

**THE MINISTRY OF
TRANSPORT**

**THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

No. 37/2015/TT-BGTVT

Hanoi, July 28, 2015

CIRCULAR

**Providing procedures for licensing import of used seagoing ships for
dismantlement^(*)**

Pursuant to the June 23, 2014 Law on Environmental Protection;

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;

Pursuant to the Government's Decree No. 114/2014/ND-CP of November 26, 2014, defining eligible subjects and conditions for import and dismantlement of used seagoing ships;

At the proposal of the Director of the Environment Department and the Director of the Vietnam Maritime Administration,

The Minister of Transport promulgates the Decree providing procedures for licensing the import of used seagoing ships for dismantlement.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation and subjects of application

1. This Circular provides procedures for grant, re-grant and revocation of licenses for import of used seagoing ships for dismantlement in Vietnam.

2. This Circular applies to Vietnamese and foreign organizations and individuals involved in the procedures for grant, re-grant and revocation of licenses for import of used seagoing ships for dismantlement in Vietnam.

Article 2. Written certification of legal capital

An enterprise applying for a license for import of used seagoing ships for dismantlement must have a written certification that it has a legal capital of at least fifty (50) billion Vietnam dong as follows:

1. For contributed capital in Vietnam dong or a freely convertible foreign currency: A credit institution's document certifying the enterprise's amount of money in a blocked account at such credit institution; such amount of money shall be released only after the enterprise is granted a license for import of used seagoing ships for dismantlement or receives a written notice that it is not granted such license.

2. For contributed capital being assets or real estate to directly serve the import of seagoing

^(*) *Công Báo Nos 929-930 (17/8/2015)*

ships for dismantlement: A competent valuation organization's document certifying the converted monetary value of the assets or real estate.

3. Organizations and individuals competent to certify enterprises' capital shall take responsibility for the accuracy and truthfulness of data at the time of certification.

4. Enterprises currently engaged in seagoing ship dismantlement may use their bank guarantees as written certification of capital.

Chapter II

PROCEDURES FOR GRANT, RE-GRANT AND REVOCATION OF LICENSES FOR IMPORT OF USED SEAGOING SHIPS FOR DISMANTLEMENT

Article 3. Competence to grant, re-grant and revoke licenses for import of used seagoing ships for dismantlement

The Ministry of Transport is competent to grant, re-grant and revoke licenses for import of used seagoing ships for dismantlement.

Article 4. Procedures for grant of licenses for import of used seagoing ships for dismantlement

1. Enterprises that meet the conditions prescribed in Clause 1, Article 7 of the Government's Decree No. 114/2014/ND-CP of November 26, 2014, defining eligible subjects and conditions for import and dismantlement of used seagoing ships (below referred to as Decree No. 114/2014/ND-CP) shall make one (1) set of dossier of application for a license to import used seagoing ships for dismantlement prescribed in Clause 2 of this Article and submit it directly or by post or another appropriate means to the Vietnam Maritime Administration.

2. A dossier must comprise:

a/ An application for a license, made according to form No. 1 provided in the Appendix to this Circular (original);

b/ The enterprise registration certificate (a certified copy or an extract of the register book or a copy enclosed with the original for comparison);

c/ The organizational chart of the enterprise showing that the enterprise has specialized sections as prescribed at Point b, Clause 1, Article 7 of Decree No. 114/2014/ND-CP;

d/ The written certification of the legal capital as required in Article 2 of this Circular (original).

3. Receipt and processing of the dossier

a/ In case the dossier is submitted directly, the Vietnam Maritime Administration shall receive and examine the dossier; if the dossier is complete as prescribed, the Vietnam Maritime Administration shall grant a receipt and fix a date of return of the dossier processing result according to regulations; if the dossier is incomplete, it shall guide the enterprise to complete the dossier according to regulations;

b/ In case the dossier is submitted by post or another appropriate means, if the dossier is incomplete, within two (2) working days after receiving it, the Vietnam Maritime Administration shall issue a response guiding the enterprise to complete the dossier;

c/ Within ten (10) working days after receiving a complete dossier according to regulations,

the Vietnam Maritime Administration shall appraise and report the case to the Ministry of Transport for consideration and decision;

d/ Within three (3) working days after receiving the Vietnam Maritime Administration's appraisal document, the Ministry of Transport shall consider and grant a license for import of used seagoing ships for dismantlement according to form No. 2 provided in the Appendix to this Circular; in case of refusal to grant a license, it shall issue a written reply clearly stating the reason to the enterprise and the Vietnam Maritime Administration.

4. A license for import of used seagoing ships for dismantlement must be valid for five (5) year from the date of grant.

5. Enterprises shall pay charges and fees according to regulations.

Article 5. Procedures for re-grant of licenses for import of used seagoing ships for dismantlement

1. In case a license for import of used seagoing ships for dismantlement remains valid but is lost or unusably damaged:

a/ An enterprise that applies for re-grant of a license for import of used seagoing ships for dismantlement shall submit one (1) set of dossier directly or by post or another appropriate means to the Vietnam Maritime Administration;

b/ A dossier of application for re-grant of a license for import of used seagoing ships for dismantlement must comprise an application for re-grant of a license for import of used seagoing ships for dismantlement made according to form No. 3 provided in the Appendix to this Circular (the original) and the granted license which remains valid, for a damaged license;

c/ The order of receipt and processing of the dossier must comply with Clause 3, Article 4 of this Circular.

2. In case the granted license for import of used seagoing ships for dismantlement of an enterprise remains valid but some of its contents are changed:

a/ The enterprise that applies for re-grant of a license for import of used seagoing ships for dismantlement shall submit one (1) set of dossier directly or by post or another appropriate means to the Vietnam Maritime Administration;

b/ A dossier of application for re-grant of a license for import of used seagoing ships for dismantlement must comprise an application for re-grant of a license for import of used seagoing ships for dismantlement, made according to form No. 3 provided in the Appendix to this Circular (the original) enclosed with the document(s) related to the changed contents (certified copy(ies), extracts of register book(s) or copy(ies) enclosed with the original(s) for comparison, and a copy of the granted license;

c/ The order of receipt and processing of the dossier must comply with Clause 3, Article 4 of this Circular;

d/ Upon receiving the re-granted license, the enterprise shall return its old license.

3. In case its license for import of used seagoing ships for dismantlement expires, the enterprise shall comply with Article 4 of this Circular.

4. The validity duration of a re-granted license for import of used seagoing ships for dismantlement must coincide with that of the old license.

5. Enterprises shall pay charges and fees in accordance with law.

Article 6. Revocation of licenses for import of used seagoing ships for dismantlement

1. An enterprise shall have its license for import of used seagoing ships for dismantlement revoked in the following cases:

a/ It violates the conditions for licensing the import of used seagoing ships for dismantlement prescribed in Clause 1, Article 7 of Decree No. 114/2014/ND-CP;

b/ It deliberately falsified information in the dossier of application for the license;

c/ It operates for an improper purpose or against its license;

d/ The Ministry of Transport has revoked the decision permitting the operation of the enterprise or issued a decision to suspend the operation of the enterprise in accordance with Article 15 of Decree No. 114/2014/ND-CP.

2. Within three (3) working days after detecting an enterprise falling into the case prescribed at Point a, b, c or d, Clause 1 of this Article, or at the request of an agency competent to handle relevant administrative violations, the Vietnam Maritime Administration shall propose the Ministry of Transport to issue a decision to revoke the enterprise's license for import of used seagoing ships for dismantlement.

3. In case an enterprise goes bankrupt or is dissolved, the Vietnam Maritime Administration shall propose the Ministry of Transport to issue a decision to revoke the enterprise's license for import of used seagoing ships for dismantlement on the basis of a competent state agency's decision on bankruptcy or dissolution of the enterprise.

4. In case an enterprise changes its business line or it so wishes in other cases, the enterprise shall send a document enclosed with the still valid license for import of used seagoing ships for dismantlement to the Vietnam Maritime Administration for the latter to propose the Ministry of Transport to issue a decision to revoke the license.

5. The Vietnam Maritime Administration shall notify related agencies of and publish on its website information on enterprises having their licenses revoked.

Chapter III

ORGANIZATION OF IMPLEMENTATION

Article 7. Effect

This Circular takes effect on September 15, 2015.

Article 8. Organization of implementation

The Chief of the Ministry's Office, the Chief Inspector, directors of departments, the Director of the Vietnam Maritime Administration, heads of related agencies and organizations, and related individuals shall implement this Circular.-

Minister of Transport
DINH LA THANG

** All appendices to this Circular are not translated.*