

**THE MINISTRY OF COMMUNICATIONS
AND TRANSPORT**

CIRCULAR No. 10/2001/TT-BGTVT OF JUNE 11, 2001 GUIDING THE USE OF COPIES OF THE CERTIFICATES OF REGISTRATION OF SEA-GOING SHIPS AND COPIES OF THE CERTIFICATES OF REGISTRATION OF INLAND WATERWAY TRANSPORT MEANS FOR CIRCULATION OF SUCH MEANS WHEN THEY ARE PLEDGED OR MORTGAGED FOR CAPITAL BORROWING AT CREDIT INSTITUTIONS

Pursuant to the provisions in Article 39 of the Government's Decree No. 178/1999/ND-CP of December 29, 1999 on credit institutions' loan security and the Prime Minister's Official Dispatch No. 839/CP-

KITH of September 11, 2000, the Ministry of Communications and Transport hereby guides the use of copies of the certificates of registration of sea-going ships and copies of the certificates of registration of inland waterway transport means for circulation of such means when they are pledged or mortgaged for capital borrowing at credit institutions as follows:

I. INTERPRETATION OF TERMS

In this Circular, the following terms shall be construed as follows:

1. "Means" are sea-going ships or inland waterway transport means;
2. "Pledged or mortgaged means" are sea-going ships or inland waterway transport means which are pledged or mortgaged by their owners for capital borrowing at credit institutions;
3. "Means registration certificates" are the certificates of registration of sea-going ships or the certificates of registration of inland waterway transport means;
4. Means-registering agency:
 - For sea-going ships: It shall be the regional sea-going ship and crew member registries;
 - For inland waterway transport means: It shall be the provincial/municipal Communications and Transport Services or Communications and Public Works Services;
5. Secured transaction-registering agency:
 - For sea-going ships: It shall be the regional sea-going ship and crew member registries;
 - For inland waterway transport means: It shall be the National Department for Secured Transaction Registration and its branches;
6. "International routes" mean maritime routes or inland waterway routes from Vietnamese ports to foreign ports and vice versa;
7. "Domestic routes" mean maritime routes or inland waterway routes between Vietnamese ports or wharves;

II. THE USE OF MEANS REGISTRATION CERTIFICATES

1. The use of originals of means registration certificates:

The originals of means registration certificates must be used in the following cases where

- a) Means operate on international routes;
- b) Means operate on domestic routes without any pledge or mortgage for capital borrowing at credit institutions, or with the pledge or mortgage but the time limits having already expired or the obligation secured by such means having been fulfilled.

2. The use of copies of means registration certificates:

The copies of means registration certificates shall be used only for means operating on domestic routes during the period when such means are pledged or mortgaged for capital borrowing at credit institutions, including the period of debt extension secured by such means (if any).

III. COPIES OF MEANS REGISTRATION CERTIFICATES

1. The copies of means registration certificates mentioned in Clause 2, Section II of this Circular shall be legally valid for the circulation of such means only when the following conditions are fully met:

a) The copies of mean registration certificates are certified by State Public Notaries;

b) There are certification by the credit institutions where such means are pledged or mortgaged on the copies of means registration certificates mentioned at Point a, Clause 1, this Section.

2. The credit institutions shall make certification in 01 (one) copy of the means registration certificate only after it was already certified by the State Public Notaries.

3. Under guidance of the Vietnam State Bank Governor in Circular No. 06/2000/TT-NHNN of April 4, 2000 and of the Justice Ministry in Official Dispatch No. 1448/TP-CC of August 17, 2000, the content of the certification by credit institutions on copies of the means registration certificates shall be "The original is being kept at ... from day ... month ... year ... to day ... month ... year ..." and signature of the general directors (directors) or deputy general directors (deputy directors) and seal of the credit institutions; or signature of directors (deputy directors) and seal of the member units of the credit institutions authorized to decide loan provision. Besides, on the copies, there must be the phrase: "For use as

prescribed in Decree No. 178/1999/ND-CP.

IV. RESPONSIBILITIES OF MEANS OWNERS, CREDIT INSTITUTIONS AND MEANS- REGISTERING AGENCIES

1. Responsibilities of means owners and users:

a) Upon pledging or mortgaging means for capital borrowing at credit institutions, means owners shall have to register secured transactions at secured transaction-registering agencies according to the provisions of the Government's Decree No. 08/2000/ND-CP of March 10, 2000 on registration of secured transactions.

b) Means owners and users shall be allowed to use the valid copies of means registration certificates only in cases prescribed in Clause 2, Section II of this Circular.

2. Responsibilities of credit institutions:

a) Within 24 hours as from the moment of accepting means pledge or mortgage, the credit institutions shall have to notify the means-registering agencies thereof for the latter to know and not to effect the transfer of means or not to re-grant the originals of means registration certificates (except for cases where the means-registering agencies are the agencies registering secured transactions).

b) In cases where upon the expiry of the pledge or mortgage period, the means owners still fail to fulfill their debt-repayment obligation and the credit institutions agree to extend such debts, they shall have to clearly inscribe such on the copies of the means registration certificates mentioned in Section III of this Circular, and at the same time, notify the means-registering agencies thereof for the latter to know and monitor.

c) When the means owners have fulfilled their debt-repayment obligation secured by means, after revoking copies of the means registration certificates, the credit institutions shall have to return the originals of such certificates, and at the same time, notify the means-registering agencies thereof.

3. Responsibilities of means-registering agencies:

After receiving the credit institutions' notices on the pledge or mortgage of means at such credit institutions or when the means owners have fulfilled their debt-repayment obligation secured by means, the means-registering agencies shall have to record such on the

national register of sea-going ships or the register of inland waterway transport means which shall serve as legal basis for the handling of relevant matters.

V. IMPLEMENTATION ORGANIZATION:

1. This Circular takes effect 15 days after its signing.

2. The Director of the Vietnam Maritime Administration and the Director of the Vietnam Inland Waterways Administration shall have to organize the enforcement of this Circular.

3. The heads of the concerned departments under the Ministry, the directors of the provincial/municipal Communications and Transport Services and Communications and Public Works Services, the directors of the regional sea-going ships and crew member registries, the directors of port authorities, the National Department of Secured Transaction Registration, credit institutions, means owners and users, and all concerned organizations and individuals shall have to implement this Circular.

4. In the course of implementation, if any troubles arise, organizations and individuals should promptly report them to the Ministry of Communications and Transport for study and settlement.

*For the Minister of
Communications and Transport
Vice Minister
PHAM DUY ANH*