

THE MINISTRY OF TRANSPORT

**DECISION No. 25/2004/QĐ-BGTVT OF
NOVEMBER 25, 2004 PROMULGATING THE
REGULATION ON REGISTRY OF INLAND
WATERWAYS MEANS**

THE MINISTER OF TRANSPORT

*Pursuant to the June 15, 2004 Law on Inland
Waterways Navigation;*

Pursuant to the Government's Decree No. 86/2002/ND-CP of December 5, 2002 defining and functions, tasks, powers and organizational structures of the ministries, ministerial-level agencies and agencies attached to the Government;

Pursuant to the Government's Decree No. 34/2003/ND-CP of April 4, 2003 defining the functions, tasks, powers and organizational structure of the Ministry of Transport;

At the proposals of the Director of the Department for Science and Technology, the Director of the Legal Department and the Director of Vietnam National Registry,

DECIDES:

Article 1.- To issue together with this Decision the Regulation on registry of inland waterways means.

Article 2.- The Director of Vietnam National Registry shall have to organize the implementation of this Decision nationwide.

Article 3.- This Decision shall take effect as from January 1, 2005 and replace the Transport Minister's Decision No. 2059 QD/PC of August 7, 1996 promulgating the Regulation on technical inspection of inland waterways means.

Article 4.- The Director of the Office, the Chief Inspector, the directors of the Department for Science and Technology, the Legal Department, the Transport Department, the Department for Organization and Personnel, and the Finance Department, the Director of Vietnam National Registry, the Director of Vietnam Riverway Administration, the directors of the provincial/municipal Transport Services and Communications and Public Works Services, the heads of concerned

organizations and individuals shall, within the scope of their responsibilities, have to implement this Decision.

Minister of Transport
DAO DINH BINH

REGULATION ON REGISTRY OF INLAND WATERWAYS MEANS

(Issued together with the Transport Minister's Decision No. 25/2004/QD-BGTVT of November 25, 2004)

Chapter I

GENERAL PROVISIONS

Article 1.- Governing scope and application subjects

1. This Regulation provides for the contents of, principles and procedures for, the registry of inland waterways means as well as the organization of inland waterways means registry.

2. This Regulation applies to organizations and individuals engaged in the use of inland waterways means subject to registry under this Regulation, except the following inland waterways means:

a/ Means engaged in defense or security tasks, fishing ships;

b/ Non-motorized means of a gross tonnage of under 5 tons or with a carrying capacity of up to 12 passengers;

c/ Motorized means with a total main engine

capacity of under 5 horse powers or with a carrying capacity of under 5 passengers;

d/ Rafts.

Article 2.- Interpretation of terms

In this Regulation, the following terms and phrases shall be construed as followed:

1. Inland waterways means (hereinafter referred to as means) are ships, boats and other floating structures, motorized or non-motorized, operating exclusively on inland waterways.

2. Inland waterways mean channels, locks, works or constructions helping means pass river dams or falls, canals, ditches or channels on lakes, marshes, lagoons, bays, gulfs, along the coastlines, leading to islands or linking islands within the internal waters of the Socialist Republic of Vietnam, which are managed and exploited for navigation and transport.

3. Fishing ships are means used exclusively for aquatic resources exploitation, rearing or processing.

4. Motorized means are means propelled by the power of engines installed thereon.

5. Sports, recreation and entertainment ships are means used exclusively for sports training and competition or recreation and entertainment activities.

6. Means' carrying capacity means the maximum number of people such means are permitted to carry, excluding their crew members, steersmen and under-one children.

Chapter II

MEANS REGISTRY

Article 3.- Contents of means registry

1. To formulate or supplement or amend the processes and standards on means' quality, technical safety and environmental protection for submission to competent State agencies for promulgation.

2. To formulate and promulgate regulations on registry operations for the application of processes and standards on means' quality, technical safety and environmental protection.

3. To approve design dossiers related to the building, transformation or repair of means as well as equipment and facilities installed thereon.

4. To inspect the quality, technical safety and environmental protection (hereinafter referred to as inspection) and issue certificates of inland waterways means' technical safety and environmental protection to means upon their building, transformation, repair, importation and in operation process.

5. To measure and determine means' gross tonnage, dry side and safety waterline.

6. To inspect and issue quality certificates to:

a/ Materials, machinery, equipment and facilities used in the building, transformation, repair of means;

b/ Steamers and pressure cylinders of working pressure of 0.5 kg/cm² or more, which are installed on means;

c/ Environmental pollution-preventing devices installed on means;

d/ Lifting equipment installed on means.

Article 4.- Grounds for evaluation of means' quality, technical safety and environmental protection

The approval of design dossiers and the inspection of means' quality, technical safety and

environmental protection must be carried out according to current technical processes and standards stated in the Appendix to this Regulation and provisions on registry operations.

Article 5.- Principles for inspection and grant of certificates of inland waterway means' technical safety and environmental protection

1. Means must be inspected and granted the certificate of inland waterways means' technical safety and environmental protection before the administrative registration is made.

2. Means, for which the administrative registration has been made, may be inspected and granted the certificate of inland waterways means' technical safety and environmental protection at any registry office competent to manage the region where such means moor or anchor.

3. Means which are built, transformed or repaired at any region shall be inspected and granted the certificate of inland waterways means' technical safety and environmental protection at the competent registry office managing that region.

4. Registry offices shall be allowed to inspect and grant certificates of inland waterways means' technical safety and environmental protection in accordance with their competence and within their assigned regions.

Article 6.- Forms of means inspection

1. The inspection of means shall cover the following forms:

a/ First-time inspection shall be made for newly-built means, imported means and means applying for administrative registration.

b/ Periodical inspection shall be made in order to check the general technical conditions of means.

c/ Annual inspection shall be made when means

are under annual maintenance.

d/ On-beam inspection shall be made to evaluate the technical conditions of the underwaterline parts of means.

e/ Intermediate inspection shall be made for means carrying dangerous chemicals or liquefied gas and high-speed passenger vessels in order to evaluate the general technical state of means.

f/ Unexpected inspection shall be made at the request of competent State agencies and according to regulations.

2. The contents and interval of periodical, annual, intermediate or on-beam inspection shall comply with the provisions of current technical processes and standards, depending on each type of means.

Chapter III

PROCEDURES FOR APPROVAL OF DESIGN DOSSIERS, INSPECTION AND GRANTING OF THE CERTIFICATE OF INLAND WATERWAYS MEANS' TECHNICAL SAFETY AND ENVIRONMENTAL PROTECTION

Article 7.- Procedures for approval of design dossiers

1. When applying for the approval of design dossiers, designing establishments must produce the following dossiers and documents:

a/ The application for design approval;

b/ Design tasks;

c/ Design dossiers according to technical processes and standards applicable to means.

3. In cases where the design dossiers are adequate and satisfy the processes and standards on technical safety and environmental protection, Vietnam Registry offices must complete the

approval and grant the certificate of design approval to designing establishments within 5 working days. In cases of designing means of new or complicated types, the duration for completion of design approval shall comply with the agreement between registry offices and designing establishments.

Article 8.- Procedures for inspection and granting of the certificate of inland waterways means' technical safety and environmental protection

Means owners or means-building and –repairing establishments, when applying for the inspection and grant of certificates of inland waterways means' technical safety and environmental protection, must send to the registry offices the requests therefor. The inspection requests may be made in writing, by telephone, fax or e-mail or in person.

2. In cases of agreeing to conduct inspection, the registry offices must appoint their officers therefor according to the time and venue already agreed upon. If the inspection results show that means or equipment and facilities installed thereon satisfy processes and standards on technical safety and environmental protection, the registry offices must grant registry dossiers to the means within one working day after completing the inspection. Other cases shall comply with the agreement between the registry offices and means owners or means-building or –repairing establishments.

3. When receiving the written requests for unexpected inspection from competent State agencies, registry offices must organize the inspection and notify the results thereof in writing according to the requested contents, time and venue.

Article 9.- Registry dossiers to be granted to means

1. Means, which have their technical state

satisfying technical processes and standards after inspection shall be granted the following dossiers:

a/ The certificate of inland waterways means' technical safety and environmental protection;

b/ The book for technical inspection of inland waterway means;

c/ Assorted minutes on technical inspection.

2. Apart from the dossiers defined in Clause 1 of this Article, depending on the utility of, or equipment installed on, means, there may also be:

a/ The book for inspection of pressure cylinders;

b/ The book for inspection of lifting equipment;

c/ The book for certification of means' water-occupying volume;

d/ The certificates of quality of materials, equipment and facilities installed on means.

3. Vietnam National Registry shall provide for forms of registry dossiers to be granted to means prescribed in Clauses 1 and 2 of this Article.

Chapter IV

ORGANIZATION OF MEANS REGISTRY

Article 10.- Agencies performing the registry of means

1. Vietnam registry offices performing the registry of means are prescribed as follows:

a/ Vietnam National Registry, the State management agency specialized in registry of inland waterway means, shall have to perform the registry contents stated in Article 3 of this Regulation, and at the same time, organize a uniform system of registry offices throughout the country so as to perform the registry of means.

b/ The Sub-Registries and branches of Vietnam

National Registry and registry offices of the provincial/municipal Transport Services and Communications and Public Works Services (hereinafter referred to registry offices) shall have to perform the registry tasks stated in Articles 11 and 12 of this Regulation.

2. In cases where there is agreement between Vietnam National Registry and the provincial/municipal Transport Services or Communications and Public Works Services, the registry tasks assigned to registry offices under the provincial/municipal Transport Services or Communications and Public Works Services shall be performed by registry offices under Vietnam National Registry.

Article 11.- Tasks of registry offices under Vietnam National Registry

Registry offices under Vietnam National Registry shall inspect and grant the certificate of inland waterways means' technical safety and environmental protection to:

1. All means operating along the coastlines, leading to islands or linking islands.
2. Means carrying dangerous cargoes.
3. Passenger ferries, including towing means, if any.
4. Sports and recreation and entertainment ships.
5. Means installed with lifting equipment.
6. Means of foreign countries or joint-venture enterprises participating in inland waterways navigation.
7. Means operating on rivers, canals, ditches, lakes, lagoons, bays and gulfs:

a/ Means with a carrying capacity of 50 passengers or more;

b/ Non-motorized means with a gross tonnage

of 200 tons or more;

c/ Motorized means with total main engine capacity of 135 horse powers or more;

d/ Special-use means such as floating docks, floating wharves, floating construction equipment, floating houses, floating hotels, dredgers, ... with a designed waterline of 10m long or more.

Article 12.- Tasks of registry offices under the provincial/municipal Transport Services and Communications and Public Works Services

1. Registry offices under the provincial/municipal Transport Services and Communications and Public Works Services shall inspect and grant the certificate of inland waterways means' technical safety and environmental protection for means operating on rivers, canals, ditches, lakes, lagoons and gulfs directly managed by their respective localities, including:

a/ Means with a capacity of under 50 passengers;

b/ Non-motorized means of a gross tonnage of under 200 tons;

c/ Motorized means with a total capacity of under 135 horse powers;

d/ Special-use means such as floating docks, floating wharves, floating construction equipment, floating houses, dredgers, ... with a designed length of under 10m.

2. Registry offices under the provincial/municipal Transport Services or Communications and Public Works Services shall submit to the professional management, inspection, direction and guidance by Vietnam National Registry; comply with the regime of regular and irregular reporting to Vietnam National Registry on the inspection and grant of the certificate of technical safety and environmental protection to means.

Article 13.- Responsibilities of registry offices

Registry offices must satisfy the registry offices' criteria prescribed by the Minister of Transport and carry out the inspection and grant of the certificate of inland waterways means' technical safety and environmental protection in an objective manner according to professional requirements and law provisions. The heads of registry offices and inspectors must bear responsibility for the inspection results. All acts of abusing powers and deliberately acting in contravention of this Regulation shall be handled according to law provisions.

Article 14.- Responsibilities of means owners and establishments that design, build and/or repair means

1. Means owners shall have to comply with the provisions on means registry stated in this Regulation upon the building, transformation, repair, importation or operation thereof; bear responsibility for ensuring that their means satisfy the prescribed technical safety and environmental protection standards in inspection intervals.

2. Establishments that design, build, transform and/or repair means must comply with provisions on design dossiers and approval of means-designing dossiers; abide by means' quality, technical safety and environmental protection standards and the design dossiers already approved. In the course of working on the means, establishments that build, transform and/or repair means must be subject to the inspection and supervision by registry offices regarding the quality, technical safety and environmental protection standards.

Article 15.- Charges for design approval and inspection and fees for granting the certificate of

inland waterway means' technical safety and environmental protection

1. Designing establishments, means owners and establishments that build, transform and/or repair means shall have to pay charges for design approval and inspection and fees for certificate granting according to current regulations.

2. Vietnam National Registry and registry offices, when performing means registry, shall have to collect charges for design approval and inspection and fees for certificate granting according to current regulations.

Minister of Transport
DAO DINH BINH

Appendix

**LIST OF CURRENT TECHNICAL PROCESSES
AND STANDARDS APPLICABLE TO INLAND
WATERWAY MEANS**

*(Issued together with the Transport Minister's
Decision No. 25/2004/QĐ-BGTVT of November
25, 2004)*

1. Process TCVN-5801:2001 on classification and building of river ships.
2. Process 22TCN 265-2000 on supervision and building of small-sized river ships.
3. Process 22TCN 264-2000 on prevention of pollution caused by river ships.
4. Process TCVN 7094-2002 on classification

and building of wooden-case river ships.

5. Process TCN 7061-2002 on technical supervision and building of steel-case small-sized seagoing ships.

6. Regulation 22TCN 233/96 on technical safety of sports and recreation and entertainment ships.

7. Process TCVN 6282-1997 on inspection and manufacture of ships made of glass fiber-reinforced plastics.

8. Process 22TCN 281-01 on classification and building of steel-case river ships carrying dangerous chemicals.

9. Process TCVN 6451:1998 on building of high-speed ships.

10. Process 22TCN 323-04 on classification and building of reinforced concrete-case river ships.

11. Process TCN 2695-83 on measurement of inland ships' capacity.

12. Process QPVN 26-83 on lifting equipment of inland waterway means.

13. Process 22TCN 325-04 on classification and building of inland waterway means operating along the coastlines.

14. Standard 22TCN 109/82 on navy anchor.

15. Standard 22TCN 110-82 on Hall anchor.

16. Standard 22TCN 108/82 on cable chain.

17. Standard 22 TCN 107/82 on testing the staunchness of ships' cases.

18. Standard TCVN 7283: 2003 on ring lifebuoys.

19. Standard TCVN 7282: 2003 on lifejackets.

20. Navigation rules and means' signals

Waterways Navigation.

In cases where the above-stated technical processes and standards are supplemented and/or amended or the relevant processes and standards are promulgated by competent authorities after the effective date of this Regulation, the supplements, amendments or new technical processes and standards shall apply to the registry of inland waterways means' quality, technical safety and environmental protection.-