

THE GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

No.: 171/2016/ND-CP

Hanoi, December 27, 2016

DECREE

REGISTRATION, DEREGISTRATION, PURCHASE, SALE AND BUILDING OF SHIPS

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

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

At the request of Minister of Transport;

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

Chapter I

GENERAL PROVISIONS

Article 1. Scope

1. This Decree introduces regulations on the registration and deregistration of Vietnamese-flagged ships, the purchase, sale, building, import and export of ships, and registration of ships under the ownership of Vietnamese entities for sailing under foreign flags.
2. Regulations on the registration and deregistration of ships in this Decree shall also apply to the registration and deregistration of public service ships, submarines, submersibles, floating production storage and offloading units, and mobile offshore drilling units.
3. This Decree shall not apply to the purchase, sale and building of:
 - a) Ships which are under the ownership of foreign entities and constructed in Vietnam;
 - b) Foreign-flagged ships which are under the ownership of foreign entities and sold at auction in Vietnam under decisions on enforcement of competent state agencies;
 - c) Public service ships, submarines, submersibles, floating production storage and offloading units, and mobile offshore drilling units.
4. This Decree shall not also apply to the registration, deregistration, purchase, sale and building of ships serving national defense and security purpose, nuclear-powered ships and seaplanes.

Article 2. Regulated entities

This Decree shall apply to Vietnamese and foreign entities getting involved in the registration, deregistration, purchase, sale and building of ships.

Article 3. Interpretation of terms

In this document, these terms are construed as follows:

1. Ship registration means that a competent agency in charge of ship registration in Vietnam records information on ships in the Vietnam National Ships Registration Book for archive and grants ship registration certificates under regulations in this Decree and relevant laws. The ship registration is carried out under the following forms:

- a) Indefinite ship registration;
- a) Periodical ship registration;
- c) Registration of change;
- d) Provisional registration of ship;
- dd) Registration of ship under construction;
- 2) Registration of small ship.

2. Indefinite ship registration refers to the registration of a ship when such ship fully satisfies the conditions prescribed in Article 20 of the 2015 Maritime Code of Vietnam and in this Decree.

3. Periodical ship registration refers to the registration of a ship for a definite time when such ship fully satisfies the conditions prescribed in Article 20 of the 2015 Maritime Code of Vietnam and in this Decree.

4. Registration of change refers to the registration of a ship which has been registered in the Vietnam National Ships Registration Book when there is a change in the ship's name, the ship owner's name or address, the ship's technical specifications or utilities, the ship registration office or the ship classification agency.

5. Provisional registration of ship refers to the registration of a ship under the ownership of a Vietnamese or foreign entity for provisionally flying the Vietnamese flag in the following cases:

- a) Fees and charges have been not yet paid as regulated;
- b) It has no certificate of ship deregistration but has made a commitment in the ship purchase and sale contract that the seller will hand over the certificate of ship deregistration to the purchaser.

In this case, the certificate of provisional registration of Vietnamese ship may take effect only from the date on which the purchaser and seller sign the written record of ship handover;

c) A newly built ship is put for test or received for navigation to the place of registry on the basis of a shipbuilding contract.

6. Registration of ship under construction refers to the registration of a ship of which the keel has been laid but the building is not yet completed.

7. Registration of small ship refers to the registration of a motor ship with the main engine power of less than 75kW or a non-motor ship with a gross tonnage of less than 50GT or a dead weight of less than 100 tonnes or a design waterline length of less than 20 meters.

8. Ship purchase and sale means a process of market research, preparation of a project dossier, decision on purchase and sale, and signing and performance of a ship purchase and sale contract.

9. Valid application refers to the application comprising all of the documents prescribed in this Decree.

10. Port of ship registry or place of ship registry refers to the name of sea port or the name of province or central-affiliated city where the head office of the agency carrying out the registration for ships is located (hereinafter referred to as the place of registry).

11. Age of a ship is calculated by years from the date when the ship's keel is laid. In case it is unable to determine the date of the keel laid, the age of a ship shall be counted from the date on which the weight of the assembled hull of the ship reaches 50 tonnes or equals to 01% of total estimated amount of materials of hull, whichever value is lower.

12. Project on purchase or building of ship with state funding refers to the investment project on purchase of a ship or construction of a new ship of which the state funding is accounted for 30% or above or less than 30% but more than VND 500 billion of the project's total investment.

13. Project on purchase or building of ship with other sources of funding refers to the investment project on purchase of a ship or construction of a new ship without using state funding or of which the state funding is accounted less than 30% and less than VND 500 billion of the project's total investment.

14. Project on sale of ship with state funding refers to the project on sale of a ship which has been purchased or built according to the project on purchase or building of ship with state funding.

15. Project on sale of ship with other sources of funding refers to the project on sale of a ship which has been purchased or built according to the project on purchase or building of ship with other sources of funding.

Chapter II

REGISTRATION OF SHIP, PUBLIC SERVICE SHIP, SUBMARINE, SUBMERSIBLE, FLOATING PRODUCTION STORAGE AND OFFLOADING UNIT, AND MOBILE OFFSHORE DRILLING UNIT

Section 1. VIETNAM REGISTRAR OF SHIP

Article 4. Vietnam registrar of ship

1. The Vietnam Maritime Administration performs functions of the Vietnam registrar of ship.
2. Maritime Sub-departments and Port Authorities shall perform ship registration duties according to the division of responsibility by the Vietnam Maritime Administration.

Article 5. Duties of Vietnam registrar of ship

1. Make and manage the Vietnam National Ships Registration Book.
2. Store and manage applications; consolidate, make statistics on, maintain and update database concerning the registration of ships, and provide relevant information to interested entities.
3. Perform the consistent management of the printing and issuance of forms or templates of ship registration books, application forms and papers relating to the registration of ships; develop the application of information technology to the ship registration in accordance with prevailing regulations.
4. Post on the website of the Vietnam Maritime Administration specific information about addresses and accounts of registrars of ship so that concerned entities may submit their applications by post and pay regulated fees and charges through money transfer services provided by banks.
5. Organize the ship registration activities in conformity with regulations in the 2015 Maritime Code of Vietnam, regulations herein and relevant laws; develop the application of information technology to the registration of ships under the method of online applications.
6. Carry out the ship mortgage in accordance with regulations of the Law on secured transactions and registration of secured transactions.
7. Collect, transfer, manage and use fees and charges for ship registration as regulated by laws.

Article 6. Vietnam National Ships Registration Book

1. The Vietnam National Ships Registration Book records information concerning ships which have been registered or deregistered in accordance with regulations. Main contents of the Vietnam National Ships Registration Book are governed by regulations in Article 24 of the 2015 Maritime Code of Vietnam.

2. The Vietnam registrar of ship shall perform the printing and instruct the use and management of the Vietnam National Ships Registration Book.

Section 2. REGISTRATION OF SHIPS

Article 7. Age limits of used foreign ships registered in Vietnam for the first time

1. Age limits of used foreign-flagged ships, submarines, submersibles, floating production storage and offloading units, and mobile offshore drilling units which are registered in Vietnam for the first time shall be provided for as follows:

- a) Passenger ships, submarines and submersibles: 10 years of age;
 - b) Other ships, floating production storage and offloading units, and mobile offshore drilling units: Not more than 15 years of age;
 - c) In special cases, age limits shall be decided by Minister of Transport provided it shall not exceed 20 years and only apply to chemical tankers, ships carrying liquefied gases, oil tankers or floating production storage and offloading units.
2. Age limits prescribed in Clause 1 of this Article shall not apply to foreign-flagged ships which are under the ownership of foreign entities and sold at auction in Vietnam under decisions on enforcement of competent agencies.
3. Age limits prescribed in Clause 1 of this Article shall not apply to Vietnamese-flagged ships which are under the ownership of Vietnamese entities and have been deregistered for sailing under the Vietnamese flag in order to carry out the registration for sailing under foreign flags under the bareboat charter method.
4. A foreign-flagged ship which has been purchased by a Vietnamese entity under the form of purchase loan or hire purchase may, after the registration period for sailing under the foreign flag expires, be registered for sailing under the Vietnamese flag provided that the age of that ship at the time of signing the purchase loan contract or the hire-purchase contract conforms to regulations on age limits specified in Clause 1 of this Article.

Article 8. Ship naming

1. The name of a ship may be given by the shipowner in conformity with regulations in Article 21 of the 2015 Maritime Code of Vietnam.
2. An application for approval for a ship name is comprised of:
- a) The application for approval for a given ship name made according to the Form No. 05 stated in the Appendix enclosed herewith;

- b) The ship purchase and sale contract or the shipbuilding contract or another deed of title of equivalent legal validity for the ship (a certified copy or a copy accompanied with the original for checking);
 - c) The business registration certificate or the enterprise registration certificate (a certified copy or a copy accompanied with the original for checking). In case the ship is owned by a foreign organization, its license to establish a branch or representative office in Vietnam (a certified copy or a copy accompanied with the original for checking) is required;
 - d) If the ship is owned by an individual, his/her ID card or citizen identity card or passport (a certified copy or a copy accompanied with the original for checking) is required. If the shipowner is a foreigner, his/her passport (a copy accompanied with the original for checking) is required.
3. The applicant shall, by hand or by post or by other appropriate form, submit 01 set of application to the registrar of ship.
4. Upon the receipt of the application, the registrar of ship shall carry out the following procedures:
- a) With respect of applications received by hand, the registrar of ship shall provide instructions to the applicant to complete the application if it is invalid or record in the monitoring book and grant a receipt of application giving an appointment to the applicant for returning the application processing result within the prescribed period;
 - b) With respect of applications received by post, the registrar of ship shall, within 02 working days as of the receipt of the invalid application, provide instructions to the applicant to complete that application in conformity with regulations herein;
 - c) Within 02 working days as of the receipt of valid application, the registrar of ship shall give a written approval for the ship name given by the shipowner. If the application is refused, a written response indicating reasons thereof shall be given to the shipowner.

Article 9. Procedures for indefinite ship registration

1. Certificate of registry of a Vietnamese-flagged ship:
- a) Certificate of registry of a Vietnamese-flagged ship shall be granted to the ship which is registered for indefinite term when that ship satisfied all of the prescribed conditions and has been recorded in the Vietnam National Ships Registration Book under procedures specified herein;
 - b) 01 original of the Certificate of registry of Vietnamese-flagged ship shall be granted according to the Form No. 06 stated in the Appendix enclosed herewith;

c) Certificate of registry of Vietnamese-flagged ship shall be valid from the date of issuance and invalid from the date on which it is lost or the ship is deregistered.

2. An application for indefinite ship registration shall include:

a) The application for registration made according to the Form No. 01 stated in the Appendix enclosed herewith;

b) Certificate of deregistration (the original) of the used ship or the written record of handover of newly built ship (the original);

c) The ship purchase and sale contract or the shipbuilding contract or another deed of title of equivalent legal validity for the ship (the original);

d) Ship tonnage certificate (a certified copy or a copy accompanied with the original for checking);

dd) Ship classification certificate (a certified copy or a copy accompanied with the original for checking);

e) Documents proving the payment of registration fee as regulated, including the declaration of registration fee certified by the tax agency and receipt of transfer of the fee into the state budget (a copy accompanied with the original for checking). In case the ship is not subject to the registration fee, the declaration of registration fee certified by the tax agency (a copy accompanied with the original for checking) is required;

g) The business registration certificate or the enterprise registration certificate (a certified copy or a copy accompanied with the original for checking). In case the ship is owned by a foreign organization, its license to establish a branch or representative office in Vietnam (a certified copy or a copy accompanied with the original for checking) is required;

h) If the ship is owned by an individual, the application shall also include the shipowner's ID card or citizen identity card or passport (a certified copy or a copy accompanied with the original for checking). If the shipowner is a foreigner, his/her passport (a copy accompanied with the original for checking) is required.

3. The applicant shall, by hand or by post or by other appropriate form, submit 01 set of application to the registrar of ship.

4. Upon the receipt of the application, the registrar of ship shall carry out the following procedures:

a) With respect of applications received by hand, the registrar of ship shall provide instructions to the applicant to complete the application if it is invalid or record in the monitoring book and grant a receipt of application giving an appointment for returning the application processing result within the prescribed period;

b) With respect of applications received by post, the registrar of ship shall, within 02 working days as of the receipt of the invalid application, provide instructions to the applicant to complete that application in conformity with regulations herein;

c) Within 02 working days as from the receipt of valid application, the registrar of ship shall grant the Certificate of registry of Vietnamese-flagged ship and directly or by post send it to the applicant. If the application is refused, a written response indicating reasons thereof shall be given to the applicant.

5. The shipowner shall pay registration fee directly at the head office of the registrar of ship or by transfer to the account of the registrar of ship before receiving the application processing results in conformity with regulations announced by Ministry of Finance, and at the same time pay fees for sending application and attached documents, and money transfer fee.

Article 10. Procedures for periodical ship registration

1. Certificate of periodical registry:

a) The ship registration period is specified in the certificate of registry corresponding to the period of the hire-purchase contract or the bareboat charter or as requested by the shipowner.

b) 01 original of the Certificate of periodical registry shall be granted according to the Form No. 07 stated in the Appendix enclosed herewith.

2. The application for periodical registration of a ship which is owned by a Vietnamese entity under the form or hire-purchase or bareboat charter includes:

a) The application for registration made according to the Form No. 01 stated in the Appendix enclosed herewith;

b) Ship tonnage certificate (a certified copy or a copy accompanied with the original for checking);

c) Ship classification certificate (a certified copy or a copy accompanied with the original for checking);

d) The business registration certificate or the enterprise registration certificate (a certified copy or a copy accompanied with the original for checking);

dd) Certificate of suspended registry (if the ship registration has been carried out in a foreign country) or Certificate of deregistration (the original);

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

g) The written record of ship handover (the original);

h) Documents proving the payment of registration fee as regulated, including the declaration of registration fee certified by the tax agency and receipt of transfer of the fee into the state budget (a copy accompanied with the original for checking). In case the ship is not subject to the registration fee, the declaration of registration fee certified by the tax agency (a copy accompanied with the original for checking) is required;

i) If the ship is owned by an individual, the application shall also include the shipowner's ID card or citizen identity card or passport (a certified copy or a copy accompanied with the original for checking).

3. The application for periodical registration of a ship which is owned by a foreign entity shall include types of documents prescribed in Points a, b, c, dd, e, g and h Clause 2 of this Article, and the license to establish a branch or representative office in Vietnam (a certified copy or a copy accompanied with the original for checking) or the shipowner's passport (a copy accompanied with the original for checking).

4. The applicant shall, by hand or by post or by other appropriate form, submit 01 set of application to the registrar of ship.

5. Upon the receipt of the application, the registrar of ship shall carry out the following procedures:

a) With respect of applications received by hand, the registrar of ship shall provide instructions to the applicant to complete the application if it is invalid or record in the monitoring book and grant a receipt of application giving an appointment for returning the application processing result within the prescribed period;

b) With respect of applications received by post, the registrar of ship shall, within 02 working days as of the receipt of the invalid application, provide instructions to the applicant to complete that application in conformity with regulations herein;

c) Within 02 working days as from the receipt of valid application, the registrar of ship shall grant the Certificate of periodical registry and directly or by post send it to the applicant. If the application is refused, a written response indicating reasons thereof shall be given to the applicant.

6. The shipowner shall pay registration fee directly at the head office of the registrar of ship or by transfer to the account of the registrar of ship before receiving the application processing results in conformity with regulations announced by Ministry of Finance, and at the same time pay fees for sending application and attached documents, and money transfer fee.

Article 11. Procedures for provisional ship registration

1. Certificate of provisional registration for a Vietnamese-flagged ship:

a) 01 original of the Certificate of provisional registration for Vietnamese-flagged ship shall be made according to the Form No. 08 stated in the Appendix enclosed herewith and granted to the shipowner who carries out the provisional registration for his/ her ship for sailing under the Vietnamese flag;

b) Certificate of provisional registration for Vietnamese-flagged ship shall be valid within 180 days from the date on which it is granted;

c) If a Certificate of provisional registration for Vietnamese-flagged ship expires but that ship cannot arrive Vietnam for completion of the official registration procedures as prescribed herein, the registrar of ship granting the Certificate of provisional registration for Vietnamese-flagged ship may grant one-time extension provided it shall not exceed 180 days as from the expiry date of the granted Certificate of provisional registration for Vietnamese-flagged ship;

d) If the extension of the Certificate of provisional registration for Vietnamese-flagged ship specified in Point c of this Clause expires but the ship still cannot arrive Vietnam for completion of the official registration procedures due to the force majeure events, the Director of the Vietnam Maritime Administration shall decide to grant an extension of provisional registration provided it shall also not exceed 180 days.

2. Application for provisional ship registration:

a) In case the prescribed fees and charges have not yet been paid, the application includes: The application for registration made according to the Form No. 01 stated in the Appendix enclosed herewith, types of documents prescribed in Points b, c, g and h Clause 2 Article 9 herein, and the ship tonnage certificate and the ship classification certificate (certified copies);

b) In case the certificate of deregistration has been not yet granted, the application includes: The application for registration made according to the Form No. 01 stated in the Appendix enclosed herewith, types of documents prescribed in Points c, g and h Clause 2 Article 9 herein, and the ship tonnage certificate and the ship classification certificate (certified copies);

c) In case the newly built ship is put for test, the application includes: The application for registration made according to the Form No. 01 stated in the Appendix enclosed herewith, types of documents prescribed in Points c, g and h Clause 2 Article 9 herein, and the table of ship tonnage figures;

d) In case the newly built ship is received for navigation to the place of registry according to the shipbuilding contract, the application includes: The application for registration made according to the Form No. 01 stated in the Appendix enclosed herewith, types of documents prescribed in Points c, d, dd, g and h Clause 2 Article 9 herein.

3. The applicant shall, by hand or by post or by other appropriate form, submit 01 set of application to the registrar of ship.

4. Upon the receipt of the application, the registrar of ship shall carry out the following procedures:

- a) With respect of applications received by hand, the registrar of ship shall provide instructions to the applicant to complete the application if it is invalid or record in the monitoring book and grant a receipt of application giving an appointment for returning the application processing result within the prescribed period;
- b) With respect of applications received by post, the registrar of ship shall, within 02 working days as of the receipt of the invalid application, provide instructions to the applicant to complete that application in conformity with regulations herein;
- c) Within 02 working days as from the receipt of valid application, the registrar of ship shall grant the Certificate of provisional registration, and directly or by post send it to the applicant. If the application is refused, a written response indicating reasons thereof shall be given to the applicant.

5. The shipowner shall pay registration fee directly at the head office of the registrar of ship or by transfer to the account of the registrar of ship before receiving the application processing results in conformity with regulations announced by Ministry of Finance, and at the same time pay fees for sending application and attached documents, and money transfer fee.

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

1. Permission for a ship to provisionally fly the Vietnamese flag:

- a) 01 original of the permission for a ship to provisionally fly the Vietnamese flag, made according to the Form No. 11 stated in the Appendix enclosed herewith, shall be granted by the representative mission of the Socialist Republic of Vietnam in foreign country (hereinafter referred to as the overseas Vietnamese mission) to the Vietnamese entity that purchases a ship from a foreign entity;
- b) The permission for a ship to provisionally fly the Vietnamese flag shall be valid for 01 specific voyage of that ship from the date of issuance to the date of her arrival at the first sea port of Vietnam.

2. An application for the permission for a ship to provisionally fly the Vietnamese flag shall include:

- a) The application for registration of ship made according to the Form No. 01 stated in the Appendix enclosed herewith;
- b) Certificate of deregistration if it is a used ship (a copy accompanied with the original for checking);

c) The written record of ship handover if the ship is newly built in a foreign country for navigation to Vietnam (a copy accompanied with the original for checking);

d) The ship purchase and sale contract or the shipbuilding contract or another deed of title of equivalent legal validity for the ship (a certified copy accompanied with the original for checking);

dd) Ship tonnage certificate (a certified copy);

e) Ship classification certificate (a certified copy);

g) The business registration certificate or the enterprise registration certificate (a certified copy or a copy accompanied with the original for checking). In case the ship is owned by a foreign organization, its license to establish a branch or representative office in Vietnam (a certified copy or a copy accompanied with the original for checking) is required;

h) If the ship is owned by an individual, the application shall also include the shipowner's ID card or citizen identity card or passport (a certified copy or a copy accompanied with the original for checking). If the shipowner is a foreigner, his/her passport (a copy accompanied with the original for checking) is required.

3. The applicant shall, by hand or by post, submit 01 set of application to one of the overseas Vietnamese missions in the country where the ship is purchased or the newly built ship is handed over.

4. Upon the receipt of the application, the overseas Vietnamese mission shall carry out the following procedures:

a) With respect of applications received by hand, the overseas Vietnamese mission shall provide instructions to the applicant to complete the application if it is invalid or record in the monitoring book and grant a receipt of application giving an appointment for returning the application processing result within the prescribed period;

b) With respect of applications received by post, the overseas Vietnamese mission shall, within 02 working days as of the receipt of the invalid application, provide instructions to the applicant to complete that application in conformity with regulations herein;

c) Within 02 working days as from the receipt of valid application, the overseas Vietnamese mission shall grant the permission for a ship to provisionally fly the Vietnamese flag and directly or by post give it to the applicant. If the application is refused, a written response indicating reasons thereof shall be given to the applicant.

5. The shipowner shall pay fee for processing the application for permission for a ship to provisionally fly the Vietnamese flag directly at the head office of the overseas Vietnamese mission or by transfer to the account of the overseas Vietnamese mission before receiving the application

processing result in conformity with regulations announced by Ministry of Finance, and at the same time pay all fees for sending application and attached documents, and money transfer fee.

Article 13. Procedures for registration of a ship under construction

1. Certificate of registry of a ship under construction:

a) 01 original of the Certificate of Registry of a ship under construction, made according to the Form No. 09 stated in the Appendix enclosed herewith, shall be granted;

b) Certificate of registry of a ship under construction may not replace the Certificate of ship registry.

2. An application for registration of a ship under construction includes:

a) The application for registration of ship made according to the Form No. 01 stated in the Appendix enclosed herewith;

b) The shipbuilding contract or the contract for sale and purchase of a ship under construction (the original);

c) The keel laying certificate granted by the shipbuilding enterprise with the certification of the classification agency (the original). If a ship has no keel, the certificate granted by the shipbuilding enterprise with the certification of the classification agency to certify that the weight of the assembled hull of the ship reaches 50 tonnes or equals to 01% of total estimated amount of materials of hull (the original) is required;

d) The business registration certificate or the enterprise registration certificate (a certified copy or a copy accompanied with the original for checking). In case the ship is owned by a foreign organization, its license to establish a branch or representative office in Vietnam (a certified copy or a copy accompanied with the original for checking) is required;

dd) If the ship is owned by an individual, the application shall also include the shipowner's ID card or citizen identity card or passport (a certified copy or a copy accompanied with the original for checking). If the shipowner is a foreigner, his/her passport (a copy accompanied with the original for checking) is required.

3. The applicant shall, by hand or by post or by other appropriate form, submit 01 set of application to the registrar of ship.

4. Upon the receipt of the application, the registrar of ship shall carry out the following procedures:

a) With respect of applications received by hand, the registrar of ship shall provide instructions to the applicant to complete the application if it is invalid or record in the monitoring book and

grant a receipt of application giving an appointment for returning the application processing result within the prescribed period;

b) With respect of applications received by post, the registrar of ship shall, within 02 working days as of the receipt of the invalid application, provide instructions to the applicant to complete that application in conformity with regulations herein;

c) Within 02 working days as from the receipt of valid application, the registrar of ship shall grant the Certificate of registration for ship under construction, and directly or by post send it to the applicant. If the application is refused, a written response indicating reasons thereof shall be given to the applicant.

5. The shipowner shall pay registration fee directly at the head office of the registrar of ship or by transfer to the account of the registrar of ship before receiving the application processing result in conformity with regulations announced by Ministry of Finance, and at the same time pay all fees for sending application and attached documents, and money transfer fee.

Article 14. Procedures for registration of small ship

1. 01 original of the Certificate of registry of small ship shall be granted according to the Form No. 06 stated in the Appendix enclosed herewith.

2. An application for registration of small ship includes:

a) The application for registration of ship made according to the Form No. 01 stated in the Appendix enclosed herewith;

b) Certificate of deregistration (the original) of the used ship or the written record of handover of newly built ship (the original);

c) The ship purchase and sale contract or the shipbuilding contract or another deed of title of equivalent legal validity for the ship (the original);

d) Documents proving the payment of registration fee as regulated, including the declaration of registration fee certified by the tax agency and receipt of transfer of the fee into the state budget (a copy accompanied with the original for checking). In case the ship is not subject to the registration fee, the declaration of registration fee certified by the tax agency (a copy accompanied with the original for checking) is required;

dd) The business registration certificate or the enterprise registration certificate (a certified copy or a copy accompanied with the original for checking). In case the ship is owned by a foreign organization, its license to establish a branch or representative office in Vietnam (a certified copy or a copy accompanied with the original for checking) is required;

e) If the ship is owned by an individual, the application shall also include the shipowner's ID card or citizen identity card or passport (a certified copy or a copy accompanied with the original

for checking). If the shipowner is a foreigner, his/her passport (a copy accompanied with the original for checking) is required;

g) Certificate of satisfaction of technical safety and environmental protection requirements (a certified copy or a copy accompanied with the original for checking).

3. The applicant shall, by hand or by post or by other appropriate form, submit 01 set of application to the registrar of ship.

4. Upon the receipt of the application, the registrar of ship shall carry out the following procedures:

a) With respect of applications received by hand, the registrar of ship shall provide instructions to the applicant to complete the application if it is invalid or record in the monitoring book and grant a receipt of application giving an appointment for returning the application processing result within the prescribed period;

b) With respect of applications received by post, the registrar of ship shall, within 02 working days as of the receipt of the invalid application, provide instructions to the applicant to complete that application in conformity with regulations herein;

c) Within 02 working days as from the receipt of valid application, the registrar of ship shall grant the Certificate of registry of small ship, and directly or by post send it to the applicant. If the application is refused, a written response indicating reasons thereof shall be given to the applicant.

5. The shipowner shall pay registration fee directly at the head office of the registrar of ship or by transfer to the account of the registrar of ship before receiving the application processing result in conformity with regulations announced by Ministry of Finance, and at the same time pay all fees for sending application and attached documents, and money transfer fee.

Article 15. Procedures for registration of change

1. If there is any change in the contents of the Certificate of registry prescribed in Clause 4 Article 3 herein, the shipowner must, within 30 days as from the occurrence of such change, carry out procedures for registration of change and shall have a new certificate of registry corresponding to the previous form of registry.

2. An application for registration of change includes:

a) The application for changing registration made according to the Form No. 02 stated in the Appendix enclosed herewith;

b) Documents corresponding to the changed contents;

c) The original of the granted Certificate of registry or the original of the Certificate of deregistration in case of change of the registrar of ship. If the ship is navigating on the sea or in a foreign country, the shipowner may submit the copy provided the shipowner must make a commitment and submit the original within 30 days as from the date of issuance of the new certificate of registry;

d) If the ship is under a mortgage, the written consent given by the mortgagee is required.

3. The applicant shall send 01 set of application to the previous registrar of ship or the new registrar of ship in case of change of the registrar of ship through any of the following forms: By hand, by post or another appropriate form.

4. Upon the receipt of the application, the registrar of ship shall carry out the following procedures:

a) With respect of applications received by hand, the registrar of ship shall provide instructions to the applicant to complete the application if it is invalid or record in the monitoring book and grant a receipt of application giving an appointment for returning the application processing result within the prescribed period;

b) With respect of applications received by post, the registrar of ship shall, within 02 working days as of the receipt of the invalid application, provide instructions to the applicant to complete that application in conformity with regulations herein;

c) Within 02 working days as from the receipt of valid application, the registrar of ship shall grant the new certificate of registry, and directly or by post send it to the applicant. If the application is refused, a written response indicating reasons thereof shall be given to the applicant.

5. The shipowner shall pay registration fee directly at the head office of the registrar of ship or by transfer to the account of the registrar of ship before receiving the application processing result in conformity with regulations announced by Ministry of Finance, and at the same time pay all fees for sending application and attached documents, and money transfer fee.

Article 16. Procedures for re-issuance of certificate of registry

1. If a certificate of registry is lost, torn or damaged, the registrar of ship shall re-issue the certificate of registry to the shipowner based on the previous form of ship registration.

2. An application for re-issuance of certificate of registry includes:

a) The application for re-issuing certificate of registry made according to the Form No. 04 stated in the Appendix enclosed herewith;

b) The Certificate of registry of ship in case of a torn or damaged certificate. If the ship is navigating on the sea or in a foreign country, the shipowner may submit the copy provided the

shipowner must make a commitment and submit the original within 30 days as from the date of issuance of the new certificate of registry.

3. The applicant shall, by hand or by post or by other appropriate form, submit 01 set of application to the registrar of ship where the ship has been registered and granted with the certificate of registry.

4. Upon the receipt of the application, the registrar of ship shall carry out the following procedures:

a) With respect of applications received by hand, the registrar of ship shall provide instructions to the applicant to complete the application if it is invalid or record in the monitoring book and grant a receipt of application giving an appointment for returning the application processing result within the prescribed period;

b) With respect of applications received by post, the registrar of ship shall, within 02 working days as of the receipt of the invalid application, provide instructions to the applicant to complete that application in conformity with regulations herein;

c) Within 02 working days as from the receipt of valid application, the registrar of ship shall grant the certificate of registry, and directly or by post send it to the applicant. At the same time, the registrar of ship shall send a notification of re-issuing certificate of registry to the mortgagee. If the application is refused, a written response indicating reasons thereof shall be given to the applicant.

5. The shipowner shall pay fee for re-issuance of the certificate of registry of ship directly at the head office of the registrar of ship or by transfer to the account of the registrar of ship before receiving the application processing result in conformity with regulations announced by Ministry of Finance, and at the same time pay all fees for sending application and attached documents, and money transfer fee. The shipowner must notify the ship mortgagee of the re-issuance of the certificate of registry of ship if the ship is under the mortgage.

Section 3. REGISTRATION OF PUBLIC SERVICE SHIP, SUBMARINE, SUBMERSIBLE, FLOATING PRODUCTION STORAGE AND OFFLOADING UNIT, AND MOBILE OFFSHORE DRILLING UNIT

Article 17. Regulations on registration of public service ship, submarine, submersible, floating production storage and offloading unit, and mobile offshore drilling unit

1. Registration of public service ship, submarine, submersible, floating production storage and offloading unit, or mobile offshore drilling unit refers to the recording of information about the public service ship, submarine, submersible, floating production storage and offloading unit, or mobile offshore drilling unit in the Vietnam National Ships Registration Book for archive and grant of certificate of registry.

2. 01 original of the Certificate of registry of public service ship, submarine, submersible, floating production storage and offloading unit, or mobile offshore drilling unit, made according to the Form No. 06 stated in the Appendix enclosed herewith, shall be granted.

Article 18. Procedures for registration of public service ship, submarine, submersible, floating production storage and offloading unit, and mobile offshore drilling unit

1. Procedures for the registration of public service ship, submarine, submersible, floating production storage and offloading unit or mobile offshore drilling unit shall be same as the procedures for registration of ship prescribed in Article 8 - 16 herein.

2. In case of registration of public service ship, the shipowner shall submit the Decision on establishment of agency/ unit made by competent authority (a certified copy or a copy accompanied with the original for checking) as a substitute for the document prescribed in 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 and Point dd Clause 2 Article 14 herein.

Chapter III

DEREGISTRATION OF SHIP, PUBLIC SERVICE SHIP, SUBMARINE, SUBMERSIBLE, FLOATING PRODUCTION STORAGE AND OFFLOADING UNIT, AND MOBILE OFFSHORE DRILLING UNIT

Article 19. General regulations on deregistration

1. The Vietnamese-flagged ships shall be deregistered in Vietnam in cases prescribed in Article 25 of the 2015 Maritime Code of Vietnam.

2. The shipowner must carry out the procedures for deregistration of ship within the prescribed period in the following cases:

a) Within 60 days as from the date on which the ship loses features of a seagoing ship, the ship was destructed or the ship sank and it was unable to rescue it;

b) Within 24 months as from the date on which the ship has gone missing;

c) Within 30 days as from the date on which the shipowner fails to maintain operation of the head office, the branch or representative office in Vietnam.

3. Regulations on the deregistration of ship prescribed in this Chapter shall be also applied to the deregistration of public service ship, submarine, submersible, floating production storage and offloading unit, and mobile offshore drilling unit.

Article 20. Procedures for deregistration

1. 01 original of the Certificate of deregistration of ship, made according to the Form No. 10 stated in the Appendix enclosed herewith, shall be granted to the shipowner.

2. An application for deregistration includes:

a) The application for deregistration made according to the Form No. 03 stated in the Appendix enclosed herewith;

b) Certificate of registry (the original). If the certificate of registry has been lost, the shipowner must make a report indicating reasons thereof;

c) If the ship is under mortgage, the application requires the consent in writing of the mortgagee and the shipowner must carry out procedures for deregistration of ship mortgage before carrying out procedures for deregistration of ship.

3. The applicant shall, by hand or by post or by other appropriate form, submit 01 set of application to the registrar of ship where the ship has been registered.

4. Upon the receipt of the application, the registrar of ship shall carry out the following procedures:

a) With respect of applications received by hand, the registrar of ship shall provide instructions to the applicant to complete the application if it is invalid or record in the monitoring book and grant a receipt of application giving an appointment for returning the application processing result within the prescribed period;

b) With respect of applications received by post, the registrar of ship shall, within 02 working days as of the receipt of the invalid application, provide instructions to the applicant to complete that application in conformity with regulations herein;

c) Within 02 working days as from the receipt of valid application, the registrar of ship shall grant the certificate of deregistration, and directly or by post send it to the applicant. If the application is refused, a written response indicating reasons thereof shall be given to the applicant.

5. The shipowner shall pay deregistration fee directly at the head office of the registrar of ship or by transfer to the account of the registrar of ship before receiving the application processing result in conformity with regulations announced by Ministry of Finance, and at the same time pay all fees for sending application and attached documents, and money transfer fee.

Chapter IV

PURCHASE, SALE AND BUILDING OF SHIP

Article 21. Principles for purchase, sale and building of ship

1. The purchase, sale and building of ship are specific investment activities. Procedures and formalities for purchase, sale and building of ship are performed in accordance with regulations herein and relevant laws.

2. Ships to be purchased, sold or built must satisfy the conditions on maritime safety and security and environmental protection in accordance with the law of Vietnam and international treaties to which Vietnam is a signatory.

Article 22. Forms of purchase, sale and building of ship

1. The purchase of ship with state funding shall be performed in accordance with regulations of the Law on bidding. If all regulations of the Law on bidding have been applied but no ship is selected, the form of competitive offering shall be adopted in conformity with the international practices with the participation of at least 03 offering parties who are the ship sellers or brokers.

2. The sale of ship with state funding shall be performed in accordance with regulations of the Law on bidding. If all regulations of the Law on bidding have been applied but it still fails to select the qualified buyer, the competitive offering shall be adopted in conformity with the international practices with the participation of at least 03 parties who offer buying prices and are the buyers or brokers.

3. The shipbuilding project with state funding shall be performed in accordance with regulations of the Law on bidding. If all regulations of the Law on bidding have been applied but it fails to select the qualified shipbuilding enterprise or shipyard, the competitive offering shall be adopted with the participation of at least 03 shipbuilding enterprises or shipyards or their representatives.

4. The purchase, sale and building of ships with other sources of funding shall be subject to decisions of enterprises, organizations or individuals concerned.

Article 23. Process of ship purchase

1. The process of purchasing ship with state funding:

a) Select type of ship, estimate the buying price and costs related to the ship purchase transaction;

b) Establish, appraise and give approval for the ship purchase project. The ship purchase project must include contents about the necessity of investment, type of ship, quantity, basic technical specifications of the ship, estimated buying price, source of funding for ship purchase, form of ship purchase, method of operation, economic efficiency and other necessary contents;

c) Make decision on purchase of ship;

d) Complete procedures for ship purchase.

2. The purchase of ship with other sources of funding shall be subject to decisions of enterprises, organizations or individuals concerned.

Article 24. Process of selling ship

1. The process of selling ship with state funding:

- a) Determine the reserve price and estimate costs related to the ship selling transaction;
- b) Establish, appraise and give approval for the project on sale of ship. The project on sale of ship must include contents about the necessity of selling ship, quantity, basic technical specifications of the ship, estimated selling price, form of selling ship and other necessary contents;
- c) Make decision on sale of ship;
- d) Complete procedures for selling ship.

2. The sale of ship with other sources of funding shall be subject to decisions of enterprises, organizations or individuals concerned.

Article 25. Process of executing the project on building of ship

1. The process of executing the project on building of ship with state funding:

- a) Select, determine price and source of funding for building of ship; estimate costs related to the ship building transaction;
- b) Establish, appraise and give approval for the project on building of ship. The project on building of ship must include contents about the necessity of investment, type of ship, quantity, basic technical specifications of the ship, estimated price, source of funding for building of ship, form of ship building, method of operation, economic efficiency and other necessary contents;
- c) Make decision on building of ship;
- d) Complete procedures for building of ship.

2. The project on building of ship with other sources of funding shall be subject to decisions of enterprises, organizations or individuals concerned.

Article 26. Power to give approval for policies/ decisions on sale, purchase or building of ship

1. With respect of the projects on sale, purchase or building of ships with state funding, the power to give approval for policies/ decisions on sale, purchase or building of ships shall be

governed by regulations of the Law on management and use of state funding for performing production and business activities at enterprises.

2. The projects on sale, purchase or building of ships with other sources of funding shall be subject to decisions of enterprises, organizations or individuals concerned.

Article 27. Documents concerning decisions on purchase, sale or building of ships

1. Documents concerning decision on purchase of ship include:

- a) The written request for the purchase of ship, in which the ship selection result must be specified;
- b) The approved project on purchase of ship, enclosed with Decision on approval for the project;
- c) The copy of Certificate of registry of ship;
- d) The report on the technical survey of ship made by the Vietnam Register or a foreign register which must be a member of the International Association of Classification Societies (IACS);
- dd) Copies of certificates of maritime safety and security, maritime labour and environmental protection granted by competent authorities to the ship in operation;
- e) The written approval for loan policies of credit institution (if any).

2. Documents concerning decision on sale of ship, including ships under construction, include:

- a) The written request for the sale of ship, in which the ship selling price must be specified;
- b) The copy of Certificate of registry of ship;
- c) The written approval for the sale of ship given by the entity providing loans to the enterprise or guarantor for the enterprise in connection with the to-be-sold ship or the mortgagee of the to-be-sold ship;
- d) Copies of certificates of maritime safety and security, maritime labour and environmental protection granted by competent authorities;
- dd) The approved project on sale of ship, enclosed with Decision on approval for the project.

3. Documents concerning decision on building of ship include:

- a) The written request for building of ship, in which the result of selecting shipbuilding enterprise or shipyard to execute the project on building of ship must be specified;
- b) The approved project on building of ship, enclosed with Decision on approval for the project;

- c) The design of the ship being built which has been approved by the register;
- d) Main contents of the draft of contract or similar agreement;
- dd) The loan guarantee agreement, if so requested by the ship builder or loan provider.

Article 28. Responsibility and power of the ship purchaser, seller and builder

1. The ship purchaser, seller and builder shall be responsible for:

- a) The truthfulness and legality of documents concerning decision on purchase, sale or building of ship;
- b) The genuineness and technical quality of the ship; the purchasing, selling or building price and financial conditions of the project of sale, purchase or building of ship;
- c) Contents of provisions of the draft of contract for sale, purchase or building of ship. The said contract may be officially signed only after obtaining the competent authority's decision on the purchase, sale or building of ship;
- d) The investment efficiency of the project; the rationality of the purchase or building method and capital-raising method selected to suit the financial capability, technology and ship operation plan.

2. The ship purchaser, seller and builder shall have the right to:

- a) Directly negotiate and sign ship purchase, sale or building contract and carry out the procedures for handover, import or export of ship based on competent authority's decision on purchase, sale or building of ship;
- b) Hire project consultants or entrust an entity to carry out the procedures for handover, import or export of ship, where necessary.

Article 29. Procedures for import/ export of ship

- 1. Based on decision on the purchase, sale or building of ship, the contract for purchase, sale or building of ship, the written record of ship handover and the written certification of the ship's technical status granted by the Vietnam Register upon the first inspection of imported ship, custom agency shall assume responsibility to carry out procedures for import/ export of ship.
- 2. In case export procedures for an exported ship must be carried out, the custom agency shall carry out export procedures without navigating such ship to Vietnam provided the shipowner must submit the written commitment and assume responsibility before the law for the fact all procedures for export of such ship have been completed in compliance with laws.

3. The physical inspection of the exported ship is conducted at the sea port of Vietnam where procedures for export of that ship are carried out. The physical inspection of the exported ship is conducted at the sea port of Vietnam where that ship arrives first for carrying out import procedures.

Chapter V

REGISTRATION OF SHIP UNDER THE OWNERSHIP OF A VIETNAMESE ENTITY FOR SAILING UNDER THE FOREIGN FLAG

Article 30. Registration requirements for a ship under the ownership of a Vietnamese entity for sailing under the foreign flag

1. The ships purchased or newly built of state-owned enterprises or enterprises with state contributions must be registered for sailing under the Vietnamese flag in conformity with regulations herein, except for the cases prescribed in Clause 3 of this Article.
2. A ship under the ownership of a Vietnamese entity without the state funding may be registered for sailing under the foreign flag according to the shipowner's decision. Within 30 days as from the date of registry of ship for sailing under the foreign flag, the shipowner must send a copy of Certificate of registry of ship to the Vietnam Registrar of Ship for management.
3. A Vietnamese-flagged ship which is under the hire-purchase contract or the bareboat charter with a foreign entity may be registered for sailing under the foreign flag if it is requested by the shipowner.
4. Regulations in this Article shall also apply to floating production storage and offloading units, and mobile offshore drilling units.

Article 31. Procedures for registration of ship for sailing under the foreign flag

1. Procedures for registration of a ship for sailing under the foreign flag shall be carried out in conformity with regulations of the Law of the country of which the flag is flied by that ship.
2. A Vietnamese-flagged ship which is chartered or under the hire-purchase contract with a foreign entity must be deregistered in conformity with regulations in Article 19 of this Decree before it is registered for sailing under the foreign flag.

Chapter VI

IMPLEMENTATION

Article 32. Effect

1. This Decree comes into force as of July 01, 2017.

2. The Government's Decree No. 161/2013/ND-CP dated November 12, 2013 on the registration, purchase, sale and building of ships is abrogated.

Article 33. Transitional provision

1. Certificates of registry of ships and certificates of ship mortgage which have been granted before the entry into force of this Decree shall maintain their validity until the expiration of the validity duration specified in such certificates or occurrence of any change of contents about the ship registration, the registration of ship mortgage or the deregistration of ship mortgage.

2. Projects on purchase, sale and building of ships which have been given approval before the entry into force of this Decree shall be executed regardless of the governance of regulations herein.

Article 34. Implementation organization

Ministers, heads of ministerial-level agencies, heads of the government's affiliates, chairpersons of the people's committees of provinces/ central-affiliated cities and authorities and entities concerned shall be responsible for implementing this Decree./.

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Nguyen Xuan Phuc