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| **THE GOVERNMENT --------** | **SOCIALIST REPUBLIC OF VIETNAM  Independence – Freedom – Happiness  -----------** |
| No: 30/2014/ND-CP | *Hanoi, April 14, 2014* |

**DECREE**

**ON CONDITIONS FOR SEA SHIPPING AND SEA SHIPPING SUPPORT SERVICE BUSINESS**

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

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

*Pursuant to the Law on Enterprises dated November 29, 2005;*

*Pursuant to the Law on Investment dated November 29, 2005;*

*Pursuant to the Law on Commerce dated June 14, 2005;*

*At the proposal of the Minister of Transport,*

*The Government promulgates Decree on conditions for sea shipping and sea shipping support service business.*

**Chapter 1.**

**GENERAL PROVISIONS**

**Article 1. Scope of regulation**

1. This Decree provides:

a) Conditions for sea shipping business;

b) Conditions for sea shipping service business including shipping agency services, towage assistance services

2. In addition to the provisions of this Decree on business conditions, organizations and individuals must also comply with other relevant legal provisions.

**Article 2. Subjects of application**

This Decree applies for Vietnamese organizations and individuals, foreign organizations and individuals relating to sea shipping business and business of sea shipping agency service, sea shipping towage service in Vietnam.

**Article 3. Interpretation of terms**

In this Decree, following terms are construed as follows:

1. Sea shipping business is a business using seagoing vessels to transport goods, passengers and luggage.

2. Inland sea shipping is the transport of goods, passengers and luggage by seagoing vessels in which the loading location of goods, passengers and luggage and the unloading location of goods, passengers and luggage’s are under seaports of Vietnam and the sea area of Vietnam.

3. International sea shipping is the transport of goods, passengers, luggage by seagoing vessels between seaports of Vietnam and seaports of foreign countries or between seaports of foreign countries.

4. Enterprises engaged in sea shipping business, sea shipping support service business prescribed in this Decree comprise enterprises established in accordance to legal provisions on enterprises and cooperatives established in accordance with legal provisions on cooperatives.

**Chapter 2.**

**CONDITIONS FOR SEA SHIPPING BUSINESS**

**Article 4. Conditions for sea shipping business**

Persons who are engaged in sea shipping business in Vietnam will have to establish enterprises for sea shipping business as prescribed by laws and will only be entitled to conduct sea shipping business after having been granted with Licenses for sea shipping business.

**Article 5. Conditions for grant of Licenses for sea shipping business**

1. Have registered sea shipping business.

2. Enterprises conducting sea shipping business must have professional units to perform tasks as follows:

a) Control safety as prescribed by the International Safety Management Code – ISM Code in case of conducting sea shipping business on international routes;

b) Maritime security as prescribed by the International Ship and Port Facility Security Code - ISPS Code in case of conducting sea shipping business on international routes;

c) Use seagoing vessels and implement legal affairs in enterprises in accordance with legal provisions.

3. Persons who are appointed to hold positions in charge of operating seagoing vessels must have bachelor degrees in one of maritime, foreign trade, commercial or economic specialties and must have at least 03 years of experience in the field of seagoing vessel operation.

4. Persons who are appointed to hold positions in charge of safety or security management systems must have working experience at least 02 years in the management and use of seagoing vessels; must be trained, guided and granted with certificates in compliance with provisions.

5. Persons who are appointed to hold positions in charge of legal affairs in enterprises must have bachelor degrees in law speciality and must have working experience at least 02 years in legal field.

6. Having capitals and other assets which are equal to at least 20 (twenty) billions Dong if conducting international sea shipping business and 05 (five) millions Dong if conducting inland sea shipping business.

**Article 6. Application dossiers for grant of Licenses for sea shipping business**

An application dossier for grant of a License for sea shipping business will comprise:

1. An application requesting grant of a License for sea shipping business according to Form No.01 prescribed in the Annex of this Decree.

2. A certificate of business registration (a certified copy).

3. List of positions enclosed with extracted profiles in which present clearly working experience duration of each position and relevant degrees or certificates (certified copies) of positions as prescribed at Clauses 3, 4 and 5 of Article 5 of this Decree.

4. A document verifying capital or asset value of the enterprise issued by a competent financial or audit state agency or a guarantee of a credit organization (the original) reflected the guarantee value and the guarantee deadline in compliance with the minimum asset value of the enterprise and the term of the license.

**Article 7. Order of licensing for sea shipping business**

1. The enterprise that requests a grant of a License for sea shipping business will have to send 01 set of dossier to Vietnam Maritime Administration directly or via postal system.

2. Vietnam Maritime Administration will receive the dossier. In case that the dossier received through the postal system is lack or not valid, within 02 working days from the date of receipt, Vietnam Maritime Administration will notify clearly contents need to be supplemented or amended. In case that the dossier is directly received, the receiving official will have to check and notify clearly contents need to be supplemented or amended to the applicant; if the dossier is sufficient, a receipt will be issued to the applicant.

3. Within 05 (five) working days, since the date of receiving a valid and full dossier, Vietnam Maritime Administration will conduct an appraisal of the dossier, issue License for sea shipping business and return the result directly or through postal system.

In case of rejecting to issue License for sea shipping business, Vietnam Maritime Administration must respond in writing and clearly state reasons.

4. A license for sea shipping business will valid for 05 (five) years since the date of grant. Contents of a License for sea shipping business will comply with Form No.02 prescribed in the Annex of this Decree.

**Article 8. Re-grant of Licenses for sea shipping business**

A License for sea shipping business will be re-granted in cases as follows:

1. In case that a License for sea shipping business is expired:

a) At least 01 month before the License for sea shipping business is expired, the enterprise will have to conduct procedures for re-grant of the License;

b) In case that the enterprise does not change any content in the previous dossier requesting grant of a license, the dossier requesting a re-grant of the license will include: An application for re-grant of License for sea shipping business will comply with the Form 01 prescribed in Annex of this Decree and the old License for sea shipping business.

Order of re-grant of a License for sea shipping business will comply with Article 7 of this Decree;

c) In case that the enterprise has a change on content in the previous dossier for requesting grant of the License, dossier and order of re-grant of License for sea shipping business will comply with provisions under Article 6 and Article 7 of this Decree.

2. In case that the License for sea shipping business is lost or damaged so it cannot continue being used:

a) The enterprise conducting sea shipping business will send 01 set of dossier requesting to be re-granted with the License for sea shipping business to Vietnam Maritime Administration directly or via postal system.

The dossier will include: An application for re-grant of License for sea shipping business will comply with the Form 01 prescribed in Annex of this Decree and the old License for sea shipping business (in the case that the old License for sea shipping business is damaged);

b) Vietnam Maritime Administration will receive the dossier. In case that the dossier received through the postal system is not valid, within 02 working days from the date of receipt, Vietnam Maritime Administration will notify clearly contents need to be supplemented or amended. In case that the dossier is directly received, the receiving official will have to check and notify clearly contents need to be supplemented or amended to the applicant; if the dossier is sufficient, a receipt will be issued to the applicant;

c) Within 03 (three) working days, since the date of receiving a valid and full dossier, Vietnam Maritime Administration will conduct an appraisal of the dossier and issue the License; in case of rejecting to issue the License, a response in writing in which reasons are clearly stated is required.

3. In case that the License for sea shipping business is still valid but the enterprise has changes in relevant contents reflected in the granted License for sea shipping business:

a) The enterprise conducting sea shipping business will send 01 set of dossier requesting for re-grant of the License for sea shipping business which include an application for re-grant of the License for sea shipping business in accordance with the Form No.01 as prescribed in Annex of this Decree and other documents, materials relating to contents changed;

b) Within 03 (three) working days, since the date of receiving a valid and full dossier as prescribed in Point a, this Clause, Vietnam Maritime Administration will re-grant the License; in case of rejecting to re-grant the License, a response in writing in which reasons are clearly stated is required.

4. Term of the re-granted License for sea shipping business in cases prescribed in Clauses 2, 3 of this Article will not be allowed to exceed the period of validity of the previously-issued License.

**Article 9. Procedures for withdrawal of Licenses for sea shipping business**

The License for sea shipping business will be no longer valid when there is a decision on withdrawal of a competent state agency. Procedures for withdrawal of the License for sea shipping business will be conducted as follows:

1. In case the enterprise violates business conditions according to legal provisions or purposely falsify information in the dossier requesting an grant of the License for sea shipping business, Vietnam Maritime Administration will decide to withdraw the License for sea shipping business which was granted to the enterprise at the proposal of a state agency which has competency in handling related administrative violations.

2. In case that the enterprise is bankrupted or dissolved, Vietnam Maritime Administration will decide to withdraw the License for sea shipping business issued to the enterprise based on a decision of the state agency which has competency in the bankruptcy or the dissolution of the enterprise.

3. Procedures for withdrawal of the License for sea shipping business at the proposal of the enterprise conducting sea shipping business will be conducted as follows:

a) The enterprise will send a request enclosed with the previously-issued License for sea shipping business to Vietnam Maritime Administration directly or via postal system;

b) Within 03 (three) working days, since the date of receiving the request in writing, Vietnam Maritime Administration will decide to withdraw the License for sea shipping business of the enterprise.

4. Vietnam Maritime Administration will notify relevant state agencies and publicize information of the enterprise which its License is withdrawn on the website of Vietnam Maritime Administration. Within (05) five days, since the date of receiving the decision on withdrawal, the enterprise conducting sea shipping business will have to return the License for sea shipping business to Vietnam Maritime Administration directly or through the postal system.

**Chapter 3.**

**CONDITIONS FOR SEA SHIPPING SUPPORT SERVICE BUSINESS**

**SECTION 1.**

**SEA SHIPPING AGENCY SERVICE**

**Article 10. Conditions for sea shipping agency service business**

1. Organizations, individuals providing sea shipping agency service in Vietnam will have to establish enterprises in accordance with legal provisions.

2. Having registered the business of sea shipping agency service.

3. Enterprises must have professional cadres conducting provision of sea shipping agency service and legal affairs for enterprises.

4. Persons who are appointed to hold positions in charge of sea shipping agency field must have at least 02 (two) years of experience in sea shipping agency operation.

5. Staff of sea shipping agencies must be Vietnamese citizens, having their bachelor degrees in one of maritime, foreign trade, commercial or economic specialities.

6. Persons who are appointed to hold positions in charge of legal affairs in enterprises must have bachelor degrees in law speciality and must have working experience at least 02 (two) years in legal field.

**Article 11. Conditions for upholding business activities of sea shipping agency service**

1. Having insurance contracts for professional liability of sea shipping agency service or equivalent financial guarantees.

2. Having a shipping agency contract for each specific shipment or in a specific time limit.

**Article 12. Conditions in term of capital for foreign organizations, individuals providing sea shipping agency service**

Foreign organizations, individuals are entitled to establish joint venture enterprises to provide sea shipping agency service, in which the percentage of capital contribution of foreign investors must not exceed 49% of the charter capital of joint venture enterprises.

**SECTION 2.**

**SEA SHIPPING TOWAGE SERVICE**

**Article 13. Conditions for sea shipping towage service business**

1. Organizations, individuals providing sea shipping towage service in Vietnam will have to establish enterprises in accordance with legal provisions.

2. Having registered the business of sea shipping towage service.

3. Enterprises must have professional cadres conducting sea shipping towage service and legal affairs for enterprises.

4. Persons who are appointed to hold positions in charge of sea shipping towage field must have at least 02 (two) years of experience in sea shipping towage field.

5. Persons who are appointed to hold positions in charge of legal affairs in enterprises must have bachelor degrees in law speciality or equivalent degrees and must have working experience at least 02 (two) years in legal field.

6. Having at least 02 (two) special-use tugboats.

**Article 14. Conditions for upholding sea shipping towage activities**

1. Having insurance for professional liabilities of sea shipping towage services or equivalent guarantees.

2. Having sea shipping towage contracts for each specific shipment or in a specific time limit.

**Article 15. Conditions in term of capital for foreign organizations, individuals providing sea shipping towage service**

Foreign organizations, individuals are entitled to establish joint venture enterprises to provide sea shipping towage service, in which the percentage of capital contribution of foreign investors must not exceed 49% of the charter capital of joint venture enterprises.

**Chapter 4.**

**PROVISIONS OF IMPLEMENTATION**

**Article 16. Transitional provisions**

1. Enterprises conducting business activities in sectors of sea shipping, sea shipping agency service or sea shipping towage service before the effective date of this Decree will be entitled to continue conducting their business.

2. Within 05 (five) years since the effective date of this Decree, enterprises prescribed in Clause 1 of this Article must fully satisfy conditions as prescribed in this Decree.

**Article 17. Effect**

This Decree will take effect on July 1, 2014 and replace Decree No.[115/2007/ND-CP](http://thuvienphapluat.vn/phap-luat/tim-van-ban.aspx?keyword=115/2007/ND-CP&area=2&type=0&match=False&vc=True&lan=0) dated July 5, 2007 of the Government on conditions for sea shipping service business.

**Article 18. Obligation of implementation**

Ministers, heads of ministerial-level agencies, heads of governmental agencies, chairpersons of People’s Committees of provinces and centrally-run cities and relevant organizations and individuals will be responsible for implementation of this Decree.

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|  | **ON BEHALF OF THE GOVERNMENT** **PRIME MINISTER**     **Nguyen Tan Dung** |