

**THE MINISTRY OF
TRANSPORT**

No. 10/2013/TT-BGTVT

SOCIALIST REPUBLIC OF VIET NAM
Independence - Freedom – Happiness

Hanoi, May 08, 2013

CIRCULAR

**GUIDING IMPLEMENTATION OF A NUMBER OF ARTICLES OF THE GOVERNMENT’S
DECREE NO. 21/2012/ND-CP DATED MARCH 21, 2012 ON MANAGEMENT OF
SEAPORTS AND NAVIGABLE CHANNELS**

*Pursuant to the Government’s Decree No. 21/2012/ND-CP dated March 21, 2012 on
management of seaports and navigable channels;*

*Pursuant to the Government’s Decree No. 107/2012/ND-CP dated December 20, 2012 defining
the functions, tasks, powers and organizational structure of the Ministry of Transport;*

*At the proposal of Director of Transport Infrastructure Department and Director of Vietnam
Maritime Administration;*

*The Minister of Transport promulgates the Circular guiding implementation of a number of
Articles of the Government’s Decree No. 21/2012/ND-CP dated march 21, 2012 on management
of seaports and navigable channels (hereinafter referred to as the Decree No. 21/2012/ND-CP),*

**SECTION 1. REGULATION ON NAMING, CHANGING NAME OF SEA PORTS,
OFFSHORE PETROLEUM PORTS, HARBORS, WHARVES, BUOY WHARVES AND
WATER ZONES, WATERS**

**Article 1. Competency to decide on naming, changing name of sea ports, offshore
petroleum ports, harbors, wharves, buoy wharves and water zones, waters**

1. The Ministry of Transport shall decide on naming, changing name of sea ports and offshore petroleum ports.
2. Vietnam Maritime Administration shall decide on naming, changing name of harbors, wharves, buoy wharves and water zones, waters.

**Article 2. Procedures for naming, changing name of sea ports, offshore petroleum ports,
harbors, wharves, buoy wharves and water zones, waters**

1. Procedures for naming sea ports and offshore petroleum ports
 - a. When making investment project or announcement on sea port or offshore petroleum port, investor shall send 01 written request, directly or through the postal system to Vietnam Maritime

Administration, for naming sea port or offshore petroleum port according to the Form No. 01 in Annex of this Circular;

b. Vietnam Maritime Administration shall receive dossier, check the conformity of dossiers and report in writing to the Ministry of Transport within 03 working days, after receiving valid dossier. If the dossier is invalid, notifying investor for completing dossier;

c. The Ministry of Transport shall receive dossier, consider and decide on naming sea port or offshore petroleum port together with reply proposal for investment project or announcement of sea port or offshore petroleum port.

2. Procedures for naming harbors, wharves, buoy wharves and water zones, waters

a. When making a project on investment in construction works or announcement on putting construction works into use, the investor shall send 01 written request, directly or through the postal system to Vietnam Maritime Administration, for naming harbors, wharves, buoy wharves and water zones, waters according to the Form No. 01 in Annex of this Circular;

b. Vietnam Maritime Administration shall receive dossier, consider and decide on naming harbors, wharves, buoy wharves and water zones, waters together with reply about the conformity of planning or announcement on harbors, wharves, buoy wharves and water zones, waters. If the dossier is invalid, it shall notify investor for completing dossier;

3. Procedures for changing name of the sea ports and offshore petroleum ports already been announced

a. Investor of or person exploiting sea port or offshore petroleum port shall send a written request, according to the Form No. 01 in Annex of this Circular, and copy of Decision on announcement of sea port or offshore petroleum port, to Vietnam Maritime Administration. Vietnam Maritime Administration shall receive dossier, check the conformity of dossiers and report in writing to the Ministry of Transport within 03 working days. If dossier is invalid or name of sea port is unconfirmable, it shall notify the investor of or person exploiting sea port for completing dossier or naming suitably;

b. Within 03 working days, after receiving valid dossier, the Ministry of Transport shall consider and issue a decision on changing name of sea port or offshore petroleum port.

3. Procedures for changing name of harbors, wharves, buoy wharves and water zones, waters already been announced

a. Investor of or person exploiting harbor, wharf, buoy wharf and water zone, waters or an authorized person shall send a written request, according to the Form No. 01 in Annex of this Circular, and copy of Decision on announcement of harbor, wharf, buoy wharf and water zone, waters, to Vietnam Maritime Administration.

Vietnam Maritime Administration shall receive dossier and check the conformity of dossier. If dossier is invalid or name of harbor, wharf, buoy wharf and water zone, waters are uncomformable, it shall notify the investor of or person exploiting sea port for completing dossier or naming suitably;

b. Within 03 working days, after receiving a valid dossier, Vietnam Maritime Administration shall consider and issue decision on changing name of harbor, wharf, buoy wharf and water zone, waters.

Article 3. Prohibitions in naming, changing name of sea ports, offshore petroleum ports, harbors, wharves, buoy wharves and water zones, waters

1. Name is identical or confusingly with name of enterprises, sea ports, offshore petroleum ports, harbors, wharves, buoy wharves and water zones, waters already been announced or inconsistently with name and function of those sea ports, offshore petroleum ports, harbors, wharves, buoy wharves and water zones, waters.

2. Using name of state agencies, units of armed forces, political organizations, socio-political organizations, enterprises as entire or part of private name of sea ports, offshore petroleum ports, harbors, wharves, buoy wharves and water zones, waters, unless there are consent of those agencies, units, organizations and the approval of competent agencies specified in Article 1 of this Circular.

3. Using words, symbols violating historical tradition, culture, ethics and repulsive of country for naming.

SECTION 2. ANNOUNCEMENT OF LIST CLASSIFYING SEA PORTS AND UPDATING LIST OF HARBORS, WHARVES OF VIETNAM SEA PORTS

Article 4. Announcement of list classifying Vietnam sea ports

1. Periodically, 05 years once, in quarter I, from 2008 and later, Vietnam Maritime Administration shall make and submit list classifying sea ports to the Ministry of Transport. A request dossier includes:

a) Report for announcement of list classifying sea ports;

b) Draft list classifying sea ports;

c) Copy of Decision on announcement of sea ports, offshore petroleum ports, harbors, wharves, buoy wharves and water zones, waters.

2. The Ministry of Transport shall consider, appraise and submit to the Prime Minister for announcement of list classifying sea ports.

3. Vietnam Maritime Administration shall organize publication of list classifying sea ports after it is announced.

Article 5. Updating and announcement of list of harbors, wharves

In January every year, Vietnam Maritime Administration shall submit to the Ministry of Transport about list of harbors, wharves already been announces and put into use or closed as prescribed. In Quarter I, the Ministry of Transport shall update and issue decision on announcement of list of of harbors, wharves of Vietnam sea port which have been announced in year.

SECTION 3. SUPERVISION OF PLANNING, PLANS ON BUILDING SEA PORTS, NAVIGABLE CHANNELS AND OTHER WORKS IN WATERS OF SEA PORTS

Article 6. Supervision of planning, plans related to building sea ports, navigable channels

1. To reply investor about the conformity of planning on sea ports, navigable channels
 - a. If sea ports, harbors, wharves, navigable channels, water zones, waters expected for construction at the request of investor are conformable with the sea port planning, Vietnam Maritime Administration shall issue written agreement detailing positions, scale, function of works and clearly stating the valid time to implement the construction investment;
 - b. If sea ports, harbors, wharves, navigable channels, water zones, waters at the request of investor are unconfirmable with the sea port planning already been approved, Vietnam Maritime Administration shall reply in writing and clearly state reason thereof.
2. To check, supervise implementation of planning, plans on building sea ports, harbors, wharves, navigable channels and water zones, waters
 - a. Annually, Vietnam Maritime Administration shall coordinate with local authorities and relevant agencies in examining implementation of planning, plans on sea port development, summing up, proposing for handling of projects not complying with planning, and reporting to the Ministry of Transport;
 - b. Vietnam Maritime Administration shall direct the regional Maritime Port Authorities in examining and supervising: conditions for beginning construction of works and building works as prescribed by law; locations, means, equipment, construction measures, construction progress, construction supervision operation of investors, plan on marine safety assurance and other necessary contents during the course of implementation of investment in building sea port, harbors, wharves, navigable channels and water zones, waters in compliance with the planning, projects already been approved, assurance of safety and marine security and prevention against environment pollution. The examination and supervision may end when the investors finish construction of works and clearance without obstacles (if any), concurrently Maritime Port Authorities are responsible for reporting on results of examination and supervision to Vietnam Maritime Administration.

Article 7. Supervision of other construction works and ports, inland harbors located in seaport waters

1. Investors building ports, inland harbors located in seaport waters shall implement procedures as prescribed in Article 9 of this Circular.
2. For projects of works crossing the seaport waters, navigable channels, or affecting to marine activities as: Bridges, electric lines, cables, underground works and other similar works, in the course of proposing projects, investors shall send a document to Vietnam Maritime Administration to consult about tentative location and scale of works, the overhead clearance height and depth of works Within 07 working days, after receiving valid dossier, Vietnam Maritime Administration shall reply in writing to investors about requirements need be abided so as to ensure marine safety and security, prevention against environment pollution; in case of refusal, it must reply in writing and state clearly the reason thereof.
3. Investors of other works not specified in clause 1 and clause 2 of this Article, in the course of proposing investment in construction works must sent written report to the regional Maritime Port Authorities for consulting about the tentative location and scale of works. Within 05 working days, after receiving valid dossier, the regional Maritime Port Authorities shall reply in writing to investors and state clearly requirements need be abided so as to ensure the marine safety and security, prevention against environment pollution. In case of refusal, it must reply in writing and state clearly reason thereof.
4. The regional Maritime Port Authorities shall examine and supervise: conditions for beginning construction of works and building works as prescribed by law; locations, construction scale, means, equipment, construction measures, construction progress, construction supervision operation of investors, plan on marine safety assurance and other necessary contents during the course of implementation of investment in building ports, inland harbors located in waters of sea ports in compliance with the planning, projects already been approved, assurance of safety and marine security and prevention against environment pollution. The examination and supervision may end when the investors finish construction of works and clearance without obstacles (if any), concurrently Maritime Port Authorities are responsible for reporting on results of examination and supervision to Vietnam Maritime Administration.

Article 8. Dossier of announcement of opening sea port, harbors, wharves and water zones, waters and approval for plan on marine security assurance

1. Investors are responsible for selecting organizations with function of survey, search for obstacles and clearance without obstacles (if any) in waters in front of harbors, wharves, navigable channels and water zones, waters as prescribed.

After finishing the survey, search for obstacles and clearance without obstacles as prescribed in clause 1 of this Article, parties must organize hand-over test and make record of acceptance on results of survey, search for obstacles and clearance without obstacles in waters in front of harbors, wharves, navigable channels and water zones, waters.

2. For sea port has one harbor, wharf, after finish procedures for announcement of opening sea port, before putting harbor, wharf into use, investor must finish procedures for announcement of opening harbor, wharf as prescribed in Article 18 of the Decree No. 21/2012/ND-CP.

3. For water zones, waters serving only the pilot receipt, quarantine area, storm shelter or anchorage of ships so as to wait for entering ports, harbors, wharves, not transferring, not loading and unloading goods or implementing other transport services, the announcement of opening and putting into use may be exempted from papers specified in points d, dd and e clause 2 Article 18 of the Decree No. 21/2012/ND-CP.

4. When approving plan on marine safety assurance, Maritime Port Authorities must inscribe clearly in Decision on approval: General information of works, projects; duration of handing over premises; construction duration; construction measures; measures of marine safety assurance; installment, correcting of notice signals; plan on organization, coordination in implementation, examination, supervision and other necessary contents. After the investors finish construction of works, Maritime Port Authorities are responsible for summing up, reporting on results of implementation under the approved plan on marine safety assurance to Vietnam Maritime Administration.

SECTION 4. MANAGEMENT OF PORTS, INLAND WHARVES AND FISH PORTS IN SEAPORT WATERS

Article 9. Management of ports, inland wharves and fish ports in seaport waters

1. Management of investment in construction of ports, inland wharves and fishing ports in seaport waters shall comply with Article 24 of the Decree No. 21/2012/ND-CP and relevant law. After finishing construction of ports, inland wharves, fishing ports in seaport waters, investors shall send relevant papers to competent agencies to suggest announcement of putting works into use as prescribed; and conduct procedures for notifying of putting works into use as prescribed in Article 19 of the Decree No. 21/2012/ND-CP.

2. Maritime Port Authorities shall implement the state management function on marine safety and security and prevention against environment pollution for ships and ports, inland wharves and fish ports in seaport waters.

3. Competent agencies organize the state management to activities exploiting ports, inland wharves in seaport waters as prescribed by law on inland waterway transport; organize the state management to activities exploiting fishing ports in seaport waters as prescribed by law on aquatic products.

4. Sea ships before entering, leaving ports, inland wharves in seaport waters, captains or the persons doing procedures must notify the regional Maritime Port Authorities and state management agencies related to ports, inland wharves, fishing ports to make plan and guide the implementation of regulations on ensuring marine safety, marine security and prevention against environment pollution.

SECTION 5. ELABORATING AND PUBLISHING THE SEA CHARTS OF SEAPORT WATERS AND NAVIGABLE CHANNELS

Article 10. Elaborating and publishing the sea charts of seaport waters and navigable channels

1. Sea charts of seaport waters and navigable channels are elaborated and published under form of paper charts and electronic charts serving organizations and individuals in marine activities and other relevant activities.
2. Vietnam Maritime Administration shall assume the prime responsibility for, and coordinate with relevant agencies and organizations to submit to the Ministry of Transport for approval of content, plan on elaborating, correcting, publishing sea charts of seaport waters and navigable channels such as: Principles for elaboration, types of sea chart (paper chart, electronic chart), projection, rate of chart, other relevant contents and implementation in accordance with regulation.

SECTION 6. PERIODICAL QUALITY INSPECTION OF SEAPORT INFRASTRUCTURE

Article 11. Responsibility for quality inspection of seaport infrastructure

1. Investors building seaport infrastructure or organizations managing and exploiting infrastructures of seaports, harbors, wharves (hereinafter referred to as organizations managing and exploiting the seaport infrastructures) have obligations to implement periodical quality inspection of seaport infrastructure as prescribed in point c, clause 2 Article 29 of the Decree No. 21/2012/ND-CP. The irregular quality inspection of seaport infrastructure is implemented as prescribed by relevant law; procedures for report, appraisal and approval of the inspection result comply with provisions in this Circular.
2. Organizations implementing the quality inspection of seaport infrastructure are organizations capable as prescribed by current law, being selected for quality inspection of seaport infrastructure by organizations managing, exploiting seaport infrastructure.
3. In quarter I every year, Vietnam Maritime Administration shall organize assessment on capability of organizations implementing quality inspection of seaport infrastructure eligible and make a list of them to submit to the Ministry of Transport for approval.

Article 12. Duration of periodical inspection

1. For the seaport infrastructures that have been announced to put into use from June 01, 2012 or seaport infrastructures that had been put into use before June 01, 2012 but have not yet exploited for full 5 years till the end of January 31, 2013, periodically 05 years, from the day of announcement of putting the seaport infrastructure into use, organizations managing and exploiting the seaport infrastructure must implement quality inspection of wharves, harbors, seaports being exploited as prescribed by this Circular and other relevant regulations of law.

2. For seaport infrastructures that are announced and put into use over 05 years, counted till June 01, 2012, organizations managing and exploiting seaport infrastructures must finish the quality inspection of wharves, harbors, seaports being exploited before December 31, 2013.

3. Vietnam Maritime Administration shall accept result of seaport infrastructure quality after appraisal; direct the Maritime Port Authorities in examining, supervising implementation according to the result of seaport infrastructure quality as prescribed.

Article 13. Orders of quality inspection of seaport infrastructure

1. Before deadline of inspection for seaport infrastructure, organizations managing, exploiting seaport infrastructure must select capable organizations implementing quality inspection of seaport infrastructure.

2. Organizations implementing the quality inspection of seaport infrastructure shall implement the quality inspection and make dossier of quality inspection of seaport infrastructure as prescribed by relevant law. Reports on periodical inspection results must be presented in writing, confirmed by organizations managing and exploiting the seaport infrastructures and organizations implementing inspection, with the following principal contents:

- a. Name of the inspected seaport infrastructure;
- b. Basic specifications of the seaport infrastructure;
- c. Organization managing and exploiting the seaport infrastructures;
- d. Organization implementing inspection;
- dd. Content of inspection;
- e. Result of inspection;
- g. Conclusions and recommends.

Organization managing and exploiting seaport infrastructures select the advisory organizations with sufficient capability to appraise result of inspection as prescribed.

3. On the basis of reports on periodical inspection results already appraised, organizations managing and exploiting the seaport infrastructures shall repair, overcome and supplement construction items as recommended (if any) and send dossier to Vietnam Maritime Administration for approval of the quality inspection results of seaport infrastructure.

4. Dossier submitting for approval of quality inspection results of seaport infrastructure includes the following papers:

- a. Written request for approval of quality inspection results of seaport infrastructure to be eligible for exploitation;
 - b. Dossier of quality inspection made by the inspection organization;
 - c. Report on quality inspection results of seaport infrastructure and report on appraisal;
 - d. Dossier of the improvement, supplementation, handing-over test of construction items related to the seaport infrastructure (if any).
5. Within 05 working days, from the day receiving full dossier specified in clause 4 this Article, Vietnam Maritime Administration must have written approval for the quality inspection result of seaport infrastructure, in case of refusal, it must reply in writing state clearly reason thereof and send to organization managing, exploiting the seaport infrastructure through the postal system or organization managing, exploiting the seaport infrastructure may receive directly at Vietnam Maritime Administration.

SECTION 7. PLANNING, CONSTRUCTION INVESTMENT, ANNOUNCEMENT FOR PUTTING INTO USE AND MANAGEMENT AND EXPLOITATION OF NAVIGABLE CHANNELS

Article 14. Management of planning, construction investment of navigable channels

1. Construction investment of navigable channels must be suitable with the approved seaport planning.
2. Vietnam Maritime Administration shall:
 - a. To elaborate and submit to the Ministry of Transport for approval of planning on development of Vietnam's navigable channels. The elaboration, approval and implementation of planning, plan on development of navigable channels shall be conformable with the master plan on development of Vietnam's seaport system;
 - b. To publicize and organize guidance, examination in implementing the approved planning.
 - c. To make, announce and annually update list of navigable channels.
3. Investment in navigable channel construction
 - a. Before making report on investment in navigable channel construction, investor shall send a written request directly or through the postal system to Vietnam Maritime Administration to be replied about the conformity with the planning on development of sea ports and navigable channels;
 - b. Within 05 working days, after receiving documents of investors, Vietnam Maritime Administration shall reply in writing and send it directly or through the postal system to

investors, concurrently report it to the Ministry of Transport, the provincial People's Committees where building navigable channels; in case of refusal, it must reply in writing and state clearly the reason thereof;

c. Before building navigable channels, the investors shall send to Vietnam Maritime Administration a copy of decision on investment in construction enclosed with the elevation drawings of the overall ground layout, copy of decision on approving design of construction works and the approved plan on marine safety assurance;

d. Vietnam Maritime Administration shall examine, supervise implementation of investment in construction of navigable channels in conformity with the approved planning, assurance of marine safety, marine security and prevention against environment pollution.

Article 15. Announcement for putting navigable channels into use

1. Authority of announcement for putting navigable channels into use

a. In case where the navigable channels are announced at the same time of announcing on the opening seaport: The Ministry of Transport shall announce together with announcement on opening seaport.

b. In case where the navigable channels are announced after announcing the opening of seaport or the navigable channels are invested newly, re-announced due to adjustment, expansion, upgrading: Vietnam Maritime Administration shall announce the putting of navigable channels into use.

2. Orders of and procedures for request for announcement the putting of navigable channels into use:

a. Orders of and procedures for navigable channel announcement as prescribed in point a clause 1 this Article shall comply with Article 17 of the Decree No. 21/2012/ND-CP.

b. Orders of and procedures for navigable channel announcement as prescribed in point b clause 1 this Article shall implement as follows:

- After finishing the new construction investment, adjustment, expansion, upgrading of navigable channels, investors or organizations managing projects shall submit directly or send through the postal system to Vietnam Maritime Administration 01 set of dossier requesting for announcement and putting the navigable channels into use, including:

+ Written request for announcement and putting navigable channels into use;

+ Written acceptance to put the works finished construction into use enclosed with completion drawings of navigable channels, system of maritime signals been invested according to project;

+ Process guiding exploitation of navigable channels includes: Standards of flow switch, system of maritime signals, parameters of ship design and other specific conditions for exploitation;

+ Marine notice enclosed with elevation drawings of navigable channels; marine notice and system of maritime signal are invested under project; written acceptance between investors and competent agencies or organizations, capability of results about surveying and checking obstacles at the bottom of navigable channels and relevant waters.

- Within 05 working days, after receiving dossier specified at this point, Vietnam Maritime Administration shall announce the putting channel route into use as prescribed, unless it does not agree, it must have written reply in which clearly stating reason thereof.

Article 16. Management of operation, exploitation of navigable channels and maritime signals

1. Contents of managing operation, exploitation of navigable channels and maritime signals include:

a. To maintain navigable channels, maritime signals and works, auxiliary equipment ensuring safety for maritime activities;

b. To manage operation of maritime signal system;

c. Periodically survey the depth and announce marine notice as prescribed.

2. Regulation on management of operation, exploitation of navigable channels and marine signals:

a. organizations ensuring marine safety shall directly manage operation and exploitation of public navigable channels as prescribed;

b. For specialized navigable channels, enterprises investing in construction of such specialized navigable channels shall manage operation and exploitation;

c. Annually, organizations managing operation and exploitation of navigable channels shall report to Vietnam Maritime Administration about activities of channel routes and forecast the plan on managing operation, maintenance, survey and the marine notices as prescribed;

d. When detecting maritime signals placed in wrong positions, faulted or lost, organizations managing operation, exploitation of navigable channels must immediately notify to the regional Maritime Port Authorities, including temporary suspension of operation, replacement of new maritime signals; if maritime signals need to be change positions, technical characteristics, use purpose in comparison with the approved design, they must take written opinions of the regional Maritime Port Authorities and submit to Vietnam Maritime Administration for approval before implementation.

SECTION 8. PROCEDURES FOR THE INLAND WATERWAY VESSELS TO ENTER AND LEAVE SEAPORTS

Article 17. Procedures for the inland waterway vessels to enter seaports

1. Locations to do procedures: Head offices or representative offices or stations of Maritime Port Authorities.

2. Deadline of doing procedures for the persons doing procedures: Before vessels entering seaports or after entering the anchoring place safely.

3. Deadline of doing procedures for Maritime Port Authorities: Within 30 minutes, after the persons doing procedures has submitted and produced fully papers as prescribed below:

a. Papers must submit (original): License for leaving port, harbor or confirmation of competent agencies of place where the inland waterway vessels leave port or harbor at the last time.

b. Papers must be produced (original):

- The registration certificate of inland waterway vessels (or copy certified by credit institutions if the vessels are being mortgaged, pledged);

- Certificate of technical safety and environmental protection of vessels;

- Book of crew list;

- List of passengers (for vessels carrying passengers);

- The specialized degrees or certificates of seafarers on vessels.

c. After examining papers specified in point b this clause, the regional Maritime Port Authorities shall issue license for entering seaport according to the Form No. 02 in Annex of this Circular.

4. In case where inland waterway vessels enter seaports and anchor in time not exceeding 72 hours or papers, documents when doing procedures for leaving port have no any change in comparison with upon coming, they may do procedures for entering and leaving port once.

Article 18. Procedures for inland waterway vessels to leave seaports

1. Locations to do procedures: Head offices or representative offices or stations of Maritime Port Authorities.

2. Deadline of doing procedures for the persons doing procedures: Before vessels leave seaport.

3. Deadline of doing procedures for Maritime Port Authorities: Within 30 minutes, after the persons doing procedures has submitted and produced fully papers as prescribed below:

- a. Vouchers of paying charges, fees, fines or payment of debts as prescribed by law (if any);
 - b. Papers relating to changes in comparison with papers specified in clause 3 Article 17 of this Circular (if any).
4. Maritime Port Authorities shall issue license for leaving seaport for inland waterway vessels after receiving full papers specified in clause 3 this Article according to the Form No. 02 in Annex of this Circular.
5. If an inland waterway vessel has been licensed for leaving port but it still anchor at port's water zones over 24 hours, it must re-do procedures for leaving seaport.

SECTION 9. PROCEDURES, REGULATION FOR VESSELS TO MAKE RUN TEST AND ANCHOR

Article 19. Procedures for vessels that are being built or repaired, transformed to make run test

1. Locations to do procedures: Head offices or representative offices or stations of Maritime Port Authorities.
2. The persons doing procedures must submit and produce fully papers as prescribed below:
 - a. Papers must submit:
 - Written request for run test of vessel in which clearly stated reason of moving, destination and duration of run test;
 - Crew list;
 - List of persons accompanying vessel (if any).
 - b. Papers must be produced:
 - Paper being issued by registration organization in which confirms that technical status is eligible on safety for vessel to move;
 - Professional certificates of seafarers;
 - Plan on vessel towage in case it does not use its engine for run test.
3. Deadline of doing procedures for Maritime Port Authorities: Within 02 hours, after receiving papers specified in clause 2 of this Article, Maritime Port Authorities shall issue license for run test of vessel according to the Form No. 03 in Annex of this Circular.

4. If the run-test vessel moves from this seaport waters to other seaport waters, license for run-test is replaced by license for leaving port.

Article 20. Regulation for vessels anchoring

1. Vessels that have duration of anchoring, without goods handling or disembark for passengers, no service operation for 30 days or more must make plan on anchoring vessel and send it to the regional Maritime Port Authorities for approval.

2. Plan on anchoring vessel includes the following basic contents:

a. Name of vessel;

b. Owner and person managing and exploiting vessel;

c. Technical characteristics of vessel;

d. Reason of anchoring;

dd. Tentative duration and place of anchoring;

e. Quantity of seafarers on board during anchoring of vessel;

g. Measure to ensure safety for vessel;

h. Measures to respond malfunction for vessel.

3. The Maritime Port Authorities shall base on actual conditions, decide quantity of seafarers on board and approve plan on safe anchoring of vessels.

SECTION 10. PROCEDURES FOR ARRIVING SEAPORTS APPLIED TO VESSELS WITH TOTAL TONNAGE OF 200 DWT OR LESS THAN, UNDER THE FLAG OF A COUNTRY BORDERING ON VIETNAM

Article 21. Procedures for arriving seaports applied to vessels with total tonnage of 200 DWT or less than, under the flag of a country bordering on Vietnam

1. Vessels with total tonnage of 200 DWT or less than, under the flag of a country bordering on Vietnam, arriving seaport at border area of Vietnam and that country, must submit and present the following papers:

a. Papers must submit:

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

- 03 crew lists (to be submitted to the maritime port authority, the border-gate customs authority and the border-gate guard);
- 01 passenger list, if any (to be submitted to the border-gate guard);
- 01 cargo declaration, if any (to be submitted to the border-gate customs authority);
- 01 passengers' luggage declaration, if any (to be submitted to the border-gate customs authority);
- 02 dangerous cargo declarations, if any (to be submitted to the maritime port authority and the border-gate customs authority).

b. Papers must be presented:

- The vessel registration certificate (to be presented to the maritime port authority);
- The vessel's technical safety certificates or technical safety books (to be presented to the maritime port authority);
- Professional certificates of captain and chief engine for vessels with tonnage of between 50 DWT and 200 DWT or capacity of main engine over 200 HP (to be presented to the maritime port authority). For vessels with tonnage of less than 50 DWT, they are exempted from presenting professional certificates of captain and chief engine;
- Crew's and passengers' passports or ID cards as prescribed by law of Vietnam or Agreements that have been concluded between the Government of Vietnam and the Government of China or the Government of Cambodia (to be presented to the Border guard);
- Papers related to cargoes on board and luggages of seafarers, passengers, if any (to be presented to the border-gate customs authority).

2. Duration of doing procedures for vessels with tonnage of 200 DWT or less than, under the flag of a country bordering on Vietnam, arriving seaport at border area of Vietnam and that country:

- a. Deadline of doing procedures for the persons doing procedures: Within 02 hours, after vessels have been anchored safely at position as appointed by Director of the maritime port authority.
- b. Deadline of doing procedures for Maritime Port Authorities: Within 01 hour, after the persons doing procedures has submitted and produced fully papers as prescribed at clause 1 of this Article;
- c. In case where vessels with tonnage of 200 DWT or less than, under the flag of a country bordering on Vietnam, arrive seaport at border area of Vietnam and that country, vessels may be done procedures for entering and leaving port at the same time.

3. Locations to do procedures for vessels:

- a. When vessels with tonnage of 200 DWT or less than under the flag of China arrive the Van Gia – Mong Cai transshipment area (in Quang Ninh province), procedures for these vessels are implemented at head office or representative office of Quang Ninh Maritime Port Authority;
- b. When vessels under the flag of Cambodia arrive Dong Thap seaport, procedures for these vessels are implemented at head office or representative office of Dong Thap Maritime Port Authority;
- c. When vessels under the flag of Cambodia arrive seaport in coastal border area of Kien Giang province, procedures for these vessels are implemented at head office or representative office of Kien Giang Maritime Port Authority.

SECTION 11. AGENCIES PERFORMING THE PROCEDURES FOR FOREIGN VESSELS TRANSITING IN VIETNAM PASSING CAMBODIA AND THE INLAND WATERWAY VESSELS OF VIETNAM ON EXIT TO CAMBODIA

Article 22. Agencies performing the procedures for the inland waterway vessels on exit at Vietnam to arrive Cambodia

The inland waterway vessels on exit at Vietnam to arrive Cambodia from ports, inland harbors where there is no state management agency on inland waterway for exit procedures, Maritime Port Authority of Dong Thap shall assume the prime responsibility for, and coordinate with specialized state management agencies in performing procedures at Vinh Xuong – Thuong Phuoc area as prescribed.

Article 23. Agencies performing the procedures for foreign vessels transiting in Vietnam passing Cambodia and vice versa

1. Vung Tau Maritime Port Authority shall coordinate with relevant functional agencies in performing procedures for foreign vessels transiting in Vietnam to arrive Cambodia through Tien river, as prescribed in the Decree No. 21/2012/ND-CP and other relevant regulations of laws.
2. Can Tho Maritime Port Authority shall coordinate with relevant functional agencies in performing procedures for foreign vessels transiting in Vietnam to arrive Cambodia through Hau river, as prescribed in the Decree No. 21/2012/ND-CP and other relevant regulations of laws.
3. Dong Thap Maritime Port Authority shall coordinate with relevant functional agencies in performing procedures for foreign vessels from Cambodia transiting in Vietnam through Tien river and Hau river, as prescribed in the Decree No. 21/2012/ND-CP and other relevant regulations of laws.

SECTION 12. IMPLEMENTATION PROVISIONS

Article 24. Effect

1. This Circular takes effect on July 01, 2013 and replaces the Circular No. 10/2007/TT-BGTVT dated August 06, 2007, guiding implementation of the Government's Decree No. 71/2006/ND-CP dated July 25, 2006 on management of seaports and navigable channels.

2. To promulgate together this Circular 01 Annex including 03 forms of application and licenses.

Article 25. Organization of implementation

The Chief of Ministerial office, the Chief Inspector of Ministry, Directors of Departments under Ministry, Director of Vietnam Maritime Administration, Director of Vietnam Inland Waterway, Directors of Transport Services and relevant agencies, organizations and individuals shall implement this Circular.

THE MINISTER OF TRANSPORT

Dinh La Thang

(The enclosed annex is not translated herein)

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