

**THE PRESIDENT**

**THE SOCIALIST REPUBLIC OF VIETNAM**  
**Independence - Freedom – Happiness**

**No. 19/2014/L-CTN**

*Hanoi, December 4, 2014*

**ORDER**  
**On the promulgation of law<sup>1</sup>**

**THE PRESIDENT OF  
THE SOCIALIST REPUBLIC OF VIETNAM**

*Pursuant to Articles 88 and 91 of the Constitution of the Socialist Republic of Vietnam;*

*Pursuant to Article 91 of the Law on Organization of the National Assembly;*

*Pursuant to Article 57 of the Law on Promulgation of Legal Documents,*

**PROMULGATES:**

**The Law Amending and Supplementing a Number of Articles of the Vietnam Civil Aviation Law**

which was passed on November 21, 2014, by the XIII<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 8<sup>th</sup> session.

*President of  
the Socialist Republic of Vietnam*  
**TRUONG TAN SANG**

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<sup>1</sup> Công Báo Nos 1165-1166 (29/12/2014)

No. 61/2014/QH13

## **LAW**

### **Amending and supplementing a number of articles of the Vietnam Civil Aviation Law<sup>2</sup>**

*Pursuant to the Constitution of the Socialist Republic of Vietnam;*

*The National Assembly promulgates the Law Amending and Supplementing a Number of Articles of Vietnam Civil Aviation Law No. 66/2006/QH11.*

#### **Article 1.**

To amend and supplement a number of articles of the Vietnam Civil Aviation Law:

#### **1. To amend and supplement Clause 5 of, and add Clause 6 to, Article 6 as follows:**

“5. The State shall protect lawful rights and interests of Vietnamese organizations and individuals, overseas Vietnamese and foreign organizations and individuals involved in civil aviation activities.

6. The State shall adopt policies to ensure favorable conditions for people with disabilities, elderly people, children and pregnant women to use air carriage services.”

#### **2. To amend and supplement Article 8 as follows:**

“Article 8. Contents of state management of civil aviation

1. Promulgating, and organizing the implementation of, legal documents, econo-technical norms, standards, technical regulations, rules and processes related to civil aviation.

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<sup>2</sup> Công Báo Nos 1165-1166 (29/12/2014)

2. Formulating, and directing the implementation of, strategies, master plans, plans and policies on development of the civil aviation sector in accordance with law.

3. Managing civil flight activities in the Vietnamese territory and in the flight information regions managed by Vietnam; managing the building of service facilities, technical systems, air navigation facilities and equipment.

4. Planning and managing the building and operation of airports and airfields; managing the use of land in airports and airfields.

5. Managing air carriage activities; inspecting and supervising operations of air carriage enterprises and air service providers.

6. Registering aircraft and rights to aircraft.

7. Managing the designing, manufacture, operation, repair, maintenance, import and export of aircraft, aircraft engines, aircraft propellers, aircraft equipment and other facilities, equipment and supplies for civil aviation activities.

8. Granting and recognizing certificates, licenses and other papers and documents related to civil aviation activities.

9. Managing the assurance of security and safety for civil aviation activities; organizing and ensuring security and safety for special flights and special-purpose flights.

10. Managing aircraft search and rescue activities and investigations into aircraft incidents and accidents.

11. Conducting international cooperation on civil aviation.

12. Managing the training and development of human resources for the civil aviation sector, giving health checks to aviation employees.

13. Managing scientific and technological activities in the civil aviation sector; conducting environmental protection, natural disaster prevention and response to climate change in civil aviation activities.

14. Managing prices, charges and fees in civil aviation activities.

15. Examining, inspecting and settling complaints and denunciations, and handling violations in civil aviation activities.”

**3. To add Clause 2a following Clause 2 of Article 9 as follows:**

“2a. The body performing the specialized state management of civil aviation under the Ministry of Transport is the **Aviation Authority**.

The **Aviation Authority** has the following tasks and powers:

a/ To issue instructions and clearances; to take emergency measures, including stopping flights and operation of aviation vehicles, equipment and employees, to ensure aviation security and safety and maintain synchronous operation of the air carriage chain;

b/ To supervise the operation and maintenance of aircraft and aviation infrastructure, and ensure air navigation activities, air carriage operation, provision of aviation services and non-aviation services; to grant, approve or recognize licenses, certificates, ratings, and specialized civil aviation operation documents;

c/ To organize, operate and direct systems for aviation security and safety surveillance and management, aviation search and rescue and airport emergencies; to organize and direct the handling, investigation into and verification of circumstances threatening aviation safety and security, aviation incidents and accidents, and the performance of special flights;

d/ To appoint supervisors in charge of assurance of aviation safety and security and quality of aviation services up to standards set by the Minister of Transport;

dd/ To summarize, analyze and assess reports on aircraft incidents and accidents; to inspect and supervise the remediation of aircraft incidents and accidents and take measures to prevent aircraft incidents and accidents; to investigate aircraft incidents and accidents;

e/ To issue or recognize for application specialized civil aviation processes and standards;

g/ To announce and distribute in the country and abroad information and notices related to civil aviation activities;

h/ To conduct specialized civil aviation inspection.



The Government shall detail this Clause.”

**4. To amend and supplement Clauses 1 and 2, Article 10 as follows:**

“1. The body performing the specialized state management of civil aviation shall conduct specialized civil aviation inspection and has the following tasks and powers:

a/ To inspect the observance of the civil aviation law; treaties to which the Socialist Republic of Vietnam is a contracting party; and civil aviation operation rules, standards, technical regulations, regulations and processes;

b/ To stop operation of organizations, individuals and vehicles that violate aviation safety and security regulations or fail to satisfy technical standards and conditions on aviation safety and security;

c/ To sanction administrative violations in civil aviation in accordance with the law on handling of administrative violations;

d/ To temporarily seize aircraft;

dd/ To coordinate with inspectorates of ministries, ministerial-level agencies, government-attached agencies and concerned local agencies in detecting, stopping and handling violations of the civil aviation law;

e/ To recommend measures to handle and remedy violations in civil aviation activities.

g/ To perform other tasks and exercise other powers as prescribed by law.

2. The body performing the specialized state management of civil aviation shall organize aviation inspection to perform the inspection function specified in Clause 1 of this Article.”

**5. To amend and supplement Article 11 as follows:**

“Article 11. Charges, fees and prices for specialized aviation services

1. Specialized aviation services include:

a/ Aviation services, which are directly related to aircraft operation, air carriage operation and flight activities;

b/ Non-aviation services, which are provided at airports and airfields or onboard aircraft other than aviation services.

2. Specialized aviation charges and fees include:

a/ Charge for flight through the airspace of Vietnam, charge for the transfer of operation rights and other charges prescribed by the law on charges and fees;

b/ Fees for the grant of certificates and licenses related to civil aviation activities.

3. Aviation service prices include:

a/ Price of the takeoff and landing service; price of the administration service for arrival and departure flights; price of the air navigation assurance supporting service; price of passenger services; price of aviation security assurance, and price of the administration service for flights through flight information regions managed by Vietnam;

b/ Prices of other aviation services.

4. Non-aviation service prices include:

a/ Price for ground lease and prices of essential services at airports and airfields;

b/ Prices of other non-aviation services at airports and airfields.

5. The Ministry of Finance shall prescribe rates of charges and fees specified in Clause 2 of this Article at the request of the Ministry of Transport.

6. The Ministry of Transport shall prescribe service prices specified at Point a, Clause 3 of this Article according to the pricing method prescribed by the Ministry of Finance.

7. Enterprises may decide on service prices prescribed at Point b, Clause 3 and Point a, Clause 4 of this Article within the price frames prescribed by the Ministry of Transport and declare them to the Ministry of Transport.

8. Enterprises may decide on service prices specified at Point b, Clause 4 of this Article and display them under regulations.”

**6. To amend and supplement Clause 4, Article 14 as follows:**

“4. At the request of the aircraft registrant, aircraft owner, secured transaction taker, aircraft lessor or conditional seller.”

**7. To amend and supplement Article 20 as follows:**

“Article 20. Designing, manufacture, repair, maintenance and test of aircraft, aircraft engines, aircraft propellers and aircraft equipment

1. The designing, manufacture, repair, maintenance or test of aircraft, aircraft engines, aircraft propellers and aircraft equipment in Vietnam must comply with standards promulgated or recognized by competent state agencies.

2. Establishments engaged in designing, manufacturing, repairing, maintaining or testing aircraft, aircraft engines, aircraft propellers and aircraft equipment in Vietnam must possess licenses granted by the Ministry of Transport. Applicants for those licenses shall pay a fee.

3. Aircraft bearing Vietnamese nationality, aircraft engines, aircraft propellers and aircraft equipment bearing Vietnamese nationality shall be maintained only at maintenance establishments and under maintenance programs already approved by the Ministry of Transport.

4. When practically testing flight characteristics of aircraft, organizations and individuals that research and manufacture aircraft, aircraft engines, aircraft propellers and aircraft equipment shall report to and comply with regulations of the Ministry of National Defense.”

**8. To amend and supplement Article 21 as follows:**

“Article 21. Specific provisions on airworthiness standards

1. The Minister of Transport shall prescribe airworthiness standards and procedures for grant or recognition of airworthiness certificates and type certificates, criteria and procedures for licensing establishments to design, manufacture, repair, maintain or test aircraft, aircraft engines, aircraft propellers and aircraft equipment, except in the case specified in Clause 2 of this Article.

2. The Minister of National Defense shall prescribe airworthiness standards; criteria and procedures for licensing establishments to design, manufacture, repair, maintain or test unmanned aircraft and ultralight aerial vehicles, and their engines, propellers and equipment.

Unmanned aircraft is an aerial craft of which the flight can be controlled or maintained without direct control by an operator onboard.

Ultralight aerial vehicles include aerostats and aerial models of all kinds.

Aerostat means an aerial craft that gains its lift through the use of a buoyant gas in its gasbags. Aerostat includes powered airship and unpowered balloon.

Aerial models include gliders that simulate shapes and type models of airplanes, have engines and can be controlled by radio or programmed devices; and paragliders and kites, whether or not man-controlled, except traditional kites.”

**9. To amend and supplement Article 27 as follows:**

“Article 27. Specific provisions on aircraft operation

1. The Minister of Transport shall prescribe the operation of aircraft, conditions, procedures and order for the grant of aircraft operator certificates, permits for use of radio equipment installed on aircraft; and requirements on environmental protection for aircraft and aircraft engines, except those prescribed in Clause 2 of this Article.

2. The Minister of National Defense shall prescribe the operation of unmanned aircraft and ultralight aerial vehicles.”

**10. To amend and supplement Clause 1, Article 28 as follows:**

“1. Rights to aircraft include:

a/ Right to own aircraft;

b/ Right to possess aircraft through hire-purchase or lease for six months or more;

c/ Mortgage or pledge of aircraft;

d/ Other rights as provided by the civil law and treaties to which the Socialist Republic of Vietnam is a contracting party.”



**11. To add the following Clause 6 to Article 49:**

“6. The Ministry of National Defense shall decide to open or close special-use airfields after reaching agreement with the Ministry of Transport.

The Government shall prescribe conditions, order and procedures for opening and closing special-use airfields.”

**12. To amend and supplement Clause 4, Article 50 as follows:**

“4. Owners or organizations assigned to manage airports or airfields shall apply for airport or airfield registration certificates.

Applicants for airport or airfield registration certificates shall pay a fee.”

**13. To amend and supplement Clause 2, Article 56 as follows:**

“2. The Ministry of Transport shall assume the prime responsibility for, and coordinate with related agencies in, elaborating a national master plan on development of the airport and airfield system, except special-use airfields, and submitting it to the Prime Minister for approval.

The Minister of Transport shall approve detailed master plans on airports and airfields nationwide, except special-use airfields.”

**14. To add Clause 3 to Article 58 as follows:**

“3. The Ministry of Transport shall manage and supervise the construction, maintenance and repair of airports and airfields and maintenance of sufficient operation conditions for airports and airfields.

The Ministry of Construction shall, within the ambit of its tasks and powers, coordinate with concerned agencies in managing the construction quality of civil works at airports and airfields.”

**15. To amend and supplement Clause 1, Article 59 as follows:**

“1. Airport authority means an agency attached to the body performing the specialized state management of civil aviation and performing the state management of civil aviation at airports and airfields in accordance with law.”

**16. To amend and supplement Clauses 2 and 3, Article 79 as follows:**

“2. The Ministry of National Defense shall assume the prime responsibility for, and coordinate with the Ministry of Transport in, deciding to establish and operate the airspaces of airfields and flight zones to serve general aviation activities; and submitting to the Prime Minister for decision the establishment and operation of air routes.



Airspace of an airfield means an aerial area which is delimited in its width and elevation suitable to characteristics of such airfield and serves takeoff, landing and waiting-for-landing flight of aircraft above the airfield.

Flight zone to serve general aviation activities means an aerial area which is delimited in its width and elevation suitable to each type of operation and has flight rules and methods and requirements on the provision of air navigation assurance services.

Air route means an aerial area which is delimited in its width and elevation and controlled.

3. The Ministry of Transport shall manage the organization and operation of air routes and airspaces of civil airfields and flight zones to serve general aviation activities in the Vietnamese airspace and flight information regions managed by Vietnam. The organization of operation of the airspace of an airfield used for dual civil and military purposes or of a flight zone to serve general aviation activities is subject to written agreement of the Ministry of National Defense.”

**17. To amend and supplement Clause 2, Article 80 as follows:**

“2. Vietnamese and foreign aircraft making international flights may only take off from and land at international airports; in case such an aircraft takes off from or lands at a domestic airport or airfield or an international flight is engaged in domestic carriage with a Vietnamese aircraft, permission of the Ministry of Transport after reaching agreement with the Ministry of National Defense is required.

International flight referred to in this Law means a flight made over the territories of more than one state.”

**18. To amend and supplement Clause 2 of Article 81 as follows:**

“2. Aircraft operating within the Vietnamese territory must obtain flight permits from the following Vietnamese agencies:

a/ The Ministry of Foreign Affairs, which shall grant flight permits to foreign special flights carrying guests invited by the Party and the State and escort or preparation flights of such special flights engaged in civil aviation activities in Vietnam.

Special flight means a flight for totally exclusive use or for exclusive use combined with commercial carriage which is certified or notified as such by a competent state agency under regulations on special flights;

b/ The Ministry of National Defense, which shall grant flight permits for flights of Vietnamese and foreign military aircraft engaged in civil aviation

activities in Vietnam; for flights of unmanned aircraft or ultralight aerial vehicles; or for flights outside air routes;

c/ The Ministry of Transport, which shall grant flight permits for flights engaged in civil aviation activities in Vietnam, including flights of Vietnamese and foreign aircraft for civil purposes other than those mentioned at Points a and b of this Clause; special flights of Vietnam, escort or preparation flights of such special flights; foreign special flights other than those specified at Point a of this Clause and escort or preparation flights of such special flights; and for flights of Vietnamese and foreign official-duty aircraft other than those specified at Points a and b of this Clause.”

**19. To amend and supplement Clause 2 of, and add Clause 5 to, Article 92 as follows:**

“2. The Ministry of National Defense shall assume the prime responsibility for, and coordinate with the Ministry of Transport in, prescribing and managing air obstacle limitation surfaces and heights of works related to air obstacle limitation surfaces.

The Ministry of Transport shall assume the prime responsibility for, and coordinate with the Ministry of National Defense in, publicly announcing air obstacle limitation surfaces and heights of works related to air obstacle limitation surfaces in airfields where civil aviation activities are conducted; limited areas for ensuring normal operation of aeronautical radio stations; limits of obstacles in areas adjacent to airports and airfields; making statistics on, marking and announcing a list of natural and artificial obstacles that are likely to affect the safety of air navigation.”

“5. When licensing the construction of works in areas specified in Clause 2 of this Article, the competent licensing agency shall ensure compliance with regulations on the height of works related to air obstacle limitation surfaces.”

**20. To amend and supplement Clause 1, Article 94 as follows:**

“1. The Government shall prescribe in detail the organization and use of the airspace; management of air navigation at airports and airfields; grant of flight permits; coordinated management of civil and military air navigation; management of special-purpose flights; and management of air obstacles.”

**21. To amend the title of Section 2, Chapter V as follows:**

“AIR NAVIGATION ASSURANCE”

**22. To amend and supplement Article 95 as follows:**

“Article 95. Air navigation assurance

1. Air navigation assurance covers:

- a/ Organization and management of air navigation assurance;
- b/ Provision of air navigation assurance services.

2. Organization and management of air navigation assurance means establishment and operation of an air navigation assurance system, covering planning of flight information regions; planning and management of construction, maintenance, repair and maintenance of sufficient conditions for operation of infrastructure and organization of operation of the air navigation assurance system; standardization, assessment and surveillance to ensure the quality of provided air navigation assurance services; coordination of flight administration and notification of aeronautical information.

The Ministry of Transport shall organize and manage air navigation assurance.

3. Air navigation assurance services are necessary services to ensure safety, regularity, continuity and efficiency for air navigation, including air traffic service; aeronautical communication, navigation and surveillance service; meteorological service; aeronautical information notification service; and search and rescue service. Air navigation assurance services are public ones.

4. Enterprises providing air navigation assurance services must have service provision facilities and technical and equipment systems with operation permits granted by the Ministry of Transport. Enterprises applying for such operation permits shall pay a fee.

5. Organizations and individuals with flight operations in flight information regions managed by Vietnam shall be provided with air navigation assurance services.”

**23. To amend and supplement Clauses 2 and 3, Article 102 as follows:**

“2. When an aircraft is in danger or distress at an airport, an airfield or an area adjacent thereto, the body performing the specialized state management of civil aviation shall coordinate with People’s Committees at all levels in searching for and rescuing the aircraft, persons and property.

3. When an aircraft is in danger or distress outside areas specified in Clause 2 of this Article, the National Committee for Search and Rescue shall assume the prime responsibility for, and coordinate with the Ministry of Transport, related ministries and sectors, People’s Committees at all levels and other agencies and organizations in searching for and rescuing the aircraft, persons and property.”

**24. To add Clause 4a following Clause 4 of Article 110 as follows:**

“4a. Enterprises obtaining air carriage business licenses have the following obligations:

a/ To publicly announce contents of their licenses;

b/ To operate for proper purposes and contents and under conditions stated in their licenses;

c/ To maintain the prescribed conditions for grant of air carriage business licenses and aircraft operator certificates;

d/ To maintain the quality of air carriage services under regulations of the Ministry of Transport;

dd/ To comply with the civil aviation law and other relevant laws.”

**25. To amend and supplement Clause 2, Article 112 as follows:**

“2. Airlines shall deal in air carriage within the scope of the right to air carriage granted by the Ministry of Transport; may neither buy nor sell such right or commit prohibited acts of competition suppression or unfair competition; may not use brands, including trade names and marks confusingly similar to those of other airlines; and may neither transfer nor receive the air carriage business right.”

**26. To amend and supplement Clause 3, Article 115 as follows:**

“3. The Ministry of Transport shall designate Vietnamese airlines to operate air routes to areas with particularly difficult socio-economic conditions, mountainous, deep-lying and remote areas where there are essential needs for public air carriage.”

**27. To amend and supplement Article 116 as follows:**

“Article 116. Air carriage service prices

1. Airlines shall notify air carriage service prices for international routes to and from Vietnam at the request of the Ministry of Transport, unless otherwise provided by treaties to which the Socialist Republic of Vietnam is a contracting party.

2. Airlines may decide on domestic air carriage service prices within the service price frame prescribed by the Ministry of Transport and declare such prices to the Ministry of Transport.”

**28. To amend and supplement Clause 5 of; and add Clause 6 to Article 145 as follows:**

“5. If, due to the carrier’s fault, a passenger whose seat has been confirmed in the flight is not carried or his/her flight is cancelled or delayed for a long time without prior notice, the carrier shall perform the obligations specified in Clauses 3 and 4 of this Article, and pay a non-refundable advance

compensation amount to the passenger. If the carrier has to pay damages for its civil liability, such amount shall be subtracted from the damages.

The Minister of Transport shall specify the time for prior notice, long flight delay period and non-refundable advance compensations after reaching agreement with the Minister of Finance.

6. The Minister of Transport shall prescribe the quality of passenger services provided at airports and airfields.”

**29. To amend and supplement Article 159 as follows:**

“Article 159. Carriage of weapons, war tools and radioactive materials

1. It is prohibited to carry by air weapons, war tools and radioactive materials into or through the Vietnamese territory, except the cases prescribed in Clauses 2 and 3 of this Article.

This provision also applies to official-duty aircraft.

2. The Minister of National Defense shall decide on special cases in which the air carriage of weapons and war tools into or through the Vietnamese territory is permitted.

3. The Prime Minister shall decide on special cases in which the air carriage of radioactive materials into or through the Vietnamese territory is permitted.

4. In addition to Clauses 1, 2 and 3 of this Article, the air carriage of weapons, war tools and radioactive materials must comply with relevant regulations.”

**30. To amend and supplement Clause 3 of, and add Clause 4 to, Article 165 as follows:**

“3. The carrier may be partly or wholly exonerated from its compensation liability for the damage to the cargo at a corresponding level in the following cases:

a/ Natural characteristics or inherent defects of the cargo;

b/ A decision of the court or a competent state agency in relation to the cargo;

c/ The break-out of war or an armed conflict;

d/ The fault of the consignor or the consignee or the cargo escorter appointed by the consignor or the consignee.

4. The carrier may be partly or wholly exonerated from its compensation liability for the damage to the checked baggage at a corresponding level caused by natural characteristics or inherent defects of the baggage.”

**31. To amend and supplement Clause 2, Article 190 as follows:**

“2. Acts of illegal interference in civil aviation activities are acts likely to endanger the safety of civil aviation, including:

- a/ Illegally possessing an aircraft in flight;
- b/ Illegally possessing an aircraft on the ground;
- c/ Using an aircraft as a weapon;
- d/ Holding hostages in an aircraft or at an airport or airfield;
- dd/ Illegally breaking into an aircraft, airport, airfield and civil aviation facilities, equipment and devices;
- e/ Illegally bringing dangerous objects onboard an aircraft, airport, airfield or other restricted areas.

Dangerous objects include weapons, ammunitions, combustibles, flammables, explosives, chemical and biological toxins, radioactive substances and other objects and substances capable of causing danger or being used to cause danger to human health and life and safety of flight;

g/ Providing information which is so false that it affects the safety of aircraft in flight or on the ground, the safety of passengers, crews, ground personnel or persons at airports, airfields and civil air navigation aids, facilities and equipment;

h/ Intentionally committing illegal acts endangering the safety of operation of aircraft, airports or airfields; or affecting air navigation assurance.”

**32. To amend and supplement Article 191 as follows:**

“Article 191. Aviation security assurance

1. Aviation security shall be ensured by the following measures:

a/ Safeguarding security and national defense, maintaining social order and safety in accordance with the laws on national security, national defense, people’s public security force, counter-terrorism, and other relevant laws;

b/ Establishing restricted areas in airports, airfields and places where exist air navigation aids, facilities and equipment to protect aircraft and works, facilities and equipment in such places;

c/ Checking, screening and supervising aviation security of aircraft, vehicles, people, baggage, cargoes leaving, entering and operating in restricted areas under regulations; searching aircraft, vehicles, people, baggage and cargoes when they show signs of endangering aviation security;



d/ Precluding the possibility of illegal air carriage of dangerous articles; applying special preventive measures when permitting the carriage of dangerous articles and persons that are likely to endanger aviation security; imposing permanent or temporary ban on carriage of troublemaking passengers and people who commit acts of illegally interference in civil aviation activities or at the request of competent state agencies.

Troublemaking passenger means a passenger who intentionally refuses to abide by regulations on aviation safety and security and public order at an airport or airfield, onboard an aircraft or spreads or provides false information endangering aviation safety;

dd/ Supervising aviation security, maintaining order and discipline at airports, airfields and places where exist air navigation aids, facilities and equipment and onboard aircraft;

e/ Preventing and combating terrorism onboard aircraft;

g/ Applying special preventive measures when permitting the carriage of dangerous persons;

h/ Controlling internal security among aviation employees;

i/ Responding to acts of illegal interference in civil aviation activities.

2. The Ministry of Public Security and the Ministry of National Defense shall, within the ambit of their powers, assume the prime responsibility for, and coordinate with the Ministry of Transport, provincial-level People's Committees and related ministries and sectors in, organizing the application of the measures specified at Points a, e, g and i, Clause 1 of this Article.

3. The Ministry of Transport shall assume the prime responsibility for, and coordinate with the Ministry of Public Security and Ministry of National Defense, provincial-level People's Committees and related ministries and sectors in, organizing the application of the measures specified at Points b, c, d, dd and h, Clause 1 of this Article.

4. The Government shall detail this Article.”

**33. To amend and supplement Clause 1, Article 192 as follows:**

“1. Restricted area is an area in an airport or airfield or a place where exist air navigation aids, facilities and equipment in which entry, exit and activities must comply with regulations of competent state agencies and are subject to aviation security check, screening, surveillance and search under regulations.”

**34. To amend and supplement Article 193 as follows:**



“Article 193. Pre-flight aviation security check, screening, surveillance and search

1. Aircraft must go through pre-flight aviation security check and surveillance; in case there is a sign or information threatening flight security and safety, aviation security search shall be conducted.

2. Passengers, crew members, flight attendants, other related persons, baggage, cargoes, postal items and other objects shall go through aviation security check, screening and surveillance before getting onboard aircraft; in case there is a sign or information threatening flight security and safety, aviation security search shall be conducted. Surveillance of aviation security and maintenance of order and discipline on board the aircraft shall be performed throughout the flight.

3. The Government shall prescribe conditions, order and procedures for aviation security search.”

**35. To amend and supplement Article 195 as follows:**

“Article 195. Aviation security control force

1. The aviation security control force shall be organized under direction of the Ministry of Transport to apply aviation security assurance measures within the scope of responsibility of the Ministry of Transport.

2. Areas of operation of the aviation security control force covers airports, airfields, aircraft, establishments providing air traffic services, establishments manufacturing, maintaining and repairing aircraft and aircraft equipment, establishments providing aviation services at airports and airfields, and establishments processing cargoes and postal items to be loaded onto aircraft.

3. The aviation security control force shall be recruited and trained to meet professional requirements; and provided with uniforms, badges and insignias under regulations of the Ministry of Transport.

4. The aviation security control force shall be equipped with and entitled to use weapons, support tools, equipment and vehicles to perform their tasks prescribed by law.

5. The Ministry of Public Security and Ministry of National Defense shall coordinate with the Ministry of Transport in providing professional training, guidelines and instructions to the aviation security control force.”

**36. To amend and supplement Article 196 as follows:**

“Article 196. Aviation security programs and regulations

1. Aviation security programs and regulations define responsibilities of agencies, organizations and individuals involved in implementing processes, procedures and measures to ensure aviation security.

2. Aviation security programs and regulations include:

a/ Vietnam's aviation security program;

b/ Vietnam's aviation security training program;

c/ Vietnam's aviation security quality control program;

d/ Aviation security programs of airport and airfield operators;

dd/ Aviation security programs of airlines;

e/ Aviation security training programs of establishments training aviation employees;

g/ Aviation security regulations of establishments providing air traffic services, establishments manufacturing, maintaining and repairing aircraft and aircraft equipment, establishments providing aviation services at airports and airfields, and establishments processing cargoes and postal items to be loaded onto aircraft.

3. Aviation security programs and regulations specified in Clause 2 of this Article shall be promulgated in accordance with Vietnamese law and treaties to which the Socialist Republic of Vietnam is a contracting party.

4. The Minister of Transport shall promulgate aviation security programs specified at Points a, b and c, Clause 2 of this Article.

The Aviation Authority shall approve aviation security programs and regulations specified at Points d, dd, e and g, Clause 2 of this Article; accept or reject aviation security programs of foreign airlines.”

**37. To amend and supplement Article 197 as follows:**

“Article 197. Responsibilities of organizations and individuals involved in civil aviation activities to ensure aviation security

1. Operators of airports and airfields, airlines, establishments providing air traffic services, establishments manufacturing, maintaining and repairing aircraft and aircraft equipment, establishments providing aviation services at airports and airfields, and establishments processing cargoes and postal items to be loaded onto aircraft shall formulate civil aviation security programs and regulations and submit them to competent state agencies for approval, and organize their implementation; and ensure aviation security for activities under their management.

2. Foreign airlines that operate scheduled carriage to and from Vietnam shall submit to the Aviation Authority their civil aviation security programs for their operations in Vietnam.

3. Airlines and aircraft operators that operate international flights to Vietnam shall provide in advance information on flights, passengers and crews to competent state agencies under regulations of the Government.

4. Other organizations and individuals involved in civil aviation activities shall comply with the aviation security law.

5. The Ministry of Transport shall supervise and evaluate the application of aviation security assurance measures in accordance with Vietnamese law and treaties to which the Socialist Republic of Vietnam is a contracting party; inspect, examine, survey, test, evaluate and investigate the observance of the aviation security law by organizations and individuals involved in civil aviation activities.”

**38. To add the following Clause 4 to Article 198:**

“4. Organizations that conduct general aviation activities for commercial purposes may not commit prohibited acts of competition restriction or unfair competition; may not use brands, including trade names and marks causing confusion with those of other organizations conducting general aviation activities; and may neither transfer nor acquire the right to conduct general aviation activities for commercial purposes.”

**39.** To replace the phrase “postal items, postal parcels, mails” in Point b, Clause 1, Article 45; Clause 2, Article 47; Clause 1, Article 109; Clause 1, Article 111; Article 119; Clause 2, Article 120; Clause 3, Article 121; Article 157; and Clause 1, Article 198 with the phrase “postal items.” To replace the phrase “the Ministry of Post and Telematics” in Clause 3, Article 94 with the phrase “the Ministry of Information and Communications.” To replace the phrase “freight” in Clause 1 and at Point c, Clause 2, Article 126; Clause 2, Article 128; and Clause 2, Article 143; and the word “freight” in Clause 1, Article 128; Clause 1, Article 143; and Clause 4, Article 161; Clauses 5 and 6, Article 147 with the phrase “service price.” To replace the phrase “the disabled” in Clause 2, Article 145 with the phrase “people with disabilities.”

**40. To annul Article 125; and Clauses 3 and 4 of Article 158.**

**Article 2.**

To amend and supplement Points a and b, Clause 3, Article 19 of Price Law No. 11/2012/QH13 as follows:

“a/ Setting specific prices for:

- Aviation services, including takeoff and landing service; administration service for departure and arrival flights; air navigation assurance assistance service; passenger services; aviation security assurance service and administration service for flights through flight information regions managed by Vietnam;

- Telecommunications connection service;

- Power: power transmission price; power system supporting service price;

b/ Setting price frames for power generation price; power wholesale price; average power retail price; prices for other aviation services; ground lease price and prices for essential services at airports and airfields;”

**Article 3.**

1. This Law takes effect on July 1, 2015.

2. The Government and competent agencies shall detail articles and clauses of this Law as assigned.

*This Law was passed on November 21, 2014, by the XIII<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 8<sup>th</sup> session.-*

*Chairman of the National Assembly*  
NGUYEN SINH HUNG