

**DECREE No. 51/2005/ND-CP OF APRIL 11,  
2005 PROVIDING FOR FINANCIAL SOURCES  
FOR INLAND WATERWAY MANAGEMENT  
AND MAINTENANCE AS WELL AS THE  
MANAGEMENT AND USE THEREOF**

**THE GOVERNMENT**

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

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

*Pursuant the December 16, 2002 Law on State  
Budget;*

*Pursuant to the August 28, 2001 Ordinance on Charges and Fees;*

*At the proposal of the Minister of Transport,*

## **DECREES:**

### ***Chapter I***

#### **GENERAL PROVISIONS**

##### ***Article 1.-*** Governing scope

This Decree provides for financial sources for inland waterway management and maintenance as well as the management and use thereof.

##### ***Article 2.-*** Subjects of application

Domestic as well as foreign organizations and individuals that conduct activities for, and/or make contributions to, the forming of financial sources for inland waterway management and maintenance, or manage and use such financial sources shall have to abide by this Decree and relevant law provisions.

***Article 3.-*** Principles for assurance, management and use of financial sources for inland waterway management and maintenance

Financial sources for inland waterway management and maintenance must be adequately and stably supplied for the management, maintenance and protection of inland waterway navigation infrastructures, in service of smooth, safe and convenient inland waterway navigation. Financial sources for inland waterway management and maintenance must be used only

for work and activities related thereto.

***Article 4.-*** Division of financial sources for inland waterway management and maintenance

1. Financial sources for management and maintenance of national inland waterways shall be apportioned from the central budget and other sources according to law provisions.

2. Financial sources for management and maintenance of local inland waterways shall be apportioned from local budgets and other sources according to law provisions.

3. Financial sources for management and maintenance of special-use inland waterways or inland waterways invested with non-State budget sources shall be ensured by organizations or individuals managing such special-use inland waterways, or investors in the exploitation process according to law provisions.

### ***Chapter II***

#### **FINANCIAL SOURCES FOR INLAND WATERWAY MANAGEMENT AND MAINTENANCE**

***Article 5.-*** Financial sources for inland waterway management and maintenance

1. Financial sources for inland waterway management and maintenance shall be formed from the following sources:

a/ The State budget (central budget and local budgets);

b/ Collected charges for use of inland waterways, for waterways invested with non-State

budget sources;

c/ Contributions of organizations and individuals;

d/ Financial sources of investors, for inland waterways invested with non-State budget sources and other sources according to law provisions.

2. The Ministry of Transport shall assume the prime responsibility for, and coordinate with the Ministry of Finance in, formulating and submitting the scheme on raising non-State budget capital for inland waterway management and maintenance to the Prime Minister for decision.

**Article 6.-** Estimation of revenues and expenditures of financial sources for inland waterway management and maintenance

1. For financial sources supplied by the State budget: Annually, based on the requirements for management and maintenance of national inland waterways, the Ministry of Transport shall make and send budget revenue and expenditure estimates under its direct management to the Ministry of Finance for consideration and sum-up for subsequent submission to competent authorities for decision according to the provisions of the State Budget Law; based on the requirements for management of local inland waterways already decentralized, local transport agencies at various levels (or authorized agencies) shall make and send budget revenue and expenditure estimates under their respective management to the finance agencies of the same levels for consideration and sum-up for subsequent submission to competent authorities for decision according to the provisions of the State Budget Law.

2. For non-State budget financial sources: On

the basis of the Prime Minister's decisions on non-State budget financial sources for inland waterway management and maintenance, the Ministry of Transport shall assume the prime responsibility for, and coordinate with the Ministry of Finance in, guiding the implementation thereof.

### **Chapter III**

## **MANAGEMENT AND USE OF CAPITAL FOR INLAND WATERWAY MANAGEMENT AND MAINTENANCE**

**Article 7.-** Use of financial sources for inland waterway management and maintenance

Financial sources for inland waterway management and maintenance shall be used for the following works:

1. State management activities and services in the domain of inland waterway navigation, including surveys on, monitoring and announcement of actual conditions of shipping fairways and lanes; organization of navigation, examination, inspection and protection of navigation infrastructure works; management, installation and adjustment of onshore and aquatic signs; water-level and hydrographical monitoring, counting of transport vessels; organization of professional fostering on inland waterway management and other works.

2. Repair of inland waterways, including:

a/ Regular repair and maintenance of inland waterways: dredging of fairways so as to ensure their technical standards up to inland waterways' technical grades already announced; regular repair and maintenance of signs, vessels, equipment and

service facilities on inland waterways routes under exploitation and other activities;

b/ Irregular repair of inland waterways: fairway dredging and regulation, removal of obstacles; repair, supplementation and replacement of signs, vessels and equipment on a periodical basis or due to unexpected failure; repair of the system of embankments, current-regulating works, houses and architectural objects in service of management work; flood and storm prevention and control as well as consequence-overcoming work, and other activities.

**Article 8.-** Plans on the use, allocation, payment and final settlement of capital for inland waterway management and maintenance

1. For financial sources supplied by the State budget:

a/ Annually, on the basis of budget estimates assigned by competent authorities, the Ministry of Transport shall allocate financial sources for management and maintenance of national inland waterways; local transport agencies at various levels shall allocate financial sources for management and maintenance of local inland waterways;

b/ The allocation, management, use, payment and settlement of financial sources for inland waterway management and maintenance shall comply with law provisions.

2. For non-State budget financial sources: On the basis of the Prime Minister's decisions on non-State budget financial sources, the Ministry of Transport shall assume the prime responsibility for, and coordinate with the Ministry of Finance in, guiding the implementation thereof.

**Article 9.-** Examination, inspection and handling of violations

1. The Ministry of Transport and agencies performing the State management over transport in localities shall have to coordinate with finance agencies of the same levels in regularly and irregularly inspecting the formation, management and use of financial sources for inland waterway management and maintenance in concerned units.

2. The examination, inspection, reward, commendation and handling of violations in the management and use of capital for inland waterway management and maintenance shall comply with the provisions of the State Budget Law.

#### **Chapter IV**

### **IMPLEMENTATION PROVISIONS**

**Article 10.-** Effect of the Decree

This Decree takes effect 15 days after its publication in the Official Gazette. Previous regulations contrary to this Decree are hereby annulled.

**Article 11.-** Guidance and implementation

The Minister of Transport shall coordinate with the Ministry of Finance in guiding the implementation of this Decree.

The ministers, the heads of the ministerial-level agencies, the heads of the Government-attached agencies and the presidents of the provincial/ municipal People's Committees shall have to implement this Decree.

**On behalf of the Government**

**Prime Minister**

**PHAN VAN KHAI**