

**DECREE No. 71/2006/ND-CP OF JULY 25, 2006,  
ON MANAGEMENT OF SEAPORTS AND  
MARINE NAVIGABLE CHANNELS****THE GOVERNMENT**

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

*Pursuant to the June 14, 2005 Vietnam Maritime  
Code;*

*At the proposal of the Minister of Transport,*

**DECREES:****Chapter I****GENERAL PROVISIONS****Article 1.- Scope of regulation**

1. This Decree provides for investment in, construction, management and operation of seaports and marine navigable channels, and management of marine shipping activities in Vietnamese seaports.

2. This Decree's provisions on marine navigation safety, marine navigation security and environmental pollution prevention shall apply to military ports, fishing ports, and inland ports and harbors located in seaport waters.

**Article 2.- Subjects of application**

1. This Decree shall apply to Vietnamese and foreign organizations, individuals and vessels and specialized state management agencies involved in investment in, construction and operation of seaports, marine navigable channels and management of maritime shipping activities in Vietnamese seaports.

2. Where a treaty to which Vietnam is a contracting party contains provisions different from those of this Decree, the provisions of such treaty shall apply.

**Article 3.- Application of laws**

1. When operating in Vietnamese seaports and marine navigable channels, all Vietnamese and foreign organizations, individuals and vessels, and specialized state management agencies shall strictly observe the provisions of this Decree and other relevant provisions of Vietnamese law and treaties to which Vietnam is a contracting party.

2. In case there is an inconsistency between the provisions of this Decree and those of other specialized legal documents of the Government on the same issue, the provisions of this Decree shall apply.

**Article 4.- Seaport regulations**

Directors of port authorities shall base themselves on the provisions of this Decree and the specific conditions in seaport waters and zones under their management to issue seaport regulations after obtaining the approval thereof of the director of the Vietnam Maritime Administration with a view to ensuring maritime safety and maritime security as well

as preventing environmental pollution caused by seagoing ships.

**Article 5.- Interpretation of terms**

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

1. Seaport is an area covering port premises and port waters where infrastructures are built and equipment is installed for seagoing ships entering and leaving for loading and discharging cargoes, embarking and disembarking passengers and providing other services.

2. Harbor consists of wharves, warehouses and depots, storage yards, workshops, office buildings, service facilities, systems of roads, information and communication, electricity and water supply, entrance fairways, and other support constructions.

3. Wharf is a fixed structure within a harbor which is used for seagoing ships to anchor or moor, load and discharge cargoes, embark and disembark passengers and provide other services.

4. Offshore area for reception of vessels (offshore oil port) is an area for seagoing ships to enter and leave, operate, load and discharge cargoes and providing other services at offshore facilities.

5. Marine navigable channel is a water area delimited by a system of marine navigation signals and other aids to ensure safe navigation of seagoing ships and other water crafts. Marine navigable channels include seaport fairways and other marine navigable channels.

6. Seaport sub-fairway is a delimited water area from the seaport fairway to a harbor marked by a system of marine navigation signals and other aids to ensure safe navigation of seagoing ships and other water crafts into and out of the harbor.

7. Seaport fairway is a delimited water area from the sea to a seaport marked by a system of marine navigation signals and other aids to ensure safe navigation of vessels into and out of the seaport.

8. Pilot reception area is a water area where vessels are anchored or moored to embark and disembark pilots.

9. Quarantine area means a delimited area within the seaport waters where vessels are anchored or moored for quarantine purposes.

10. Storm shelter zone means a delimited area within the seaport waters where vessels are anchored or moored for storm-sheltering purposes .

11. Anchorage ground means a delimited area within the seaport waters where vessels are anchored or moored before landing at a wharf, drawing alongside petroleum vessels, entering the transshipment zone, navigating through a channel or providing other related maritime services.

12. Vessel turnaround area means a delimited area within the seaport waters where vessels can turn around.

13. Transshipment zone means a delimited area within the seaport waters where vessels are anchored or moored to transship cargoes or passengers.

14. Vessels mean seagoing ships, warships, public-service vessels, fishing vessels, inland water crafts, seaplanes and other water crafts.

15. Shipowner means the ship's owner or manager, charterer, operator or an authorized person.

16. Port premises means a delimited land area where wharves, warehouses and depots, workshops, working offices, service facilities, systems of roads, information and communication, electricity, water, other aids are constructed and equipment installed.

17. Port waters means a delimited water area for establishment of water areas in front of wharf, vessel turnaround area, anchorage ground, transshipment zone, storm shelter zone, pilot reception area, quarantine areas; area for construction of seaport fairways and other aids.

## **Chapter II**

### **INVESTMENT IN, CONSTRUCTION, MANAGEMENT OF OPERATION OF SEAPORTS AND MARINE NAVIGABLE CHANNELS**

#### **Section 1. INVESTMENT IN AND CONSTRUCTION OF SEAPORTS AND MARINE NAVIGABLE CHANNELS**

**Article 6.-** Announcement of lists of classified seaports

The Prime Minister shall announce lists of classified seaports at the proposal of the Minister of Transport.

**Article 7.-** Principles of investment in and construction of seaports and marine navigable channels

1. All Vietnamese and foreign organizations and individuals that invest in and construct seaports and marine navigable channels shall strictly observe the provisions of this Decree, investment law, construction law and other relevant laws.

2. Investment in and construction of seaports and marine navigable channels shall comply with the approved seaport development plan. The Ministry of Transport shall publicize the approved seaport plan and decide on specific adjustments with respect to harbors and wharves located in seaports which must not run counter to the functions of such seaports defined in the master plan already approved by the Prime Minister.

3. On the basis of the approved master plan on seaports, the announcement of forms of investment in seaports and harbors shall be made as follows:

a/ The Prime Minister shall announce forms of investment in grade-I seaports and particularly important harbors of grade-I seaports;

b/ The Minister of Transport shall announce forms of investment in harbors of grade-I seaports other than those stated at Point a of this Clause;

c/ Ministers, heads of ministerial-level agencies and presidents of provincial-level People's Committees shall announce forms of investment in grade-II seaports and important harbors of grade-II seaports.

**Article 8.-** Supervision of implementation of plannings and plans and construction of seaports and marine navigable channels

1. Before making a report on investment in and construction of a seaport, harbor, wharf, transshipment zone or marine navigable channel, the investor shall send a written request to the Vietnam Maritime Administration for opinion on whether the master plan on seaports is complied with. Such written request should clearly state the necessity, location, size and utility of the seaport, harbor, wharf, transshipment zone or marine navigable channel. Within 5 working days after receiving the written request of the investor, the Vietnam Maritime Administration shall issue a written reply to the investor and report it to the Ministry of Transport or; in case of refusal, it should clearly state the reason therefor.

2. Before constructing a seaport, harbor, wharf, transshipment zone or marine navigable channel, the investor shall send to the Vietnam Maritime Administration a copy of the decision on investment in and construction of the work together with an overall ground plan, a copy of the decision approving the construction design and the plan on assurance of marine navigation safety.

3. The Vietnam Maritime Administration shall direct port authorities to supervise the implementation of plannings and plans on construction of seaports, harbors, wharves, transshipment zones and marine navigable channels in accordance with the approved planning and on assurance of marine navigation safety.

**Article 9.-** Supervision of construction of other facilities in seaport waters

The construction of other facilities other than those specified in Article 8 of this Decree within seaport waters shall comply with regulations on assurance of marine navigation safety, marine navigation security and prevention of environmental pollution, investment and construction, and relevant laws. Before constructing a facility, the investor shall send a copy of the investment decision and the overall ground plan of the facility to the port authority in charge of the area where the facility is to be constructed for the latter to supervise the construction of such facility with a view to ensuring marine navigation safety in the area.

## **Section 2. ANNOUNCEMENT OF OPENING AND CLOSURE OF SEAPORTS**

**Article 10.-** Conditions for announcement of the opening of seaports, decision to put harbors or wharves to use

1. Seaports, harbors or wharves have been tested before being put to use according to regulations.

2. Investors produce sufficient valid papers specified in Article 12 and Article 13 of this Decree.

**Article 11.-** Competence to announce the opening or closure of seaports

1. Competence to announce the opening of seaports:

a/ The Minister of Transport shall announce the opening of seaports;

b/ The director of the Vietnam Maritime Administration shall decide to put harbors, wharves or transshipment zones to use.

2. Competence to announce the closure of seaports:

a/ The Minister of Transport shall announce the closure of seaports;

b/ Directors of port authorities shall decide to temporarily ban vessels from entering and leaving harbors, wharves or transshipment zones.

**Article 12.-** Procedures for announcement of the opening of seaports

1. After completing the construction of a seaport, the investor shall send to the Vietnam Maritime Administration the following papers:

a/ Written request for announcement of the opening of the seaport, clearly stating the port's name and location, the pilot reception area's location, types of seagoing ships and the tonnage limit of seagoing ships allowed to enter, operate in and leave the port;

b/ Written record on the test for putting the completely constructed port facility to use, enclosed with the complete construction drawings of the ground, elevation and cross section of the port facility. For offshore oil ports, drawings of elevations and cross sections of port facilities are not required;

c/ Written record on the acceptance of the investor and competent agencies or organizations of the result of survey of obstructions on the bottom of the water area in front of the wharf, except for offshore oil ports;

d/ NtM (Notice to Mariners) on the seaport fairways and water area in front of the wharf, enclosed with a map. For offshore oil ports, an NtM on the safety zone of the offshore oil port;

e/ A competent agency's certificate of the port facility's satisfaction of environmental protection conditions;

f/ A competent agency's certificate of the port facility's satisfaction of fire and explosion prevention and fighting conditions.

2. Decision to announce the opening of a seaport shall be made as follows:

a/ Within 5 working days after receiving all valid papers specified in Clause 1 of this Article, the director of the Vietnam Maritime Administration shall send a written request to the People's Committee of the province or centrally run city where the port is located for comment. Within 3 working days after receiving the opinion of the provincial/municipal People's Committee, the Vietnam Maritime Administration shall report it to the Ministry of Transport. Within 5 working days after receiving the written proposal of the Vietnam Maritime Administration, the Ministry of Transport shall decide to announce the opening of the seaport.

b/ A decision to announce the opening of a seaport should clearly state the port's name and location, the pilot reception area and the quarantine area; types of seagoing ships and the tonnage limit of seagoing ships allowed to enter, operate in and leave the port. For offshore oil ports, the decision should additionally state the limits of the safe zone of the offshore oil port and requirements on marine navigation safety assurance or other maritime instructions for activities of vessels.

**Article 13.-** Procedures for putting harbors, wharves and transshipment zones to use

1. After completing the construction of a harbor, wharf or transshipment zone, the investor shall send to the Vietnam Maritime Administration the following papers:

a/ Written request for the putting of the harbor, wharf or transshipment zone to use;

b/ Written record on the final test for putting the completely constructed facility to use, enclosed with the complete construction drawings of the ground, elevation and cross section of the harbor, wharf or

transshipment zone;

c/ NtM, enclosed with a map, on entrance and exit channels of the harbor, wharf or transshipment zone; written record on the acceptance of the investor and a competent agency or organization of the result of survey of obstructions on the bottom of the water area in front of the wharf or of the transshipment zone;

d/ A competent agency's certificate of the satisfaction of the harbor, wharf or transshipment zone of environmental protection conditions;

e/ A competent agency's certificate of the satisfaction of the harbor, wharf or transshipment zone of fire and explosion prevention and fighting conditions.

2. Decision to put a harbor, wharf or transshipment zone to use

Within 5 working days after receiving all valid papers specified in Clause 1 of this Article, the Vietnam Maritime Administration shall decide to put the harbor, wharf or transshipment zone to use. The decision should clearly state the name and location of the harbor, wharf or transshipment zone, types of seagoing ships and the tonnage limit of seagoing ships allowed to enter, operate in and leave.

**Article 14.-** Announcement of the putting of other facilities to use

1. After completing the construction of a facility other than those specified in Article 8 of this Decree, the investor shall send a written notice, a written record on the test and take-over of the facility or a copy of the decision or permit of a competent agency on the putting of the facility to use to the port authority and the marine navigation safety assurance company of the location where the facility is constructed for the purpose of protecting the facility and ensuring marine navigation safety for maritime shipping activities in the area. Such a written notice should clearly state the name, location, characteristics and limits of the water area of the facility and related technical parameters

(if any), such as the width of the navigable area, the clearance height, warning marks, time of navigation, the depth of the facility compared to the water level "0" on the chart, the starting or closing time of operation of the facility (if any) and other restrictions.

2. The investor shall have to announce information details specified in Clause 1 of this Article on the mass media for three consecutive times.

3. The marine navigation safety assurance company shall have to issue NtMs on information details specified in Clause 1 of this Article according to regulations.

**Article 15.-** Closure of seaports or temporary prohibition of vessels from entering and leaving seaports, harbors, wharves and transshipment zones

1. For security and defense reasons or other special socio-economic reasons, the Ministry of Transport shall decide on the closure of seaports after consulting concerned ministries, branches and provincial-level People's Committees.

2. For marine navigation safety or marine navigation security assurance, environmental pollution prevention and other emergency reasons, directors of port authorities shall decide on temporary prohibition of vessels from entering and leaving seaports, harbors, wharves or transshipment zones and promptly report it to concerned agencies. Directors of port authorities shall decide to allow vessels to enter and leave seaports, harbors, wharves or transshipment zones once the reasons for the temporary prohibition no longer exist.

**Article 16.-** Procedures for announcing seaport waters and management areas of port authorities

1. The Vietnam Maritime Administration shall send to the Ministry of Transport the following papers:

a/ Written request for announcement of the seaport

waters;

b/ Written opinion of the concerned provincial-level People's Committee;

c/ Chart showing the limits of the seaport waters and management area of the port authority.

2. Within 15 working days after receiving all valid papers specified in Clause 1 of this Article, the Ministry of Transport shall decide to announce the seaport waters and management areas of port authorities.

**Article 17.-** Registers of seaports and marine navigable channels

The Vietnam Maritime Administration shall compile registers of seaports and marine navigable channels.

### **Section 3. MANAGEMENT, OPERATION OF SEAPORTS AND MARINE NAVIGABLE CHANNELS**

**Article 18.-** Principles of management and operation of seaports

1. Vietnamese and foreign organizations and individuals investing in and constructing seaports shall decide on forms of management and operation of seaports.

2. Harbor and wharf infrastructures invested by the State with state budget funds or capital originating from the state budget may be partly or wholly offered for operating lease; other forms of management shall be decided by the Prime Minister. Revenues from such operating lease shall belong to the state budget, used under the provisions of the State Budget Law and prioritized for investment in the development and management of seaport infrastructures.

3. The selection of organizations and individuals to operating-lease harbor or wharf infrastructures invested with state budget funds or capital originating from the state budget shall abide by the following

principles:

a/ For harbor and wharf infrastructures already put to use before the effective date of this Decree, it shall be decided by the Prime Minister;

b/ For harbor and wharf infrastructures put to use from the effective date of this Decree, it shall comply with the bidding law.

4. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the Ministry of Transport in, stipulating financial mechanisms for the operating-lease of harbor or wharf infrastructures invested with state budget funds or capital originating from the state budget.

**Article 19.-** Principles of management and operation of marine navigable channels

1. Marine navigable channels which have been invested with state capital through a ministry, branch or locality shall be managed and operated by such ministry, branch or locality.

2. Marine navigable channels which have been invested with capital of an enterprise shall be managed and operated by such enterprise.

**Article 20.-** Protection of seaport facilities, marine navigable channels

1. The Ministry of Transport and concerned ministries and branches shall coordinate with provincial-level People's Committees in directing the protection of seaport facilities and marine navigable channels in localities.

2. All agencies, organizations and individuals shall have to protect seaport facilities and marine navigable channels in accordance with the provisions of law.

**Article 21.-** Management of maritime charges and fees

1. The management of maritime charges and fees related to the management of seaports and marine navigable channels shall comply with the provisions of law on charges and fees.

2. The Ministry of Finance shall, after consulting the Ministry of Transport, set the levels of deduction of maritime assurance charges collected from marine navigable channels invested and operated by enterprises for the purpose of marine navigation safety and marine navigation security assurance and environmental pollution prevention.

### **Chapter III**

## **MARITIME SHIPPING ACTIVITIES IN SEAPORTS AND MARINE NAVIGABLE CHANNELS**

### **Section 1. PROCEDURES FOR FOREIGN VESSELS TO ARRIVE AT SEAPORTS**

**Article 22.-** General requirements on vessels entering seaports

1. Foreign vessels of all types, regardless of their size, flag state and use purpose, may enter a seaport only when they satisfy all safety, security, environmental pollution prevention and other conditions as provided for by law.

2. Foreign vessels of all types may enter only seaports which have been announced and harbors and wharves which have been permitted to be put to use for cargo loading and discharge and passenger embarkation and disembarkation.

**Article 23.-** Procedures of application for permission for vessels of some specific types to arrive at seaports

1. For foreign warships, procedures shall be carried according to the Government's regulations on operation of foreign warships visiting the Socialist

Republic of Vietnam.

2. For foreign vessels propelled by nuclear power and ships carrying radioactive substances, the Prime Minister shall make decision to permit their arrival at the proposal of the Minister of Transport.

3. For foreign vessels visiting Vietnam at the official invitation of the Government of the Socialist Republic of Vietnam, particular procedures shall be carried out.

4. Foreign vessels applying for permission to arrive at a port for carrying out scientific research, fishery, salvage, sunken property recovery, towing within the port, training, cultural, sports, marine facility construction, natural resource survey, exploration and exploitation activities in Vietnam's sea areas shall have to produce permits or written approvals of relevant competent Vietnamese agencies.

## **Section 2. PROCEDURES FOR VESSELS TO ARRIVE AT AND DEPART SEAPORTS**

**Article 24.-** Notification on vessels' arrival at seaports

Before the expected time of arrival at a seaport, the ship's owner, manager, operator or an authorized person (hereinafter collectively referred to as procedure-completing person) shall send to the port authority of the seaport of arrival a notice on the vessel's arrival at the seaport:

1. Contents of the notice:

a/ Name, flag state, call sign and registration place of the vessel and name of the shipowner;

b/ Length, breadth, height and draft of the ship when arriving at the port;

c/ Gross tonnage, gross deadweight, volume and kinds of cargoes on board;

d/ Numbers of crew, passengers and other persons on board;

e/ Name of the previous port of call and the expected time of arrival at the port;

f/ Purpose of arrival.

For foreign vessels visiting Vietnam under the provisions of Article 23 of this Decree, upon arrival at Vietnam, the permit or written approval of a relevant competent Vietnamese agency must be presented;

g/ Name of the shipowner's agent in Vietnam (if any);

Procedure-completing persons may use the form "General Declaration" included in Appendix I to this Decree for notification of the vessel's arrival at the port.

2. Time of notification

a/ For vessels of all types, except vessels specified at Point b of this Clause, at least 8 hours before the expected time of arrival.

b/ For vessels to arrive at a Vietnamese port for the first time, warships, sea-going ships propelled by nuclear power, ships carrying radioactive substances on board, and vessels visiting Vietnam at the official invitation of the Government of the Socialist Republic of Vietnam, at least 24 hours before the expected time of arrival at the port.

**Article 25.-** Confirmation of vessels' arrival at seaports

1. At least 2 hours before the expected time of arrival at the pilot reception area, the procedure-completing person shall confirm the exact time of arrival to the concerned port authority. If there are sick persons, dead persons, persons rescued from the sea or immigrants on board, at this last confirmation, the shipowner shall notify the names, ages, nationalities, illness conditions or causes of death and other relevant requests.

2. For vessels on entry, after receiving the



confirmations of the procedure-completing person, the concerned port authority shall immediately notify its arrival to other specialized state management agencies for coordination.

**Article 26.-** Maneuvering of vessels to enter seaports

1. Directors of port authorities shall be responsible for designating the positions of anchorage or moorage of vessels in the port waters within 2 hours after receiving the notifications that the vessels have arrived at the pilot reception point. For vessels on entry, immediately after maneuvering a vessel to enter the port, the port authority shall also have to inform other specialized state management agencies of the designated time and position of anchorage or moorage of the vessel in the port.

2. Directors of port authorities shall base themselves on the vessel type and size, kinds of cargoes, wharf conditions and the port's management plan to designate the positions of anchorage or moorage of vessels for cargo loading and discharge and passenger embarkation and disembarkation. Only directors of port authorities shall be entitled to change the positions of anchorage or moorage already designated for vessels.

**Article 27.-** Venues, time limits and papers for completion of procedures for vessels to enter seaports

1. For Vietnamese vessels operating along domestic routes:

a/ Venue for processing procedures: head office or representative office of the port authority;

b/ Time limit for ship owners to complete procedures: Within 2 hours after the vessel has been anchored or moored at the wharf or 4 hours after the vessel has anchored or moored in other positions in the port waters;

c/ Time limit for port authorities to complete procedures:

- For seagoing ships: Within 1 hour after the ship owner has submitted and presented all of the following valid papers:

+ Papers to be submitted (originals):

. 01 general declaration;

. 01 crew list;

. 01 passenger list (if any);

. Port clearance permit issued by the previous port of call.

+ Papers to be presented (originals):

. The vessel registration certificate;

. The vessel's technical safety certificates as prescribed;

. The crew book;

. Crew's professional certificates as prescribed.

+ For vessels of other types, papers to be submitted and presented shall comply with relevant provisions of law.

d/ Procedures specified in this Clause for Vietnamese vessels operating along domestic routes to enter a port shall be completed by port authorities.

2. For Vietnamese and foreign vessels on entry:

a/ Venue for processing procedures: Head office or representative office of the port authority, except for cases specified at Point b of this Clause.

b/ Cases where procedures are processed on board:

- Passenger ships;

- Where there are sufficient grounds to doubt the truthfulness of the ship owner's quarantine declaration or the vessel's previous port of call is located in areas affected by human, animal or plant epidemics, concerned state management agencies shall complete procedures in the quarantine area.

In both cases, specialized state management agencies shall immediately inform the port authorities and ship owners thereof.

c/ Time limit for procedure-completing persons to complete procedures: Within 02 hours after the vessel has been safely anchored or moored in the position designated by the director of the port authority;

d/ Time limit for specialized state management agencies to complete procedures: Within 1 hour after the procedure-completing person has submitted and presented all of the following valid papers:

- Papers to be submitted (originals):

+ 03 general declaration, to be submitted to the port authority, the border guard and the border-gate customs authority;

+ 03 crew lists, to be submitted to the port authority, the border guard and the border-gate customs authority;

+ 01 passenger list (if any), to be submitted to the border guard;

+ 01 cargo declaration, to be submitted to the border-gate customs authority;

+ 02 dangerous cargo manifests (if any), to be submitted to the border-gate customs authority and the port authority;

+ 01 ship's stores declaration, to be submitted to the border-gate customs authority;

+ 01 crew's effects declaration, to be submitted to the border-gate customs office;

+ 01 health quarantine declaration, to be submitted to the international medical quarantine office;

+ 01 plant quarantine declaration (if any), to be submitted to the plant quarantine office;

+ 01 animal quarantine declaration (if any), to be submitted to the animal quarantine office;

+ Port clearance permit issued by the previous port of call, to be submitted to the port authority.

- Papers to be presented (originals):

+ The vessel registration certificate;

+ The vessel's technical safety certificates;

+ Crew's professional certificates as prescribed.

+ Crew's passports, the crew book;

+ Crew's international vaccination certificates;

+ Papers related to cargoes on board;

+ The health quarantine certificate;

+ The plant quarantine certificate (if any);

+ The animal quarantine certificate or the animal product certificate (for cargo being animal products) issued by the country of exportation;

+ The certificate of insurance for the shipowner's civil liability for environmental pollution, for vessels specializing in transporting petroleum, petroleum products and other hazardous cargoes;

+ Passports and international vaccination certificates of passengers (if any, upon the request of relevant specialized state management agencies).

Particularly for vessels of a deadweight of 200 DWT or less operating under the flag of a country bordering on Vietnam, when they arrive at a seaport in the border area between Vietnam and such country, they shall be exempt from the papers specified in this Clause according to regulations of the Minister of Transport.

3. Specialized state management agencies may request shipowners to submit and present papers related to their management functions which are specified at Point d, Clause 2 of this Article and shall immediately notify the port authorities of the completion of procedures; in case they cannot complete procedures yet, they shall state the reasons therefor and the mode of settlement.

4. Vessels that have completed entry procedures at a Vietnamese port shall not be required to complete entry procedures specified in Clause 2 of this Article

when they call at another port. The port authority of the subsequent port of call shall base itself on the port clearance permit issued by the port authority of the previous port of call and the general declaration of the procedure-completing person to decide to permit the vessel to operate in the port; other specialized state management agencies shall base themselves on the port transfer dossier (if any) supplied by the corresponding agencies in the previous port of call to perform their management duties according to the provisions of law.

5. Procedures for foreign warships and other foreign vessels visiting Vietnam at the invitation of the Government of the Socialist Republic of Vietnam shall comply with separate regulations.

**Article 28.-** Notification on vessels' departure from seaports

1. At least 02 hours before a vessel departs from a port, the procedure-completing person shall notify the port authority of the name of the vessel and the expected time of departure.

2. For vessels on exit, immediately after receiving the notification of the procedure-completing person, the port authority shall immediately notify concerned specialized state management agencies thereof for timely completion of exit procedures for the vessel.

**Article 29.-** Venues, time limits and papers for completion of procedures for vessels to depart from seaports

1. For Vietnamese vessels operating along domestic routes:

a/ Venue for processing procedures: Head office or representative office of the port authority;

b/ Time limit for shipowners to complete procedures: At least 2 hours before the vessel departs from the port;

c/ Time limit for port authorities to complete procedures: Within 1 hour after the shipowner has submitted and presented all the following valid papers:

- Papers to be submitted (originals): 01 general declaration.

- Papers to be presented (originals):

+ The vessel's certificates and crew's professional certificates (if there is any change compared to the time of arrival);

+ Papers certifying the payment of charges, fees, fines or debts as prescribed by law.

d/ Procedures specified in this Clause for Vietnamese vessels operating along domestic routes to arrive at ports shall be completed by port authorities.

2. For vessels on exit:

a/ Venue for processing procedures: Head office or representative office of the port authority;

Particularly for passenger ships, procedures may be processed on board by specialized state management agencies only.

b/ Time limit for procedure-completing persons to complete procedures: At least 02 hours before the vessel departs from the port. Particularly for passenger ships and vessels operating along fixed routes, no later than immediately before the vessel departs from the port;

c/ Time limit for specialized state management agencies to complete procedures: Within 1 hour after the procedure-completing person has submitted and presented all the following valid papers:

- Papers to be submitted (originals):

+ 03 general declarations, to be submitted to the port authority, the border guard and the border-gate customs authority;

+ 03 crew lists (if there is any change compared to the time of arrival), to be submitted to the port authority, the border guard and the border-gate customs

authority;

+ 01 passenger list (if there is any change compared to the time of arrival), to be submitted to the border guard;

+ 01 ship's stores declaration, to be submitted to the border-gate customs authority;

+ 01 cargo declaration (if carrying any cargoes on board), to be submitted to the border-gate customs authority;

+ 01 passenger's effects declaration, to be submitted to the border-gate customs office; particularly for effects of passengers on board foreign passenger ships arriving at and departing from the port on the same voyage, customs declaration shall not be required;

+ Other papers already issued by specialized state management agencies to the vessel, crew and passengers (for withdrawal).

- Papers to be presented (originals):

+ The vessel's certificates (if there is any change compared to the time of arrival);

+ Crew's professional certificates (if there is any change compared to the time of arrival);

+ Crew's and passengers' passports;

+ Crew's and passengers' international vaccination certificates (if there is any change compared to the time of arrival);

+ The health quarantine certificate (if any);

+ The animal quarantine certificate or the animal product certificate (if any);

+ Papers related to cargoes on board;

+ Papers certifying the payment of charges, fees, fines or debts (if any) according to the provisions of law.

**Article 30.-** Venues, time limits and papers for completion of procedures for vessels on entry and exit

at offshore oil ports

1. Venues, time limits and papers shall comply with Article 27 and Article 29 of this Decree. The time limit for completion of procedures for vessels on entry and exit at offshore oil ports shall be deemed to expire when the shipowner's agent submits all papers as prescribed to specialized state management agencies at the head office of the port authority.

2. Papers specified in Clause 1 of this Article shall be submitted and presented in the following order:

a/ Upon entry, procedure-completing persons shall fax to the port authority the following papers:

- 01 general declaration;

- 01 crew list;

- 01 certificate of insurance for the shipowner's civil liability for oil pollution.

b/ When the port authority receives all papers specified at Point a of this Clause, it shall issue a port clearance permit to the ship through the shipowner's agent, who shall sign for certification of the receipt of such port clearance permit;

c/ Within 24 hours after returning to the shore, the shipowner's agent shall submit all papers (originals) required to be submitted and papers (copies signed by the shipmaster and stamped) to be presented. In addition, he/she shall also submit a copy of the port clearance permit, signed by the shipmaster and stamped.

3. The provisions of this Article shall also apply to foreign vessels completing entry or exit procedures in the Vietnamese offshore waters for carrying out oil and gas prospecting, exploration and exploitation activities, providing petroleum services or building marine facilities.

**Article 31.-** Conditions for vessels to depart from seaports

1. Vessels may depart from a port only after having completed procedures specified in Article 29 of this Decree and be issued a port clearance permit by directors of port authorities, except for cases specified in Clause 2 and Clause 3 of this Article.

2. Directors of port authorities shall not issue port clearance permits to vessels in the following cases:

a/ The vessel fails to meet necessary seaworthiness conditions related to its hull, equipment, complement and professional competence of crew, food provisions and fuel;

b/ The vessel's actual draft is higher than the permitted load line or the vessel is heeled by over 8 degree in the free floating state or its hull is not watertight;

c/ The vessel carrying bulky cargoes, grains or extra-long, extra-heavy cargoes, dangerous cargoes, deck cargoes lacks necessary security measures as required for the transportation of such cargoes;

d/ The vessel has not yet been repaired to fully meet conditions on marine navigation safety, marine navigation security and environmental pollution prevention as requested by the port authority, maritime inspectorate or seagoing ship registry body;

e/ Other threats to the safety of the vessel and persons, cargoes on board or to the marine environment are detected;

f/ An warrant to arrest the vessel or retain cargoes on board has been issued by a competent court or agency under the provisions of law.

3. In case a vessel has been issued a port clearance permit but it still stays in the port for more than 24 hours counting from the date of receipt of such permit, it shall have to re-fill procedures for departure from the port.

4. If the vessel shall temporarily stay in the port for

no more than 12 hours, the shipmaster shall have to notify the port authority thereof. The port authority shall coordinate with specialized state management agencies in completing arrival and departure procedures for the vessel at the same time.

#### **Article 32.- Foreign vessels in transit**

1. Procedures of application for permission, notification and confirmation:

a/ Procedures of application for permission:

- At least 12 hours before the expected time of arrival at the anchorage area for transit, the procedure-completing person shall send to the port authority in charge of such area an application for permission for transit as prescribed in Clause 1, Article 24 of this Decree.

- Within 2 hours after receiving the application for permission specified at Point a of this Clause, the port authority shall grant a permit for transit according to a set form; in case of refusal, it shall issue a written reply, clearly stating the reason therefor.

b/ Notification and confirmation:

The notification and confirmation shall be effected in accordance of the provisions of Articles 24, 25 and 28 of this Decree.

2. Venues, time limits and papers for completion of procedures:

a/ Venues and time limits for completion of procedures shall comply with the provisions of Article 27 and Article 29 of this Decree.

b/ At least 2 hours before making the transit, the procedure-completing person shall submit and produce to the port authority in charge of the anchorage area the following papers:

- Papers to be submitted (originals):

+ 01 general declaration;

- + 01 crew list;
- + 01 passenger list (if any);
- + 01 cargo declaration (if any);
- Papers to be presented (originals):
- + The vessel's registration certificate;
- + The vessel's technical safety certificates;
- + Crew's professional qualification certificates;
- + Crew's passports and the crew book;
- + The certificate of insurance for the shipowner's civil liability for environmental pollution, for vessels specializing in transporting oil, oil products and other dangerous cargoes;
- + Passengers' passports (if any).

3. Immediately after issuing a permit for transit, made according to a set form, the port authority shall notify other concerned authorities of ports related to the transit route, the border guard and customs authorities and other specialized state management agencies thereof for coordination in managing transit activities of vessels.

**Article 33.-** Working time for completion of procedures

Specialized state management agencies in seaports shall complete procedures for vessels entering and leaving ports around the clock all days, including weekends and holidays.

**Article 34.-** Form of declaration

1. Declaration for completion of procedures for vessels entering and leaving seaports or in transit shall be made according to set forms.

2. Declaration papers may be sent or forwarded to specialized state management agencies in seaports by fax, email or mail or in person.

### **Section 3. USE OF MARITIME PILOTS**

**Article 35.-** Cases of exemption from maritime pilotage

1. Foreign vessels of a gross tonnage of under 100 GT.

2. Vietnamese vessels of a gross tonnage of under 2,000 GT.

3. For vessels whose masters are Vietnamese citizens possessing a maritime pilotage certificate and a maritime pilotage area certificate relevant to the vessel's type and the maritime pilotage area where the vessels are operating, such masters may steer their vessels without a pilot, provided that such steering shall be notified in advance to the concerned port authorities.

4. Masters of vessels specified in Clauses 1, 2 and 3 of this Article may request a pilot to steer their vessels if deeming it necessary.

**Article 36.-** Time of provision of pilots

1. At least 6 hours before the expected time of receiving a pilot aboard, the shipmaster, the ship owner's agent or the ship operator shall send a request for the service of a pilot to the pilotage organization; this time limit may be shorter in emergency cases to prevent marine accidents. If wishing to change the time of reception of a pilot or to cancel the request for the service of a pilot, this should be notified to the pilotage organization at least 3 hours before the expected time of reception of the pilot aboard.

2. Pilots shall have to wait at the agreed place for no more than 4 hours, counting from the expected time of reception aboard; past this time limit, the request for the service of a pilot shall be deemed to have been canceled and the requester shall have to pay a charge for the waiting time according to

regulations.

3. Within 1 hour after receiving a request for the service of a pilot, the pilotage organization shall have to notify the port authority, the procedure-completing person or ship operator of the expected place and time for a pilot to embark the vessel. If a pilot embarks the vessel late or at a place other than the already notified place, thus keeping the vessel waiting or causing it to move to another place, the pilotage organization shall have to pay a charge for the vessel's waiting time according to regulations.

#### **Section 4. OPERATIONS OF VESSELS IN SEAPORT WATERS**

##### **Article 37.- Requirements on operation of vessels**

1. Maneuver orders issued by directors of port authorities with respect to operations of vessels in seaports shall all be obeyed in a prompt, accurate and full manner. After receiving a maneuver order, if deeming that there are insufficient conditions for executing it forthright, the shipmaster shall have to report it to the port authority for timely handling. Without orders of directors of port authorities, seagoing ships shall not be permitted to maneuver, anchor, moor or change their position within marine navigable channels, water areas in front of wharves and other restricted areas prescribed by directors of port authorities.

2. When operating in Vietnamese seaport waters, all vessels shall have to observe the Regulations for Preventing Collisions at Sea.

3. When vessels operate in the seaport waters, shipmasters shall have to comply with the following provisions:

a/ Maintaining contact with port authorities through VHF devices on the notified channel;

b/ Fully observing regulations on the limit speed

when passing through channels, warning signals, lookout regime and other regulations. Taking initiative in moving at a safe speed when passing through areas where underwater activities, activities of dredging, laying marking buoys, recovery and salvage activities, fishery activities are taking place or when passing by other vessels being anchored or maneuvering in such areas;

c/ Outside the prescribed hours, vessels must not pass narrow channels, areas subject to restricted passage or beneath high-voltage power lines when the height of vessels exceeds the clearance height;

d/ Anchor gear and other similar equipment must be constantly kept ready for quickly executing shipmaster's orders;

e/ Vessels are prohibited from dragging or pulling anchors underwater while operating in a channel or canal, except in emergency cases where it is compulsory to limit the vessel's momentum and avoid possible accidents;

f/ Observing regulations on the assistance of tugboats in the port waters. Depending on the practical conditions and for the purposes of ensuring marine navigation safety in the areas, directors of port authorities shall specify the number and capacity of tugboats to assist seagoing ships in the port waters.

4. Apart from complying with the provisions of this Article, shipmasters or commanders of vessels specializing in dredging channels, installing navigation signals, exploiting sand, conducting surveys or measurements, or operators of pile-driving machines, floating cranes and other equipment shall have to apply for permission of the port authorities in charge of the areas concerned when carrying out activities in the port waters. While carrying out such activities, necessary warning signals must be displayed and all instructions of the port authorities observed.

5. Before entry procedures for the vessel to enter

the port are completed and after exit procedures for the vessel to leave the port are completed, persons on board are prohibited from contacting persons other than the pilot and staff on duty who are carrying out procedures on board

**Article 38.-** Requirements on the anchorage or moorage of vessels

1. When a vessel is drifted or shifted from its position of anchorage or moorage due to objective causes, appropriate handling measures must be promptly taken and port authorities notified thereof.

2. When a vessel has been safely anchored or moored in the designated position, its main engine must be constantly kept ready to operate when necessary. On the deck and at the sides of vessels, there must be lights for use at night or when visibility is restricted. Appropriate warning signals, either signs or sound signals, must be sufficiently maintained at any point of daytime or in different weather conditions.

3. Non-self-propelled and other rudimental water crafts may be anchored or moored only in areas separately reserved for them and in the course of anchorage or moorage, there must be adequate manning and tugboats of an appropriate capacity on duty and ready to maneuver such crafts when necessary.

**Article 39.-** Responsibilities of port enterprises

1. To arrange positions for vessels to anchor or moor and move and notify port authorities thereof.

2. After receiving notifications of port authorities on plans on maneuvering vessels into the ports, port enterprises shall have to fulfill the following requirements:

a/ To keep the wharf clear of any other crafts that might obstruct vessels from landing at the wharf. The

part of the wharf reserved for a vessel to land at shall be at least 20 meters longer than the overall length of the vessel.

b/ The wharf must be sufficiently lighted at night and clear of any objects on its surface which might obstruct or cause danger to the anchorage and moorage of vessels or other ordinary activities of crew and passengers;

c/ To arrange skilled workers to tie and untie mooring lines. Bollards must be made ready for quickly and safely tying and untying mooring lines. At positions for tying and untying mooring lines appropriate signs must be shown (red flags at daytime and red lights at nighttime);

d/ The wharf shall be completely prepared at least 1 hour before the expected time of anchorage or moorage for vessels coming from the sea or at least 30 minutes for vessels changing their positions within the port waters;

e/ To ensure security and order conditions at the wharf area for cargo loading and discharge and passenger embarkation and disembarkation.

**Article 40.-** Drawing alongside vessels

1. Port authorities may permit vessels to draw alongside one another only after obtaining the agreement of shipmasters concerned and ensuring the following principles:

a/ Seagoing ships of a gross tonnage of 1,000 GT or more each may draw alongside by twos. Vessels of other types may draw alongside by threes, provided that they shall not obstruct normal activities in seaport fairways and water areas in front of the wharf. Director of port authorities shall base themselves on marine navigation safety assurance conditions to permit vessels to draw alongside one another in manners not stipulated herein;

b/ Vessels of a bigger size shall not be allowed to



draw alongside vessels of smaller size from outside;

c/ Between two vessels drawing alongside one another there must be fenders and ladders and they must be properly tied;

d/ Only vessels supplying water, oil, food provisions, equipment and other provisions, pilot vessels, fire-extinguishing vessels, vessels transshipping passengers from passenger ships or similar service vessels may draw alongside passenger ships.

2. Shipmasters must use appropriate kinds of mooring lines for mooring their vessels. Mooring lines must not be tied around beams, frames or other structures of port facilities not designated for mooring vessels.

**Article 41.-** Watch-keeping when vessels operating in ports

1. While vessels operating in a port, shipmasters must arrange look-outs who are ready to deal with the drifting of anchors, broken mooring lines or too stretched or too slack mooring lines; and at the same time constantly keep engines, life-saving and fire-extinguishing devices and stand-by emergency equipment in the ready-to-operate state.

2. On board a vessel anchored or moored at the wharf, two thirds of crewmen must be maintained and on board a vessel anchored or moored elsewhere in the port waters one third of crewmen must be maintained in sufficient appropriate posts who are able to maneuver the vessel or deal with emergency cases.

3. Directors of port authorities shall have to keep shipmasters informed of changes in geographical and hydrological conditions, storms and of necessary preventive measures to be taken in the seaport zones where their vessels are operating.

4. When a storm is imminent, vessels shall all

quickly move to storm-sheltering areas designated by directors of port authorities.

**Article 42.-** Procedures for detention of seagoing ships

1. Directors of port authorities shall issue decisions to detain seagoing ships in the cases specified in Clause 1, Article 68 of the Vietnam Maritime Code. Such a decision shall be immediately forwarded to the shipmaster, the Vietnam Maritime Administration and concerned state management agencies in the seaport.

2. A decision to detain a seagoing ship shall include the following details:

a/ Name and flag state of the ship to be detained;

b/ Reasons for the detention of the ship;

c/ Time of commencement of the detention;

d/ Requests to be complied with;

e/ Other details related to the detention of the ship.

3. Upon receiving the decision to detain the ship issued by the director of the port authority, the shipmaster, shipowner or ship operator shall have to comply with requests specified at Point d, Clause 2 of this Article.

4. After the reason for detention of a seagoing ship no longer exists, the director of the port authority shall have to issue a decision to terminate the detention of the ship and send it to the shipmaster, the Vietnam Maritime Administration and state management agencies in the seaport.

5. A decision to terminate the detention of a seagoing ship shall include the following details:

a/ Name and flag state of the detained ship;

b/ Time of termination of the detention of the ship;

c/ Other details related to the termination of the

detention of the ship.

**Section 5. SALVAGE AND HANDLING OF  
MARINE ACCIDENTS**

**Article 43.- Obligation to salvage**

1. To rescue persons and salvage vessels involved in accidents in seaports is the compulsory duty of all organizations, individuals, vessels and other crafts currently operating in seaports.

2. When detecting an accident or the threat thereof, the detecting person shall immediately emit SOS signals as prescribed and take appropriate salvage and preventive measures to rescue persons, salvage property and limit losses.

3. When an accident occurs, the shipmasters of vessels involved in the accident and shipmasters of other vessels shall immediately organize search and rescue of persons whose life is in danger and urgently take necessary measures to rescue persons and salvage vessels and cargoes. Less damaged vessels must assist more seriously damaged vessels even though the accident is not caused by their fault.

4. Directors of port authorities shall be entitled to mobilize all forces, port equipment, vessels and other crafts available in the ports to rescue persons and salvage vessels in distress. All related organizations and individuals shall be obliged to obey orders of directors of port authorities when participating in rescuing persons and salvaging vessels in distress.

**Article 44.- Responsibility to report on marine accidents**

Shipmasters shall be obliged to report to directors of port authorities on marine accidents and incidents occurring to their vessels or other marine accidents and incidents as well as failures and malfunctions of the marine navigation signal system in port waters, if

detected.

**Section 6. ASSURANCE OF SAFETY, ORDER AND  
SANITATION IN SEAPORTS**

**Article 45.- Flying of flags on board vessels**

1. The flying of flags on board vessels operating in ports is prescribed as follows:

Foreign vessels shall fly the national flag of the Socialist Republic of Vietnam at the top of the highest mast on board from sunrise to sunset.

Particularly for Vietnamese vessels, the national flag of the Socialist Republic of Vietnam shall be flown at the mast at the stern.

2. On the National Day of the Socialist Republic of Vietnam or when a head of state is paying a visit to the port, all vessels berthing in the port shall, at the request of the director of the port authority, fly the flag in ceremony.

3. Foreign vessels, when wishing to fly their flags in ceremony, at half-mast or blow the whistle on the occasion of their national ceremonies, shall have to notify in advance the port authorities thereof.

4. Directors of port authorities may exempt some rudimentary water crafts operating in port waters from flying the national flag.

5. The flying of the national flag mentioned in Clause 1 of this Article on board warships visiting Vietnam at the official invitation of the Government of the Socialist Republic of Vietnam shall comply with the provisions of Vietnamese law.

**Article 46.- Ladders and mooring lines**

1. Ladders for embarking and disembarking a vessel must be lighted and adjusted according to the vessel's draft at each point of time of the day, be

securely placed and cause no danger to users. In ladder areas there must be always persons on watch and life buoys as prescribed. Ladders must have handrails and protective nets beneath.

2. Mooring lines must be protected against rats as prescribed.

**Article 47.- Safety, order and sanitation on board vessels**

1. All vessels must have their names or numbers and places of registration displayed as prescribed.

2. Shipmasters shall have to ensure safety, order and sanitation on board their vessels in accordance with the provisions of Vietnamese law.

3. When a vessel is anchored or moored the port water, apart from crewmen in the vessel's complement and passengers carried on board, only persons on duty designated by competent agencies or organizations may embark the vessel; for foreign vessels, an embarkation permit issued by the port's border guard is additionally required. Shipmasters shall be held responsible if they let persons not on duty embark their vessels.

4. When a vessel is anchored or moored in the port waters, the following acts shall be banned:

a/ Blowing the whistle or using electric loudspeakers for communication, except for the case of emitting SOS signals or blowing the whistle under the order of the director of the port authority;

b/ Scrapping the funnel or discharging black smoke;

c/ Cleaning cargo holds or the deck, causing environmental pollution;

d/ Pumping out dirty water, dirty residues, waste, oil or oily compounds and other harmful substances;

e/ Throwing or dumping rubbish or other articles from the vessel into the water or onto the wharf;

f/ Scattering equipment and property on the wharf;  
g/ Removing rust and painting the vessel, causing environmental pollution;

h/ Carrying out repairs, testing engines or the whistle without permission of the port authority;

i/ Use life-saving and fire-extinguishing devices for improper purposes;

j/ Swimming or causing disorder in the port.

**Article 48.- Dumping of rubbish and discharge of waste water and ballast water**

1. Vessels, while under way in a port, shall have to dump rubbish, pump out dirty water and ballast water according to regulations and instructions of the port authority.

2. Port enterprises or vessel cleaning service-providing organizations and units in a port shall have to arrange facilities for reception of rubbish and dirty water discharged from vessels and be entitled to collect service charges as prescribed.

**Article 49.- Sports activities and military exercises**

Only when approved in writing by directors of port authorities, sports competitions, military exercises and other similar activities may be organized in the seaport waters in accordance with the provisions of Vietnamese law.

**Article 50.- Transportation of persons and cargoes and fishery activities in the seaport waters**

1. Vessels transporting persons and cargoes in the seaport waters shall have to observe relevant provisions of law.

2. The placement of bottom fish traps, fishing and culture of aquatic resources in the seaport waters shall comply with relevant provisions of law and be permitted by directors of port authorities.

**Article 51.-** Responsibilities of shipmasters in cargo loading and discharge, repair and cleaning of vessels

1. Before carrying out activities of loading and discharging cargoes, repairing and cleaning vessels, shipmasters shall be responsible for preparing necessary conditions for ensuring marine navigation safety and labor protection and strictly observe relevant provisions of law.

2. Shipmasters may permit the shut-up of cargo holds or allow somebody to go into cargo holds after checking and making sure that no incident shall occur.

3. In the course of cargo handling, if detecting unsafe signs, shipmasters or persons in charge of cargo handling shall immediately suspend the work and deal with them.

4. When a labor accident occurs on board a vessel, the shipmaster shall quickly organize the render of first aid to the victim(s), take necessary measures to restrict its consequences, immediately notify the port authority concerned thereof and implement relevant provisions of law.

**Article 52.-** Assurance of order and safety in the port premises

1. Directors of port enterprises shall have to organize and direct activities of the port guard force in accordance with relevant provisions of law and the practical conditions of the ports managed and operated by their enterprises.

2. Depending on management requirements, specialized state management agencies in charge of border guard and customs in seaports may use port gates in service of the performance of their duties after reaching agreement thereon with port enterprises.

3. All persons and means, once permitted to

operate in the port premises, shall have to fully observe all relevant provisions of Vietnamese law.

#### **Section 7. FIRE AND EXPLOSION PREVENTION AND FIGHTING AND PREVENTION OF ENVIRONMENTAL POLLUTION**

**Article 53.-** Responsibilities of port enterprises and vessels for fire and explosion prevention and fighting

1. Shipmasters of vessels operating in seaports shall be obliged to observe, and supervising the observance, of regulations on fire and explosion prevention and fighting.

2. Fire and explosion prevention and fighting equipment of seaports and vessels must be constantly kept in the ready-to-operate state and located at prescribed places.

3. At all places prone to fire and explosion or in other areas and locations in seaports and on board vessels there must be warning signs or instructions as prescribed by law.

4. All persons on duty at places prone to fire or explosion on board vessels and in seaports must be adequately trained in fire and explosion prevention and fighting skills.

5. For fuel reception, the following must be done:

a/ Making ready all fire-extinguishing and explosion-preventing equipment;

b/ Securely closing all doors at the side along which the fuel-supplying vessel draws;

c/ Observing all technical safety processes and rules when receiving fuel;

d/ Arranging person on duty on the deck and at the fuel reception place.

6. It is strictly prohibited to use fire and explosion prevention and fighting equipment of ports and vessels

for improper purposes.

7. It is strictly prohibited to perform spark-emitting work on the deck, in cargo holds or engine cabins without permission of port authorities.

8. For fuel reception, it is strictly prohibited to do the following:

- a/ Letting another vessel draw alongside;
- b/ Pumping fuel through pipes, hoses or joints not up to technical standard;
- c/ Receiving fuel when there are still passengers on board (for passenger vessels).

9. Before granting permission for repair and cleaning of vessels or other maritime shipping activities in the port waters which are deemed likely to affect fire and explosion prevention and fighting plans, directors of port authorities must consult expertise opinions of local specialized fire and explosion prevention and fighting departments.

**Article 54.-** Coordination in fire and explosion prevention and fighting in seaports

1. Directors of port authorities shall have to collaborate with specialized fire and explosion prevention and fighting agencies in the areas under their management in making necessary fire and explosion prevention and fighting plans for vessels operating in such areas according to relevant regulations.

2. Directors of port authorities shall be responsible for commanding activities of salving vessels involved in a fire or explosion in the port waters till competent commanders of specialized fire and explosion prevention and fighting forces come to the scene.

3. Directors of port enterprises shall be responsible for commanding activities of coping with fires and explosions in the port premises till competent

commanders of specialized fire and explosion prevention and fighting forces come to the scene.

**Article 55.-** Requirements for oil vessels and other dangerous cargo vessels

Apart from relevant provisions of law on prevention of environmental pollution, all oil vessels and other dangerous cargo vessels, when operating in seaports, shall also have to strictly comply with the following requirements:

1. Two vessels are prohibited from drawing along side one another while they are loading or discharging inflammable or explosive cargoes, except for the case of supplying fuel from one vessel to another or of transshipment.

2. All oil or other dangerous cargo vessels may load or discharge cargoes at designated places. All vessels mentioned in this Clause are also prohibited from anchoring or mooring at places not designated for them.

3. At places mentioned in Clause 2 of this Article, there must be equipment for fire and explosion prevention and fighting as well as environmental pollution prevention. Such equipment must be constantly kept in the ready-to-operate state in the course of loading or discharging cargoes.

4. The loading, discharge and preservation of inflammable and explosive cargoes or other dangerous cargoes shall strictly comply with current technical safety processes and rules.

5. When devices for pumping petroleum, petrol, oil, liquefied gas or oil sludge are fitted together, shipmasters and related parties shall have to appoint their representatives for inspection and supervision.

6. Upon the occurrence of an incident or accident related to oil pumping or loading or discharge of other dangerous cargoes, shipmasters shall immediately

stop the oil pumping, loading or discharge of such cargoes and promptly apply measures to prevent its consequences; at the same time they shall immediately report such incident or accident to the port authority and concerned functional agencies for coordination.

**Article 56.-** Requirements on prevention of environmental pollution

1. All organizations, individuals and vessels, when operating in seaports, shall be obliged to comply with the provisions of law on prevention of environmental pollution.

2. Apart from the provisions of Clause 1 of this Article, vessels operating in seaports shall also comply with the following requirements:

a/ All vessels' valves and equipment through which hazardous substances may leak out must be securely shut up, put back to the inoperative state, be lead-sealed up, with notice boards shown at their places. The removal of seals from or the pumping of waste matters and dirty water through valves or equipment mentioned in this Clause shall be subject to approval of directors of port authorities and carried out under the supervision of staff of such port authorities;

b/ Before pumping dirty water, oily waste water or other hazardous substances through pipelines laid on deck, all drain holes on deck must be securely covered up and trays must be placed under the joints of the pipelines to collect any leakage;

c/ All activities related to the pumping and discharge of oil or other hazardous substances shall be recorded in detail in a particular diary ready for presentation to officers of competent Vietnamese agencies when necessary.

**Article 57.-** Reporting of environmental pollution incidents in seaports

1. The reporting of environmental pollution incidents occurring in seaports shall comply with the provisions of law.

2. Apart from the provisions of Clause 1 of this Article, all vessels operating in seaports shall have to comply with the following requirements:

a/ If detecting a threat or an act of causing environmental pollution, to immediately report it to the port authority; at the same time, to clearly record in the log book the time, location and characteristics of such environmental pollution incident.

b/ If the environmental pollution incident originates from one's own vessel, to immediately apply measures to effectively respond to the incident, and at the same time, report it to the port authority.

**Chapter IV**

**COORDINATION OF ACTIVITIES OF SPECIALIZED STATE MANAGEMENT AGENCIES IN SEAPORTS**

**Article 58.-** Principles of coordination of management activities

1. Specialized state management agencies in seaports, when performing their duties, must observe the provisions of law, not cause any troubles affecting activities of port enterprises, shipowners, vessels and other organizations and individuals in seaports. Port authorities shall be responsible for coordinating activities among specialized state management agencies in seaports.

2. Specialized state management agencies in seaports shall have to closely coordinate with one another when performing their duties in order to create favorable conditions for port enterprises, shipowners, cargo owners, vessels and other related organizations and individuals to operate in a safe and effective manner.

3. Any arising problem related to the functions of other specialized state management agencies shall be settled in time through consultation and agreement; any disagreeing agency shall promptly notify the reason and solution to the port authority in accordance with the provisions of law.

4. Only when the procedure-processing venue is on board a vessel as provided for at Point b, Clause 2, Article 27 and Point a, Clause 2, Article 29 of this Decree or in other special circumstances decided by directors of port authorities, who shall take responsibility for such decisions, shall specialized state management agencies establish a procedure-completing team headed by a representative of the port authority and joined by one officer from each of specialized state management agencies; particularly for passenger ships, in order to quickly complete procedures, specialized state management agencies in charge of border guard and customs may appoint more officers to join the team, provided that the number of such officers is approved by the director of the port authority. If it is unnecessary to get aboard a vessel, specialized state management agencies may not appoint their officers to join the procedure-completing team mentioned in this Clause but they shall have to promptly report to the port authority on the result of clearance of procedures at their offices.

5. When a specialized state management agency encounters a problem beyond its settling competence, it shall promptly report the problem to its superior agency for immediate settlement. If deeming it necessary, the concerned ministry and branch shall have to work with the Ministry of Transport in settling the problem and within 4 hours after receiving the report shall have to report its settlement decision to the concerned agency, organization or individual.

6. In the course of performing their duties, specialized state management agencies shall have to coordinate with other concerned agencies and

organizations in the area in ensuring that all maritime shipping activities in seaports strictly comply with the provisions of law.

**Article 59.- Responsibilities for coordinating management activities**

1. In coordinating management activities of specialized state management agencies in seaports, port authorities shall:

a/ Assume the prime responsibility for and direct the coordination of management activities of specialized state management activities in seaports;

b/ Organize and preside over all meetings with specialized state management agencies or other related agencies, organizations and enterprises in the port areas in order to reach agreement on ways of settling any arising problems;

c/ Request other specialized state management agencies in seaports to promptly notify the results of processing procedures as well as solutions to arising problems; request port enterprises, shipowners, vessels and other concerned agencies and organizations to supply data and information on maritime shipping activities in seaports;

d/ Propose presidents of provincial-level People's Committees to promptly settle arising problems which fall under the competence of the provinces or cities and are related to the specialized state management in seaports.

2. Other specialized state management agencies in seaports shall:

a/ Closely coordinate with one another in promptly and lawfully completing procedures related to vessels, cargoes, passengers and crew operating in seaports under this Decree;

b/ Promptly notify port authorities of the results of processing procedures related to vessels, cargoes,

passengers and crew operating in seaports;

c/ After receiving and processing information supplied by port authorities of shipowners and completing procedures or facing any problems, promptly notify port authorities thereof for coordinated settlement in time.

**Article 60.-** Specialized inspection, examination, supervision and control in seaports

1. The inspection, supervision, control and protection by specialized state management agencies and other competent agencies with respect to vessels, cargoes, passengers, crew and other objects operating in seaports shall comply with the provisions of this Decree and relevant laws.

2. The direct control and protection on board vessels by specialized state management agencies shall be only carried out in the following cases:

a/ Vessels show apparent signs of violation of the law.

b/ In case of necessity to ensure security, defense, epidemic control, social order and safety.

3. Cadres, public employees and staff of specialized state management agencies and other competent agencies are strictly prohibited from committing acts that are authoritarian, regionalistic, self-seeking, hassling, troublesome and otherwise negative when performing their assigned duties; all related violations shall be handled according to the provisions of law.

**Article 61.-** Responsibilities of ministries, branches and localities for activities of specialized state management agencies at seaports

1. Ministries, branches and localities shall be responsible for directing and guiding activities of their subordinate specialized state management agencies

to properly coordinate state management activities in seaports.

2. To supervise and inspect subordinate specialized state management agencies and stringently handle wrongdoings and violations in accordance with the provisions of law.

## Chapter V

### IMPLEMENTATION PROVISIONS

**Article 62.-** Implementation effect

1. This Decree takes effect 15 days after its publication in "CONG BAO" and annuls the Government's Decree No. 160/2003/ND-CP of December 18, 2003, on management of maritime shipping activities at Vietnamese seaports and marine navigational areas, and the Prime Minister's Decision No. 133/2003/QĐ-TTg of July 4, 2003, on management of marine navigable channels.

2. Enclosed with this Decree are 12 appendices (not printed herein).

**Article 63.-** Organization of implementation

1. The Minister of Transport shall assume the prime responsibility for, and coordinate with other concerned ministries, branches and provincial/municipal People's Committees in, organizing the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and presidents of provincial/municipal People's Committees shall have to implement this Decree.

**On behalf of the Government**

**Prime Minister**

**NGUYEN TAN DUNG**