

CIRCULAR

Prescribing conditions for foreign seafarers to work on board Vietnamese seagoing ships

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

Pursuant to the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, and its amendments;

Pursuant to the 2006 Maritime Labor Convention of the International Labor Organization;

Pursuant to the Government's Decree No. 12/2017/ND-CP of February 10, 2017, defining the functions, tasks, powers and organizational structure of the Ministry of Transport;

At the proposal of the Director of the Department of Organization and Personnel and the Director of Vietnam Maritime Administration;

The Minister of Transport promulgates the Circular on conditions for foreign seafarers to work on board Vietnamese seagoing ships.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Circular prescribes conditions for foreign seafarers to work on board Vietnamese seagoing ships.

Article 2. Subjects of application

This Circular applies to foreign seafarers working on board Vietnamese seagoing ships and related agencies, organizations and individuals.

Article 3. Interpretation of terms

In this Circular, the terms below are construed as follows:

1. *Vietnamese seagoing ship* means a seagoing ship which has been registered in the national ship register of Vietnam or which has been granted a permit for temporarily flying Vietnamese flag by a Vietnamese representation office overseas.

2. *Foreign seafarer* means a seafarer holding a foreign citizenship.

3. *Professional certificate* means a certificate granted to a seafarer in accordance with the 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, and its amendments (below referred to as STCW Convention). Professional certificates include expertise certificates and professional training certificates.

4. *Written recognition of an expertise certificate* means a document issued by the Director of Vietnam Maritime Administration to a foreign seafarer who has been granted an expertise certificate in accordance with the STCW Convention for working on board a Vietnamese seagoing ship.

Chapter II

FOREIGN SEAFARERS WORKING ON BOARD VIETNAMESE SEAGOING SHIPS

Article 4. Conditions for a foreign seafarer to work on board a Vietnamese seagoing ship

1. General conditions:

a/ Being physically fit and of the eligible working age as prescribed;

b/ Having a work permit issued by a competent Vietnamese state agency, except for those entitled to exemption as prescribed by the labor law;

c/ Having a seafarer labor contract as prescribed by Vietnamese law and in accordance with the 2006 Maritime Labor Convention of the International Labor Organization;

d/ Having a passport issued by a competent agency of the country of which the foreign seafarer holds the citizenship;

dd/ Having a seafarer book;

e/ Holding a post on board the ship.

2. Conditions on expertise: Having adequate professional certificates granted by competent Vietnamese agencies or competent agencies of countries or territories with which Vietnam has agreed on the recognition of granted professional certificates. For a certificate which has been granted by a competent agency of a country or territory with which Vietnam has agreed on the recognition of granted professional certificates, a written recognition of expertise certificate is required.

3. A foreign intern seafarer on board a Vietnamese seagoing ship must satisfy the conditions prescribed at Points a, b, c, d and dd, Clause 1 of this Article, and possess adequate professional training certificates issued by competent Vietnamese agencies or competent agencies of countries or territories with which Vietnam has agreed on the recognition of granted professional certificates relevant to the type of the ship he/she works on board as an intern.

Article 5. Responsibilities of a ship owner employing foreign seafarers

1. To guide foreign seafarers working on board Vietnamese seagoing ships in strictly observing Vietnamese law and treaties to which the Socialist Republic of Vietnam is a contracting party.

2. To fulfill all obligations as agreed upon under the labor contract and prescribed by Vietnamese law and treaties to which the Socialist Republic of Vietnam is a contracting party.

3. To electronically declare on the seafarer management database of Vietnam Maritime Administration the dates of embarkment and disembarkment and assigned posts of foreign seafarers working on board Vietnamese seagoing ships under his/her management and take responsibility for such declaration.

4. To promptly report on any problems arising from the employment of foreign seafarers working on board Vietnamese seagoing ships to Vietnam Maritime Administration and competent Vietnamese agencies.

Article 6. Responsibilities of a foreign seafarer working on board a Vietnamese seagoing ship

1. To fulfill the obligations as agreed upon in the labor contract.

2. To strictly comply with Vietnamese law, treaties to which the Socialist Republic of Vietnam is a contracting party, and the law of the country where the seagoing ship is operating.

Chapter III

IMPLEMENTATION PROVISIONS

Article 7. Effect

1. This Circular takes effect on July 15, 2017.

2. To annul the Transport Minister's Decision No. 47/2005/QD-BGTVT of September 23, 2005, on conditions for Vietnamese seafarers working on board foreign seagoing ships and foreign seafarers working on board Vietnamese seagoing ships.

Article 8. Organization of implementation

1. Vietnam Maritime Administration shall assume the prime responsibility for, and coordinate with related agencies and organizations in, organizing the implementation of this Circular.

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

Minister of Transport
TRUONG QUANG NGHIA