. Regulations on management of operation of navigable channels and maritime signs

a/ Public maritime routes and navigable channels are directly managed and operated by organizations in charge of assurance of maritime safety under regulations;

b/ Special-use maritime routes and navigable

channels are managed and operated by enterprises that have constructed them;

c/ Annually, organizations managing the operation of maritime routes and navigable channels shall report to the Vietnam Maritime Administration on the operational status of these routes and navigable channels and tentative plans on management of operation, regular repair, maintenance, survey and notices to mariners under regulations;

d/ Upon detecting that maritime signs are misplaced, damaged or lost, organizations managing the operation of maritime routes and navigable channels shall promptly notify such to regional port authorities for suspension of operation or replacement of such maritime signs. In case of necessity to change positions, technical features and use purposes of maritime signs compared to their approved designs, written opinions of regional port authorities and approval of the Vietnam Maritime Administration are required before the change is carried out.

Section 8

PROCEDURES FOR INLAND WATERWAY VESSELS TO ENTER OR LEAVE SEAPORTS

Article 17. Procedures for inland waterway vessels to enter seaports

1. Places for carrying out procedures: Head offices or representative offices or stations of port authorities.

2. Time for carrying out procedures: Before vessels enter seaports or after vessels are

safely anchored and berthed.

3. Time limit for port authorities to complete procedures: Within 30 minutes after all the following papers are submitted and produced:

a/ Paper to be submitted (the original): The port or harbor clearance permit or certification by the competent agency at the last port or harbor of departure of the vessel;

b/ Papers to be produced (the original):

- The inland waterway vessel registration certificate (or a copy certified by a credit institution in case the vessel is pledged or mortgaged);

- The technical safety and environmental protection certificate of the vessel;

- The crew book;

- The list of passengers (for passenger vessels);

- Professional diplomas and qualification certificates of crew members on board the vessel.

c/ After checking the papers specified at Point b of this Clause, regional port authorities shall grant seaport entry permits, made according to form No. 02 provided in the Appendix to this Circular.

4. In case an inland waterway vessel enters a seaport and stays for no more than 72 hours or papers or documents for carrying out procedures for port departure are the same as those for carrying out procedures upon arrival, procedures for both port entry and departure may be carried out at the same time.

Article 18. Procedures for inland waterway vessels to leave seaports

1. Procedure performance venue: Head offices or representative offices or stations of port authorities.

2. Time for procedure-performing persons to perform procedures: Before vessels leave seaports.

3. Time limit for port authorities to complete procedures: Within 30 minutes after all the following papers are submitted and produced:

a/ Receipts of charges, fees and fines or documents proving the payment of debts as prescribed by law (if any);

b/ Papers related to changes compared to information stated in the papers specified in Clause 3, Article 17 of this Circular (if any).

4. Port authorities shall grant seaport clearance permits, made according to form No. 02 provided in the Appendix to this Circular, for inland waterway vessels after receiving all the papers specified in Clause 3 of this Article.

5. In case an inland waterway vessel has been granted a port clearance permit but is still anchored in the port water for more than 24 hours, it is required to carry out procedures for seaport departure once again.

Section 9

PROCEDURES AND REGULATIONS APPLICABLE TO VESSELS IN TRIAL RUN AND BERTHING

Article 19. Procedures for vessels which are under construction or repaired or transformed for trial run

1. Procedure performance venue: Head offices or representative offices or stations of port authorities.

2. All the following papers must be submitted and produced:

a/ Paper to be submitted:

- Written request for trial run of the vessel, clearly stating the reason for movement, destination and duration of trial run;

- List of crew members;

- List of persons on board (if any).

b/ Papers to be produced:

- Written certification of the registry agency that the technical state of the vessel satisfies the safety conditions for movement;

- Professional certificates of crew members;

- Vessel towage plan in case the vessel in trial run does not use its engine.

3. Time limit for procedure performance by the port authority: Within 2 hours after receiving the papers specified in Clause 2 of this Article, the port authority shall grant a trial run permit, made according to form No. 03 provided in the Appendix to this Circular.

4. For a vessel in trial run moving from a seaport water area to another, the trial run permit may be replaced by the port clearance permit.

Article 20. Regulations on berthed vessels

1. A vessel which is to be berthed for at least 30 days without handling cargoes, embarking or disembarking passengers or providing services must make and send its berthing plan to the

regional port authority for approval.

2. A vessel's berthing plan must have the following principal details:

- a/ Name of the vessel;
- b/ Owner and manager or operator of the vessel;
- c/ Technical features of the vessel;
- d/ Reason for berthing;
- dd/ Expected berthing duration and place;
- e/ Number of crew members on board the vessel during berthing;
- g/ Measures to assure safety for the vessel;
- h/ Measures to respond to incidents for the vessel.

3. Based on practical conditions, the port authority shall decide on the number of crew members on board the vessel and approve the safe berthing plan of the vessel.

Section 10

PROCEDURES FOR ARRIVAL AT SEAPORTS OF VESSELS OF A GROSS TONNAGE OF UP TO 200 DWT AND FLYING THE STATE FLAG OF A COUNTRY BORDERING VIETNAM

Article 21. Procedures for arrival at seaports of vessels of a gross tonnage of up to 200 DWT and flying the flag of a country bordering Vietnam

1. A vessel of a gross tonnage of up to 200 DWT and flying the flag of a country bordering Vietnam, upon its arrival at a seaport in the border area between Vietnam and that country, shall submit and produce the following

papers:

a/ Papers to be submitted:

- Three general declarations (to be submitted to the port authority, border-gate customs office and border-guard station);
- Three lists of crew members (to be submitted to the port authority, border-gate customs office and border-guard station);
- One list of passengers, if any (to be submitted to the border-guard station);
- One declaration of cargoes, if any (to be submitted to the border-gate customs office);
- One declaration of passenger luggage, if any (to be submitted to the border-gate customs office);
- Two declarations of dangerous cargoes, if any (to be submitted to the port authority and border-gate customs office).

b/ Papers to be produced:

- Vessel registration certificate (to be produced to the port authority);
- Technical safety certificate or book of the vessel (to be produced to the port authority);
- Professional qualification certificates of the master and chief engine, for vessels of a tonnage of between 50 DWT and 200 DWT or main engine capacity of over 200 HP (to be produced to the port authority). For vessels of a tonnage of under 50 DWT, professional qualification certificates of the master and chief engine are not required;
- Passports or identity cards of crew members and passengers as prescribed by the Vietnamese law and the agreement signed

between the Vietnamese Government and the Chinese Government or the Cambodian Government (to be produced to the border-guard station);

- Papers related to cargoes carried by the vessel and luggage of crew members and passengers, if any (to be produced to the border-gate customs office).

2. Time limit for completion of procedures for a vessel of a tonnage of up to 200 DWT and flying the state flag of a country bordering Vietnam upon its arrival at a seaport in a border area between Vietnam and that country:

a/ Time limit for procedure performance by a procedure-performing person: Within 2 hours after the vessel is safely anchored in the position designated by the director of the port authority;

b/ Time limit for procedure performance by the port authority: Within one hour after all the papers specified in Clause 1 of this Article are submitted and produced;

c/ In case a vessel of a tonnage of up to 200 DWT and flying the state flag of a country bordering Vietnam arrives at a seaport in a border area between Vietnam and that country, the procedures for both port entry and departure may be carried out at the same time.

3. Procedure performance venue for vessels

a/ When arriving at Van Gia - Mong Cai transshipment zone (Quang Ninh), vessels of a tonnage of up to 200 DWT and flying the flag of China shall carry out procedures at the head office or representative offices of the Quang

Ninh port authority;

b/ When arriving at Dong Thap seaport, vessels flying the flag of Cambodia shall carry out procedures at the head office or representative offices of the Dong Thap port authority;

c/ When arriving at a seaport in the border area between Vietnam and Cambodia in Kien Giang province, vessels flying the flag of Cambodia shall carry out procedures at the head office or representative offices of the Kien Giang port authority.

Section 11

AGENCIES CARRYING OUT PROCEDURES FOR FOREIGN VESSELS TRANSITING VIETNAM TO CAMBODIA AND VIETNAMESE INLAND WATERWAY VESSELS ON EXIT TO CAMBODIA

Article 22. Agency carrying out procedures for inland waterway vessels on exit from Vietnam to Cambodia

For inland waterway vessels on exit from Vietnam to Cambodia departing from inland ports or landing stages where there is no state management agency in charge of inland waterways to carry out exit procedures, the Dong Thap port authority shall assume the prime responsibility for, and coordinate with specialized state management agencies in, carrying out exit procedures in Vinh Xuong - Thuong Phuoc area under regulations.

Article 23. Agencies carrying out procedures for foreign vessels transiting Vietnam to Cambodia and vice versa

1. The Vung Tau port authority shall carry out procedures for foreign vessels transiting Vietnam to Cambodia through Tien river in coordination with related functional agencies under Decree No. 21/2012/ND-CP and other relevant regulations.

2. The Can Tho port authority shall carry out procedures for foreign vessels transiting Vietnam to Cambodia through Hau river in coordination with related functional agencies under Decree No. 21/2012/ND-CP and other relevant regulations.

3. The Dong Thap port authority shall carry out procedures for foreign vessels transiting Vietnam from Cambodia through Tien and Hau rivers are carried out by in coordination with related functional agencies under Decree No. 21/2012/ND-CP and other relevant regulations.

The director of the Office, the Chief Inspector and directors of the departments of the Ministry of Transport, the director of the Vietnam Maritime Administration, the director of the Vietnam Inland Waterway Administration, directors of provincial-level Transport Departments and related agencies, organizations and individuals shall implement this Circular.-

Minister of Transport
DINH LA THANG

Section 12

IMPLEMENTATION PROVISIONS

Article 24. Effect

1. This Circular takes effect on July 1, 2013, and replaces Circular No. 10/2007/TT-BGTVT of August 6, 2007, guiding the implementation of the Government's Decree No. 71/2006/ND-CP of July 25, 2006, on the management of seaports and navigable channels.

2. Promulgated together with this Circular is an appendix providing three application and permit forms.

Article 25. Organization of implementation