

THE GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

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Hanoi, 12 August 2015

DECREE

REGULATION ON AVIATION AUTHORITIES

Pursuant to the Law on organization of Government dated 25 December 2001;

Pursuant to the Law on Civil Aviation of Vietnam dated 29 June 2006 and the Law amending and supplementing a number of articles of the Law on Civil Aviation of Vietnam dated 21 November 2014;

Pursuant to Decree No. 107/2012/ND-CP dated 20 December 2012 of the Government defining functions, duties, power and organizational structure of the Ministry of Transport;

At the request of the Minister of Transport,

The Government issues this Decree defining the aviation authorities,

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree provides for the organ which perform functions of aviation authorities, duties, powers and conditions to ensure the activities of the aviation authorities.

Article 2. Subjects of application

This Decree applies to Vietnamese and foreign organs and organizations operating their civil aviation in Vietnam.

Article 3. Organ performing functions of aviation authorities

1. The Civil Aviation Authorities of Viet Nam under the Ministry of Transport as aviation authorities directly performing duties and powers of aviation authorities under regulations of law and international agreements in which the Socialist Republic of Vietnam is a member.

2. When performing duties and powers, the aviation authorities shall use the seal of the Civil Aviation Authorities of Viet Nam and the international transaction name as “Civil Aviation Authorities of Vietnam”.

Chapter II

DUTIES AND POWERS OF AVIATION AUTHORITIES

Article 4. Issuing directives and precepts and taking emergency measures in civil aviation

1. Issuing directives and precepts to ensure the compliance with regulations on aviation safety, security and maintain synchronous operation of air transport lines in the following activities:

a) Operation, maintenance and repair of aircraft;

b) Operation of airport;

c) Flight activity assurance;

d) Air transportation;

dd) General air activities;

2. Taking emergency measures, including:

a) Deciding the suspension of flight activities at airport in case of necessity due to natural disaster or airport emergency;

b) Suspending the operation of aircraft operator and specialized aviation services; suspending flight and operation of aircraft, specialized aviation means and equipment in case of threat of air safety or aviation security;

c) Suspending operation of aviation staff in case of breaching regulations on ensuring aviation safety and security or hindering aviation transportation activities.

d) Directing units of aviation sector to take other emergency measures to serve the national defense, security and national emergency.

3. Controlling the Port Authorities' temporary closing of airport; implementing the airport closing decision of the competent state authorities.

Article 5. Monitoring civil aviation activities

1. Monitoring of aircraft operation and maintenance, including:

a) Maintenance of flight conditions of aircraft;

b) Maintenance sufficient capacity and safe operation conditions of aircrafts;

c) Maintenance sufficient capacity, maintenance and repair conditions of aircrafts.

2. Monitoring of management and operation of aviation infrastructure, including:

a) Maintenance of sufficient capacity and conditions for aviation management and operation;

b) Implementation of plan and procedures for construction, renovation, operation, maintenance, suspension or introduction to operation of aviation works

c) Technical inspection of specialized aviation means and equipment.

3. Monitoring to ensure the flight activities, including:

a) Organization and management of flight activities;

b) Maintenance of sufficient capacity and conditions of flight services for flight activity assurance.

4. Monitoring and maintaining sufficient capacity and conditions of aviation operation and transportation, provision of specialized aviation services of units in aviation sector, including:

a) Vietnam airlines;

b) Airport enterprises;

c) Joint aviation business enterprises;

d) Enterprises providing aviation services at airport.

5. Organizing the inspection, survey and assessment of quality of specialized aviation services; recommending the remedy to ensure the interests of users of aviation transportation services and specialized aviation services at the airport.

6. Monitoring and directing the activities of aviation security control forces; controlling quality of aviation security: implementing and monitoring the issue of card, permit and sample of aviation security control card and permit.

7. Coordinating with organs and units of the Ministry of Defense and relevant organs in ensuring flight activities; assigning task of flight calibration of aviation navigation equipment to the appropriate specialized aviation organization.

8. Guiding and directing the management, operation, aviation security and safety to the general aviation activities at special-use airport, landing ground, landing strip on water surface, airspace for general aviation activities after getting the approval for operation from the General Staff.

9. Monitoring the maintained conditions for issue, recognition, approval of permit, certificate and other specialized civil aviation operation documents.

Article 6. Issue, approval and recognition of permit, certificate and other specialized civil aviation operation documents

1. Issuing, approving, recognizing, renewing, revoking or suspending the validity of permit, certificate and documents issued by the Civil Aviation Authorities of Viet Nam, including:

- a) Aircraft and aircraft operation;
- b) Airport operation;
- c) Flight operation assurance;
- d) Aviation security;
- dd) Aviation staff;
- e) Other fields as stipulated by the International Civil Aviation Organization;

2. Approving the specialized civil aviation operation documents, including:

- a) Plans and documents guiding the installation of equipment on aircraft; aircraft operation; programs and documents guiding the aircraft maintenance;
- b) Documents guiding the operation, aviation infrastructure maintenance program; plan and procedures for construction, renovation, maintenance, suspension or introduction for operation of aviation works.
- c) Operation plan and general mode of aviation flight;
- d) Program and regulation on aviation security specified under Points d, dd, e and g, Clause 2, Article 196 of the Law on Civil Aviation of Vietnam amended and supplemented under the provisions in Clause 36, Article 1 of the Law amending and supplementing a number of articles of the Law on Civil Aviation of Vietnam;
- dd) Aviation security program of foreign airlines;
- e) Other documents as stipulated by the International Civil Aviation Organization;

3. Issuing flight permit and aviation transportation right; coordinating the landing and take-off time at airport.

Article 7. Organization, operation and direction of system of surveillance, management of aviation safety, aviation security

1. Organizing and operating the surveillance system to ensure the aviation security and safety to meet the standards of the International Civil Aviation Organization;
2. Approving, directing and guiding the organization and operation of system of management of aviation safety, aviation security of the organs and units in aviation sector to meet the standards of the International Civil Aviation Organization;
3. Assessing and taking preventive measures and preventing the risk of threat of air safety or aviation security; coordinating with relevant organs in management of aviation obstacles under regulations of law.
4. Appointing supervisor in the field of aviation safety and security and quality of aviation services as per the standards stipulated by the Minister of Transport.
5. Monitoring and directing the compliance with specific regulation on labor, labor discipline to aviation staff.

Article 8. Aviation search and rescue, airport emergency

1. Steering and guiding the system establishment and operation; holding drills and directing the aviation search and rescue, airport emergency and dealing with the illegal intervention in civil aviation activities and natural disasters prevention and control in aviation sector.
2. Delimiting areas with responsibility for aviation search and rescue and airport emergency of units of aviation sector.

Article 9. Aviation incidents and accidents

1. Establishing reporting system of aviation incidents and accidents in aviation sector; aggregating, analyzing report and assessing aviation incidents and accidents;
2. Investigating, analyzing, verifying and assessing situations of threat of air safety or aviation security, aviation incidents and accidents
3. Directing and monitoring the handling and overcoming of situations of threat of air safety or aviation security, aviation incidents and accidents; issuing necessary recommendations and directives in order to prevent and stop such aviation incidents and accidents.

Article 10. Implementation of special flight

1. Receiving and implementing special flights in civil aviation sector.
2. Directing and monitoring organs and units of aviation sector in implementation of special flights and ensuring the standards of security and safety for special flights.

Article 11. Issuing, recognizing the application of basic procedures and standards of specialized civil aviation

1. Issuing, recognizing the application of basic procedures and standards of specialized civil aviation in accordance with regulations of law and requirements and standards of the International Civil Aviation Organization

2. Guiding the compliance with regulations, resolutions, standards and recommendations for practice of the International Civil Aviation Organization;

3. Announcing the difference in applied system of technical standards and regulations as required by the International Civil Aviation Organization;

4. Issuing the list of reserve airport to serve the prescribed civil flight activities.

5. Issuing the list of dangerous items which are banned or carried with restriction on person and luggage on board the aircraft.

6. Issuing the prescribed procedures for passengers, luggage, cargo, postal matters and mails at airports;

Article 12. Announcing, issuing, receiving and processing information and notice related to the civil aviation activities

1. Announcing and issuing in the country and abroad the publications, documents and information related to civil aviation activities, including:

a) Aeronautical Information Publication (AIP):

b) Issuance of Notice to Airmen (NOTAM);

c) Aeronautical information circular (AIC).

2. Receiving, processing, discussing and providing information and documents for organizations and individuals involved in civil aviation activities;

Article 13. Specialized aviation inspection

The aviation authorities shall carry out the specialized aviation inspection nationwide under regulations of law and international agreements in which the Socialist Republic of Vietnam is a member.

Chapter III

CONDITIONS FOR ENSURING THE PERFORMANCE OF DUTIES AND POWERS OF AVIATION AUTHORITIES

Article 14. About apparatus organization, facilities and personnel

1. The aviation authorities are ensured of apparatus organization, facility, fund and personnel; entitled to applying the specific financial mechanisms under the Prime Minister's decision to perform the duties and powers of the aviation authorities to meet the requirements and standards of the International Civil Aviation Organization;
2. **The Director of Civil Aviation Authorities of Viet Nam** shall perform the duties and powers of the aviation authorities.

Article 15. International cooperation

1. The aviation authorities are a focal point in international cooperation with the International Civil Aviation Organization, foreign aviation authorities, organizations and other international aviation forums in which Vietnam is a member.
2. The aviation authorities may use the funds from the foreign organizations and coordinate with relevant organs and units to carry out the international cooperation to improve the capacity of aviation security surveillance and safety and training of aviation employees as stipulated by law.

Chapter IV

IMPLEMENTATION PROVISION

Article 16. Effect

This Decree takes effect from 01 October 2015. The previous regulations which are in contradiction with the contents specified in this Decree shall be invalidated.

Article 17. Responsibility for implementation

The Ministers, heads of ministerial-level agencies, heads of governmental agencies, Chairman of People's Committees of provinces and centrally-run cities are liable to execute this Decree. /.

**FOR THE GOVERNMENT
PRIME MINISTER**

Nguyen Tan Dung

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