

THE GOVERNMENT

No. 111/2014/ND-CP

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom – Happiness

Hanoi, November 20, 2014

DECREE

PROVIDING THE USEFUL LIFE OF INLAND WATERWAY VESSELS AND THE USEFUL LIFE OF VESSELS PERMITTED FOR IMPORT

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

Pursuant to the June 15, 2004 Law on Inland Waterway Navigation and the June 17, 2014 Law Amending and Supplementing a Number of Articles of the Law on Inland Waterway Navigation;

At the proposal of the Minister of Transport,

The Government promulgates the Decree providing for the useful life of inland waterway vessels and the useful life of vessels permitted for import.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

1. This Decree provides the useful life of inland waterway vessels operating in Vietnam and the useful life of vessels permitted to be imported for use as inland waterway vessels operating in Vietnam.
2. This Decree does not regulate inland waterway vessels used for national defense or security purposes and fishing vessels and foreign inland waterway vessels in transit through the Vietnamese territory.

Article 2. Subjects of application

1. Regarding the useful life of inland waterway vessels: This Decree applies to organizations and individuals owning or managing and exploiting the use of inland waterway vessels operating in Vietnam, including the following types of vessels:
 - a/ Ships carrying dangerous goods, oil, liquefied gases in bulk;
 - b/ Overnight cruises, floating hotels, floating restaurants;
 - c/ Passenger ships other than overnight cruises, floating hotels, floating restaurants, high-speed vessels and hovercrafts;
 - d/ High-speed passenger vessels;
 - dd/ Hovercrafts.
2. Regarding the useful life of vessels permitted for import: This Decree applies to organizations and individuals owning, importing, or hiring others to manage and exploit the use of, inland waterway vessels operating in Vietnam, including all types of inland waterway vessels.

3. When a treaty to which the Socialist Republic of Vietnam IS a contracting party contains provisions different from those of this Decree, that treaty prevails.

Article 3. Interpretation of terms

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

1. Useful life of an inland waterway vessel means the maximum period of time measured in years during which the vessel is permitted to operate.
2. Useful life of a vessel permitted for import means the maximum period of time measured in years during which an operating vessel is permitted for import into Vietnam, below collectively referred to as age of vessels permitted for import.
3. Passenger ship means an inland waterway vessel with a capacity of over 12 passengers.
4. Passenger vessel means an inland waterway vessel with a capacity not exceeding 12 passengers.
5. High-speed passenger ship means a passenger ship that is inspected and certified by Vietnam Register as conformable with national technical regulations on classification and building of high-speed ships; a passenger ship that glides when its hull is lifted from the water surface by aerodynamic lift generated by ground effect with a top speed of at least 30 km/hr in a full load condition.
6. Hovercraft means an inland waterway vessel the weight of which is wholly or significantly supported above the water surface while still or moving by a continuously generated cushion of air and traveling above the water surface.
7. Overnight cruise means an inland waterway vessel with cabins for carrying tourists who can stay overnight on its voyage.
8. Floating hotel means an inland waterway vessel with cabins and hotel business registration for carrying tourists, which may anchor at a place on an inland waterway and may travel from this anchoring place to another when necessary.
9. Floating restaurant means an inland waterway vessel with food and drink service business registration but no cabin for carrying passengers.

Chapter II

USEFUL LIFE OF INLAND WATERWAY VESSELS AND AGES OF VESSELS PERMITTED FOR IMPORT

Article 4. Useful life of inland waterway vessels

1. The useful life of inland waterway vessels is prescribed as follows:

Number	Types of vessels	With metal, fiber-reinforced plastic, ferrocement or reinforced concrete hull, not exceeding (years)	With wooden hull, not exceeding (years)
1	Ships carrying dangerous goods, oil, liquefied gases in bulk	30	25

2	Overnight cruises, floating hotels, floating restaurants	35	20
3	Passenger ships other than overnight cruises, floating hotels, floating restaurants, high-speed ships and hovercrafts	30	25
4	High-speed passenger ships	20	\
5	Hovercrafts	18	\

2. In some special cases, the Prime Minister shall decide on the useful life of inland waterway vessels at the proposal of the Minister of Transport.

Article 5. Ages of vessels permitted for import

1. The ages of vessels permitted for import must not exceed 10 years for passenger ships and passenger vessels and not exceed 15 years for other vessels.
2. Not to import wooden-hull overnight cruises, floating restaurants and floating hotels and other vessels lacking sufficient grounds for determining their building year.
3. In special cases, the Prime Minister shall decide on the ages of vessels permitted for import at the proposal of the Minister of Transport.

Article 6. Time for counting the useful life

1. The useful life of an inland waterway vessel shall be counted from the year of its building. The determination of building years of vessels must comply with Article 7 of this Decree.
2. The age of a vessel permitted for import shall be counted from the year of its building to the year of registration of the customs declaration for its import into Vietnam.

Article 7. Vessel building year

1. For inland waterway vessels built in the country, the year of building of a vessel shall be counted from the year it is granted a registration and inspection dossier upon completion of its building.
2. For imported vessels, the year of building of a vessel shall be counted from the year it was built and written in its registration and inspection dossier or the dossier granted to the vessel by its national management agency.

Chapter III

RESPONSIBILITIES FOR ORGANIZATION OF IMPLEMENTATION

Article 8. The Ministry of Transport

1. To organize and guide the implementation of this Decree.
2. To review and complete technical regulations on the useful life of inland waterway vessels in Vietnam.

3. To inspect, examine, and handle violations by inland waterway vessels according to this Decree and other relevant regulations.

Article 9. The Ministry of Public Security

To coordinate with the Ministry of Transport in inspection, examination and handling of violations with regard to inland waterway vessels according to this Decree and other relevant regulations.

Article 10. The Ministry of Finance

To guide customs procedures on the import of vessels according to this Decree and other relevant regulations.

Article 11. Provincial-level People's Committees

1. Based on their prescribed functions, tasks and powers, to organize the implementation of this Decree.

2. To guide competent local agencies in inspecting, examining, and handling violations with regard to inland waterway vessels according to this Decree and other relevant regulations.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 12. Effect

This Decree takes effect on January 5, 2015.

Article 13. Transitional provisions

1. From the effective date of this Decree, the useful life may be extended for high-speed passenger ships specifically as follows:

a/ Vessels with their useful life to expire before January 5, 2015, may operate through December 31, 2016.

b/ Vessels with their useful life to expire between January 5, 2015, and before January 5, 2016, may operate through December 31, 2017.

c/ Vessels with their useful life to expire between January 5, 2016, and before January 5, 2017, may operate through December 31, 2018.

d/ Vessels with their useful life to expire on January 5, 2017, or afterward may not operate after that date.

2. From the effective date of this Decree, the useful life may be extended for inland waterway vessels prescribed in Article 4 of this Decree, excluding high-speed passenger ships, specifically as follows:

a/ Vessels with their useful life to expire before January 5, 2015, may operate through December 31, 2019.

b/ Vessels with their useful life to expire between January 5, 2015, and before January 5, 2016, may operate through December 31, 2020.

c/ Vessels with their useful life to expire between January 5, 2016, and before January 5, 2017, may operate through December 31, 2021.

d/ Vessels with their useful life to expire between January 5, 2017, and before January 5, 2018, may operate through December 31, 2022.

dd/ Vessels with their useful life to expire between January 5, 2018, and before January 5, 2019, may operate through December 31, 2023.

e/ Vessels with their useful life to expire between January 5, 2019, and before January 5, 2020, may operate through December 31, 2024.

g/ Vessels with their useful life to expire on January 5, 2020, or afterward may not operate after that date.

3. For inland waterway vessels lacking sufficient grounds for determining their year of building from the effective date of this Decree, their useful life may be extended specifically as follows:

a/ High-speed passenger ships may operate through December 31, 2016.

b/ Inland waterway vessels prescribed in Article 4 of this Decree, excluding high-speed passenger ships, may operate through December 31, 2019.

4. Vessels imported into Vietnam under contracts concluded before the effective date of this Decree are not subject to the useful life applicable to vessels permitted for import but are subject to the useful life applicable to inland waterway vessels prescribed in Article 4 of this Decree when operating on Vietnam's inland waterways.

5. Vessels prescribed in Clauses 1, 2, 3 and 4 of this Article must assure technical safety and environmental protection as prescribed.

Article 14. Implementation responsibility

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

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Nguyen Tan Dung