

DECREE

On registration, deregistration, purchase, sale and building of seagoing ships¹

Pursuant to the June 19, 2015 Law on Organization of the Government;

Pursuant to the November 25, 2015 Maritime Code of Vietnam;

At the proposal of the Minister of Transport;

The Government promulgates the Decree on registration, deregistration, purchase, sale and building of seagoing ships.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

1. This Decree prescribes the registration and deregistration of seagoing ships flying the Vietnamese flag; purchase, sale, building, import and export of seagoing ships, and registration for seagoing ships owned by Vietnamese organizations or individuals to fly foreign state flags.

2. The provisions on registration and deregistration of seagoing ships in this Decree also apply to registration and deregistration of official-duty seagoing ships, submarines, submersibles, floating storage and offloading units and mobile offshore units.

3. This Decree does not apply to the purchase, sale and building of:

a/ Seagoing ships owned by foreign organizations or individuals, and built in Vietnam;

¹ Công Báo Nos 37-38 (12/1/2017)

b/ Seagoing ships owned by foreign organizations or individuals and flying foreign state flags, which are put up for auction in Vietnam under coercion decisions of competent state agencies;

c/ Official-duty seagoing ships, submarines, submersibles, floating storage and offloading units and mobile offshore units.

4. This Decree does not apply to the registration, deregistration, sale, purchase and building of seagoing ship used exclusively for national defense or security purposes, nuclear-powered seagoing ships and seaplanes.

Article 2. Subjects of application

This Decree applies to Vietnamese and foreign organizations and individuals engaged in the registration, deregistration, purchase, sale, or building of seagoing ships.

Article 3. Interpretation of terms

In this Decree, the terms below are construed as follows:

1. Registration of seagoing ships means the entry and storage of information on seagoing ships into the Vietnam National Register of Ships and grant of certificates of registration of Vietnamese seagoing ships by competent agencies in charge of registration of seagoing ships in Vietnam under this Decree and other relevant laws. Registration of seagoing ships may take the following forms:

a/ Indefinite registration;

b/ Time registration;

c/ Change registration;

d/ Provisional registration;

dd/ Registration of seagoing ship under construction;

e/ Registration of small seagoing ships.

2. Indefinite registration means the registration of a seagoing ship which fully meets the conditions prescribed in Article 20 of the 2015 Vietnam Maritime Code and this Decree.

3. Time registration means the registration of a seagoing ship which fully meets the conditions prescribed in Article 20 of the 2015 Vietnam Maritime Code and this Decree for a given period of time.

4. Change registration means the registration of a seagoing ship which has been registered in the Vietnam National Register of Ships but later undergone a change with regard to name of the ship, name or

address of the shipowner, technical specifications and utilities of the ship, ship registration agency or ship inspection organization.

5. Provisional registration means the registration for a seagoing ship owned by a Vietnamese or foreign organization or individual to provisionally fly the Vietnamese flag in the following cases:

a/ Charges and fees for the ship have not yet been paid in accordance with law;

b/ The ship deregistration certificate is not yet available but it has been committed in the ship purchase and sale contract that the seller shall hand over the ship deregistration certificate to the purchaser; in this case, the certificate of provisional registration of Vietnamese seagoing ship shall become valid only from the date the purchaser and seller sign the ship handover record;

c/ A newly built seagoing ship is tested or received for delivery to the place of registration under the shipbuilding contract.

6. Registration of seagoing ship under construction means the registration of a seagoing ship of which the keel has been laid but the construction has not yet been completed.

7. Registration of small seagoing ship means the registration of a seagoing ship with main engine capacity of under 75 kW, a seagoing ship without engine or a seagoing ship with an engine of a total capacity of under 50 tons or a gross tonnage of under 100 tons or a seagoing ship with an engine and a design waterline of under 20 meters.

8. Purchase and sale of seagoing ship means the process of conducting market survey, preparing project dossier, making purchase or sale decision, and signing and performing seagoing ship sale and purchase contract.

9. Valid dossier means a dossier with sufficient papers as prescribed in this Decree.

10. Port of registration or place of registration of seagoing ship means the name of the port or of the province or centrally run city where the agency performing registration of seagoing ships is located, below referred collectively to as place of registration.

11. Age of seagoing ship shall be counted in years starting from the keel laying date; in case of impossibility to identify the keel laying date, it shall be counted from the date when at least 50 tons or 1% of the total weight of the materials to be used for building the ship hull are assembled, whichever is smaller.

12. State-funded seagoing ship purchase or building investment project is an investment project to purchase or build seagoing ships with state funds accounting for 30% or more of the total investment amount or accounting for under 30% of the total investment amount but exceeding VND 500 billion.

13. Non-state-funded seagoing ship purchase or building investment project is an investment project to purchase or build seagoing ships not using state funds or an investment project to purchase or build seagoing ships with state funds accounting for under 30% of the total investment amount.

14. State-funded seagoing ship sale project is a project to sell seagoing ships which were invested under a state-funded seagoing purchase or building project.

15. Non-state-funded seagoing ship sale project is a project to sell seagoing ships which were invested under a non-state-funded seagoing ship purchase or building project.

Chapter II

REGISTRATION OF SEAGOING SHIPS, OFFICIAL-DUTY SEAGOING SHIPS, SUBMARINES, SUBMERSIBLES, FLOATING STORAGE AND OFFLOADING UNITS AND MOBILE OFFSHORE UNITS

Section 1

VIETNAM SEAGOING SHIP REGISTRATION AGENCY

Article 4. Vietnam seagoing ship registration agency

1. The Vietnam Maritime Administration shall function as the Vietnam seagoing ship registration agency.

2. Maritime Sub-Administrations and port authorities shall perform the task of registering seagoing ships as decentralized by the Vietnam Maritime Administration.

Article 5. Tasks of the Vietnam seagoing ship registration agency

1. To compile and manage the Vietnam National Register of Ships.

2. To archive and manage dossiers; to summarize data on, make statistics of, maintain and update the database relating to, registration of seagoing ships; to provide relevant information to concerned organizations and individuals.

3. To uniformly manage the printing and distribution of forms of registers, dossiers and papers used in the registration of seagoing ships;

to apply information technology to the registration of seagoing ships under regulations.

4. To post on the website of the Vietnam Maritime Administration detailed information on addresses and accounts of seagoing ship registration agencies to serve the sending of dossiers by post and payment of charges and fees via bank transfer by related organizations and individuals.

5. To organize the registration of seagoing ships in accordance with the 2015 Vietnam Maritime Code, this Decree and other relevant laws; to apply information technology in the online registration of seagoing ships.

6. To carry out the registration of mortgage of seagoing ships in accordance with law on secured transactions and registration of secured transactions.

7. To collect, remit, manage and use charges and fees for registration of seagoing ships in accordance with law.

Article 6. Vietnam National Register of Ships

1. The Vietnam National Register of Ships is used to record information relating to registered or deregistered seagoing ships under regulations. Principal contents of the Vietnam National Register of Ships must comply with Article 24 of the 2015 Vietnam Maritime Code.

2. The Vietnam seagoing ship registration agency shall print and guide the use and preservation of the Vietnam National Register of Ships.

Section 2

REGISTRATION OF SEAGOING SHIPS

Article 7. Age limits for used foreign seagoing ships to be registered for the first time in Vietnam

1. The age of used seagoing ships, submarines, submersibles, floating storage and offloading units and mobile offshore units that are registered for the first time in Vietnam must comply with the following provisions:

a/ Passenger ships, submarines and submersibles: not exceeding 10 years;

b/ Other seagoing ships, floating storage and offloading units and mobile offshore units: not exceeding 15 years;

c/ In special cases, the age of used seagoing ships shall be decided by the Minister of Transport, which, however, must not exceed 20 years

and this provision shall apply only to chemical tankers, liquefied gas tankers, oil tankers and floating storage and offloading units.

2. The age limits of seagoing ships prescribed in Clause 1 of this Article do not apply to foreign-owned seagoing ships flying foreign state flags which are put up for auction in Vietnam under coercion decisions of competent agencies.

3. The age limits of seagoing ships prescribed in Clause 1 of this Article do not apply in case a Vietnamese-owned seagoing ship flying the Vietnamese flag has its Vietnamese nationality deregistered for registration to fly a foreign state flag in the form of bareboat charter.

4. Past the period of registration to fly a foreign flag, a seagoing ship flying the foreign flag which is purchased by a Vietnamese organization or individual in the form of loan or hire-purchase may register to fly the Vietnamese flag if, at the time of signing the loan or hire-purchase contract, its age complies with the provisions in Clause 1 of this Article.

Article 8. Naming of seagoing ships

1. Ship names shall be given by shipowners in accordance with Article 21 of the 2015 Maritime Code of Vietnam.

2. A dossier of request for approval of the name of a seagoing ship must comprise:

a/ A declaration for approval of the name of a seagoing ship, made according to Form No. 5 in the Appendix to this Decree;

b/ The seagoing ship purchase and sale contract or building contract or other papers of equivalent legal validity proving the ownership of the seagoing ship (certified copy or copy enclosed with the original for comparison);

c/ The applicant's business registration certificate or enterprise registration certificate (certified copy or copy enclosed with the original for comparison). In case the shipowner is a foreign organization, its Vietnam-based branch or representative office's establishment license (certified copy or copy enclosed with the original for comparison) is required;

d/ In case the shipowner is an individual, his/her people's identity card or citizen identity card or passport (certified copy or copy enclosed with the original for comparison) is required; in case the shipowner is a foreigner, his/her passport (copy enclosed with the original for comparison) is required.

3. One dossier set shall be directly submitted, sent by post, or otherwise delivered to the seagoing ship registration agency.

4. The seagoing ship registration agency shall receive the dossier and:

a/ If finding that the dossier, which is submitted directly, is invalid, guide the applicant how to complete the dossier; if finding that the dossier is valid, record it in the dossier register, issue a receipt and give an appointment to notify the result within the prescribed time limit;

b/ If finding that the dossier, which is sent by post, is invalid, within 2 working days after receiving it, guide the applicant how to complete the dossier under this Decree;

c/ Within 2 working days after receiving a complete and valid dossier, send to the shipowner a written notice of approval of the name selected by the shipowner; in case of disapproval, issue a written reply clearly stating the reason.

Article 9. Procedures for indefinite registration of seagoing ships

1. Certificates of registration of Vietnamese seagoing ship

a/ Certificates of registration of Vietnamese seagoing ship shall be granted to seagoing ships which apply for indefinite registration, meet all the prescribed conditions and have been registered in the Vietnam National Register of Ships in accordance with the procedures prescribed in this Decree;

b/ A certificate of registration of Vietnamese seagoing ship shall be granted in 1 original according to Form No. 6 in the Appendix to this Decree;

c/ A certificate of registration of Vietnamese seagoing ship shall be valid from the date of its issuance and become invalid from the date it is lost or the seagoing ship is deregistered.

2. A dossier for indefinite registration of a seagoing ship must comprise:

a/ A declaration for registration of seagoing ship, made according to Form No. 1 in the Appendix to this Decree;

b/ The certificate of registration of seagoing ship (the original), for used seagoing ships, or the record of pre-acceptance test and handover of seagoing ship (the original), for newly built ships;

c/ The seagoing ship purchase and sale contract or building contract or other documents of equivalent legal validity proving the ownership of the seagoing ship (the original);

d/ The ship tonnage certificate (certified copy or copy enclosed with the original for comparison);

dd/ The ship classification certificate (certified copy or copy enclosed with the original for comparison);

e/ Documents proving payment of registration fee under regulations, including the registration fee declaration bearing the certification of a tax office and the document proving the fee payment into the state budget (copies enclosed with originals for comparison); in case the seagoing ship is not liable to registration fee, the registration fee declaration bearing the certification of a tax office (copy enclosed with the original for comparison) is required;

g/ The business registration certificate or enterprise registration certificate (copy enclosed with the original for comparison; in case the shipowner is a foreign organization, its Vietnam-based branch or representative office's establishment license (copy enclosed with the original for comparison) is required;

h/ In case the shipowner is an individual, his/her people's identity card or citizen identity card or passport (certified copy or copy enclosed with the original for comparison) is also required; in case the shipowner is a foreigner, his/her passport (copy enclosed with the original for comparison) is also required.

3. One dossier set shall be directly submitted, sent by post, or otherwise delivered to the seagoing ship registration agency.

4. The seagoing ship registration agency shall receive the dossier and:

a/ If finding that the dossier, which is submitted directly, is invalid, guide the applicant how to complete the dossier; if finding that the dossier is valid, make record it in the dossier register, issue a receipt and give an appointment to notify the result within the prescribed time limit;

b/ If finding that the dossier, which is sent by post, is invalid, within 2 working days after receiving it, guide the applicant how to complete the dossier under this Decree;

c/ Within 2 working days after receiving a complete and valid dossier, grant a certificate of registration of Vietnamese seagoing ship and hand it over directly or send it by post to the applicant; in case of refusal to grant a certificate, issue a written reply clearly stating the reason.

5. The shipowner shall pay seagoing ship registration fee under regulations of the Ministry of Finance, either directly or via bank transfer

to the seagoing ship registration agency, and shall bear all the dossier sending and bank transfer expenses.

Article 10. Procedures for time registration of seagoing ships

1. Certificates of time registration of seagoing ship

a/ The period of time registration of a seagoing ship corresponding to the term of the ship hire-purchase or bareboat charter contract or requested by the shipowner shall be stated in the certificate of registration of such ship;

b/ A certificate of time registration of seagoing ship shall be granted in 1 original according to Form No. 7 in the Appendix to this Decree.

2. A dossier for time registration of a seagoing ship that is hire-purchased or hired in the form of bareboat charter by a Vietnamese organization or individual must comprise:

a/ The seagoing ship registration declaration, made according to Form No. 1 in the Appendix to this Decree;

b/ The ship tonnage certificate (certified copy or copy enclosed with the original for comparison);

c/ The ship classification certificate (certified copy or copy enclosed with the original for comparison);

d/ The business registration certificate or enterprise registration certificate (certified copy or copy enclosed with the original for comparison);

dd/ The certificate of registration suspension (if the ship has been registered overseas) or of deregistration (the original);

e/ The ship hire-purchase contract or bareboat charter contract (the original);

g/ The ship handover record (the original);

h/ Documents proving payment of registration fee under regulations, including the registration fee declaration bearing the certification of a tax office and document proving fee remittance into the state budget (copies enclosed with the originals for comparison); in case the ship is not liable to registration fee, the registration fee declaration bearing the certification of a tax office (copy enclosed with the original for comparison) is required;

i/ In case the shipowner is an individual, his/her people's identity card, citizen identity card or passport (certified copy or copy enclosed with the original for comparison) is also required.

3. The dossier for time registration of a seagoing ship whose owner is a foreign organization or individual must comprise the documents specified at Points a, b, c, dd, e, g and h, Clause 2 of this Article, its Vietnam-based branch or representative office's establishment license (certified copy or copy enclosed with the original for comparison) or his/her passport (copy enclosed with the original for comparison).

4. One dossier set shall be submitted directly, sent by post or otherwise delivered to the seagoing ship registration agency.

5. The seagoing ship registration agency shall receive the dossier and proceed with the following steps:

a/ If finding that the dossier, which is submitted directly, is invalid, to guide the applicant how to complete the dossier; if finding that the dossier is valid, to record it in the dossier register, issue a dossier receipt and give an appointment to return the result within the prescribed time limit;

b/ If finding that the dossier, which is sent by post, is invalid, within 2 working days after receiving it, to guide the applicant how to complete the dossier under this Decree;

c/ Within 2 working days after receiving the valid dossier, the seagoing ship registration agency shall grant a ship registration certificate and hand it over directly or send it by post to the applicant; in case of refusal, it shall issue a written reply clearly stating the reason.

6. The shipowner shall pay seagoing ship registration fee under regulations of the Ministry of Finance, either directly or via bank transfer to the seagoing ship registration agency, and shall bear all the dossier sending and bank transfer expenses.

Article 11. Procedures for provisional registration of seagoing ships

1. Certificates of provisional registration of Vietnamese seagoing ship

a/ A certificate of provisional registration of Vietnamese seagoing ship shall be granted in 1 original to the owner of a seagoing ship registered to provisionally fly the Vietnamese flag; the certificate shall be made according to Form No. 8 in the Appendix to this Decree;

b/ A certificate of provisional registration of Vietnamese seagoing ship shall be valid in 180 days after its issuance;

c/ In case a certificate of provisional registration of Vietnamese seagoing ship expires when the seagoing ship concerned is still unable to arrive to Vietnam to complete official registration procedures under this Decree, the seagoing ship registration agency shall extend the

registration for once, with the extension period not exceeding 180 days, counting from the expiry date of the first certificate of provisional registration of Vietnamese seagoing ship;

d/ In case past the extension period of the certificate of provisional registration of Vietnamese seagoing ship but, for *force majeure* reasons, the ship is still unable to arrive to Vietnam to complete official registration procedures, the Director of the Vietnam Maritime Administration may decide to extend the period of provisional registration of the seagoing ship, with the extension period not exceeding 180 days.

2. A dossier of provisional registration of a seagoing ship must comprise:

a/ In case charges and fees have not yet been paid, the registration dossier must comprise a seagoing ship registration declaration made according to Form No. 1 in the Appendix to this Decree, the documents prescribed at Points b, c, g and h, Clause 2, Article 9 of this Decree, and the ship tonnage certificate and ship classification certificate (certified copies);

b/ In case the ship deregistration certificate has not yet been obtained, the registration dossier must comprise a seagoing ship registration declaration made according to Form No. 1 in the Appendix to this Decree, the documents prescribed at Points c, g and h, Clause 2, Article 9 of this Decree, and the ship tonnage certificate and ship classification certificate (certified copies);

c/ In case of testing a newly built ship, a registration dossier must comprise a seagoing ship registration declaration made according to Form No. 1 in the Appendix to this Decree and the documents prescribed at Points c, g and h, Clause 2, Article 9 of this Decree, and the ship capacity factsheet;

d/ In case of receiving a newly built ship for delivery to the place of registration on the basis of the ship building contract, the registration dossier must comprise a seagoing ship registration declaration made according to Form No. 1 in the Appendix to this Decree and the documents prescribed at Points c, d, dd, g and h, Clause 2, Article 9 of this Decree.

3. One dossier set shall be submitted directly, sent by post or otherwise delivered to the seagoing ship registration agency.

4. The seagoing ship registration agency shall receive the dossier and proceed with the following steps:

a/ If finding that the dossier, which is submitted directly, is invalid, to guide the applicant how to complete the dossier; if finding that the dossier is valid, to record it in the dossier register, issue a dossier receipt and give an appointment to return the result within the prescribed time limit;

b/ If finding that the dossier, which is sent by post, is invalid, within 2 working days after receiving it, to guide the applicant how to complete the dossier under this Decree;

c/ Within 2 working days after receiving the valid dossier, the seagoing ship registration agency shall grant a ship registration certificate and hand it over directly or send it by post to the applicant; in case of refusal, it shall issue a written reply clearly stating the reason.

5. The shipowner shall pay a seagoing ship registration fee under regulations of the Ministry of Finance, either directly or via bank transfer to the seagoing ship registration agency, and shall pay all the dossier sending and bank transfer expenses.

Article 12. Procedures for grant of a permit for a seagoing ship to provisionally fly the Vietnamese flag

1. Permit for provisionally flying the Vietnamese flag:

a/ In case a Vietnamese organization or individual purchases a seagoing ship from a foreign one, the concerned overseas representative agency of the Socialist Republic of Vietnam (below referred to as Vietnamese representative agency) shall grant 1 original permit for provisionally flying the Vietnam flag according to Form No. 11 in the Appendix to this Decree;

b/ The permit for provisionally flying the Vietnamese flag shall be valid for only one specific trip of such ship and may be used from the time of issuance until the ship arrives to the first Vietnamese seaport.

2. A dossier for grant of a permit for provisionally flying Vietnamese flag must comprise:

a/ The seagoing ship registration declaration, made according to Form No. 1 in the Appendix to this Decree;

b/ The certificate of deregistration, for used seagoing ship (copy enclosed with the original for comparison);

c/ The record of pre-acceptance test and handover, in case of receiving a ship built overseas for delivery to Vietnam (copy enclosed with the original for comparison);

d/ The ship purchase and sale contract or ship building contract and other documents of equivalent legal validity proving the ownership of the ship (copy enclosed with the original for comparison);

dd/ The granted ship tonnage certificate (certified copy);

e/ The granted ship classification certificate (certified copy);

g/ The business registration certificate or enterprise registration certificate (certified copy or copy enclosed with the original for comparison; in case the shipowner is a foreign organization, it shall submit its Vietnam-based branch or representative office's establishment license (certified copy or copy enclosed with the original for comparison);

h/ In case the shipowner is an individual, his/her people's identity card or citizen identity card or passport (certified copy or copy enclosed with the original for comparison) is also required; in case the shipowner is a foreigner, his/her passport (copy enclosed with the original for comparison) is also required.

3. One dossier set shall be submitted directly, sent by post or otherwise delivered to either the overseas Vietnamese representative agency of the country where the ship is purchased or of the country where the ship is handed over.

4. The overseas Vietnamese representative agency shall receive the dossier and proceed with the following steps:

a/ If finding that the dossier, which is submitted directly, is invalid, to guide the applicant how to complete the dossier; if finding that the dossier is valid, to record it in the dossier register, issue a dossier receipt and give an appointment to return the result within the prescribed time limit;

b/ If finding that the dossier, which is sent by post, is invalid, within 2 working days after receiving it, to guide the applicant how to complete the dossier under this Decree;

c/ Within 2 working days after receiving the valid dossier, the overseas Vietnamese representative agency shall issue a ship registration certificate and hand it over directly or send it by post to the applicant; in case of refusal, it shall issue a written reply clearly stating the reason.

5. The shipowner shall pay a seagoing ship registration fee under regulations of the Ministry of Finance, either directly or via bank transfer to the overseas Vietnamese representative agency, and shall bear all the dossier sending and bank transfer expenses.

Article 13. Procedures for registration of seagoing ships under construction

1. Certificate of registration of seagoing ship under construction:

a/ A certificate of registration of seagoing ship under construction shall be made in 1 original according to Form No. 9 in the Appendix to this Decree;

b/ A certificate of registration of seagoing ship under construction may not be used as a substitute for a certificate of registration of seagoing ship.

2. A dossier of registration of a seagoing ship under construction must comprise:

a/ A seagoing ship registration declaration, made according to Form No. 1 in the Appendix to this Decree;

b/ The seagoing ship building contract or a contract on purchase and sale of a seagoing ship under construction (the original);

c/ A certificate of keel laying, issued by the ship builder and bearing the certification of an inspection organization (the original); in case the ship has no keel, there must be a certificate thereof issued by the ship builder, together with a written certification of the inspection organization supervising the ship building that 50 tons or 1% of the total estimated weight of the materials to be used for construction of the ship hull has been assembled (the original);

d/ The business registration certificate or enterprise registration certificate (certified copy or copy enclosed with the original for comparison; in case the shipowner is a foreign organization, its Vietnam-based branch or representative office's establishment license is required (certified copy or copy enclosed with the original for comparison);

dd/ In case the shipowner is an individual, his/her people's identity card, citizen identity card or passport (certified copy or copy enclosed with the original for comparison) is also required; in case the shipowner is a foreigner, his/her passport (copy enclosed with the original for comparison) is also required.

3. One dossier set shall be submitted directly, sent by post or otherwise delivered to the seagoing ship registration agency.

4. The seagoing ship registration agency shall receive the dossier and proceed with the following steps:

a/ If finding that the dossier, which is submitted directly, is invalid, to guide the applicant how to complete the dossier, in case the dossier is

valid, to record it in the dossier register, issue a dossier receipt and give an appointment to return the result within the prescribed time limit;

b/ If finding that the dossier, which is sent by post, is invalid, within 2 working days after receiving it, to guide the applicant how to complete the dossier under this Decree;

c/ Within 2 working days after receiving the valid dossier, the seagoing ship registration agency shall grant a ship registration certificate and hand it over directly or send it by post to the organization or individual; in case of refusal, it shall issue a written reply clearly stating the reason.

5. The shipowner shall pay seagoing ship registration fee under regulations of the Ministry of Finance, either directly or via bank transfer to the seagoingship registration agency, and shall bear all the dossier sending and bank transfer expenses.

Article 14. Procedures for registration of small seagoing ships

1. A certificate of registration of small seagoing ship shall be granted in 1 original according to Form No. 6 in the Appendix to this Decree.

2. A dossier of registration of a small seagoing ship must comprise:

a/ A declaration of seagoing ship registration, made according to Form No. 1 in the Appendix to this Decree;

b/ The ship deregistration certificate (the original), for used seagoing ships, or the ship handover record, for newly built seagoing ships (the original);

c/ The ship purchase and sale contract or ship building contract and other documents of equivalent legal validity proving the ownership of the ship (the originals);

d/ Documents proving payment of registration fee under regulations, including the registration fee declaration bearing the certification of a tax office and documents proving remittance into the state budget (copies with originals for comparison); in case the seagoing ship is not subject to registration fee, the registration fee declaration bearing the certification of a tax office (copy enclosed with the original for comparison) is required;

dd/ The business registration certificate or enterprise registration certificate (certified copy or copy enclosed with the original for comparison); in case the shipowner is a foreign organization, its Vietnam-based branch or representative office's establishment license (certified copy or copy enclosed with the original for comparison);

e/ In case the shipowner is an individual, his/her people's identity card or citizen's identity card or passport (certified copy or copy enclosed with the original for comparison) is also required; in case the shipowner is a foreigner, his/her passport (copy enclosed with the original for comparison) is also required;

g/ The ship's certificate of technical safety and environmental protection (certified copy or copy enclosed with the original for comparison).

3. One dossier set shall be submitted directly, sent by post or otherwise delivered to the seagoing ship registration agency.

4. The seagoing ship registration agency shall receive the dossier and proceed with the following steps:

a/ If finding that the dossier, which is submitted directly, is invalid, to guide the applicant how to complete the dossier; if finding that the dossier is valid, to record it in the dossier register, issue a dossier receipt and give an appointment to return the result within the prescribed time limit;

b/ If finding that the dossier, which is sent by post, is invalid, within 2 working days after receiving it, to guide the applicant how to complete the dossier in accordance with this Decree;

c/ Within 2 working days after receiving the complete and valid dossier, the seagoing ship registration agency shall grant a seagoing ship registration certificate and hand it over directly or send it by post to the applicant; in case of refusal to grant a certificate, it shall issue a written reply clearly stating the reason.

5. The shipowner shall pay a seagoing ship registration fee under regulations of the Ministry of Finance, either directly or via bank transfer to the seagoing ship registration agency, and shall bear all the dossier sending and bank transfer expenses.

Article 15. Procedures for change registration

1. In case there is any change in the information stated in the seagoing ship registration certificate prescribed in Clause 4, Article 3 of this Decree, within 30 days after such change occurs, the shipowner shall carry out procedures for registering such change and be granted a new certificate with the same form as that of the old certificate.

2. A dossier of change registration must comprise:

a/ A change registration declaration, made according to Form No. 2 in the Appendix to this Decree;

b/ The documents relevant to the contents proposed for change registration;

c/ The original seagoing ship registration certificate or the original seagoing ship deregistration certificate, in case of changing the ship registration agency; in case the ship is operating at sea or in a foreign country, the shipowner may submit a copy thereof but shall make a commitment and submit the original within 30 days after the new registration certificate is granted;

d/ If the seagoing ship is a mortgaged one, written consent of the mortgagee is required.

3. One dossier shall be submitted directly, sent by post or otherwise delivered to the seagoing ship registration agency with which the seagoing ship has been registered or to the new seagoing ship registration agency, in case of changing the ship registration agency.

4. The seagoing ship registration agency shall receive the dossier and proceed with the following steps:

a/ If finding that the dossier, which is submitted directly, is invalid, to guide the applicant how to complete the dossier; if finding that the dossier is valid, to record it in the dossier register, issue a dossier receipt and give an appointment to return the result within the prescribed time limit;

b/ If finding that the dossier, which is sent by post, is invalid, within 2 working days after receiving it, to guide the applicant how to complete the dossier in accordance with this Decree;

c/ Within 2 working days after receiving the complete and valid dossier, the seagoing ship registration agency shall grant a seagoing ship registration certificate and hand it over directly or send it by post to the applicant; in case of refusal to grant a certificate, it shall issue a written reply clearly stating the reason.

5. The shipowner shall pay a seagoing ship registration fee under regulations of the Ministry of Finance, either directly or via bank transfer to the seagoing ship registration agency, and shall bear all the dossier sending and bank transfer expenses.

Article 16. Procedures for re-grant of a certificate of seagoing ship registration

1. In case a certificate of seagoing ship registration is lost, torn or damaged, the seagoing ship registration agency shall re-grant the certificate to the shipowner according to the ship's previous registration form.

2. A dossier for re-grant of a certificate of seagoing ship registration must comprise:

a/ A declaration for re-grant of seagoing ship registration certificate, made according to Form No. 4 in the Appendix to this Decree;

b/ The certificate of seagoing ship registration; in case the certificate is torn or damaged or the ship is operating at sea or in a foreign country, the shipowner may submit a copy of the registration certificate but shall make a commitment and submit the original certificate within 30 days after a new certificate is granted.

3. One dossier set shall be submitted directly, sent by post or otherwise delivered to the seagoing ship registration agency.

4. The seagoing ship registration agency shall receive the dossier and proceed with the following steps:

a/ If finding that the dossier, which is submitted directly, is invalid, to guide the applicant how to complete the dossier; if finding that the dossier is valid, to record it in the dossier register, issue a dossier receipt and give an appointment to return the result within the prescribed time limit;

b/ If finding that the dossier, which is sent by post, is invalid, within 2 working days after receiving it, to guide the applicant how to complete the dossier in accordance with this Decree;

c/ Within 2 working days after receiving a complete and valid dossier, the seagoing ship registration agency shall grant a seagoing ship registration certificate and hand it over directly or send it by post to the applicant and, if the ship is a mortgaged one, concurrently send a notice of re-grant to the mortgagee; in case of refusal to grant a certificate, it shall issue a written reply clearly stating the reason;

5. The shipowner shall pay a fee for re-grant of seagoing ship registration certificate under regulations of the Ministry of Finance either directly or via bank transfer to the seagoing ship registration agency before receiving the certificate, and shall bear all the dossier sending and bank transfer expenses. At the same time, if the ship is a mortgaged one, the shipowner shall notify the re-grant to the mortgagee of the re-grant of the certificate.

Section 3

REGISTRATION OF OFFICIAL-DUTY SEAGOING SHIPS, SUBMARINES, SUBMERSIBLES, FLOATING STORAGE AND OFFLOADING UNITS AND MOBILE OFFSHORE UNITS

Article 17. Registration of official-duty seagoing ships, submarines, submersibles, floating storage and offloading units and mobile offshore units

1. Registration of official-duty seagoing ships, submarines, submersibles, floating storage and offloading units and mobile offshore units means the recording of information on official-duty seagoing ships, submarines, submersibles, floating storage and offloading units and mobile offshore units in the Vietnam National Register of Ships and storage of such information and grant of registration certificates.

2. A certificate of registration of official-duty seagoing ship, submarine, submersible, floating storage and offloading unit or mobile offshore unit shall be granted in 1 original according to Form No. 6 in the Appendix to this Decree.

Article 18. Procedures for registration of official-duty seagoing ships, submarines, submersibles, floating storage and offloading units and mobile offshore units

1. The procedures for registration of official-duty seagoing ships, submarines, submersibles, floating storage and offloading units and mobile offshore units are similar to those for registration of seagoing ships prescribed in Articles 8 thru 16 of this Decree.

2. For registration of an official-duty ship, the shipowner shall submit its establishment decision issued by a competent authority (certified copy or copy enclosed with the original for comparison) instead of the paper specified at Point c, Clause 2, Article 8; Point g, Clause 2, Article 9; Point d, Clause 2, Article 10; Point g, Clause 2, Article 12; Point d, Clause 2, Article 13; or Point dd, Clause 2, Article 14, of this Decree.

Chapter III

DEREGISTRATION OF SEAGOING SHIPS, OFFICIAL-DUTY SHIPS, SUBMARINES, SUBMERSIBLES, FLOATING STORAGE AND OFFLOADING UNITS AND MOBILE OFFSHORE UNITS

Article 19. General provisions on deregistration

1. Vietnamese seagoing ships may be deregistered in Vietnam in the cases specified in Article 25 of the 2015 Maritime Code of Vietnam.

2. The time limit for a shipowner to carry out procedures for deregistration of its/his/her seagoing ship in some cases is as follows:

a/ Within 60 days since the seagoing ship no longer retains the characteristics of a seagoing ship; is destroyed, dismantled or sunk irrecoverably;

b/ Within 24 months after the seagoing ship is missing;

c/ Within 30 days after the shipowner no longer has a head office, branch or representative office in Vietnam.

3. The provisions on deregistration of seagoing ships in this Chapter shall apply to deregistration of official-duty ships, submarines, submersibles, floating storage and offloading units and mobile offshore units.

Article 20. Deregistration procedures

1. A deregistration certificate shall be granted in 1 original to the shipowner according to Form No. 10 in the Appendix to this Decree.

2. A dossier for deregistration must comprise:

a/ A deregistration declaration made according to Form No. 3 in the Appendix to this Decree;

b/ The registration certificate (original); in case the registration certificate is lost, the shipowner shall declare the loss and state the reason;

c/ In case the seagoing ship is mortgaged, the mortgagee's written consent is required and mortgage deregistration procedures shall be carried out before seagoing ship deregistration procedures are carried out.

3. One dossier set shall be submitted directly, sent by post or otherwise delivered to the seagoing ship registration agency with which the seagoing ship has been registered.

4. The seagoing ship registration agency shall receive the dossier and proceed with the following steps:

a/ If finding that the dossier, which is submitted directly, is invalid, to guide the applicant how to complete the dossier; if finding that the dossier is valid, to record it in the dossier register, issue a dossier receipt and give an appointment to return the result within the prescribed time limit;

b/ If finding that the dossier, which is sent by post, is invalid, within 2 working days after receiving it, to guide the applicant how to complete the dossier in accordance with this Decree;

c/ Within 2 working days after receiving a complete and valid dossier, the seagoing ship registration agency shall grant a seagoing ship deregistration certificate and hand it over directly or send it by post to the applicant; in case of refusal to grant a certificate, it shall issue a written reply clearly stating the reason.

5. The shipowner shall pay a deregistration fee under regulations of the Ministry of Finance either directly or via bank transfer to the seagoing ship registration agency before receiving the certificate, and shall bear all dossier sending and bank transfer expenses.

Chapter IV

PURCHASE, SALE AND BUILDING OF SEAGOING SHIPS

Article 21. Principles of purchase, sale and building of seagoing ships

1. Purchase, sale and building of seagoing ships are special investment activities; the order and procedures for purchase, sale and building of seagoing ships must comply with the provisions in this Decree and other relevant provisions of law.

2. Purchased, sold and built seagoing ships must fully meet the conditions on maritime safety and security and ensure maritime labor and environmental protection requirements in accordance with Vietnam's law and relevant treaties to which Vietnam is a contracting party.

Article 22. Forms of purchase, sale and building of seagoing ships

1. Purchase of seagoing ships with state funds must comply with the bidding law. After all the provisions of the bidding law are applied, if it remains impossible to select a seagoing ship, the form of competitive goods offering according to international practices may apply with the participation of at least 3 offerors being ship sellers and/or brokers.

2. Sale of seagoing ships built with state funds must comply with the provisions of the auction law. After all the provisions of the auction law are applied, if it remains impossible to select a purchaser, the form of competitive price offering according to international practices may apply with the participation of at least 3 price offerors being direct purchasers and/or brokers.

3. State-funded projects to build seagoing ships must comply with the bidding law. After all the provisions of the bidding law are applied, it remains impossible to select a ship builder, the form of competitive goods offering may apply with the participation of at least 3 ship builders or their representatives.

4. The forms of purchase, sale and building of seagoing ships with other funding sources shall be decided by concerned enterprises, organizations and individuals themselves.

Article 23. Procedures for purchase of seagoing ships

1. The purchase of seagoing ships with state funds must undergo the following process:

a/ Selecting ships, estimating the purchase price and expenses related to the purchase transaction;

b/ Preparing, appraising and approving a seagoing ship purchase project. This project must state the necessity of the investment, category, quantity, and basic technical specifications of the to-be-purchased ship, estimated price, sources of funds for the purchase, form of purchase, plan on exploitation of the ship, economic efficiency and other necessary contents;

c/ Deciding to purchase the ship;

d/ Completing purchase procedures.

2. The process for purchase of seagoing ships with other funding sources shall be decided by purchasers themselves.

Article 24. Process for sale of seagoing ships

1. The sale of seagoing ships invested by the State must undergo the following process:

a/ Determining the reserve price and estimating expenses related to the sale transaction;

b/ Preparing, appraising and approving a seagoing ship sale project. This project must state the necessity of the investment, quantity and basic technical specifications of the to-be-sold ship, estimated selling price, form of sale and other necessary contents;

c/ Deciding to sell the ship;

d/ Completing sale procedures.

2. The process for selling seagoing ships built with other funding sources shall be decided by sellers themselves.

Article 25. Process for implementation of seagoing ship building projects

1. A state-funded seagoing ship building project shall be implemented according to the following process:

a/ Selecting, determining the costs of and funding sources for building seagoing ships; estimating expenses related to the ship building transaction;

b/ Preparing, appraising and approving a seagoing ship building project. This project must state the necessity of the investment, category, quantity and basic technical specifications of to-be-built seagoing ships,

estimated costs, funding sources for the building, form of building, plan on ship exploitation, economic efficiency and other necessary contents;

c/ Deciding to build seagoing ships;

d/ Completing seagoing ship building procedures.

2. The process of implementing seagoing ship building projects funded with other funding sources shall be decided by concerned enterprises, organizations and individuals themselves.

Article 26. Competence to approve policies and decide on the sale, purchase and building of seagoing ships

1. The competence to approve the policy and decide on the purchase, sale or building of seagoing ships under state-funded projects must comply with the law on management and use of state capital invested in production and business at enterprises.

2. The purchase, sale and building of seagoing ships under projects funded with other funding sources shall be decided by concerned enterprises, organizations and individuals themselves.

Article 27. Dossiers of decision on the purchase, sale and building of seagoing ships

1. A dossier of decision on the purchase of a seagoing ship must comprise:

a/ A report on the purchase of a seagoing ship, clearly stating the ship selection result;

b/ The approved ship purchase project, enclosed with the decision approving the project;

c/ A copy of the ship registration certificate;

d/ A report on technical inspection of the seagoing ship, issued by the Vietnam Register or by a foreign register which is a member of the International Association of Seagoing Ship Classification Organizations (IACS);

dd/ Copies of certificates of ship maritime safety and security, maritime labor and environmental protection granted by competent agencies, for ships under operation;

e/ The written approval of the loan of a credit institution (if any).

2. A dossier of decision on the sale of a seagoing ship, including also seagoing ships under construction, must comprise:

a/ A report on the sale of a seagoing ship, clearly stating the sale price of the ship;

- b/ A copy of the ship registration certificate;
 - c/ A written consent of the sale of the ship, made by the organization or individual that has provided loans or guarantee related to the to-be-sold ship or by the mortgagee of the ship;
 - d/ Copies of the ship's certificates of maritime safety and security and environmental protection granted by competent agencies;
 - dd/ The approved ship sale project, enclosed with the decision approving the project.
3. A dossier of decision on building a seagoing ship must comprise:
- a/ A report on the building of a seagoing ship, clearly stating the shipbuilder selected to build the ship;
 - b/ The approved ship building project, enclosed with the decision approving the project;
 - c/ The basic design dossier of the to-be-built ship, approved by a register agency;
 - d/ Major contents of the draft contract or equivalent agreement;
 - dd/ The loan guarantee agreement, if so requested by the shipbuilder or loan provider.

Article 28. Responsibilities and rights of seagoing ship purchasers, sellers and builders

1. Purchasers, sellers or builders of seagoing ships shall take responsibility for:
- a/ The accuracy and lawfulness of documents enclosed with dossiers of decision on purchase, sale or building of seagoing ships;
 - b/ The lawfulness and technical quality of seagoing ships; costs of purchasing, selling or building seagoing ships, and financial capacity of the seagoing ship purchase, sale or building projects;
 - c/ Clauses and terms of draft contracts on purchase, sale or building of seagoing ships. The purchasers, sellers or builders of seagoing ships may officially sign contracts on purchase, sale or building of seagoing ships only after obtaining competent authorities' decisions thereon;
 - d/ Investment efficiency of the projects; reasonability of the method for purchasing or building seagoing ships and the fundraising method already selected on the basis of considering the financial and technological capacity and the ship operation plan.
2. Rights of purchasers, sellers or builders of seagoing ships:

a/ To directly conduct transactions and sign contracts on purchase, sale or building of seagoing ships and carry out procedures for delivery and handover, and import and export of seagoing ships pursuant to competent authorities' decisions on purchase, sale and building of seagoing ships;

b/ When necessary, to hire consultants to formulate projects or entrust others to carry out procedures for handover, delivery, import or export of seagoing ships.

Article 29. Procedures for import and export of seagoing ships

1. Pursuant to decisions and contracts on purchase, sale or building of seagoing ships, written records of handover of seagoing ships and documents certifying the technical state of seagoing ships issued by the Vietnam Register after conducting first-time inspection of imported seagoing ships, customs offices shall carry out import and export procedures for seagoing ships.

2. When necessary to carry out export procedures for a seagoing ship which has departed from the country, customs offices shall carry out export procedures without having to bring the ship back to Vietnam, provided that the shipowner commits in writing that the ship has undergone all exit procedures as required and takes responsibility before law for its/his/her commitment.

3. Physical inspection of exported seagoing ships shall be carried out at Vietnamese seaports where exit procedures for the seagoing ships are carried out. For imported seagoing ships, physical inspection shall be conducted at the first Vietnamese seaport where entry procedures are carried out.

Chapter V

SEAGOING SHIPS OWNED BY VIETNAMESE ORGANIZATIONS
AND INDIVIDUALS REGISTERING TO FLY A FOREIGN STATE
FLAG

Article 30. Conditions for seagoing ships owned by Vietnamese organizations or individuals to register to fly a foreign state flag

1. Purchased or built seagoing ships of state-owned or state-invested enterprises must register to fly the Vietnamese flag under this Decree, except the case prescribed in Clause 3 of this Article.

2. Seagoing ships of Vietnamese organizations or individuals without state funds may register to fly a foreign state flag as decided by their owners. Within 30 days after a seagoing ship is registered to fly a foreign state flag, the shipowner shall send 1 copy of the ship registration

certificate to the Vietnamese national seagoing ship registration agency to serve management work.

3. Seagoing ships flying the Vietnamese flag which are hire-purchased or chartered by the mode of bareboat charter by foreign organizations or individuals may register to fly a foreign state flag if their owners so request.

4. The provisions of this Article shall also apply to floating storage and offloading units and mobile offshore units.

Article 31. Procedures for registration of seagoing ships flying foreign state flags

1. The procedures for registration of seagoing ships flying a foreign state flag must comply with the law of the country of their nationality.

2. Seagoing ships flying the Vietnamese flag which are hired or hire-purchased by foreign organizations or individuals must be deregistered under Article 19 of this Decree before registering to fly a foreign state flag.

Chapter VI

IMPLEMENTATION PROVISIONS

Article 32. Effect

1. This Decree takes effect on July 1, 2017.

2. To annul the Government's Decree No. 161/2013/ND-CP of November 12, 2013, on registration, purchase, sale and building of seagoing ships.

Article 33. Transitional provisions

1. Certificates of registration of seagoing ships or registration of mortgage of seagoing ships which have been granted before the effective date of this Decree shall be valid until they expire or until there is any change in the ship registration, mortgage registration or mortgage deregistration.

2. Seagoing ship purchase, sale or building projects approved before the effective date of this Decree may be further implemented without having to apply the provisions of this Decree.

Article 34. Organization of implementation

Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of provincial-level People's Committees, and related agencies, organizations and individuals shall implement this Decree.-

On behalf of the Government
Prime Minister
NGUYEN XUAN PHUC

** The Appendix to this Decree is not translated.*