THE NATIONAL ASSEMBLY ----------	SOCIALIST REPUBLIC OF VIET NAM Independence - Freedom – Happiness ----------
No. 23/2004/QH11	*Hanoi, June 15, 2004*

LAW

ON INLAND WATERWAY NAVIGATION

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001 of the Xth National Assembly, the 10th session;
This Law provides for inland waterway navigation.

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation

This Law provides for inland waterway navigation activities; conditions to ensure safety for inland waterway navigation infrastructures, vessels and people participating in inland waterway navigation and transport.

Article 2.- Subjects of application

This Law applies to organizations and individuals involved in inland waterway navigation activities.

In cases where international agreements which the Socialist Republic of Vietnam has signed or acceded to contain provisions different from those of this Law, the provisions of such international agreements shall apply.

Article 3.- Interpretation of terms

In this Law, the following terms are construed as follows:

1. Inland waterway navigation activities mean activities of people and vessels participating in inland waterway navigation or transport; planning of the development, building, operation and protection of inland waterway navigation infrastructures and State management over inland waterway navigation.

2. Navigable channel (hereinafter called channel) means a water area limited by the system of inland waterway signals, where vessels can navigate smoothly and safely;

3. Lock means a construction used exclusively for raising and lowering the water level to help vessels pass places with different water levels on inland waterways.

4. Inland waterways mean channels, locks or constructions to help vessels pass river dams or falls, canals, ditches or channels on lakes, marshes, lagoons, bays, gulfs, along the coastline, leading to islands or linking islands within the internal waters of the Socialist Republic of Vietnam, which are managed and exploited for navigation and transport.

5. Channel protection corridor means a delimited water area or land strips stretching along both sides of a channel for installation of signals, protection of the channel and assurance of navigation safety.

6. Clearance means the removal of obstructions on inland waterways.

7. Inland waterway vessel (hereinafter called vessel) means a ship, boat or another floating structure, motorized or non-motorized, operating exclusively on inland waterways.

8. Rudimentary vessel means a non-motorized vessel propelled only by manpower, wind power or water power.

9. Raft means a craft of bamboo, timber or other floating materials fastened together, which can sail or be used as a makeshift transport craft on inland waterways.

10. Vessel transformation means the change of the performance, structure and/or utility of a vessel.

11. Head-on vessels means two vessels proceeding in opposite directions from one of which one can see the bow of the other vessel straightly in front of the bow of one's vessel.

12. Tow convoy means a convoy of many vessels assembled together and moving thanks to a motorized vessel exclusively used for pulling, pushing or towing alongside.

13. Mixed tow convoy means a tow convoy assembled in lines propelled by at least two of three modes of pulling, pushing and towing alongside.

14. Gross tonnage of a vessel means the volume calculated in tons of cargo, fuel, lubricating oil, water in tanks, food, foodstuffs, passengers and their luggage, crew and their personal belongings.

15. Passenger capacity of a vessel means the maximum number of people a vessel is permitted to carry, excluding its crew and steersman and under-one children.

16. Safety waterline means a marking line painted on a vessel to limit the part of its body permitted to be submerged underwater when the vessel operates.

17. Windward side of a boat means the side from which the wind is blowing to the main sail.

18. Crew mean people working under the titles prescribed for non-motorized vessels with a gross tonnage of over 15 tons each or motorized vessels with total main engine capacity of over 15 horse powers each or vessels with a capacity of over 12 passengers each.

19. Captain means the title of the highest commander on board a non-motorized vessel with a gross tonnage of over 15 tons or a motorized vessel with total main engine capacity of over 15 horse powers or a vessel with a capacity of over 12 passengers.

20. Steersman means a person who personally steers a vessel with a gross tonnage of up to 15 tons or a motorized vessel with total main engine capacity of up to 15 horse powers or a vessel with a capacity of up to 12 passengers or a raft.

21. Inland waterway pilot (hereinafter called pilot) means an advisor who assists the captain in steering the vessel safely.

22. Carrier means an organization or individual using a vessel to transport people and/or cargoes on inland waterways.

23. Transport dealer means a carrier that enters into a passenger and/or cargo transport contract with a transport hirer in order to effect the transport of cargoes and/or passenger for freights or charges.

24. Transport hirer means an organization or individual that enters into a cargo and/or passenger transport contract with a transport dealer.

25. Goods consignee means an organization or individual named as goods consignee in the bill of lading.

26. Luggage means personal belongings and goods carried by passengers on their voyage, including hand-carried and consigned luggage.

27. Consigned baggage means goods sent on board any passenger vessel, with their consignors being not on board such vessel.

Article 4.- Principles for inland waterway navigation activities

1. Inland waterway navigation activities must be smooth and ensure order and safety for people, vessels, property as well as environmental protection; serve socio-economic development and contribute to preserving national defense and security and protecting national sovereignty and interests.

2. To ensure inland waterway navigation order and safety is the responsibility of the entire society, administrations at all levels, organizations and individuals that manage or directly participate in navigation; to take comprehensive measures regarding technical matters and safety of vessels as well as inland waterway navigation infrastructures; to provide training to raise professional and practical skills; to disseminate law and educate about the sense of law observance among people participating in inland waterway navigation; to strictly handle acts of violating the legislation on inland waterway navigation order and safety according to law provisions.

3. Development of inland waterway navigation must comply with plannings and plans and be synchronous.

4. Management of inland waterway navigation activities shall be performed uniformly on the basis of clear assignment and decentralization of responsibilities as well as powers and close coordination among ministries, branches and administrations at all levels.

Article 5.- Inland waterway navigation development policies

1. The State prioritizes investment in developing inland waterway navigation infrastructures on key inland waterway navigation routes, in key economic regions, deep-lying and remote areas with inland waterway navigation comparative advantages over other forms of communication.

2. The State encourages, and creates conditions for, Vietnamese and foreign organizations and individuals to invest in developing inland waterway navigation infrastructures, apply scientific and technological advances, train specialized human resources and invest in dealing in inland waterway transport in order to develop sustainable inland waterway navigation.

Article 6.- Dissemination, popularization of, and education about, the inland waterway navigation legislation

1. Organizations involved in inland waterway navigation shall have to disseminate, popularize and educate about the inland waterway navigation legislation among the people and public employees as well as laborers under their respective management.

2. Information and propaganda agencies shall have to organize the regular and widespread dissemination and popularization of the inland waterway navigation legislation among the entire population.

3. State management agencies in charge of education and training shall have to direct the education about the inland waterway navigation legislation at education establishments suitable to the characteristics of each region.

Article 7.- Responsibilities of organizations and individuals when accidents happen on inland waterways

1. Captains or steersmen and persons who are present at the places where inland waterway navigation accidents happen or detect persons and/or vessels in distress on inland waterways must take every measure to rescue in time persons, vessels and/or property in such accidents; protect traces, exhibits related to the accidents; inform such to the nearest police offices or People's Committees, and must turn up at the requests of competent investigating agencies.

2. The informed police offices or People's Committees must immediately send their officials to the scenes of accidents or the places where persons and/or vessels in distress are detected; shall be entitled to mobilize people and vessels to rescue and treat victims, protect property and vessels in distress, traces and exhibits related to the accidents; ensure navigation order, safety and uninteruptedness; where accidents or incidents cause harm to the environment, such must be immediately notified to the State management agencies in charge of environmental protection.

3. Police offices or other competent State agencies, when being informed of accidents on inland waterways, must conduct investigation in time and take handling measures according to law provisions.

4. People's Committees of the localities where accidents happen or accident victims are detected shall have to render help to the victims; where there are dead people in accidents and their burial has been agreed by competent investigating agencies but their identities remain unknown or their relatives are unable to bury them, they shall bury the victims according to law provisions.

Article 8.- Prohibited acts

1. Destroying inland waterway navigation works; erecting obstructions to impede inland waterway navigation.

2. Illegally opening inland waterway ports or landing stages; embarking and disembarking passengers or loading, unloading cargoes not at the prescribed places.

3. Illegally building houses, tents, stalls or other works on inland waterways in violation of the protection of inland waterway infrastructures.

4. Dumping soil, rocks, sand, gravels or other waste substances, illegally exploiting minerals within the areas of channels and channel protection corridors; putting fixed fishing gear, means of fishing or rearing aquatic resources on channels.

5. Putting in inland waterway navigation vessels which fail to meet the operating conditions prescribed in Article 24 of this Law; using vessels at variance with their utility or with operation areas stated in the technical safety and environmental protection certificates of registry offices.

6. Arranging fewer crewmen than the prescribed complement when putting vessels into operation; crewmen or steersmen working on board vessels without professional diplomas or certificates or with improper ones.

7. Carrying hazardous, inflammable and/or explosive cargoes, large animals together with passengers, carrying passengers in excess of the vessels' capacity or safety waterline.

8. Working on board the vessels when the alcoholic content in blood is higher than 80 milligrams per 100 milliliters of blood or there is more than 40 milligrams per 1 liter of breathed air or there are in blood other stimulants banned from use by law.

9. Escaping after causing accidents in order to shirk responsibility; infringing upon human life and/or property when vessels are in distress; taking advantage of accidents to cause disorder, thus hindering the handling of accidents.

10. Breaching the signal on wave-causing restriction or other ban signals.

11. Organizing illegal races or participating in illegal races of vessels on inland waterways; steering vessels in zigzag, causing danger to other vessels.

12. Abusing one's position and powers to harass for bribes while performing one's duties; committing, or permitting the commission of, acts of violating the legislation on inland waterway navigation.

13. Other acts of violating the legislation on inland waterway navigation.

Chapter II

PLANNING, CONSTRUCTION AND PROTECTION OF INLAND WATERWAY NAVIGATION INFRASTRUCTURES

Article 9.- Inland waterway navigation infrastructures

1. Inland waterway navigation infrastructures include inland waterways, inland waterway ports and landing stages, navigation embankments and dams and other support works.

2. Inland waterways are classified into national inland waterways, local inland waterways and exclusive inland waterways. Inland waterways are divided according to different technical grades.

3. The responsibility for organizing the inland waterway management and maintenance is decentralized as follows:

a/ The Transport Ministry shall organize the management and maintenance of national inland waterways;

b/ The People's Committees of the provinces and centrally-run cities (hereinafter collectively called provincial-level People's Committees) shall organize the management and maintenance of local inland waterways;

c/ Organizations and individuals having exclusive inland waterways shall organize the management and maintenance of exclusive inland waterways assigned to them.

4. Organizations and individuals specified in Clause 3 of this Article must arrange forces to manage and maintain inland waterways (hereinafter called inland waterway management units).

5. The Transport Minister shall decide on the classification, technical grading and criteria of technical grades, publicize inland waterway routes and prescribe the management of inland waterways.

Article 10.- Planning on development of inland waterway navigation infrastructures

1. The planning on development of inland waterway navigation infrastructures must be based on the socio-economic strategies, river basin plannings, other related plannings and defense as well as security tasks.

Branches, when formulating plannings and projects on construction of works related to inland waterway navigation, must solicit written opinions of competent State management agencies in charge of inland waterway navigation, excluding flood and storm control and dyke protection works.

2. The Prime Minister shall approve the overall planning on development of inland waterway navigation infrastructures at the proposal of the Transport Minister.

3. The Transport Minister shall assume the prime responsibility for, and coordinate with, other ministries and concerned People's Committees in, organizing the formulation and approval of regional plannings on development of inland waterway navigation infrastructures on the basis of the overall planning already approved by the Prime Minister.

4. Provincial-level People's Committees shall organize the formulation and approval of detailed plannings on development of inland waterway navigation infrastructures in their localities on the basis of the regional plannings on development of inland waterway navigation infrastructures.

5. Agencies competent to approve the plannings on development of inland waterway navigation infrastructures shall have to make public such plannings and decide on adjustments thereof.

Article 11.- Construction, renovation and upgrading of inland waterway navigation infrastructures

The construction, renovation and upgrading of inland waterway navigation infrastructures must comply with plannings, ensure technical criteria and navigation safety conditions for all subjects participating in navigation and comply with law provisions on investment, construction, dykes, flood and storm control.

Article 12.- Inland waterway signs

1. Inland waterway signs include buoys, signboards, signal lights and other auxiliary devices, aiming to direct the navigation of vessels operating on inland waterways.

2. The system of inland waterway signs includes:

a/ Channel signs, which indicate the channel limits or the directions for ships to proceed;

b/ Dangerous position signs, which indicate the places where exist obstructions or other dangerous positions on channels.

c/ Notice sign, which display ban notices, restriction notices or instructions on circumstances related to channels.

3. On the already publicized and managed inland waterway routes the systems of inland waterway signs must be installed and maintained.

4. Work owners, organizations and individuals that cause obstructions on inland waterways shall have to install in time and maintain inland waterway signs according to regulations throughout the duration of construction of works or existence of such obstructions.

5. The Transport Minister shall specify the inland waterway signs.

Article 13.- Inland waterway ports and landing stages

1. Inland waterway port means a system of constructed works for vessels, sea-going ships to berth, load and unload cargoes, embark and disembark passengers and provide other services. Inland waterway ports include public ports and exclusive ports.

Inland waterway landing stage means an independent place which has been reinforced for vessels to berth, load and unload cargoes, embark and disembark passengers. Inland landing stages include public landing stages and exclusive ones.

Exclusive inland waterway ports and landing stages mean inland waterway ports and landing stages of one or several economic organizations, which are only used for loading and unloading cargoes and supplies in service of the production or the building or repair of vessels of such organizations.

2. The building of inland waterway ports and landing stages must be in line with plannings and ensure technical standards.

3. Organizations and individuals, when drawing up projects on construction of inland waterway ports or landing stages must obtain written opinions of competent State management agencies in charge of inland waterway navigation.

4. Inland waterway ports must be categorized according to different technical grades. The Transport Minister shall prescribe technical grades and criteria of technical grades of inland waterway ports as well as criteria of inland landing stages, except for the case prescribed in Clause 5 of this Article.

5. The Defense Minister, the Public Security Minister and the Fisheries Minister shall, within the scope of their respective tasks and powers, prescribe the criteria of inland waterway ports and landing stages engaged on defense and security tasks, fishing ports and wharves.

Article 14.- Contents and area of protection of works belonging to inland waterway navigation infrastructures

1. To protect works belonging to inland waterway navigation infrastructures is to ensure safety and useful life of such works and take measures to prevent, stop and handle acts of infringing upon such works.

2. The area of protection of works belonging to inland waterway navigation infrastructures covers works and their protection corridors, the airspace and underground space related to the safety of such works and the safety of inland waterway navigation.

Article 15.- Channel protection

1. The channel protection area covers channels, their protection corridors and the airspace and underground space related to the safety of such channels and the safety of inland waterway navigation.

2. All obstructions within the channel protection areas must be cleared or handled under the provisions of Article 16 and Article 20 of this Law.

3. Work investors or organizations and individuals engaged in the construction of works or mineral exploitation within the channel protection areas must abide by the following provisions:

a/ When formulating projects on work construction or mineral exploitation, written opinions of competent State management agencies in charge of inland waterway navigation must be obtained;

b/ When building, renovating or upgrading works being road bridges, rail bridges, or other works spanning channels, the height and width of clear spans and safe depth of channel bottoms must be ensured according to the criteria of the technical grades of inland waterway navigation routes already determined in the publicized plannings;

c/ Before constructing works or exploiting minerals, plans on ensuring uninterrupted and safe navigation must be made and approved in writing by competent State management agencies in charge of inland waterway navigation;

d/ When completing works or terminating the mineral exploitation, obstructions caused by the work construction or mineral exploitation must be cleared and there must be certifications of the inland

waterway management units in charge of the areas in question that navigation on the channels has been ensured as before and the works' dossiers related to the channel protection areas must be handed to the inland waterway management units;

e/ Compensation must be paid for damage caused to the channel protection areas by work construction or mineral exploitation.

Article 16.- Channel protection corridors

1. Within the areas of channel protection corridors, fishery and other activities must not hide signs and affect the visibility of persons directly steering vessels and must comply with the guidance of the inland waterway management units.

When channel corridors change, the inland waterway management units must inform such to organizations and individuals engaged in fishery or other activities and ask them to relocate, narrow or clear obstructions they cause on new channels.

2. Within the areas of channel protection corridors, houses and other works must not be constructed and mineral must not be exploited illegally.

3. Provincial-level People's Committees shall prescribe in detail activities of marketplaces, fishing villages, craft villages and other activities in the channel protection corridors, ensuring uninterrupted, orderly and safe inland waterway navigation as well as environmental protection.

4. The Government shall prescribe the areas of channel protection corridors.

Article 17.- Protection of navigation embankments and dams

1. The area of protection of a navigation embankment is prescribed as follows:

a/ For bank-casing embankments, this area stretches 50 meters from the head and the end of such an embankment upstream and downstream, at least 10 meters from the top of the embankment toward the bank and 20 meters from the foot of the embankment towards the channel;

b/ For blow-pipe embankments, including embankment clusters and single embankments, the area stretches 50 meters from the foot of such an embankment upstream and downstream, at least 50 meters from the root of the embankment toward the bank and 20 meters from the foot of the embankment's head toward the channel.

2. The area of protection of a navigation dam stretches 50 meters from both ends of the dam along the centerline in each direction, 100 meters from the upstream foot of the dam upstream and from the downstream foot of the dam downstream.

3. Within the areas of protection of navigation embankments or dams, the following acts are prohibited:

a/ Placing materials, vessels and equipment, causing slides of embankments or dams;

b/ Anchoring or mooring vessels;

c/ Using explosives, exploiting minerals or other acts affecting embankments or dams.

Article 18.- Protection of other works belonging to inland waterway navigation infrastructures

1. For inland waterway ports and landing stages, locks, works used to help vessels pass dams or falls, their protection areas cover land areas and water areas as decided by competent State agencies.

2. For inland waterway signals, mooring pillars, mooring posts, water benchmarks, monuments, their protection areas stretch 5 meters, measuring from the outermost point of each side of such mooring pillars, mooring posts, water benchmarks, monuments outwards.

3. Within the protection areas of the works prescribed in Clause 1 and Clause 2 of this Article, the following acts are prohibited:

a/ Anchoring, mooring vessels or animals to buoys, sign posts, water benchmarks or monuments;

b/ Damaging, arbitrarily displacing, or reducing the effect of, signals;

c/ Discharging hazardous substances, thus affecting the durability and useful life of works.

Article 19.- Responsibilities for protecting inland waterway navigation infrastructures

1. People's Committees at all levels, organizations and individuals shall have to protect inland waterway navigation infrastructures.

2. Organizations and individuals, when detecting any damaged or infringed works belonging to inland waterway navigation infrastructures, must promptly inform the nearest People's Committees, inland waterway navigation management units or police offices thereof. The informed agencies or units must take remedial measures in time to ensure uninterrupted and safe navigation.

Article 20.- Clearance of obstructions

1. Illegal obstructions on channels or channel protection corridors must be cleared to ensure safe navigation.

Inland waterway management units shall have to compile dossiers to monitor obstructions which may affect inland waterway navigation safety.

2. Organizations or individuals causing obstructions shall have to clear them within the time limits prescribed by the inland waterway management units; if they fail to clear such obstructions within the prescribed time limits, the inland waterway management units shall clear such obstructions and the organizations or individuals causing obstructions shall bear all costs therefor.

3. Inland waterway management units shall have to clear natural obstructions or obstructions caused by unknown organizations or individuals.

Article 21.- Restrictions on navigation on inland waterways

1. Competent State management agencies in charge of inland waterway navigation shall publicize the specific time, positions and navigation restriction extent of inland waterways in the following cases:

a/ Unexpected emergence of obstructions, thus impeding navigation on the channels;

b/ Prevention and control of floods, storms, natural calamities, rescue and salvage;

c/ Competent agencies' requests regarding construction of works, sport, festive, exercising activities or assurance of national defense and security on inland waterways.

2. The Transport Minister shall prescribe the competence to publicize, and measures to ensure navigation in, the cases specified in Clause 1 of this Article.

Article 22.- Inland waterway management and maintenance

The contents of inland waterway management and maintenance include:

1. Surveying, monitoring and reporting on the actual conditions of channels; organizing navigation; inspecting and supervising the protection of works belonging to inland waterway navigation infrastructures;

2. Repairing and maintaining regularly or irregularly channels, signals, equipment and service works on inland waterway navigation routes, facilities used for the management and maintenance of inland waterways; clearing obstructions; preventing, combating and remedying flood and storm consequences.

Article 23.- Financial sources for inland waterway management and maintenance

1. Financial sources to ensure the inland waterway management and maintenance include:

a/ The State budget;

b/ Other sources prescribed by law.

2. The Government shall specify the management and use of financial sources for inland waterway management and maintenance.

Chapter III

INLAND WATERWAY VESSELS

Article 24.- Operating conditions of vessels

1. Non-motorized vessels with a gross tonnage of over 15 tons, motorized vessels with total main engine capacity of over 15 horse powers or vessels with a capacity of over 12 passengers, when operating on inland waterways, must ensure the following conditions:

a/ Satisfying the quality, technical safety and environmental protection standards prescribed in Clauses 2, 3 and 4, Article 26 of this Law;

b/ Having inland waterway vessel registration certificates, technical safety and environmental protection certificates; being painted or stuck with number plates, painted with safety waterlines and the permitted numbers of passengers;

c/ Having a sufficient complement of crew and a crew list.

2. For non-motorized vessels with a gross tonnage of between 5 tons and 15 tons, motorized vessels with total main engine capacity of between 5 horse powers and 15 horse powers or with a capacity of between 5 passengers and 12 passengers, when operating on inland waterways, must ensure the conditions specified at Point a and Point b, Clause 1 of this Article.

3. For non-motorized vessels with a gross tonnage of between 1 ton and under 5 tons each or a capacity of between 5 passengers and 12 passengers each, motorized vessels with total main engine

capacity of under 5 horse powers or a capacity of under 5 passengers, when operating on inland waterways, must ensure safety, be painted with safety waterlines and have registration certificates.

4. For rudimentary vessels with a gross tonnage of under 1 ton or a capacity of under 5 passengers, when operating on inland waterways, must ensure safety according to regulations of the provincial-level People's Committees of the localities where their owners register their permanent residences.

Article 25.- Vessel registration

1. Vessels which are of lawful origin, satisfy the quality, technical safety and environmental protection standards as prescribed by law shall be granted registration certificates by competent State agencies.

2. Vessels of organizations or individuals shall be registered at the places where their owners are headquartered or register their permanent residences.

3. Vessels must be re-registered when changing hands, changing their names, technical properties or when their owners relocate their headquarters to, or register their permanent residences in, other provinces.

4. Vessel owners must make declarations in order to have their names deleted and return the vessel registration certificates to the agencies where the vessels are registered in the following cases:

a/ Their vessels are missing;

b/ Their vessels are destroyed;

c/ Their vessels are irreparably damaged;

d/ Their vessels are sold abroad;

5. The Transport Minister shall prescribe the registration of vessels, except for those specified in Clause 6 of this Article.

6. The Defense Minister, the Public Security Minister and the Fisheries Ministers shall, within the scope of their tasks and powers, prescribe and organize the registration for vessels engaged on defense or security tasks and fishing vessels.

7. Registration shall be exempt for vessels specified in Clause 4, Article 24 of this Law.

8. Provincial-level People's Committees shall organize the vessel registration according to the regulations of the Transport Minister and organize the management of registration-exempt vessels.

Article 26.- Vessel registry

1. Vessels specified in Clause 1 and Clause 2, Article 24 of this Law shall be subject to registry and their owners must implement the following provisions:

a/ When building, transforming, repairing vessels, they must have their design dossiers approved by registry offices;

b/ In the course of operation, their vessels must be subject to inspection by Vietnam Registry offices in terms of technical safety and environmental protection; they must bear responsibility for ensuring that their vessels satisfy the prescribed technical safety and environmental protection standards in inspection intervals.

2. Registry offices, when inspecting the technical safety of vessels, must observe the system of Vietnamese processes and standards and branch standards. The heads of registry offices and the inspectors must bear responsibility for the inspection results.

3. The Transport Minister shall prescribe the quality, technical safety and environmental protection standards of vessels; prescribe and organize the uniform registry of vessels nationwide, excluding vessels specified in Clause 4 of this Article.

4. The Defense Minister, the Public Security Minister and the Fisheries Ministers shall, within the scope of their tasks and powers, prescribe the quality, technical safety and environmental protection standards of vessels engaged on defense or security tasks, and fishing vessels, and organize the registry of vessels engaged on defense or security tasks, and fishing vessels.

Article 27.- Establishments that build, transform and/or repair vessels

1. Establishments that build, transform and/or repair vessels subject to registry under the provisions of Clause 1, Article 26 of this Law must fully satisfy the conditions prescribed by the Government.

2. When building, transforming or repairing vessels subject to registry, the establishments must comply with the quality, technical safety standards and as well as design dossiers already approved by registry offices. In the course of building, they must be subject to inspection and supervision by registry offices regarding quality, technical safety and environmental protection standards.

Article 28.- Import of vessels

Imported vessels must ensure the quality, technical safety and environmental protection standards; the importation of vessels must comply with law provisions.

Chapter IV

CREWMEN AND STEERSMEN

Article 29.- Titles of crewmen and criteria thereof

1. Titles of crewmen on board vessels include captain, vice-captain, chief engineer, deputy chief engineer, sailor and engine technician.

Vessel owners shall have to sufficiently arrange the titles and complement of crewmen working on board their vessels and make crew lists as prescribed.

2. Crewmen working on board vessels must ensure the following conditions:

a/ Being aged full 16 years or older but not older than 55 years for women or 60 years for men;

b/ Being physically fit and having annual medical checks;

c/ Having professional diplomas and certificates suitable to their titles as well as the types of vessels.

3. The Health Minister shall reach agreement with the Transport Minister on setting the health criteria for crewmen.

4. The Transport Minister shall prescribe the title criteria, responsibility regime and complement of crewmen for each type of vessel, excluding the case specified in Clause 5 of this Article.

5. The Defense Minister, the Public Security Minister and the Fisheries Minister shall, within the scope of their tasks and powers, prescribe the title criteria, responsibility regime and complement of crewmen for vessels engaged on defense or security tasks, and fishing vessels.

Article 30.- Professional diplomas and certificates

1. Captain's and chief engineer's diplomas are classified into three classes: first class, second class and third class.

2. Professional certificates include basic safety training certificates, professional certificates and special professional certificates.

3. Professional diplomas and certificates of crewmen and steersmen shall be withdrawn or their use rights shall be deprived of according to law provisions.

Article 31.- Training, grant of professional diplomas and certificates

1. Establishments engaged in training crewmen and steersmen must fully satisfy the conditions specified in Clause 3 and Clause 4 of this Article.

2. The training of crewmen and steersmen must follow the contents and programs prescribed for each class of diploma and type of professional certificate.

3. The Transport Minister shall prescribe the conditions of establishments engaged in training crewmen and steersmen; enrolment regulations, training contents and programs, types of professional certificates; regulations on examination, grant or changing of diplomas and certificates of crewmen and vessels steersmen, except for the case specified in Clause 4 of this Article.

4. The Defense Minister, the Public Security Minister and the Fisheries Minister shall, within the scope of their tasks and powers, prescribe the conditions of establishments engaged in training crewmen and steersmen; enrolment regulations, training contents and programs, types of professional certificates; regulations on examination, grant or changing of diplomas and certificates of crewmen and steersmen of vessels engaged on defense or security tasks, and fishing vessels.

Article 32.- Conditions for sitting examinations to acquire captain's and chief engineer's diplomas of higher class

1. Holders of third-class captain's or chief engineer's diplomas, who have worked under the third-class diploma titles for at least 24 months or worked under their trained titles for at least 12 months, for graduates of specialized intermediate vocational schools, may sit examinations to acquire second-class captain's or chief engineer's diplomas.

2. Holders of second-class captain's or chief engineer's diplomas, who have worked under the second-class diploma titles for at least 36 months, may sit examinations to acquire first-class captain's or chief engineer's diplomas.

Article 33.- Holding of the captain title

1. Crewmen who have a first-class captain's diploma may hold the captain title for the following vessels:

a/ Passenger liners with a capacity of over 100 passengers each;

b/ Ferries with a gross tonnage of over 150 tons each;

c/ Cargo vessels with a gross tonnage of over 500 tons each;

d/ Tow convoys with a gross tonnage of over 1,000 tons each;

e/ Vessels other than those specified at Points a, b, c and d, Clause 1 of this Article, with total main engine capacity of over 400 horse powers each.

2. Crewmen who have a second-class captain's diploma may hold the captain title for the following vessels:

a/ Passenger lines with a capacity of between over 50 passengers and 100 passengers each;

b/ Ferries with a gross tonnage of between over 50 tons and 150 tons each;

c/ Cargo vessels with a gross tonnage of between over 150 tons and 500 tons each;

d/ Tow convoys with a gross tonnage of over 400 tons and 1,000 tons each;

e/ Vessels other than those specified at Points a, b, c and d, Clause 1 of this Article, with total main engine capacity of between over 150 horse powers and 400 horse powers each.

3. Crewmen who have a third-class captain's diploma may hold the captain title for the following vessels:

a/ Passenger lines with a capacity of between over 12 passengers and 50 passengers each;

b/ Ferries with a gross tonnage of up to 50 tons each;

c/ Cargo vessels with a gross tonnage of between over 15 tons and 150 tons each;

d/ Tow convoys with a gross tonnage of up to 400 tons each;

e/ Vessels other than those specified at Points a, b, c and d, Clause 1 of this Article, with total main engine capacity of between over 15 horse powers and 150 horse powers each.

4. Crewmen who have a captain's diploma of a higher class may hold the captain title in vessels of a type for which the captain title of a lower class is required.

5. Crewmen who have a captain's diploma may hold the deputy captain title in vessels of a type for which the captain title of an immediate lower class is required.

Article 34.- Holding of the chief engineer title

1. Crewmen who have a first-class chief engineer's diploma may hold the chief engineer title for vessels with total main engine capacity of over 400 horse powers each.

2. Crewmen who have a second-class chief engineer's diploma may hold the chief engineer title for vessels with total main engine capacity of between over 150 and 400 horse powers each.

3. Crewmen who have a second-class chief engineer's diploma may hold the chief engineer title for vessels with total main engine capacity of between over 15 and 150 horse powers each.

4. Crewmen who have a chief engineer's diploma of a higher class may hold the chief engineer title in vessels of a type for which the chief engineer's title of a lower class is required.

5. Crewmen who have a chief engineer's diploma may hold the deputy chief engineer title in vessels of a type for which the chief engineer's title of an immediate higher class is required.

Article 35.- Conditions on steersmen

1. Steersmen of non-motorized vessels with a gross tonnage of between 5 tons and 15 tons each, motorized vessels with a total main engine capacity of between 5 horse powers and 15 horse powers each or a capacity of between 5 passengers and 12 passengers each must fully satisfy the following conditions:

a/ Being aged full 18 years or older but not older than 55 years for women, or than 60 years for men;

b/ Having a medical agency's certificate that he/she is physically fit, and can swim;

c/ Having a steersman's certificate.

2. Steersmen of non-motorized vessels with a gross tonnage of under 5 tons or a capacity of up to 12 passengers each, motorized vessels with a total main engine capacity of under 5 horse powers or a capacity of under 5 passengers each must be aged full 15 years or older, physically fit, can swim, must have been trained in inland waterway navigation legislation and granted training certificates therefor. In case of using vessels for business purposes, the steersmen's age must comply with the provisions of Point a, Clause 1 of this Article.

3. Provincial-level People's Committees shall organize the training and grant of vessels steersman's certificates and certificates of inland waterway navigation law training to steersmen.

Chapter V

NAVIGATION RULES AND VESSELS' SIGNALS

Section 1. NAVIGATION RULES

Article 36.- Observance of inland waterway navigation rules

1. Captains or steersmen, when steering vessels on inland waterways, must obey inland waterway navigation rules and signals prescribed in this Law.

2. Sea-going ship captains, when steering sea-going ships on inland waterways, must obey inland waterway signals and navigation rules applicable to motorized vessels.

3. Captains or steersmen of vessels underway must steer their vessels at safe speeds so that they can handle circumstances to avoid collision, not to cause danger to other vessels or harm works; keep a safe distance between their vessels and other vessels; must slacken the speed of their vessels in the following cases:

a/ Navigating in close proximity to vessels being on operation on channels, vessels in distress, vessels transporting dangerous cargoes;

b/ Navigating within the area of an inland port or a landing stage;

c/ Navigating close to dykes or embankments during the spate time.

4. Captains or steersmen of vessels underway must not cling or tie their vessels to passenger vessels or dangerous cargo vessels also underway or let passenger vessels or dangerous cargo vessels cling or tie to their vessels, except for the case of rescue, salvage or force majeure circumstances.

Article 37.- Navigating under restricted visibility conditions and at cross-channels or channel bends

1. When navigating under conditions of mist, fog or heavy rain or other causes which restrict visibility, captains or steersmen must slacken the speed of their vessels and at the same time release sound signals as prescribed in Clause 1, Article 48 of this Law and arrange lookouts at necessary places on board the vessels. If the route cannot be seen clearly, they must anchor their vessels, arrange lookouts and release sound signals as prescribed in Clause 2, Article 48 of this Law.

2. When their vessels arrive at cross-channels or channel bends, captains or steersmen must slacken the speed of their vessels, release signals repeatedly as prescribed in Article 46 of this Law and keep their vessels to the signaled side of the channel till their vessels pass the cross-channels or channel bends.

Article 38.- Priority rights of vessels on special duty

1. The following vessels on special duty shall be given priority passage when passing locks, culverts, dams, irregularly opened bridges, navigation control areas, cross-channels or channel bends in the following order:

a/ Fire-fighting vessels;

b/ Salvage vessels;

c/ Dyke protection vessels;

d/ The army's or police's vessels on emergency duty;

e/ Vessels or vessel convoys escorted or guided by the police.

2. Vessels prescribed in Clause 1 of this Article must early release maneuvering signals prescribed in Article 46 of this Law.

3. Captains or steersmen of vessels not specified in Clause 1 of this Article, when seeing or hearing the signals of the vessels on special duty, must slacken the speed of their vessels, keep their vessels to one side of the channel in order to give way.

Article 39.- Head-on vessels keeping out of each other's way

1. When two head-one vessels are in danger of collision, their captains or steersmen must slow down their vessels and keep out of the way of, and give way to, each other on the following principles:

a/ The vessel sailing upstream must keep out of the way of, and give way to, the vessel sailing downstream. In case of standing water, the vessel that releases the signal earlier must have its way kept out and given way by the other vessel;

b/ Rudimentary vessels must keep out of the way of, and give way to, motorized vessels, vessels with a smaller engine capacity must keep out of the way of, and give way to, vessels with a larger engine capacity; vessels proceeding alone must keep out of the way of, and give way to, tow convoys.

c/ All vessels must keep out of the way of rafts as well as vessels that are releasing not-under-command signals, vessels in distress or vessels being on operation on channels.

2. When keeping out of the way of another vessel, the vessel which is given way must early release a maneuvering signal under the provisions of Article 46 of this Law and must sail to the signaled side of the channel and the other vessel must keep out of the way and give way.

Article 40.- Crossing vessels keeping out of each other's way

When two crossing vessels are in danger of collision, their captains or steersmen must slow down their vessels, keep out of the way of, and give way to, each other on the following principles:

1. Rudimentary vessels must keep out of the way of, and give way to, motorized vessels;

2. All vessels must keep out of the way of rafts;

3. Any motorized vessel, when seeing the other motorized vessel on its starboard side, must keep out of the way of, and give way to, such vessel.

Article 41.- Sailboats keeping out of the way of one another

1. Vessels, when proceeding under sail, shall keep out of the way of one another on the following principles:

a/ Boats sailing windward keep out of the way of boats sailing leeward;

b/ Boats having the wind on their port side keep out of the way of boats having the wind on their starboard side;

c/ Boats sailing with greater wind exposure keep out of the way of boats sailing with lesser wind exposure.

2. Other rudimentary vessels must keep out of the way of sailboats.

Article 42.- Vessels overtaking others

1. Vessels overtaking others shall observe the following principles:

a/ Vessels intending to overtake must release a long blast repeatedly;

b/ Vessels to be overtaken, when hearing this blast, if finding overtaking safe, must slow down and release a maneuvering signal under the provisions of Point a or Point b, Clause 1, Article 46 of this Law, and keep to the signaled side of the channel till the overtaking vessels are finally past and clear; if finding overtaking impossible, it must release 5 short blasts;

c/ Vessels intending to overtake can overtake only when hearing the maneuvering sound signals of to be-overtaken vessels; While overtaking, they must release the sound signal indicating the side on which they are to overtake and must keep a safe horizontal distance from the overtaken vessels.

2. Vessels intending to overtake must not overtake in the following cases:

a/ At the places where there are no-overtaking signs;

b/ There are vessels approaching or obstructions ahead;

c/ At cross-channels, channel bends or at places where there are narrow- channel signs;

d/ When sailing through the clear spans of bridges, culverts, through locks or navigation control areas;

e/ Other cases where safety is not guaranteed.

Article 43.- Vessels sailing through the clear spans of bridges or culverts

1. Before steering their vessels through the clear spans, captains or steersmen must observe the following provisions:

a/ Firmly grasping the width and height parameters of the clear span, the state of the channel and current flow;

b/ Checking the system of steering, anchors, anti-shock cushion, and support poles;

c/ For tow convoys, making a plan on the assembly of the convoy suitable to the width and height of the clear span and assigning specific duties to each crewman.

2. Captains or steersmen shall steer their vessels through the clear spans only when they deem that all safety conditions are met; in case of necessity, they must ask for guidance of the navigation regulation sections or the inland waterway management units.

3. Captains or steersmen must steer their vessels through the right spans where the clearance signal is shown; for clear spans with channel-directing buoys, they must steer their vessels between the two buoy lines.

4. Where there are whirlpools or swift currents at the clear spans, if finding it unsafe, the captains or steersmen must take measures to steer their vessels safely through the clear spans; in case of waiting to pass through the clear spans, the vessels must be firmly anchored in safe positions and lookouts must be arranged on board.

5. In navigation control areas, captains or steersmen must obey the navigation controllers' orders.

Article 44.- Anchoring of vessels

1. Vessels must be anchored at the prescribed places in inland waterway ports or landing stages, observe the internal rules of such ports or landing stages and lookouts must be arranged on board.

Vessels anchored alongside a bank must arrange a gangway for crewmen of vessels anchored outside and people on official duty to pass through.

2. Where it is necessary to anchor vessels outside the area of an inland waterway port or landing stage for passengers to embark or disembark or for cargoes to be loaded or unloaded, the permission of the competent State management agency in charge of inland waterway navigation is required. Other vessels may stop alongside these vessels for passengers to embark or disembark or for cargoes to be transshipped when the latter have been moored.

3. Before leaving an inland waterway port or landing stage or their berths, vessels must release sound signals and may raise anchor only when they deem it safe.

4. Vessels must not be anchored or moored in mid-channels, at cross-channels or channel bends, within the protection corridors of bridges or other works, and in places where exist no-anchoring signs.

Section 2. SIGNALS OF INLAND WATERWAY NAVIGATION VESSELS

Article 45.- Signals of vessels

1. Signals of vessels, which are used to notify the vessels' operating state, include:

a/ Sound signals, which are sound signals sent out from whistles, bells, gongs or other things;

b/ Light signals, which are lighted signals used from sunset to sunrise or in case of restricted visibility;

c/ Signs, which are objects with specific shapes, colors and sizes for use in the cases prescribed by this Law;

d/ Signal flags, which are flags with specific shapes, colors and sizes for use in the cases prescribed by this Law.

2. The Transport Minister shall prescribe the technical standards of sound signals, light signals, signs and flag signals.

Article 46.- Maneuvering signals

1. When needing to alter their vessels' course, captains or steersmen must release sound signals to maneuver the vessels they are steering as follows:

a/ One short blast to mean: altering the course to starboard;

b/ Two short blasts to mean: altering the course to port;

c/ Three short blasts to mean: operating astern propulsion.

2. Apart from sound signals specified in Clause 1 of this Article, vessels may at the same time send out light signals as follows:

a/ One flash to mean: altering the course to starboard;

b/ Two flashes to mean: altering the course to port;

c/ Three flashes to mean: operating astern propulsion.

Article 47.- Warning sound signals

Captains or steersmen shall notify the operating state of the vessels they are steering with the following blasts:

1. Four short blasts to mean: calling for help;

2. Five short blasts to mean: cannot give way;

3. One long blast to mean: asking for passage, attention;

4. Two long blasts to mean: stop;

5. Three long blasts to mean: about to enter the landing stage, leave the landing stage, farewell;

6. Four long blasts to mean: asking for opening of bridge, culvert or lock;

7. Three short blasts followed by three long blasts followed by three short blasts to mean: man falling overboard;

8. One long blast followed by two short blasts to mean: the vessel has run aground or is engaged on an operation on the channel;

9. Two long blasts followed by two short blasts to mean: the vessel is not under command.

Article 48.- Sound signals in case of restricted visibility

When visibility is restricted by mist, fog, heavy rain or other causes, vessels must release sound signals as follows:

1. A long blast at intervals of two minutes to mean: the vessel has slowed down or turned off its engine but is still making through the water;

2. Two long blasts at intervals of two minutes to mean: the vessel has stopped.

Article 49.- Classification of vessels for the use of signals

Vessels are classified into the following six categories for use of signals:

1. Category A covers motorized vessels with total main engine capacity of 50 horse powers or more each;

2. Category B covers motorized vessels with total main engine capacity of 5 horse powers and under 50 horse powers each;

3. Category C covers non-motorized vessels with a gross tonnage of 50 tons or more each;

4. Category D covers motorized vessels with total main engine capacity of under 5 horse powers and non-motorized vessels with a gross tonnage of under 50 tons each;

5. Category E covers rafts of over 25 meters in length and over 5 meters in breadth each;

6. Category F covers rafts of up to 25 meters in length and up to 5 meters in breadth each.

Article 50.- Signal lights on vessels proceeding alone

1. For category-A vessels:

a/ The light mast shall be exhibited with a white fore light at least 3 meters above the water surface; two sidelights, the green one on the starboard side and the red one on the port side, placed laterally and lower than the white fore light at least one fourth of the white fore light's height; a white sternlight placed lower than the white fore light, shall be exhibited;

b/ For vessels with a design speed of 30 km/hour or higher and the greatest length of 12 meters or longer, in addition to the signal lights specified at Point a of this Clause, the light mast shall be also exhibited with a flashing yellow light 0.5 meter above the white fore light;

c/ For vessels with a design speed of 30 km/hour or higher and the greatest length of under 12 meters, the light mast shall be exhibited with a flashing yellow light;

d/ For vessels with a design speed of under 30 km/hour and the greatest length of under 12 meters, the light mast shall be exhibited with a signal light as required for category-B vessels prescribed in Clause 2 of this Article.

2. For category-B vessels, the light mast shall be exhibited with a half-green and half-red light at least 2 meters above the water surface.

3. For category-C vessels, two sidelights, the green one on the starboard side and the red one on the port side, and a white sternlight shall be exhibited.

4. For category-D vessels, a white light placed at least 2 meters above the water surface shall be exhibited.

5. For category-E vessels, a red light shall be exhibited amidships; two white lights shall be exhibited on the centerline of the raft, one at the fore and one at the aft; for a raft of 15 meters in breadth, the white lights on the centerline shall be substituted with four white lights placed at the four corners of the raft, at least 1.5 meters above the water surface.

6. For category-F vessels, a red light shall be exhibited amidships, at least 1.5 meters above the water surface.

Article 51.- Signals on tug convoys

1. For category-A tug vessels:

a/ At night, in addition to the signal lights specified in Clause 1, Article 50 of this Law, when towing, the light mast shall be also exhibited with a white fore light if the tow convoy is of under 100 meters in length or two white fore lights, 1 meter away, shall be also exhibited if the tow convoy is of 100 meters or more in length;

b/ At daytime, on the light mast, each white fore light shall be substituted with a sign consisting of two overlapping black balls, each of 0.3 meter in diameter.

2. For category-B tug vessels:

a/ At night, in addition to the half-green and half-red light, when towing, on the light mast, a white light shall be also exhibited 0.5 meter higher than the half-green and half-red light;

b/ At daytime, on the light mast two signs shall be hoisted, each consisting of two overlapping black balls, of 0.3 meter in diameter.

3. For tugged vessels:

a/ For category-A and category-C vessels, only leading vessels shall exhibit sidelights; if vessels are assembled in many rows, the outermost vessels shall exhibit lights on the outward sides while the vessels towed last must exhibit white sternlights;

b/ Category-B, category-D, category-E and category-F vessels shall exhibit corresponding signal lights prescribed in Article 50 of this Law;

c/ Where only one vessel is tugged with nobody on board and the length from the stern of the tugged vessel to the stern of the tug vessel does not exceed 6 meters, the tugged vessel is not required to exhibit lights.

Article 52.- Signals on convoys towed alongside

1. On category-A towing vessels:

a/ At night, in addition to the signal lights specified in Clause 1, Article 50 of this Law, the light mast shall be also exhibited with a white fore light 1 meter higher than the first white fore light;

b/ At daytime, the light mast shall be hoisted with two signs, each consisting of two overlapping black balls, each of 0.3 meter in diameter.

2. For category-B towing vessels, they shall exhibit the signals prescribed in Clause 2, Article 51 of this Law.

3. For towed vessels:

a/ Category-A and category-C vessels shall exhibit sidelights and white sternlights;

b/ For category-B, category-D and category-F vessels, outermost vessels shall exhibit corresponding signal lights as prescribed in Article 50 of this Law; vessels in the center are not required to exhibit lights.

c/ Category-E vessels shall exhibit a red light amidships, two white lights at two outer corners; all of these lights must be placed at least 1.5 meters above the water surface.

Article 53.- Signals on convoys towed by pushing

1. On category-A pushing vessels:

a/ At night, in addition to the signal lights prescribed in Clause 1, Article 50 of this Law, the light mast shall be also exhibited with a green light 1 meter higher than the white fore light;

b/ At daytime, the light mast shall be hoisted with a sign consisting of two overlapping black equilateral triangles, with their apexes upwards and each side of 0.3 meter in length.

2. On category-B pushing vessels:

a/ At night, in addition to the signal lights specified in Clause 2, Article 50 of this Law, the light mast shall be exhibited with a green light 0.5 meter higher than the half-green and half-red lights;

b/ At daytime, hoisted on the light mast must be a sign prescribed at Point b, Clause 1 of this Article.

3. For pushed vessels:

a/ For category-A and category-C vessels, the leading vessels shall exhibit sidelights; where the vessels are assembled in many rows, only outermost vessels must exhibit corresponding sidelights;

b/ For category-B and category-D vessels, leading vessels shall exhibit corresponding signal lights as prescribed in Clause 2 and Clause 4, Article 50 of this Law.

Article 54.- Signals on mixed tow convoys

1. For towing vessels with captains commanding the tow convoys:

a/ On category-A vessels: At night, in addition to the signal lights prescribed in Clause 1, Article 50 of this Law, the light mast shall be also exhibited with two green lights, one higher than and the other lower than the white fore light, 1 meter away; at daytime, the light mast shall be hoisted with two signs, each consisting of two overlapping black rectangles sized 0.3 meter x 0.6 meter, with their apexes upwards;

b/ On category-B vessels: At night, in addition to the signal lights specified in Clause 2, Article 50 of this Law, the light mast shall be exhibited with two green lights, 0.5 meter away, and the lower one being 0.5 meter higher than the half-green and half-red light; at daytime, the light mast shall be hoisted with a sign as prescribed at Point a of this Clause.

2. For support towing vessels: at night, the light mast shall be exhibited with corresponding signal lights as prescribed in Clause 1 and Clause 2, Article 50 of this Law.

3. Towed vessels shall exhibit corresponding signals as prescribed in Clause 3 of Article 51, Clause 3 of Article 52 and Clause 3 of Article 53 of this Law.

Article 55.- Signals on vessels not under command

When their vessels no longer operate under the command of the captains or steersmen, sound signals must be released according to the provisions of Clause 9, Article 47 of this Law and at the same time signals must be displayed as follows:

1. At night, a red light shall be exhibited at the highest position of the vessel, if the vessel is still making way through the water, it must, for category-A vessels, additionally exhibit sidelights and a white sternlight or, for category-B vessels, a half-green and half-red light;

2. At daytime, hoisted at the highest position of the vessel shall be a sign consisting of two overlapping black square-corner diamonds with each side being 0.3 meter in length and their apexes upwards.

Article 56.- Signals on anchored vessels

1. At night, a vessel with the greatest length of 45 meters or under shall exhibit a white fore light at least 3 meters above the water surface; a vessel with the greatest length of over 45 meters shall additionally exhibit a white sternlight 1 meter lower than the white fore light.

At places where narrow-channel signs are put up, anchored vessels shall additionally exhibit a white light at the position nearest to the mid-channel.

Rafts anchored outside inland waterway ports or landing stages shall exhibit a red light amidships and two white lights at the two corners toward the channel.

2. At daytime, hoisted at the fore shall be a sign consisting of two overlapping black balls, of 0.3 meter in diameter each.

Article 57.- Signals on vessels engaged in operations or vessels aground on channels

1. For vessels engaged in operations or vessels aground on channels where part of channel is still navigable:

a/ At night, at the highest position of the light mast, two lights, the red one 1 meter higher than the green one, shall be exhibited; at the side looking to the navigable channel part a white light 2 meters above the water surface shall be exhibited;

b/ At daytime, hoisted at the highest position of the light mast shall be a sign consisting of two overlapping black squares, with each side being of 0.3 meter in length and their apexes upwards.

2. For vessels engaged in operations or vessels aground on channels, thus entirely blocking passage:

a/ At night, at the highest position of the light mast two red lights, 1 meter away shall be exhibited;

b/ At daytime, hoisted at the highest position of the light mast shall be a sign consisting of two overlapping black squares, with each side of 0.3 meter in length and their apexes upwards.

3. At cross-channels or channel bends where visibility is restricted, in addition to the signals prescribed in Clause 1 and Clause 2 of this Article, vessels must arrange look-outs and release sound signals as prescribed in Clause 8, Article 47 of this Law.

Article 58.- Signals on motorized passenger vessels

1. At night, in addition to the signal lights prescribed in Clause 1 and Clause 2, Article 50 of this Law, throughout their voyages, motorized passenger vessels shall exhibit a flashing white light, placed 1 meter higher than the white fore light or 0.5 meter higher than the half-green and half-red light.

2. At daytime, at the highest position of the light mast, a yellow pennant shall be hoisted.

Article 59.- Signals on dangerous cargo vessels

1. At night, in addition to the signal lights prescribed in Article 50 of this Law, at the highest position of the light mast, a red light shall be exhibited.

2. At daytime, at the highest position of the light mast a letter-B signal flag shall be hoisted.

Article 60.- Signals on fishing vessels

1. At night, in addition to the signal lights prescribed in Article 50 of this Law, vessels which have spread fishing nets shall additionally exhibit in the direction of the nets two lights, the white one being higher than the green one and the green one placed at least 2 meters higher than the water surface.

2. At daytime, vessels with the greatest length of 20 meters or more shall exhibit on the light mast a sign consisting of two white equilateral triangles, each side being of 0.3 meter in length, with their apexes together one above the other in a vertical line; vessels with the greatest length of under 20 meters shall exhibit on the light mast a sign consisting of two overlapping white balls, of 0.3 meter in diameter each.

Article 61.- Signals on vessels with men falling overboard

1. At night, exhibited on the light mast shall be three lights 1 meter away, the highest and the lowest being red, the middle being green, and the lowest red light being 2 meters higher than the water surface and sound signals shall be continuously released as prescribed in Clause 7, Article 47 of this Law.

2. At daytime, a letter-O signal shall be hoisted flag on the light mast and at the same time sound signals shall be continuously released as prescribed in Clause 7, Article 47 of this Law.

Article 62.- Signals on vessels calling for help of inland waterway police or inspectors

1. At night, the light mast shall be exhibited with two lights, the green one being 1 meter higher than the red one.

2. At daytime, a green flag shall be hoisted on the light mast.

Article 63.- Signals on vessels with diseased people or animals

1. At night, at the highest position of the light mast, a yellow light shall be exhibited.

2. At daytime, on the light mast a letter-Q signal flag shall be hoisted above a letter-L signal flag.

Article 64.- Signals on vessels in distress, calling for help

1. At night, on the light mast shall be exhibited with a flashing red light and continuous short blasts shall be released or continuous bell or gong sounds shall be made.

2. At daytime, on the light mast, a letter-N signal flag shall be hoisted above a letter-C signal flag and sound signals shall be released as prescribed in Clause 1 of this Article.

Article 65.- Signals of navigation inspection posts, patrol and navigation inspection vessels

Inland waterway police shall put up signals of navigation inspection posts, patrol and navigation inspection vessels as follows:

1. At navigation inspection posts, at high positions where it can be best seen:

a/ At night, on a vertical mast, two lights, the green one being 0.6 meter higher than the white one, shall be exhibited;

b/ At daytime, a letter-K signal flag shall be hoisted.

2. On navigation patrol or control vessels:

a/ At night, in addition to the signal lights specified in Article 50 of this Law, at the highest position of the light mast, two lights, the green one being 0.6 meter higher than the white one, shall be exhibited.

b/ At daytime, at the highest position of the light mast a letter-K signal flag shall be hoisted.

Article 66.- Signals to ask vessels for navigation inspection

In addition to the signals prescribed in Article 65 of this Law, waterway navigation police shall release signals to ask vessels to come for navigation inspection as follows:

1. At night, in the direction of the vessels which need to be inspected, a long flash, followed by a short one, followed by a long one, shall be released simultaneously with a long blast followed by a short one followed by a long one.

2. At daytime, in the direction of the vessels which need to be inspected, the letter-K signal flag shall be waved three times vertically downwards and at the same time a long blast followed by a short one followed by a long one shall be released.

3. The vessels which receive the signals prescribed in Clause 1 or Clause 2 of this Article must submit to the inspection according to law provisions.

Article 67.- Signals on vessels engaged on special duty

In addition to the signal lights specified in Article 50 of this Law, vessels engaged on special duty must use simultaneously sound signals, signal lights and signal flags as follows:

1. Priority whistles with special sounds;

2. Rotating signal lights fitted on the light mast, with the following colors:

a/ Green color for fire-fighting vessels, police vessels engaged on emergency duty, escorting or leading duty;

b/ Red color for salvage vessels, dyke protection vessels, military vessels engaged on emergency duty.

3. Signal flags:

a/ White flag with a red cross for salvage vessels;

b/ Red pennant with a military badge for military vessels;

c/ Green pennant with a police badge for police vessels;

d/ Red pennant for fire-fighting or dyke protection vessels.

Article 68.- Signals on pilot vessels

1. At night, in addition to the signal lights prescribed in Article 50 of this Law, on the light mast two lights shall be also exhibited, with the white one being 0.5 meter higher than the red one which is also 0.5 meter higher than the white fore light or the half-green and half-red light.

2. At daytime, on the light mast, a letter-H signal flag shall be hoisted.

Chapter VI

ACTIVITIES OF INLAND WATERWAY PORTS, LANDING STAGES, PORT AUTHORITIES AND INLAND WATERWAY PILOTS

Article 69.- Management of activities of inland waterway ports and landing stages

1. Inland waterway ports and landing stages may operate when they ensure the prescribed criteria and are so permitted by competent authorities.

2. Investors of inland waterway ports or landing stages shall directly operate them, or lease their operation.

3. Cargo loading and unloading as well as passenger service businesses at inland waterway ports or landing stages are conditional businesses.

4. The Transport Minister shall prescribe the management of activities of inland waterway ports and landing stages and decentralize such management, except for the case prescribed in Clause 5 of this Article.

5. The Defense Minister, the Public Security Minister and the Fisheries Minister shall, within the scope of their respective tasks and powers, prescribe the management of activities of inland waterway ports and landing stages engaged on defense and security tasks, fishing ports and wharves.

6. The provincial-level People's Committee presidents shall organize the management of activities of cross-river passenger landing stages as well as inland waterway ports and landing stages decentralized to them for management.

Article 70.- Operations of vessels, sea-going ships at inland waterway ports, landing stages

1. Captains or steersmen may only steer their vessels or sea-going ships into inland waterway ports or landing stages permitted to operate; when entering, leaving or anchoring at inland waterway ports or landing stages, they must complete all procedures prescribed by the Transport Minister.

2. Crewmen and steersmen of vessels or sea-going ships operating within inland waterway ports or landing stages must observe law provisions and regulations of such inland waterway ports or landing stages.

Article 71.- Inland waterway port authorities

1. Inland waterway port authorities are agencies performing the function of specialized State management over inland waterway navigation and transport at inland waterway ports and landing stages in order to ensure the observance of law provisions on inland waterway navigation order and safety and prevention of environmental pollution.

2. The Transport Minister shall prescribe the organization, activities and scope of activity of inland waterway port authorities.

Article 72.- Tasks, powers of inland waterway port authorities

1. To prescribe the berths of vessels and sea-going ships in the waters of inland waterway ports and landing stages.

2. To inspect the observance of law provisions on navigation safety and environmental protection by vessels and sea-going ships; check the professional diplomas and certificates of crewmen and steersmen; grant permits for vessels and sea-going ships to enter and leave inland waterway ports or landing stages.

3. To ban vessels and sea-going ships from entering or leaving inland waterway ports or landing stages when such inland waterway ports, landing stages or vessels fail to ensure safety conditions or inland waterway ports or landing stages fail to meet law-prescribed conditions on their activities.

4. To notify the situation of channels to vessels and sea-going ships entering and leaving inland waterway ports or landing stages.

5. To inspect the safety conditions of docks, landing stages, channels, signals and other relevant facilities in the areas of inland waterway ports and landing stages; when detecting unsafe signs, to notify them to responsible organizations or individuals for timely handling.

6. To supervise the operation and use of docks and landing stages in order to ensure safety; to request organizations and individuals operating inland waterway ports or landing stages to suspend the operation of docks or landing stages when deeming that such operation may affect the safety of people, vessels or facilities.

7. To organize the search and rescue of people, cargoes, vessels and sea-going ships in distress in the waters of inland waterway ports or landing stages.

8. To mobilize vessels, equipment and manpower in the areas of inland waterway ports or landing stages to participate in rescuing people, cargoes, vessels and sea-going ships in emergency cases and handle environmental pollution within the areas of inland waterway ports or landing stages.

9. To participate in making written records and conclusions on the causes of accidents or incidents having happened in the areas of inland waterway ports or landing stages; to request the involved parties to remedy accident consequences.

10. To sanction administrative violations, seize means; to collect charges and fees according to law provisions.

11. To assume the prime responsibility for, and coordinate with other State management agencies at inland waterway ports or landing stages in, receiving foreign vessels and sea-going ships.

Article 73.- Inland waterway pilotage

1. Foreign vessels and sea-going ships, when operating on inland waterways, must comply with the compulsory pilotage regime. Vietnamese vessels and sea-going ships may request pilotage when deeming it necessary.

2. The use of pilots shall not exempt or reduce the command responsibility of captains, including the case where the use of pilots is compulsory.

Captains are entitled to select pilots or request replacement of pilots.

3. The Transport Minister shall prescribe the organization and activities of pilots, their criteria and professional certificates.

Article 74.- Tasks of pilots

1. When leading vessels or sea-going ships, pilots shall submit to the command of captains. A pilot's tasks shall be deemed to complete only after the vessels or sea-going ships have safely anchored or arrived at the docks or reached the agreed places. Pilots cannot leave vessels without permission of captains.

2. Pilots shall be obliged to inform captains of the situation of channels in the areas where they pilot vessels or sea-going means; warn captains about acts against regulations on assurance of inland waterway navigation safety and other law provisions.

When captains deliberately refuse to follow reasonable instructions or warnings of pilots, pilots may refuse to pilot vessels or sea-going ships to the witness of third persons.

3. Pilots shall be obliged to inform the directors of inland water port authorities of channel changes they detect when piloting vessels or sea-going ships.

Article 75.- Responsibilities of captains during the time of hiring pilots

1. Captains shall have to inform pilots of the properties and characteristics of vessels or sea-gong ships; ensure safety for pilots when they get on board or leave vessels or sea-going ships; provide pilots with working and living conditions when they stay on board vessels or sea-going ships.

2. After accomplishing their duties, if pilots cannot leave vessels or sea-going ships at the agreed places, captains must seek measures to let pilots leave vessels or sea-going ships and bear all expenses for pilots to return to the pilot-receiving places.

3. Captains shall have to pay pilotage according to law provisions.

Article 76.- Responsibilities of vessel owners and pilots when damage is inflicted

When damage is inflicted due to the pilots' fault, the vessel owners shall have to compensate for such damage like damage due to crewmen' fault; pilots shall be exempt from compensating for material damage but must bear administrative or penal liability according to law provisions.

Chapter VII

INLAND WATERWAY TRANSPORT

Article 77.- Inland waterway transport activities

1. Inland waterway transport consists of passenger transport and cargo transport.

2. Inland waterway transport business is a conditional business.

3. Inland waterway transporters may only put vessels into operation according to their uses and operation areas stated in the technical safety and environmental protection certificates granted by registry offices.

4. Transported cargoes must be tidily and firmly arranged, ensuring stability for vessels, must not obstruct the visibility of steersmen, not affect activities of crewmen on duty, not obstruct the operation of the steering systems, anchors and other safety equipment; they must not be loaded in excess of the breadth and length of vessels.

5. People dealing in the transport of fire- or explosion-prone cargoes on inland waterways must buy insurance of civil liability towards third persons; people dealing in the transport of passengers must buy insurance of transport dealers' civil liability towards passengers.

Insurance conditions, insurance premium levels and minimum insurance amounts shall be prescribed by the Government.

6. Organizations and individuals engaged in inland waterway transport activities must, apart from observing this Law's provisions on transport, also abide by other law provisions.

Article 78.- Transport of passengers on inland waterways

1. Transport of passengers on inland waterways may take the following forms:

a/ Transport of passengers on fixed routes, which means transport from departure ports or landing stages to destination ports or landing stages according to stable itineraries;

b/ Transport of passengers under consignment contracts, which means transport at the requests of passengers on the basis of contracts;

c/ Cross-river transport of passengers, which means transport from one bank to the other bank, excluding cross-river transport by ferry.

2. People dealing in passenger transport on fixed routes or under consignment contracts shall have the following responsibilities:

a/ To publicize and strictly keep to the voyage timetables or transport schedules, publicize freights, and draw up the passenger list for each voyage;

b/ To arrange vessels which ensure the operating conditions prescribed in Article 24 of this Law.

3. Captains or steersmen of passenger vessels or passenger-cum-cargo vessels must observe the following provisions:

a/ Before setting off, to check the safety conditions for people and vessels, announce safety rules and the way of using safety equipment and devices to passengers; not to let passengers stand or sit at unsafe places;

b/ To arrange cargoes and/or luggage of passengers in order, not obstructing gangways, to ask passengers put small animals they carry along in cages or kennels;

c/ Not to carry fire- or explosion-prone and/or hazardous cargoes, large animals together with passengers; not to let passengers take diseased animals on board;

d/ When rain-storms or typhoons strike, not to let vessels leave ports or landing stages; if vessels are underway, to seek for safe shelters.

Article 79.- Cross-river passenger transport

1. Vessels engaged in cross-river passenger transport must ensure the operating conditions prescribed in Article 24 of this Law.

2. Apart from observing the provisions of Clause 3, Article 78 of this Law, captains and steersmen of vessels engaged in cross-river passenger transport must also observe the following provisions:

a/ Having adequate life-saving devices whose useful life has not yet expired and arranging them at prescribed places;

b/ Guiding passengers to embark and disembark; arranging cargoes, luggage; guiding passengers to sit on their seats, thus ensuring stability for vessels;

c/ Permitting vessels to start off only after passengers have been stably seated; cargoes, luggage, motorcycles and/or bicycles have been arranged neatly, and after making sure that vessels are not submerged more deeply than their safety waterlines;

d/ Not transporting passengers in excess of the passenger-transporting capacity of vessels or cargoes in excess of prescribed tonnage.

3. Passengers must strictly follow instructions of captains or steersmen.

Article 80.- Transport by small vessels

Non-motorized vessels with a gross tonnage of under 5 tons each, motorized vessels with main engine capacity of under 5 horse powers each, non-motorized vessels with a capacity of up to 12 passengers each, when transporting passengers, must have enough firm and safe seats as well as adequate life-saving devices corresponding to the number of passengers on board; when transporting cargoes, they must not transport volumes in excess of their prescribed tonnage, not arrange cargoes in such a way that obstructs the visibility of steersmen, destabilizes the vessels or affects the steering of the vessels.

Article 81.- Passenger transport contracts, passenger tickets

1. Passenger transport contract means an agreement between a transport dealer and a transport hirer on the transport of passengers and luggage from a departure port or landing stage to a destination port or landing stage, which defines the obligations and interests of the involved parties. Passenger transport contracts shall be made in writing or in forms agreed upon by the two parties.

2. Passenger tickets are proof of the entry into passenger transport contracts. Passenger tickets must be made according to prescribed forms, containing the names and registration numbers of vessels, the names of departure ports or landing stages and destination ports or landing stages; departure dates and hours, and prices.

3. The exemption from tickets, reduction of ticket prices, ticket purchase priority and return of tickets shall comply with the regulations of the Transport Minister.

Article 82.- Rights and obligations of passenger transport dealers

1. Passenger transport dealers have the following rights:

a/ To request passengers to fully pay passenger transport charges, transport charges for accompanying luggage in excess of the law-prescribed quota;

b/ Before vessels leave ports or landing stages, to refuse to transport passengers who have tickets but fail to obey their regulations, disrupt public order, thus hindering their work, harm others' health and/or property, commit ticket frauds, or passengers who are suffering dangerous diseases.

2. Passenger transport dealers shall have the following obligations:

a/ To give passenger tickets, receipts of luggage transport charges, consigned baggage to persons who have fully paid transport charges;

b/ To transport passengers, luggage and consigned baggage from departure ports or landing stages to destination ports or landing stages inscribed on tickets or from and to the right places as agreed upon in their contracts, ensuring safety and schedule;

c/ To ensure minimum living conditions for passengers in case of transportation disruption due to accidents or force majeure causes;

d/ To create favorable conditions for competent State agencies to check passengers, luggage and consigned baggage when necessary;

e/ To compensate passengers if failing to transport them on time to the places as agreed upon for any loss or damage of luggage, consigned baggage or for their death or physical injuries caused due to the passenger transport dealers' fault.

Article 83.- Rights and obligations of passengers

1. Passengers shall have the following rights:

a/ To request to be transported by vessels of the right type, according to the value of their tickets, from departure ports or landing stages to destination ports or landing stages as indicated in the bought tickets;

b/ To be exempt from paying charges for accompanying luggage within the law-prescribed quota;

c/ To refuse to go on the voyages before vessels leave ports or landing stages and to be refunded fares according to regulations. Once vessels have set off, if disembarking their vessels at any ports or landing stages, they shall not be refunded fares, except for the cases prescribed by the Transport Minister;

d/ To request the payment of arising expenses and damage compensation in cases where the passenger transport dealers fail to transport them on time to the places as agreed upon in their contracts.

2. Passengers shall have the following obligations:

a/ To buy passenger tickets and pay charges for accompanying luggage in excess of the prescribed quota; if failing to buy tickets and fully pay charges for accompanying luggage in excess of the prescribed quota, to buy tickets and fully pay charges together with fines;

b/ To precisely declare the names and addresses of their own and accompanying children for the passenger transport dealers to make passenger lists;

c/ To be present at the departure places on time as agreed upon; to observe transportation rules and safety instructions of captains or steersmen of the vessels;

d/ Not to carry luggage being goods which are banned by law from circulation or transportation together with passengers.

Article 84.- Luggage, consigned baggage

1. Luggage and consigned baggage shall be accepted for transportation only when they are other than goods banned by law from circulation, of sizes and volumes suitable to vessels, properly packed, their freights have been fully paid and they are delivered to transport dealers before vessels set out on the time as agreed upon by the two parties in their contracts.

2. Persons with consigned baggage must make written declarations of consigned goods, containing the names, quantities and volumes of goods, names and addresses of consignors, names and addresses of consignees. Transport dealers shall have to check consigned baggage and compare them with the written consigned goods declarations, then give certifications in such declarations. Written consigned goods declarations shall be made in two copies, each to be kept by one party. transport dealers shall have to send receipt notices to recipients of consigned baggage.

3. Passengers with luggage, when receiving such luggage, must produce passenger tickets and luggage freight receipts.

4. Recipients of consigned baggage must produce consigned baggage receipt notices, written consigned goods declarations, freight receipts and personal identity papers.

5. Transport dealers shall have to compensate for losses or damage of luggage and consigned baggage according to law provisions.

Article 85.- Insurance of transport dealers' civil liability towards passengers

1. Passenger tickets and lists of passengers on board vessels on each voyage shall serve as bases for payment of insurance to passengers when risks or incidents happen; for cross-river passenger transport, compensation shall be paid under insurance contracts between transport dealers and insurers.

2. The payment of insurance indemnities to passengers shall comply with law provisions.

Article 86.- Cargo transport contracts, cargo consignment documents and bills of lading

1. Cargo transport contract means an agreement between a transport dealer and a transport hirer, containing the rights and obligations of the two parties. Transport contracts shall be made in writing or other forms agreed upon by the two parties.

2. Cargo consignment document constitutes part of a transport contract, made by the transport hirer and forwarded to the transport dealer before the delivery of cargo. Cargo consignment documents may be made for the whole volumes of cargoes to be transported as hired or for each consignment as agreed upon by the two parties in their contracts.

Cargo consignment documents must clearly state the goods types, signs and codes; quantities and volumes; delivery and receipt places; names and addresses of goods consignors; names and addresses of goods consignees; requirements of goods loading, unloading and transport.

3. Bill of lading is a cargo delivery and receipt document between a transport dealer and a transport hirer, serving as a proof for dispute settlement.

Bills of lading shall be made by transport dealers after cargoes have been loaded on board vessels and signed by transport hirers or their authorized persons.

Bills of lading must clearly state the goods types, signs and codes; quantities and volumes; delivery and receipt places; names and addresses of goods consignors; names and addresses of goods consignees; freights and arising expenses; other details which transport dealers and transport hirers agree to inscribe in bills of lading; and certifications by transport dealers of the conditions of cargoes received for transport.

Article 87.- Rights and obligations of cargo transport dealers

1. Cargo transport dealers shall have the following rights:

a/ To request transport hirers to provide necessary information on cargoes for inscription in bills of lading and to check the authenticity of such information;

b/ To request transport hirers to fully pay freights and arising expenses; to request transport hirers to compensate for damage caused by their breaches of the agreed contracts;

c/ To refuse to transport cargoes which are not delivered by transport hires as agreed upon in the contracts;

d/ To request the expertise of cargoes when necessary;

e/ To retain cargoes in cases where transport hirers fail to fully pay freights and arising expenses as agreed upon in their contracts.

2. Cargo transport dealers shall have the following obligations:

a/ To supply vessels of the right types, at the right places; to preserve cargoes in the course of transport and deliver cargoes to their recipients as agreed upon in the contracts;

b/ To notify transport dealers of the time the vessels arrive at ports or landing stages and the time the vessels complete all procedures for entry into ports or landing stages. The time of notification shall be agreed upon by the involved parties in their contracts;

c/ To guide the cargo loading onto, and unloading from, vessels;

d/ To compensate transport dealers for losses or damage of part or the whole of cargoes, which happened in the course of transport from the receipt to the delivery of goods, except for the case prescribed in Clause 1, Article 94 of this Law.

Article 88.- Rights and obligations of cargo transport hirers

1. Cargo transport hirers shall have the following rights:

a/ To refuse to load cargoes onto vessels arranged by transport dealers if such vessels are not suitable for the transport of such cargoes as agreed upon in the contracts;

b/ To request transport dealers to deliver cargoes at the right places and on time as agreed upon in the contracts;

c/ To request transport dealers to pay damages according to the provisions of Point d, Clause 2, Article 87 of this Law.

2. Cargo transport hirers shall have the following obligations:

a/ To prepare all lawful papers related to cargoes before delivering cargoes to transport dealers; to properly pack cargoes, fully and clearly inscribe cargo signs and codes; to deliver cargoes to transport dealers at the right places, on time and according to the other contents of cargo consignment papers.

b/ To pay freights and arising expenses to cargo transport dealers; for contracts performed for each consignment, to fully pay freights and arising expenses after cargoes have been loaded onto vessels, unless otherwise agreed upon in the contracts; for contracts performed over a longer period for many consignments, periodical payments may be made as agreed upon by the two parties but to fully pay freights as contracted before the end of the last consignment, unless otherwise agreed upon in the contracts;

c/ To send people to escort cargoes throughout the course of transport, for kinds of cargoes subject to escort.

Article 89.- Rights and obligations of cargo consignees

1. Cargo consignees shall have the following rights:

a/ To receive and check cargoes they receive and compare them with bills of lading;

b/ To request transport dealers to pay expenses incurred due to late cargo delivery;

c/ To request or ask transport hirers to request transport dealers to compensate for cargo losses and/or damage;

d/ To request the expertise of cargoes when necessary.

2. Cargo consignees shall have the following obligations:

a/ To receive cargoes on time at the places as agreed upon; to produce bills of lading and personal identity papers to transport dealers when receiving cargoes;

b/ To pay expenses incurred due to their late receipt of cargoes;

c/ To notify transport dealers of cargo losses or damage immediately upon receiving such cargoes or within three days after receiving such cargoes if it is impossible to detect damage through external observance.

Article 90.- Handling of consigned cargoes, luggage and consigned baggage without recipients or disclaimed by consignees

1. When consigned cargoes, luggage or consigned baggage have been transported to their destination places but there are no recipients or their recipients decline to receive them, transport dealers may send such cargoes, consigned luggage or consigned baggage to safe and appropriate places and immediately notify transport hirers thereof; all arising expenses shall be incurred by transport hirers.

2. Past thirty days counting from the date of notification by transport dealers to transport hirers, if transport dealers receive no reply of transport hirers or are not fully paid for arising expenses, they may auction cargoes, luggage or consigned baggage in question in order to cover arising expenses according to law provisions on auction; if such consigned cargoes, luggage or consigned baggage can quickly deteriorate or the consignment expenses are too big as compared with the consigned cargoes, luggage or consigned baggage, transport dealers may auction them earlier than the above deadline provided that they must notify such to transport hirers before the auctions are organized.

3. For consigned cargoes, luggage and consigned baggage which are of types banned from circulation or restricted from transportation according to regulations, if they have no recipients or are disclaimed by their consignees, they shall be delivered to competent State agencies for handling.

Article 91.- Compensation for lost or damaged cargoes

1. When transport dealers are liable to compensate for partly or wholly lost or damaged cargoes, the compensation amounts shall be calculated according to the value of cargoes at the places and the time they are delivered to their consignees.

2. The compensation prices of lost or damaged cargoes shall be agreed upon by the two parties according to market prices at the time of payment of compensation amounts; if market prices are undeterminable, compensation prices shall be the average prices of goods of the similar kind and quality.

Article 92.- Time limits for filing of compensation claims, time limits for settlement of compensation and statute of limitations for initiation of lawsuits

1. The time limit for filing claims for compensation for losses and/or damage of consigned cargoes, consigned luggage or consigned baggage is twenty days, counting from the date such consigned cargoes, consigned luggage and consigned baggage are or should have been delivered to the consignees. Transport dealers must settle compensation within sixty days as from the date compensation claims are filed by transport hirers.

2. The time limit for filing claims about deaths or injuries of passengers is twenty days, counting from the date such deaths or injuries are caused. Transport dealers shall have to settle compensation claims within sixty days as from the date compensation claims are filed by passengers or their lawful representatives.

3. Where the two parties cannot settle compensation claims, they may request economic arbiters to settle them or initiate court lawsuits according to law provisions. The statute of limitations for initiation of lawsuits for compensation for losses or damage of consigned cargoes, luggage or consigned baggage or for human deaths or injuries is one year, counting from the date of expiry of the time limit for settlement of compensation claims prescribed in Clause 1 and Clause 2 of this Article.

Article 93.- Limit of liability of transport dealers

1. Transport hirers shall base themselves on the value of cargoes declared in the bills of lading and the actual damage extents to request compensations which, however, must not exceed the value of cargoes inscribed in the bills of lading.

2. Where transport hirers fail to declare the value of cargoes, the compensation amounts shall be calculated according to the average prices of similar goods, which, however, must not exceed the compensation levels prescribed by the Transport Minister.

Article 94.- Exemption from compensation

1. Transport dealers shall be exempt from compensation for losses or damage of consigned cargoes, luggage or consigned baggage in the following cases:

a/ Due to natural characteristics or inherent defects of consigned cargoes, luggage or consigned baggage or losses within the permitted level;

b/ Due to the seizure of, or the application of forcible measures by competent State agencies to, vessels, consigned cargoes, luggage or consigned baggage;

c/ Due to force majeure causes;

d/ Due to transport hirers', cargo recipients' or escorts' fault.

2. Transport hirers shall be exempt from paying compensation for contract breaches in the case prescribed at Point c, Clause 1 of this Article.

Article 95.- Transport of dangerous cargoes

1. Vessels engaged in the transport of dangerous cargoes must be permitted by competent State agencies and have unique codes. Transporters must strictly observe regulations on prevention and control of hazards, fires and explosions; must have plans on coping with oil-spill incidents when transporting petrol and oil.

2. The Government shall prescribe the list of dangerous goods and the transport of dangerous goods on inland waterways.

Article 96.- Transport of extra-length and extra-weight cargoes

Extra-length and extra-weight cargoes must be transported by vessels suitable to such cargoes and there must be plans to ensure their safety in the course of transport, which are approved by competent State agencies.

Article 97.- Transport of live animals

1. Depending on kinds of live animals, transport dealers shall request transport hirers to arrange escorts to look after such animals in the course of transport.

2. Transport hirers shall be responsible for loading and unloading live animals under the guidance of transport dealers; where transport hirers are unable to do so, they must pay loading and unloading charges to transport dealers.

3. The transport of live animals on inland waterways must comply with law provisions on hygiene, epidemic prevention and environmental protection.

Article 98.- Transport of human corpses, remains

1. In the course of transport, escorts are required for human corpses or remains.

2. Human corpses must be put in tightly closed containers and placed in separate compartments.

3. Human corpses and remains may be transported only when they are accompanied with full papers according to law provisions.

Chapter VIII

STATE MANAGEMENT OVER INLAND WATERWAY NAVIGATION

Article 99.- State management responsibilities of the Government, ministries and ministerial-level agencies for inland waterway navigation

1. The Government shall perform uniform State management over inland waterway navigation.

2. The Transport Ministry shall be responsible to the Government for performing the State management over inland waterway navigation.

3. The Public Security Ministry shall assume the prime responsibility for, and coordinate with the Transport Ministry, the Defense Ministry and the Fisheries Ministry in, taking measures to protect inland waterway navigation order and safety; organize the waterway navigation police force to patrol, inspect and handle acts of violating legislation on inland waterway navigation committed by people and vessels participating in inland waterway navigation according to law provisions; collect statistics and supply data on inland waterway navigation accidents.

4. The Fisheries Ministry shall assume the prime responsibility for, and coordinate with the Transport Ministry in, planning the network of fishing ports and wharves as well as fisheries areas on inland waterways; direct the implementation of measures to ensure navigation safety for fishing vessels operating on inland waterways.

5. The Agriculture and Rural Development Ministry shall assume the prime responsibility for, and coordinate with the Transport Ministry and the concerned ministries and branches in, drawing up plannings on the system of dykes, irrigation works and flood and storm prevention and combat plans related to inland waterway navigation; directing the placing and maintenance of inland waterway signs for irrigation works and the prompt clearance of irrigation works which are no longer in use and affect channels and channel protection corridors.

6. The Natural Resources and Environment Ministry shall assume the prime responsibility for, and coordinate with the Transport Ministry in, planning the development of river basins, managing and exploiting natural resources related to channels and channel protection corridors, ensure navigation safety and protect the environment on inland waterways.

7. Ministries and ministerial-level agencies shall, within the scope of their tasks and powers, have to coordinate with the Transport Ministry in performing the State management over inland waterway navigation and transport.

Article 100.- State management responsibilities of provincial-level People's Committees for inland waterway navigation

1. To organize the implementation of, and direct their attached services, departments and branches as well as district-level and commune-level People's Committees to implement, measures to protect inland waterway navigation infrastructures, fight encroachment and occupation of channel protection corridors, ensure inland waterway navigation order and safety in localities; organize salvage and settle consequences of accidents on inland waterways in their localities.

2. To formulate, and organize the implementa-tion of, local plannings on development of inland waterway navigation and transport.

3. To organize the dissemination, popularization of, and education about, legislation on inland waterway navigation; to inspect and handle violations of legislation on inland waterway navigation according to their competence; to take measures to establish inland waterway navigation order and safety in localities.

Article 101.- Inland waterway navigation inspectorate

1. Inland waterway navigation inspectorate is a specialized inspectorate tasked to inspect and supervise the observance of law provisions on technical standards and management of inland waterway navigation infrastructures, inland waterway transport, vessels, crews and steersmen.

2. The organization and operation of the inland waterway navigation inspectorate shall comply with law provisions on inspection.

Chapter IX

IMPLEMENTATION PROVISIONS

Article 102.- Implementation effect

This Law takes implementation effect as from January 1, 2005.

Article 103.- Implementation guidance

The Government details and guides the implementation of this Law.

This Law was passed on June 15, 2004 by the XIth National Assembly of the Socialist Republic of Vietnam at its 5th session.

CHAIRMAN OF THE NATIONAL ASSEMBLY

Nguyen Van An