

THE GOVERNMENT

**DECREE No. 41/2001/ND-CP OF JULY 24, 2001
PROMULGATING THE REGULATION ON
THE COORDINATION OF THE STATE
MANAGEMENT OVER ACTIVITIES OF THE
COAST GUARD FORCE AND THE
COORDINATION OF ACTIVITIES OF
VARIOUS FORCES ON THE SEA AREAS AND
CONTINENTAL SHELF OF THE SOCIALIST
REPUBLIC OF VIETNAM**

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*Pursuant to the September 30, 1992 Law on
Organization of the Government;*

*Pursuant to the March 28, 1998 Ordinance on
Vietnam's Coast Guard;*

At the proposal of the Minister of Defense.

**REGULATION ON THE COORDINATION OF
THE STATE MANAGEMENT OVER
ACTIVITIES OF THE COAST GUARD FORCE
AND THE COORDINATION OF ACTIVITIES
OF VARIOUS FORCES ON THE SEA AREAS
AND CONTINENTAL SHELF OF THE
SOCIALIST REPUBLIC OF VIETNAM**

*(Issued together with the Government's Decree No.
43/2001/ND-CP of July 24, 2001)*

Chapter I

GENERAL PROVISIONS

Article 1.- This Regulation prescribes the coordination of the State management over activities of the Coast Guard Force and the coordination of activities of various forces on the sea areas and continental shelf of the Socialist Republic of Vietnam between the Ministry of Defense and the Ministry of Public Security, the Ministry for Foreign Affairs, the Ministry of

Communications and Transport, the Ministry of Finance, the Ministry of Planning and Investment, the Ministry of Aquatic Resources, the Ministry of Science, Technology and Environment, the General Department of Customs, the General Department of Post and Telecommunications, Vietnam Oil and Gas Corporation, the Government Committee on Frontier Issues, the National Committee for Search and Salvage, the People's Committees of the provinces and centrally-run cities as well as the concerned agencies and organizations.

Article 2.- The ministries, the ministerial-level agencies and the agencies attached to the Government shall, within the ambit of their respective functions, tasks and powers, have to direct and guide the agencies and forces under their management to coordinate with the Coast Guard Force in the activities specified in this Regulation.

Article 3.- The People's Committees of the provinces and centrally-run cities shall, within the ambit of their respective tasks and powers, have to coordinate with, support and create conditions for the Coast Guard Force to perform its tasks.

Article 4.- The coordination of the State management over activities of the Coast Guard Force and the coordination of activities of the forces of the agencies mentioned in Article 1 of this Regulation is the coordination of the following activities:

1. Sharing necessary information and materials.
2. Studying, elaborating and promulgating relevant legal documents falling under the functions of the ministries and branches.
3. Patrolling, inspecting, controlling, detecting, preventing and handling acts of violation of the Vietnamese law and the international agreements which the Socialist Republic of Vietnam has signed or acceded to on the sea areas and continental shelf of the Socialist Republic of Vietnam.
4. Protecting the property of the State, the life and property of people and means lawfully operating on the sea, defending the national sovereignty, protecting natural resources, preventing and combating pollution of the marine environment.
5. Searching, salvaging and overcoming incidents on the sea.
6. Conducting activities to prevent and combat law

violations and combat piracy.

7. Conducting international cooperation activities.

8. Educating, training and fostering the contingent of officers and men of the Coast Guard Force.

9. Other related activities.

Article 5.- The coordination of the State management over activities of the Coast Guard Force and the coordination of activities of various forces of the agencies mentioned in Article 1 of this Regulation shall be based on the functions, tasks and powers of each agency and force already prescribed by law; shall not obstruct lawful activities on the sea; ensure the uniform State management work of each specialized branch.

The coordination and direction of activities between the Coast Guard Force and the Border Guard Force as well as other forces of the Ministry of Defense shall be stipulated by the Ministry of Defense.

Article 6.- The ministries' and branches' forces operating on the sea may, in the course of coordination, directly contact one another in order to rapidly settle all cases and assist one another in well performing their functions, tasks and powers prescribed by law.

Article 7.- Division of the areas of activity of the forces engaged in coordinating activities on the sea areas and continental shelf of the Socialist Republic of Vietnam

1. On the sea areas from the baseline to the outer boundary of the exclusive economic zone and continental shelf of Vietnam, the Coast Guard Force shall assume the prime responsibility and coordinate with other concerned forces in performing the function of security, order and safety management and ensuring the compliance with the Vietnamese law and the international agreements which the Socialist Republic of Vietnam has signed or acceded to.

In the course of operation, if detecting any acts of law violation, the Coast Guard Force shall sanction them according to its competence; for complicated cases, it shall coordinate with the specialized forces in handling them according to law provisions.

In the internal waters and seaports, the Coast Guard Force shall, when requested, have the responsibility to coordinate with the local administrations and concerned forces in performing its tasks.

2. On the sea areas and continental shelf of the Socialist Republic of Vietnam, the specialized forces

shall operate according to their functions, tasks and powers prescribed by law; when performing their tasks, and detecting acts of law violation not under their respective competence, they shall have to inform and transfer the cases to the Coast Guard Force or other concerned specialized forces for handling according to their competence.

3. The concerned branches may entrust the Coast Guard Force to perform a number of certain activities under their functions, tasks and powers. The contents and scope of such entrustment shall be detailed by the Ministry of Defense and concerned ministries and branches.

Chapter II

COORDINATION OF THE STATE MANAGEMENT OVER ACTIVITIES OF THE COAST GUARD FORCE

Article 8.- The Ministry of Defense shall have the responsibility to coordinate the State management over activities of the Coast Guard Force with respect to the following matters:

1. Organizing the operation of the Coast Guard Force according to the provisions of Chapter III, Decree No. 53/1998/ND-CP of July 21, 1998 on the organization and operation of Vietnam's Coast Guard.

2. Directing its attached agencies to coordinate with the concerned functional agencies of the ministries, branches and the People's Committees of the provinces and centrally-run cities in building infrastructure to meet the activity requirements of the Coast Guard Force according to law provisions.

3. Assuming the prime responsibility for coordinated activities specified in Article 4 of this Regulation.

Article 9.- The Ministry of Public Security shall have the responsibility to direct and guide the functional agencies to coordinate with the Coast Guard Force in the following activities:

1. Supplying the Coast Guard Force necessary information related to the functions and tasks of the Coast Guard Force in detecting, preventing and handling violations of security, order and safety and law-breaking acts committed on the sea areas and continental shelf of the Socialist Republic of Vietnam.

2. Guiding and assisting the Coast Guard Force in

for security, order and other professional work.

3. Educating and disseminating the legislation on security, order and safety among organizations and individuals operating on the sea areas and continental shelf of the Socialist Republic of Vietnam.

Article 10.- The Ministry for Foreign Affairs shall have the responsibility to direct and guide the functional agencies to coordinate with the Coast Guard Force in the following activities:

1. Sharing with and supplying the Coast Guard Force necessary information and materials on the State's undertakings and policies on the external relations with other countries in the region and the world, which are related to activities of the Coast Guard Force.

2. Guiding the Coast Guard Force in settling cases where foreign organizations and individuals violate the Vietnamese law and relevant international agreements which the Socialist Republic of Vietnam has signed or acceded to, on the sea areas and continental shelf of the Socialist Republic of Vietnam.

3. Effecting international cooperation in the field of security, order and safety, search and salvage, prevention and combat of environmental pollution, fight against piracy and other incidents on the sea areas and continental shelf of the Socialist Republic of Vietnam.

Article 11.- The Ministry of Communications and Transport shall have the responsibility to direct and guide the functional agencies to coordinate with the Coast Guard Force in the following activities:

1. Informing in time changes in the maritime signalling system, the sea lanes' and seaports' depths allowable for the entry and exit of ships of various kinds, constructing new marine projects or dismantling old ones and other obstacles on the sea areas of Vietnam so as to ensure maritime safety for ships and boats operating on the sea.

2. Notifying the issuance, suspension, extension, amendment, revocation or cancellation of papers and documents; technical criteria and norms related to the activities of ships and boats on the sea as well as the granting of permission for foreign ships and boats to enter the seaports and maritime zones of Vietnam.

3. Guiding and assisting the Coast Guard Force in the professional work and specialized tasks so as to determine acts of violation and the extent of damage caused thereby for use as basis for handling.

4. Effecting international cooperation on maritime activities.

5. Educating and disseminating maritime legislation among organizations and individuals operating on the sea areas and continental shelf of the Socialist Republic of Vietnam.

Article 12.- The Ministry of Finance shall have the responsibility to direct and guide the functional agencies to coordinate with the Coast Guard Force in the following activities:

1. Studying, elaborating and submitting to competent levels for promulgation or promulgating according to its competence legal documents on finance, taxation, invoices and vouchers related to the transportation and trading of goods on the sea.

2. Detecting, preventing and sanctioning administrative violations in the taxation field according to Decree No. 36/1999/ND-CP of June 9, 1999 on the sanctioning of administrative violations in the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of the Socialist Republic of Vietnam and other law provisions.

3. Coordinating in the collection, payment, management and use of fines imposed on administrative violations; handling the seized material evidences and properties and confiscating them into the State fund according to Decree No. 36/1999/ND-CP of June 9, 1999.

Article 13.- The Ministry of Planning and Investment shall have the responsibility to direct and guide the functional agencies to coordinate with the Coast Guard Force in the following activities:

1. Sharing information and materials related to foreign-invested projects in order to build and develop the Coast Guard Force.

2. Guiding the elaboration of, and inspecting investment projects to build and develop the Coast Guard Force.

3. Coordinating in handling matters that arise in the course of implementation of foreign and domestic investment projects.

Article 14.- The Ministry of Aquatic Resources shall have the responsibility to direct and guide the functional agencies to coordinate with the Coast Guard Force in the following activities:

1. Supplying necessary information and materials on fishing means, ships and boats and the management of fishing activities on the sea; forms of permits, papers and professional certificates related to fishing activities on the sea.

2. Informing the names, codes, registers, identifications, itineraries and areas of operation of foreign means, ships and boats and chartered foreign means, ships and boats at least 5 days before they enter the sea areas of Vietnam.

3. Guiding and assisting the Coast Guard Force in the specialized aquatic resource work in order to determine acts of violation in the field of aquatic resource protection as basis for handling and sanctioning.

4. Working out plans for controlling acts of violation in the field of aquatic resource protection.

5. Effecting international cooperation in the field of aquatic resource protection.

6. Educating and disseminating the legislation on aquatic resource protection among organizations and individuals operating on the sea areas and continental shelf of the Socialist Republic of Vietnam.

Article 15.- The Ministry of Science, Technology and Environment shall have the responsibility to direct and guide the functional agencies to coordinate with the Coast Guard Force in the following activities:

1. Sharing information, supplying materials for use as basis for determining acts of polluting the marine environment and other activities related to the protection of the marine environment.

Notifying the new regulations on and standards of Vietnam's environment and any amendments thereto with regard to the protection of the marine environment or other necessary permits according to the law provisions on the protection of the marine environment.

2. Inspecting, controlling, detecting, preventing and sanctioning administrative violations of the provisions of Decree No. 36/1999/ND-CP of June 9, 1999 and other law provisions on the protection of the marine environment.

3. Overcoming incidents of pollution of the marine environment and guiding the claim for compensation for damage to the marine environment.

4. Effecting international cooperation in the field of marine environment protection.

5. Educating and disseminating the legislation on marine environment protection among organizations and individuals operating in the sea areas and continental shelf of the Socialist Republic of Vietnam.

Article 16.- The Government Committee for Frontier Issues shall direct and guide the functional agencies to coordinate with the Coast Guard Force in the following activities:

1. Sharing necessary information and materials related to the activities of the Coast Guard Force, sovereignty protection, sovereignty rights and national jurisdiction on the sea.

2. Fostering personnel specialized in the marine management work.

3. Effecting international cooperation in the field of marine management.

Article 17.- The General Department of Customs shall have the responsibility to direct and guide the functional agencies to coordinate with the Coast Guard Force in the following activities:

1. Sharing necessary information and materials related to import and export activities, smuggling, trade frauds and supplying other necessary customs forms for goods transportation by sea.

2. Organizing the fostering and training to raise the customs professional levels of the officers and men of the Coast Guard Force.

3. Educating and disseminating the customs legislation among organizations and individuals operating on the sea areas and continental shelf of the Socialist Republic of Vietnam.

Article 18.- The National Committee for Search and Salvage shall coordinate with, direct and guide the Coast Guard Force in the following activities:

1. Sharing necessary information and materials related to the search and salvage work and coping with oil spillings on the sea.

2. Elaborating plans and conducting activities according to the search and salvage functions and tasks prescribed in Clauses 1, 2, 3, 8 and 9, Article 2 of the Prime Minister's Decision No. 63/2000/QĐ-TTg of June 7, 2000 on the renaming and addition of the tasks of the National Committee for Search and Salvage.

Article 19.- The General Department of Post and Telecommunications and the Committee for Radio Frequencies shall direct the functional agencies to coordinate with the Coast Guard Force in the following activities:

1. Sharing necessary information and materials on the use of radio transmitters and frequencies on the sea areas and continental shelf of the Socialist Republic of Vietnam.

2. Conducting activities prescribed in Clauses 2 and 3 of Article 1 of the Prime Minister's Decision No. 242/TTg of April 27, 1995 on the functions, tasks, powers, organizational structure and working regime of the Committee for Radio Frequencies.

Article 20.- The People's Committees of the provinces and centrally-run cities shall have the responsibility to:

1. Direct the specialized agencies and the lower-level People's Committees to directly and closely coordinate in the specialized work of searching, salvaging, and overcoming incidents on the sea, and managing areas related to the activities of the Coast Guard Force; support and assist the Coast Guard Force in providing places for stationing troops and harboring ships and boats, shorehouses and yards, and create other favorable conditions for the Coast Guard Force to perform its tasks.

2. Support and effect the sanctioning of administrative violations according to the Ordinance on the Handling of Administrative Violations, Decree No. 36/1999/ND-CP of June 9, 1999 and other law provisions.

3. Propagate among and educate local organizations and individuals operating on the sea areas and continental shelf of the Socialist Republic of Vietnam to abide by the provisions of the Vietnamese law and relevant international agreements which the Socialist Republic of Vietnam has signed or acceded to.

Chapter III

COORDINATION OF ACTIVITIES AMONG VARIOUS FORCES

Article 21.- Coordination of activity prescribed in this Chapter is the coordination between the Coast Guard Force and the forces, organizations, units as well as enterprises of the concerned ministries and branches (hereinafter collectively called forces) operating on the sea areas and continental shelf of the Socialist Republic

of Vietnam.

Article 22.- Coordination of activity between the Coast Guard Force and the concerned forces of the Ministry of Public Security

1. Responsibilities of the Coast Guard Force:

a/ To notify the situation of law violations in the field of security and order committed by organizations and individuals on the sea areas and continental shelf of the Socialist Republic of Vietnam;

b/ To pursue and seize those who violate the law then flee and/or illegally encroach by sea, and carry out other activities according to professional requirements;

c/ To hand over dossiers, persons, means and material evidences seized in the cases of law violation under the handling competence of the Police Force.

2. Responsibilities of the concerned forces of the Ministry of Public Security:

a/ To notify necessary information related to the functions and tasks of the Coast Guard Force in the detection, prevention and handling of violations of security, order and safety on the sea areas and continental shelf of the Socialist Republic of Vietnam;

b/ To search and seize persons and means that commit law violations on the sea and are hiding in the areas according to the notices of the Coast Guard Force and receive dossiers, persons, means and material evidences seized in the cases of law violation under their handling competence.

Article 23.- Coordination of activity between the Coast Guard Force and the concerned forces of the Ministry of Communications and Transport

1. Responsibilities of the Coast Guard Force:

a/ To notify the situation of law violations committed by organizations, individuals and means operating on the sea, necessary information related to maritime activities, search, salvage and overcoming of incidents on the sea;

b/ To deploy supporting forces when requested to prevent and handle acts of law violation in the maritime field, promptly deal with other violations committed on the sea;

c/ To coordinate in inspecting, controlling, detecting, preventing and handling administrative violations in maritime activities according to Decree No. 92/1999/ND-CP of September 4, 1999 on the sanctioning of

administrative violations in the maritime field and other law provisions;

d/ To coordinate in searching, salvaging and overcoming incidents on the sea and combating sea piracy;

2. Responsibilities of the concerned forces of the Ministry of Communications and Transport:

a/ To notify the situation of law violations committed by organizations and individuals as well as incidents occurring on the sea areas and continental shelf of the Socialist Republic of Vietnam;

b/ To coordinate in inspecting, controlling, detecting, preventing and sanctioning administrative violations in the maritime field according to Decree No. 36/1999/ND-CP of June 9, 1999 and other law provisions;

c/ To comply with the mobilization by the Coast Guard Force in urgent circumstances to chase law-violating persons and means, give first aid to victims and cope with serious environmental incidents as prescribed in Article 12 of the Ordinance on Vietnam's Coast Guard;

d/ To receive the dossiers, persons, means and materials evidences seized in the cases of law violation, handed over by the Coast Guard Force under its handling competence.

Article 24.- Coordination of activity between the Coast Guard Force and the concerned forces of the Ministry of Aquatic Resources

1. Responsibilities of the Coast Guard Force:

a/ To supply necessary information and materials on the situation of law violations committed by domestic and foreign fishing means, ships and boats operating on the sea areas and continental shelf of the Socialist Republic of Vietnam;

b/ To deploy supporting forces when requested in order to inspect, control, detect, prevent and handle administrative violations in the field of aquatic resource protection according to the Government's Decree No. 48/CP of August 12, 1996 on the sanctioning of administrative violations in the field of aquatic resource protection and Decree No. 49/1998/ND-CP of July 13, 1998 on the management of fishing activities of foreign persons and means on the sea areas of Vietnam and other law provisions;

c/ To search, salvage and overcome incidents on the sea and combat sea piracy.

2. Responsibilities of the concerned forces of the Ministry of Aquatic Resources:

a/ To notify the situation of fishing means, ships and boats that commit acts of law violation in the field of aquatic resource protection on the sea areas of Vietnam;

b/ To coordinate in inspecting, controlling, detecting, preventing and sanctioning administrative violations in the field of aquatic resource protection and exploitation according to Decree No. 36/1999/ND-CP of June 9, 1999 and other law provisions;

c/ To comply with the mobilization by the Coast Guard Force in urgent circumstances to pursue law-violating persons and means, provide first aid to victims, cope with serious environmental incidents as prescribed in Article 12 of the Ordinance on Vietnam's Coast Guard;

d/ To receive dossiers, persons, means and material evidences seized in the cases of law violation and handed over by the Coast Guard Force under its handling competence.

Article 25.- Coordination of activity between the Coast Guard Force and the concerned forces of the General Department of Customs

1. Responsibilities of the Coast Guard Force:

a/ To supply information on acts of violation in the field of export, import, smuggling and trade frauds committed by persons and means operating on the sea;

b/ To deploy supporting forces when requested in order to inspect, control, detect and prevent administrative violations in the field of customs on the sea;

c/ To coordinate in inspecting, controlling, detecting, preventing and handling acts of smuggling and customs-related administrative violations according to law provisions.

2. Responsibilities of the concerned forces of the General Department of Customs:

a/ To notify information related to the prevention of and fight against law violations in the customs and other related fields;

b/ To coordinate in inspecting, controlling, detecting, preventing and sanctioning administrative violations in the field of customs according to Decree No. 36/1999/ND-CP of June 9, 1999 and other law provisions;

c/ To comply with the mobilization by the Coast Guard Force in urgent circumstances to pursue law-violating persons and means, provide first aid to victims,

cope with serious environmental incidents as prescribed in Article 12 of the Ordinance on Vietnam's Coast Guard;

d/ To receive dossiers, persons, means and material evidences seized in the cases of law violation and handed over by the Coast Guard Force under its handling competence.

Article 26.- Coordination of activity between the Coast Guard Force and the concerned forces of Vietnam Oil and Gas Corporation

1. Responsibilities of the Coast Guard Force:

a/ To notify the situation of security, order and safety on the sea, that may affect oil and gas activities;

b/ To deploy supporting forces, when requested, to deal with oil and gas incidents on the sea;

c/ To detect, prevent and handle law violations in the oil and gas field according to law provisions.

2. Responsibilities of the forces of Vietnam Oil and Gas Corporation:

a/ To notify the situation of security, order and safety and the situation of environmental pollution in the sea areas where oil and gas activities are being carried out;

b/ To comply with the mobilization by the Coast Guard Force in urgent circumstances to pursue law-violating persons and means, provide first aid to victims, cope with serious environmental incidents as prescribed in Article 12 of the Ordinance on Vietnam's Coast Guard.

Chapter IV

COMMENDATION AND HANDLING OF VIOLATIONS

Article 27.- Commendation

Organizations and individuals that record outstanding achievements in the implementation of this Regulation shall be commended and/or rewarded according to the State's general regulations.

Article 28.- Handling of violations

Organizations and individuals that violate the provisions of this Regulation and other relevant law provisions shall, depending on the nature and seriousness of their violations, be disciplined, administratively sanctioned or examined for penal liability according to law provisions.

Chapter V

IMPLEMENTATION PROVISIONS

Article 29.- The ministries, the ministerial-level agencies, the agencies attached to the Government and the People's Committees of the provinces and centrally-run cities shall have to organize and guide the functional agencies and concerned forces under their respective management to perform the tasks related to the responsibilities of the ministries and localities as prescribed in this Regulation.

Article 30.- The Ministry of Defense shall have to coordinate with the concerned ministries and branches in guiding and inspecting the implementation of this Regulation.

On behalf of the Government
Prime Minister
PHAN VAN KHAI