

THE GOVERNMENT

No.: 30/2013/ND-CP

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom – Happiness

Ha Noi, April 08, 2013

DECREE

ON AIR TRANSPORTATION BUSINESS AND GENERAL AIR OPERATION

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

Pursuant to the Law on Civil Aviation of Vietnam dated June 29, 2006;

At the proposal of the Minister of Transport,

The government issues a Decree on air transport business and general air operation.

Chapter 1.

GENERAL PROVISION

Article 1. Scope of regulation and subject of application

1. This Decree stipulates that:

- a) Conditions and procedures for granting the air transport business License and the general air business License for commercial purposes, the Certificate of general air operation registration for non-commercial purposes;
- b) The use of brand and franchise of air transport business enterprise and non-commercial air business enterprises.

2. This Decree applies to all organizations and individuals involved in granting, re-granting and annulment of air transport business License of air transport, the general air business License for commercial purposes, Certificate of general air operation registration for non-commercial purposes; air transport business and general air operation.

3. In this Decree, the air transport business enterprises, the general air business enterprise for non-commercial purposes are referred to as airline.

Article 2. Content of air transport business and general air operation

1. The air transport business includes the air transport activities, advertising, marketing and sale of products transported by on the market for the purpose of profit.

2. General air operation includes the following types:

- a) General air operation for commercial purposes is the advertising, sales, performance of general air services for profit.
- b) The general air operation for non-commercial purposes is the general air operation in service of activities of individuals and organizations for non-commercial purpose.

Article 3. Agency making and issuing development planning and appraising for granting License and Certificate

1. The Ministry of Transport shall assume the prime responsibility and coordinate with the relevant Ministries, sectors, individuals and organizations to make the development planning of Vietnamese airlines for submission to the Prime Minister for approval.
2. The Minister of Transport shall grant and re-grant the air transport business License and the general air business License for commercial purposes, Certificate of airline investment with foreign invested capital after the Prime Minister's permission.
3. Civil Aviation Authority of Vietnam is an agency under the Ministry of Transport and verifies records for granting the air transport business License and the general air business License for commercial purposes.
4. Director of Civil Aviation Authority of Vietnam shall grant and re-grant Certificate of general air operation registration for non-commercial purposes (not including the operation of unmanned aircraft and ultralight flying vehicles).

Article 4. Airline with foreign invested capital

1. The airlines with foreign invested capital have the rights and obligations prescribed by law on civil aviation, investment and enterprise.
2. Certificate of Investment for investment projects with foreign invested capital and also the air transport business License, business aviation license for general commercial purposes and the general air business License for commercial purposes

Chapter 2.

AIR TRANSPORT BUSINESS LICENSE, GENERAL AIR BUSINESS LICENSE FOR COMMERCIAL PURPOSES

Article 5. General requirements

1. The granting of air transport business License and the general air business License for commercial purposes must be consistent with air development planning.
2. The airlines requesting the granting of air transport business License and the general air business License for commercial purposes must meet the conditions specified in Article 110 of the Law on Civil Aviation of Vietnam and the conditions specified in this Decree.
3. The airlines which granted the air transport business License requesting the granting of the general air business License for commercial purposes only satisfy the provisions at Point a, Clause 1, Clause 2, Article 6 and Clause 2, Article 10 of this Decree.
4. Person who requests the granting of air transport business License requesting the granting of the general air business License for commercial purposes shall pay charges as prescribed by law.

Article 6. Plans to ensure the availability of aircraft for operation

1. Plans to ensure the availability of aircraft for operation in 05 years from the expected date of business including the following contents:
 - a) Number and types of aircraft;
 - b) Form of possession (purchase, lease-purchase or lease);

c) Plan for operation, maintenance and human resource to ensure the operation and maintenance of aircraft;

d) Capital sources to ensure possession of aircraft.

2. Age of the second-hand aircraft imported in Vietnam are defined as follows:

a) For aircraft carrying passenger: Not exceeding 10 years from the ship date to the time of being imported into Vietnam under the contract of purchase, lease-purchase; not exceeding 20 years from the ship date to the end of lease contract. As for helicopter is 25 years from the ship date to the end of the lease contract;

b) For cargo aircraft, postal matters, postal parcels, air business for commercial purposes: Not exceeding 15 years from the ship date to the time of being imported into Vietnam under the contract of purchase, lease-purchase; not exceeding 20 years from the ship date to the end of lease contract.

c) Other types of aircraft other than those specified at Point a, Point b, Clause 2 of this Article: Not exceeding 20 years from the ship date to the time of being imported into Vietnam under the contract of purchase, lease-purchase; not exceeding 30 years from the ship date to the end of lease contract.

3. The number of aircraft maintained during air transport operation and general air business for commercial purposes must ensure a minimum of two (02), the number of aircraft leased with the flight crew by the end of the third operation year must not exceed 30% of the fleet.

Article 7. Condition for organizational structure to ensure aircraft operation, air transportation business and general air business for commercial purposes

1. Organizing structure to implement management system of safety, security, operation and maintenance of aircraft, flight training, ground operation, product development, marketing and sale of air transportation services, general air services and financial payment systems.

2. The person who is appointed to hold the position in the system of management system of safety, security, operation and maintenance of aircraft, flight training must have experience of at least 03 consecutive years in the field of being appointed and relevant degree, certificate granted or accredited as prescribed by law.

3. The person who is appointed to hold the position of supervising operation of product development, marketing and sale of air transportation services, general air services must have university degree of economics, commerce or finance.

4. The person who is appointed to hold the position of supervising the financial payment system must have university degree of finance, certificate of chief accountant or international accounting certificate accredited in Vietnam.

Article 8. Conditions for capital

1. The minimum capital required to establish and maintain airline air transportation business:

- a) Operating up to 10 aircrafts: 700 billion VND for airlines with international transportation operation; 300 billion VND for the airlines only operating domestic air transportation.
 - b) Operating from 11 – 30 aircrafts: 1.000 billion VND for the airlines operating international transportation; 600 billion VND for the airlines only operating domestic air transportation.
 - c) Operating over 30 aircrafts: 1.300 billion VND for the airlines operating international transportation; 700 billion VND for the airlines only operating domestic air transportation.
2. The minimum capital to establish the airline of general air business for commercial purposes: 100 billion VND.

Article 9. Written certification of capital

1. For capital contributed in VND and foreign currencies freely convertible. Document of credit institutions certifying the amount of money blockaded at credit institutions of organizations or individuals requesting the granting of License; the release of the blockaded amount of money at the credit institutions is done only after the organizations or individuals are granted the License or when they receive the written refusal of licensing.
2. For contributed capital in assets and real estate directly serving the purpose of air transportation business, general air business for commercial purposes: Document of competent valuation organizations shall certify the value converted into cash of the property and real estate.
3. Organizations and individuals directly certifying capital of enterprises shall take responsibility for the accuracy and truthfulness of the data at the time of certification.
4. For operating airlines, they may use bank guarantee as an appropriate written certification of capital.

Article 10. Content of business plan and strategy of product strategy.

1. Demand and the development trend of the market.
2. Actual evaluation of the competition level of services offered on the market.
3. Strategy of air transport product development and business development plan of the first 05 years from the date of operation.

Article 11. Conditions for capital and management structure of the airline with foreign invested capital.

1. The airlines with foreign invested capital must satisfy the conditions that the foreign party must not exceed 30% of charter capital for an airline; a Vietnamese individual or entity has no foreign invested capital must keep the largest charter capital.
2. Foreign capital is calculated as follows:
 - a) The contributed capital of foreign individuals and organizations in the airlines;

b) The contributed capital of Vietnamese enterprises with foreign invested capital in the airlines multiplied by the rate of contributed capital of foreign organizations or individuals in that enterprise with foreign invested capital.

c) The contributed capital of foreign enterprises with Vietnamese invested capital in the airlines multiplied by the rate of contributed capital of foreign organizations or individuals in that foreign enterprise

3. The charter of operation of the airlines with foreign invested capital must define the organization and organizational structure and members of management structure. The number of foreign members appointed by foreign investor to join the management structure of the airlines with foreign invested capital must not exceed one third of total members. The General Director (Director), the legal representative of the airlines must be Vietnamese citizen and bear no nationality of other countries.

4. The members of the management structure are specified in Clause 3 of this Article including:

a) General Director (Director), Deputy General Directors (Deputy Directors);

b) Chief accountant;

c) Persons in charge of the following areas: safety management system, aircraft operation and maintenance, flight crew training, ground operation, product development, marketing and sale of air transport services;

d) Other members of the Board of Directors as specified by the provisions of Charter of operation.

Article 12. Record for granting the air transport business License and the general air business License for commercial purposes

1. The person who asks for the granting of the air transport business License and the general air business License for commercial purposes shall send one (01) set of record via post to the Civil Aviation Authority of Vietnam.

2. The record includes:

a) The original of written proposal for granting the License under the Form No.04 specified in Annex of this Decree.

b) List of members and shareholders at the time of filing, this list must have information such as Full name, date of birth, nationality, place of registered permanent residence; current residence and the ratio of contributed capital or number of shares held, the name of the company (expected), address, head office, representative for the management of contributed of members, shareholders as organization, agreement on capital contribution of the shareholders and members (certified copy of enterprise);

c) Draft charter of operation with signatures of members, shareholders or their authorized representatives (certified copy);

d) Plans to ensure the availability of aircraft for operation, the organizational structure plan to ensure the aircraft operation, air transportation business, general air business for commercial purposes; business plan and product development strategy (certified copy);

e) Papers confirming the identity of the airline members, shareholders or documents certifying entity's legal status;

g) Brand of expected use;

Article 13. Appraisal of record for granting the air transport business License and the general air business License for commercial purposes

1. Within 30 working days (including the time for opinion gathering from the agencies and units concerned) from the time of full receipt of record for granting License and Certificate as specified in Clause 2, Article 12 of this Decree, the Civil Aviation Authority of Vietnam shall make a report on appraisal result to the Ministry of Transport.

2. For the records for granting the general air business License for commercial purposes, the Civil Aviation Authority of Vietnam shall have a written opinion from the Department of Operations (Ministry of Defense) on the area of business operation, type of craft, participants in aviation enterprises and area for flight. The Department of Operations (Ministry of Defense) shall reply by approval or disapproval and specify the reason within 10 working days after receiving the written request.

3. The appraisal contents include the compliance with development planning and roadmap to permit the establishment and grant the air transport business License and the general air business License for commercial purposes of the Prime Minister, the conditions for granting of License specified in the Law on Civil Aviation of Vietnam and Chapter II of this Decree, the appraisal contents for projects with foreign invested capital as prescribed by the law on investment.

Article 14. Decision on granting the air transport business License and the general air business License for commercial purposes

1. Within 15 working days after receiving the report on the appraisal result from the Civil Aviation Authority of Vietnam, the Ministry of Transport shall submit it to the Prime Minister for decision or require the Civil Aviation Authority of Vietnam to re-appraise and specify the reason; the procedures for re-appraisal shall comply with provisions in Article 13 of this Decree.

2. Within 15 working days after receiving the report from the Ministry of Transport, the Prime Minister shall decide on the granting of the air transport business License and the general air business License for commercial purposes. In case of disapproval, the Prime Minister shall inform the Ministry of Transport specifying the reason.

3. Within 5 working days after receiving the opinion from the Prime Minister, the Ministry of Transport shall inform the Civil Aviation Authority of Vietnam to inform the person who requests the granting of the air transport business License and the general air business License for commercial purposes.

4. Within 03 working days after receiving the notification of the Ministry of Transport concerning the licensing approval, the Civil Aviation Authority of Vietnam shall notify the person who requests the granting of the air transport business License and the general air business License for commercial purposes of the completion of licensing procedures. Within 06 months from the date of receipt of the notification, the requester for License

shall supplement (01) set of record directly or via post to the Civil Aviation Authority of Vietnam. The record includes:

- a) Certificate of enterprise registration or Certificate of business registration or Certificate of business and tax registration, except for establishment of airlines with foreign invested capital (certified copy).
- b) The original of written certification of the competent agencies or organizations or legal documents evidencing the enterprise's legal capital.
- c) Chart of enterprise's organization (certified copy);
- d) Decision on appointment, labor contract, copy of degree and professional certificate of the persons in charge specified in Article 7 of this Decree (certified copy);
- e) The original of the principle Contract or agreement on purchase or lease of aircraft or certified copy;
- g) Charter of operation (certified copy);
- h) Charter of air transport; Charter of general air services supply (certified copy);
- i) The original of written certification of estimated legal representative for the airlines with foreign invested capital.

5. Within 10 working days after receiving complete record as specified in Clause 4 of this Article, the Civil Aviation Authority of Vietnam shall examine the satisfaction of licensing conditions specified in Chapter II of this Decree and make a report to the Ministry of Transport. Within 05 days after receiving report from the Civil Aviation Authority of Vietnam, the Ministry of Transport shall grant the air transport business License and the general air business License for commercial purposes under the Form No.1 and No.2 specified in Annex of this Decree. In case of disapproval, the Ministry of Transport shall notify the Civil Aviation Authority of Vietnam specifying the reason.

6. The air transport business License and the general air business License for commercial purposes include the following contents:

- a) Airline name, airline name in foreign language (if any), abbreviated name of the airline.
- b) Number and issuance date of the air transport business License and the general air business License for commercial purposes;
- c) Charter capital; legal capital; type of enterprise;
- d) List of founding members and shareholders; contributed capital of each founding member and shareholder.
- e) Business scope, type of air transport and general air services;
- g) Brand;
- h) Legal representative

Article 15. Notification of granting or refusal of granting the air transport business License and the general air business License for commercial purposes

The Civil Aviation Authority of Vietnam shall:

1. Send the air transport business License and the general air business License for commercial purposes to the airline within 03 working days after receiving the Certificate and License.
2. Notify in writing of the licensing refusal to the person filing within 03 working days from the date of receipt of notification of licensing refusal of the air transport business License and the general air business License for commercial purposes from the Ministry of Transport.

Article 16. Publishing the content of the air transport business License and the general air business License for commercial purposes

1. Within 30 working days after being granted the air transport business License and the general air business License for commercial purposes, the airlines shall post the contents of the License in one of the Central newspapers or electronic newspaper in three consecutive issues,
2. In case the contents of the air transport business License and the general air business License for commercial purposes have changed, the airlines shall publish the contents changed within the time limit and in the manner specified in Clause 1 of this Article.

Article 17. Annulment of the air transport business License and the general air business License for commercial purposes

1. The air transport business License and the general air business License for commercial purposes in the following cases:
 - a) Failing to maintain minimum sufficient capital in 03 consecutive years.
 - b) Intentionally falsifying information in the record for granting of the License;
 - c) Failing to start the operation of air transport and general air services within 18 months from the date of licensing.
 - d) Stopping the air transport operation and the general air services in 12 consecutive months.
 - e) Not being granted the Certificate of aircraft operator in 12 months from the date of licensing; the Certificate of aircraft operator is revoked or annulled over 12 months without re-granting.
 - g) Failing to operate properly or consistently with the contents specified in the License;
 - h) Intentionally violating provisions in Article 16, 18 and 19 of this Decree;
 - i) Seriously violating regulations of the law on security and national defense;
 - k) Seriously violating regulations of the law on air security and safety, organization of executive structure and activities of air transport operation and general air activities
 - l) Going bankrupt and dissolving the airlines or on the requirement of the airlines
 - m) The airlines no longer satisfy the conditions for licensing as prescribed by law.

2. In case the License is annulled, the Ministry of Transport shall issue written annulment of the License and the enterprise must immediately stop the air transport business and general air business for commercial purposes.

3. In cases specified in Clause 1 of this Article, the organizations and individuals concerned are allowed to perform the procedures for licensing as specified in Article 12, 13, 14, 15 and 16 of this Decree after 01 year from the date of annulment of the License.

Article 18. Transfer, donation of shares to foreign investors in the form of direct investment.

The transfer and donation of shares to the foreign investors are only implemented after 02 year from the date of air transport operation and supply of general air services and shall comply with the provisions in Article 11 of this Article.

Article 19. Re-granting of License

1. The airlines shall perform the procedures for re-granting of License for the following changes:

a) Change in one of the contents of the air transport business License and the general air business License for commercial purposes;

b) The transfer of shares to the foreign investor.

2. When complying with provisions in Clause 1 of this Article, the airlines shall send one (01) set of dossier directly or via post to the Civil Aviation Authority of Vietnam for appraisal. The record includes:

a) The original of written request for re-granting under the Form No.05 or No.07 specified in Annex of this Decree in case of transfer of shares to the foreign investors.

b) Other documents related to the request for change approval in case specified at Point a, Clause 1 of this Article.

c) Plan for transfer of shares in case specified at Point b, Clause 1 of this Article.

3. Within 30 working days after receiving complete record as specified in Clause 2 of this Article, the Civil Aviation Authority of Vietnam shall appraise the record and report the appraisal result to the Ministry of Transport.

4. Within 07 working days after receiving the report on the appraisal result from the Civil Aviation Authority of Vietnam, the Ministry of Transport shall re-grant the License under the Form No. 01 and No. 02 specified in Annex of this Decree. For change specified at Point b, Clause 1 of this Article, it is necessary to perform the procedures for approval specified in Clause 5 of this Article. In case of disapproval, the Ministry of Transport shall notify the Ministry of Transport and specify the reason.

5. In case of transfer of share to foreign investors:

a) Within 30 working days after receiving complete record specified in Clause 2 of this Article, the Civil Aviation Authority of Vietnam shall have written opinion of Department of Operations (Ministry of Defense) concerning the transfer of shares to foreign investors. The Department of Operations (Ministry of Defense) shall reply by

approval or disapproval and specify the reason within 10 working days from the date of receipt of written request.

b) Within 07 working days from the date of receipt of appraisal report of the Civil Aviation Authority of Vietnam, the Ministry of Transport shall submit it to the Prime Minister for decision or notify the Civil Aviation Authority of Vietnam in case of disapproval and specify the reason.

c) Within 15 working days after receiving the report from the Ministry of Transport, the Prime Minister shall approve. In case of disapproval, the Prime Minister shall notify the Ministry of Transport and specify the reason.

d) Within 5 working days from the date of receiving the opinion from the Prime Minister, the Ministry of Transport shall notify the approval or disapproval for the share sale plan to the Civil Aviation Authority of Vietnam.

6. The Civil Aviation Authority of Vietnam shall send the air transport business License and the general air business License for commercial purposes (re-granted), the written approval for the share sale plan to foreign investor or notify the disapproval to the airlines within 03 working days from the date of receiving the notification of the Ministry of Transport.

7. The airline requesting the re-granting the License due to be torn, lost, burned or crushed to perform procedures under the provisions of this Article.

Article 20. Changes of enterprises to be registered

1. The following contents that the airlines must register with the Civil Aviation Authority of Vietnam within 30 days from date of execution:

a) Modifying the Charter of operation, Charter of transport and Charter of general air services supply.

b) Changing the Certificate of enterprise registration.

c) Changing organizational structure as specified in Article 7 and 11 of this Decree;

d) Changing members of management structure;

e) Changing the shareholder holding from 05% of charter capital or more.

2. The airlines shall send one (01) set of dossier directly or via post to the Civil Aviation Authority of Vietnam. The record includes:

a) The original of written request for registration under the Form No. 08 specified in Annex of this Decree.

b) Other documents related to the changed contents.

3. Within 07 working days after receiving complete record as specified in Clause 2 of this Article, the Civil Aviation Authority of Vietnam shall appraise the record and grant Certificate of registration under the Form No, 09 specified in Annex of this Decree or notify the disapproval for granting Certificate to the airline and specify the reason.

Chapter 3.

CERTIFICATE OF GENERAL AIR OPERATION REGISTRATION

Article 21. Conditions for granting certificate of general air operation registration for non-commercial purposes

1. The Certificate of general air operation registration for non-commercial purposes is granted to the organizations and individuals performing the general air operation for non-commercial purposes.
2. Conditions for granting the Certificate of general air operation registration for non-commercial purposes:
 - a) Subject to license: Vietnamese legal entity; organization established and operating under Vietnamese law, having head office in Vietnam; representative office or branch of foreign organization in Vietnam; Vietnamese citizen permanently residing in Vietnam; foreign citizen permanently residing in Vietnam
 - b) Having aircraft for operation;
 - c) Having aircraft maintenance facilities or service contract with aircraft maintenance facilities granted or recognized by the Ministry of Transport.
 - d) Members of flight crew are granted License and certificate of compliance;
 - e) Type of general air operation for non-commercial purposes with intended implementation is in accordance with operational function of organizations, private needs of individuals who request the granting.
 - g) Meeting requirements to ensure national defense and security.
3. Person who requests the granting of the Certificate of general air operation registration for non-commercial purposes shall pay charges as prescribed by law.

Article 22. Record for granting the Certificate of general air operation registration for non-commercial purposes

1. Person who requests the granting of the Certificate of general air operation registration for non-commercial purposes shall send one (01) set of record directly or via post to the Civil Aviation Authority of Vietnam
2. The record includes the following documents:
 - a) The original of written request for granting the Certificate of general air operation registration for non-commercial purposes under the Form No.06 or No.10 specified in Annex of this Decree in case of re-granting;
 - b) A certified copy of License of establishment or License of operation or Certificate of enterprise registration (for organization); a certified copy of ID card or Passport (for individual);
 - c) A certified copy of residence permit in Vietnam (for foreign citizens permanently residing in Vietnam), certified copy of License of representative office or branch establishment in Vietnam (for representative office and branch of foreign institutions);
 - d) Certificate of civil aircraft nationality registration, Certificate of eligibility for flight of aircraft
 - e) The original of the plan for operation and maintenance of aircraft.

- g) License and certificate of compliance of the flight crew (certified copy);
- g) License of operation of aircraft maintenance facilities (certified copy); Contract of aircraft maintenance lease in case of maintenance service lease (certified copy or copy attached to the original for comparison).

Article 23. Appraising and granting Certificate of general air operation registration for non-commercial purposes.

1. Within 30 working days after receiving complete record as specified in Article 22 of this Decree, the Civil Aviation Authority of Vietnam shall appraise the record and have a written opinion from the Department of Operations (Ministry of Defense) on organizations and individuals that register the general air operation, type of aircraft, flight area or notify the refusal of granting Certificate to the requester and specify the reason.

2. The Department of Operations (Ministry of Defense) shall reply to the Civil Aviation Authority of Vietnam within 10 working days after receiving the written request. The Civil Aviation Authority of Vietnam shall grant the Certificate under Form No.03 specified in Annex of this Decree after having the approval of the Department of Operations (Ministry of Defense) or notify the refusal of granting Certificate to the requester and specify the reason.

3. Certificate of general air operation registration for non-commercial purposes including the following contents:

- a) Enterprise name, transaction name, head office location and organization's legal representative;
- b) Full name, date of birth, nationality, number, place and date of issue of ID card or Passport, residence of individual;
- c) Number and date of issue of Certificate of general air operation registration for non-commercial purposes;
- d) Type of general air operation for non-commercial purposes to be done;
- e) Aerial port and airport intended as airport base of aircraft;
- g) Number, type and registration number of operated aircraft.

Article 24. Annulment and re-granting of Certificate of general air operation registration for non-commercial purposes

1. Certificate of general air operation registration for non-commercial purposes is annulled in the following cases:

- a) Failing to satisfy the conditions for granting the Certificate of registration;
- b) Improperly operating or not in accordance with the content specified in the Certificate of registration;
- c) Seriously violating regulations of law on general air operation;
- d) The general air operation affects national security, public interests and social order;
- e) Intentionally falsifying information in the registration record;

- e) Organization no longer exists; individual dies or loss of civil act capacity;
 - g) At the request of organizations and individuals that were granted the Certificate.
2. Organizations and individuals granted Certificate of general air operation registration for non-commercial purposes and wishing to modify the content of Certificate must prepare record for request and send one (01) set of record directly or via post to the Civil Aviation Authority of Vietnam. The record includes:
- a) The original of written request for registration of modification under Form No.10 specified in Annex of this Decree.
 - b) Other documents related to the modified contents.
3. The procedures for appraisal, granting for the modification of Certificate of general air operation registration for non-commercial purposes shall comply with the provisions in Article 23 of this Decree. In case of approval of modification, the Civil Aviation Authority of Vietnam shall additionally grant or replace the Certificate of general air operation registration for non-commercial purposes.
4. In case the Certificate is annulled, the Civil Aviation Authority of Vietnam shall issue a written annulment of Certificate and the organizations and individuals concerned must stop the general air operations immediately and deal with the relevant contracts signed before the annulment of the Certificate.

Chapter 4.

BRAND AND FRANCHISE

Article 25. Airline brand

- 1. The airlines must build their own brand including trade name and trademark.
- 2. Trademark is a collection of separate signs of an airline including trademark, drawing, color, symbol and signs which are visible and used to identify and differentiate the airline and services of that airline from other airlines in air transport business and general air business for commercial purposes.

Article 26. Use of brand

- 1. The trade name or trademark or the trade name and trademark of the airline must be displayed on the signboard, outer side of aircraft used in the air transport business and the general air business for commercial purposes of the airline.
- 2. The airline must not:
 - a) Use its brand causing confusion with other airlines;
 - b) Use the brand of other airlines for its transport services and general air services except for cases specified in Clause 3 and Clause 4 of this Article.
 - c) The airline may use the brand which the other airlines had used within 05 years from the date that used brand was stopped from being used.
- 3. The Vietnamese airline may use the aircraft with the brands of other airlines for the air transport operation and general air service supply in the following cases:

a) Aircraft lease with the total time of operation not exceeding 06 months within 12 consecutive months;

b) Aircrafts shared of group of companies in the form of its parent company - subsidiary company under the regulations of law on enterprise.

4. The Vietnamese airline is only permitted to use aircrafts with the brand of the airline alliance in which that airline is a member on the condition that brand is not the private one of other airlines.

5. The use of brand specified at Point a, Clause 3 of this Article must be approved by the Civil Aviation Authority of Vietnam by the procedures for aircraft lease and leasing approval as prescribed by law.

6. The use of brand specified at Point b, Clause 3 and 4 of this Article must be registered with the Civil Aviation Authority of Vietnam. The airline shall send one (01) set of record directly or via post to the Civil Aviation Authority of Vietnam. The record to request the registration for use of brand includes the following documents:

a) The original of written request for registration under Form No. 08 specified in Annex of this Decree.

b) Documents evidencing the compliance with relevant provision at Point b, Clause 3 and 4 of this Article.

c) Certified copy of written permission of brand use from the owner of the brand.

7. Within 07 working days after receiving complete record as specified in Clause 6 of this Article, the Civil Aviation Authority of Vietnam shall appraise the record and grant Certificate of registration under Form No.09 specified in Annex of this Decree or notify the refusal of the granting of Certificate to the airline and specify the reason. The Civil Aviation Authority of Vietnam shall annul the Certificate of registration in case the use of brand has no longer valid satisfaction until there is no satisfaction of corresponding regulation at Point c, Clause 3 and 3 of this Article.

8. The airline shall pay registration fee as prescribed by law.

Article 27. Franchise

Airlines are not allowed to perform the franchise of air transport and general air business for commercial purposes in Vietnam to other airlines.

Chapter 5

IMPLEMENTATION PROVISION

Article 28. Transitional provision

Within 02 years from the effective date of this Decree, the airline carrying on the air transport business, the enterprises carrying on the general air business for commercial purposes must meet the conditions of the fleet of aircraft and legal capital specified in Clause 3, Article 6 and Article 8 of this Decree.

Article 29. Effect

This Decree shall take effect from June 1, 2013 and supersedes Decree No. 76/2007/ND-CP dated May 9, 2007 of the Government on the air transportation business and general air operation.

Article 30. Implementation organization

The Ministers, heads of ministerial-level agencies, heads of government-attached agencies, Chairman of People's Committees of centrally-affiliated provinces and cities shall implement this Decree. /.

**FOR THE GOVERNMENT
PRIME MINISTER**

Nguyen Tan Dung

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