

**DECISION No. 33/2005/QĐ-BTC OF JUNE 1,
2005 PROVIDING FOR THE REGIMES OF
COLLECTION, REMITTANCE, MANAGEMENT
AND USE OF CHARGES FOR APPRAISING
AND APPROVING SEAPORT SECURITY
ASSESSMENTS AND SEAPORT SECURITY**

PLANS AND FOR GRANTING SEAGOING SHIPS' RECORDS UNDER THE INTERNATIONAL SHIP AND PORT FACILITY SECURITY CODE

THE MINISTER OF FINANCE

Pursuant to the August 28, 2001 Ordinance on Charges and Fees and the Government's Decree No. 57/2002/ND-CP of June 3, 2002, detailing the implementation of the Ordinance on Charges and Fees;

Pursuant to the Government's Decree No. 77/2003/ND-CP of July 1, 2003, defining the functions, tasks, powers and organizational structure of the Ministry of Finance;

Pursuant to the Prime Minister's Decision No. 191/2003/QĐ-TTg of September 16, 2003, ratifying the 2002 amendments and supplements to a number of chapters of the International Convention for the Safety of Life at Sea;

In furtherance of the 2002 amendments and supplements to the International Convention for the Safety of Life at Sea (SOLAS 74), issued together with the International Ship and Port Facility Security Code (ISPS Code); and the December 12, 2002 Resolution No. 5 of the international conference on the safety of life at sea on advancing technical cooperation and assistance;

After obtaining the opinions of the Ministry of Transport (in Official Letter No. 2428/GTVT-TC of April 26, 2005);

At the proposal of the Director of the Tax Policy Department,

DECIDES:

Article 1.- To issue the rates of charges for appraising and approving seaport security assessments and seaport security plans and for granting seagoing ships' records under the International Ship and Port Facility Security Code as follows:

Ordinal number	List of charges	Collection rates (VND/time)
1	Appraising and approving seaport security assessments	5,500,000
2	Appraising and approving seaport security plans and granting port conformity certificates	5,500,000
3	Appraising and granting seagoing ship's records	500,000
4	For cases of second-time appraisal or approval and re-grant of seagoing ships' records	20% of the first-time collection rates

Article 2.- Payers of charges according to Article 1 of this Decision include:

1. Enterprises managing and exploiting seaports which receive the following Vietnamese seagoing ships operating on international routes and foreign seagoing ships in Vietnam's inland waters and territorial sea:

- a/ Passenger ships;
- b/ Cargo ships of a gross tonnage of 500 GT or more;
- c/ Off-shore movable drilling platforms.

2. Companies exploiting Vietnamese seagoing ships defined at Points a, b and c, Clause 1 of this Article.

Article 3.- Vietnam Maritime Administration, which is assigned by the Ministry of Transport the tasks of appraising or approving seaport security assessments and seaport security plans and granting seagoing ship's records shall have to organize the collection of charges for appraising and approving seaport security assessments and seaport security plans and for granting seagoing ship's records under the International Ship and Port Facility Security Code according to the provisions of this Decision (hereinafter referred collectively to as the charge-collecting agency).

Article 4.- Charges for appraising and approving seaport security assessments and seaport security plans and for granting seagoing ship's records under the International Ship and Port Facility Security Code defined in this Decision constitute the State budget's revenues and shall be managed and used as follows:

1. The charge-collecting agency may set aside 90% (ninety percent) of the collected charge amounts to cover expenses for appraisal, approval and charge collection according to the following specific spending items:

a/ Payment of salaries, wages, allowances, and salary- or wage-based contributions according to the current regime to persons directly involved in the appraisal, approval and charge collection;

b/ Expenses in direct service of charge collection such as stationery, office supplies, telephone, electricity, water, working-trip allowances, official-duty allowances, etc., according to current criteria and norms;

c/ Expenses for regular repair, overhaul and maintenance of assets, machinery and equipment in direct service of appraisal, approval and charge collection;

d/ Expenses for procurement of supplies, raw materials, machinery and equipment in direct service of the appraisal, approval and charge collection;

e/ Expenses for hiring of Vietnamese and foreign specialists, international cooperation and rent of means and material foundations in service of appraisal, approval and charge collection;

f/ Other expenses directly related to appraisal, approval and charge collection;

g/ Rewards and welfare for persons engaged in appraisal and approval or directly collecting charges according to the principles that the average level per person per year must not exceed 3 (three) months' actually paid salary, if the current year's collected level is higher than that of the preceding year, or be equal to 2 (two) months' actually paid salary, if the current year's collected level is lower than that of the preceding year.

The collecting agency must balance the charge amounts to be retained according to Clause 1 of this Article within its annual financial plans. In the course of management, the agency must use such amounts for the right spending items according to the current financial regime and have lawful vouchers and invoices as prescribed. When making the annual settlement, if the retained charge amounts are not used up, the remainder shall be carried forward to the subsequent year for continued spending according to the prescribed regime.

2. The charge-collecting agency shall have to declare, remit and make final settlement of the remaining charge amount (10%) into the State budget according to corresponding chapter, category and clause, Section 035, Sub-Section 08 of the current State budget index.

Article 5.- This Decision takes effect 15 days

after its publication in "CONG BAO". For cases where charges have been temporarily collected at the levels higher than those specified in this Decision, the charge collection and remittance shall be carried out at the levels set in this Decision. Other matters related to the collection, remittance, management, use of charges, publicization of charge-collection regime and charge final settlement not yet mentioned in this Decision shall comply with the guidance in the Finance Ministry's Circular No. 63/2002/TT-BTC of July 24, 2002, guiding the implementation of law provisions on charges and fees.

Article 6.- Organizations and individuals being charge payers, the charge-collecting agency and related agencies shall have to implement this Decision.

For the Minister of Finance

Vice Minister

TRUONG CHI TRUNG