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| **MINISTRY OF TRANSPORT -------** | **THE SOCIALIST REPUBLIC OF VIETNAM  Independence - Freedom - Happiness  ---------------** |
| No. 51/2018/TT-BGTVT | *Hanoi, September 19, 2018* |

**CIRCULAR**

ON AMENDMENTS TO SOME ARTICLES OF THE CIRCULAR NO. 17/2016/TT-BGTVT DATED JUNE 30, 2016 OF THE MINISTRY OF TRANSPORT ON THE MANAGEMENT AND OPERATION OF AIRPORTS AND AERODROMES

*Pursuant to the Law on Vietnam Civil Aviation dated June 29, 2006 and the Law on amendments to some Articles of the Law on Vietnam Civil Aviation dated November 21, 2014;*

*Pursuant to the Land Law dated September 29, 2013;*

*Pursuant to the Government’s Decree No. 102/2015/ND-CP dated October 20, 2015 on the management and operation of airports and aerodromes;*

*Pursuant to the Government’s Decree No. 92/2016/ND-CP dated July 01, 2016 on business lines subject to conditions in the civil aviation industry;*

*Pursuant to the Government’s Decree No. 12/2017/ND-CP dated February 10, 2017 defining functions, tasks, entitlements and organizational structure of the Ministry of Transport;*

*At the request of Director of Department of Transport Infrastructure and General Director of Civil Aviation Authority of Vietnam;*

*The Minister of Transport hereby promulgates a Circular on amendments to some Articles of the Circular No. 17/2016/TT-BGTVT dated June 30, 2016 of the Minister of Transport on the management and operation of airports and aerodromes.*

**Article 1. Amendments to some Articles of the Circular No. 17/2016/TT-BGTVT dated June 30, 2016 of the Minister of Transport on the management and operation of airports and aerodromes**

1. Title of Article 17 is renamed and Point c Clause 1 of Article 17 is amended as follows:

a) Title of Article 17 is renamed as follows:

**“Article 17. Procedures for land allocation at an airport or aerodrome”**

b) Point c Clause 1 of Article 17 is amended as follows:

“c) Copy from the master register or copy produced together with the original copy for comparison or certified true copy (if the application is submitted in person), certified true copy (if the application is submitted by post) of the written approval for investment guidelines or decision on investment approval or investment registration certificate;”

2. Title of Article 18 is renamed and Point b Clause 1, Clauses 3 and 4 of Article 18 are amended as follows:

a) Title of Article 18 is renamed as follows:

**“Article 18. Procedures for rental of non-auctioned land at an airport or aerodrome”**

b) Point b Clause 1 of Article 18 is amended as follows:

“b) Copy from the master register or copy produced together with the original copy for comparison or certified true copy (if the application is submitted in person), certified true copy (if the application is submitted by post) of the written approval for investment guidelines or decision on investment approval or investment registration certificate;”

c) Clause 3 of Article 18 is amended as follows:

“3. Within 05 working days from the receipt of the satisfactory application, the airport authority shall grant the written approval for land lease made according to the Form No. 03 in the Appendix hereof; transfer the land area on-site and make the transfer record according to the Form No. 04 in the Appendix hereof; submit the written approval for land lease and application for land lease to the local competent authority to request the publishing of land rent as prescribed.”

d) Clause 4 of Article 18 is amended as follows:

“3. 03 working days after the date on which the notice of land rent is received, the airport authority shall sign the land rent contract defined in the Form No. 05 in the Appendix hereof.”

3. Title of Article 20 is renamed and Point b Clause 2, Clause 4, Clause 5 of Article 20 are amended as follows:

a) Title of Article 20 is renamed as follows:

**“Article 20. Extension of lease term at an airport or aerodrome”**

b) Point b Clause 2 of Article 20 is amended as follows:

“b. Copy from the master register or copy produced together with the original copy for comparison or certified true copy (if the application is submitted in person), certified true copy (if the application is submitted by post) of the written approval for land lease, lease contract and the latest year’s written evidences for fulfillment of financial obligations;”

c) Clause 4 of Article 20 is amended as follows:

“4. Within 05 working days from the receipt of the satisfactory application, the airport authority shall grant the written approval for land lease made according to the Form No. 11 in the Appendix hereof; submit the written approval for land lease and application for land lease to the local competent authority to request the publishing of land rent as prescribed.”

d) Clause 5 of Article 20 is amended as follows:

“5. 03 working days after the date on which the notice of land rent is received, the airport authority shall sign the land rent contract defined in the Form No. 05 in the Appendix hereof.”

4. Point b Clause 1 of Article 36 is amended as follows:

“b. Copy from the master register or copy produced together with the original copy for comparison or certified true copy (if the application is submitted in person), certified true copy (if the application is submitted by post) of the establishment decision or the enterprise registration certificate of the owner or the organization assigned to manage the airport or aerodrome; ID card or Citizen ID card or the passport of the individual(s) owning the airport or aerodrome;

5. Clause 2 of Article 39 is amended as follows:

“2. Within 08 days from the receipt of the satisfactory application, the Civil Aviation Authority of Vietnam shall verify the following contents from the aerodrome operation literature:

a) The factors in the assurance of aviation safety, aviation security and service standards;

b) The compliance of the aerodrome’s technical standards with regulations and standards promulgated or recognized by the competent authority;

c) Non-compliant components (if any);

d) The aerodrome’s actual conditions against those described in the operation literature.”

6. Article 39a is added as follows:

**“Article 39a. Procedures for issuance, reissuance and invalidation of license for airport business**

1. The applicant for license for airport operation shall submit an application to the Civil Aviation Authority of Vietnam, whether directly or by post or another appropriate manner and take responsibility for the accuracy and truthfulness of the application. An application includes:

a) An application form (Firm No. 12 in the Appendix hereof);

b) A copy of the enterprise registration certificate;

c) Copies of documentary evidences for organizational structure and personnel that must achieve appropriate licenses or certificates and comply with professional requirements concerning airport/aerodrome operations in accordance with laws on the Civil Aviation;

d) An original capital certification;

dd) A plan on necessary equipment , facilities and conditions for ensuring aviation safety and security.

2. Within 10 days from the receipt of the satisfactory application, the Civil Aviation Authority of Vietnam shall carry out appraisal and issue the license for airport operation according to the Form No. 13 in the Appendix hereof. If the application is rejected, a response and explanation must be provided in writing.

If the application is unsatisfactory, within 03 working days from the receipt of the application, the Civil Aviation Authority of Vietnam shall send a written notification and instruct the applicant to complete it.

3. The license for airport operation shall be reissued in case it is lost, damaged or has its contents changed.

4. The applicant shall submit an application for reissuance of the license for airport operation to the Civil Aviation Authority of Vietnam, whether directly or by post or another appropriate manner and take responsibility for the accuracy and truthfulness of the application. An application includes:

a) An application form (Firm No. 12 in the Appendix hereof);

b) Relevant documents related to any change to contents of the license (if any).

5. Regarding the license reissued due to any change in contents of that license: within 05 working days from the receipt of the satisfactory application, the Civil Aviation Authority of Vietnam shall reissue the license for airport operation. If the application is rejected, a response and explanation must be provided in writing.

6. Regarding the license reissued due to loss or damage: within 03 working days from the receipt of the application, the Civil Aviation Authority of Vietnam shall consider reissuing the license or provide a written response specifying reason for rejection of the application.

7. A license for airport business shall not be invalidated in the following cases:

a) Provide unauthentic information included in the application;

b) Fail to meet minimum capital requirements during operations;

c) Commit serious violations against laws on national security and defence;

d) Terminate operations according to laws or at the request of an enterprise;

dd) Commit serious violations against regulations on aviation security, safety, regulatory business requirements, service price, fire fighting and prevention, and environmental protection;

e) Pend the airport operation that must be commenced within a permitted period of 12 months from the date of issuance of a license.

8. The Civil Aviation Authority of Vietnam shall issue a decision on invalidation of the license, specifying reasons for and date of invalidation of the license. Upon receipt of the decision, the airport operation enterprise must immediately terminate their airport operation.

9. The Civil Aviation Authority of Vietnam shall notify the airport authority of the issuance, reissuance or invalidation of the license for airport operation.”

7. Clause 2 of Article 40 is amended as follows:

“2. The operator of the airport or aerodrome shall revise and supplement the aerodrome operation literature upon changes to their contents and apply for the Civil Aviation Authority of Vietnam’s approval therefor. An application includes:

a) An application form for approval;

b) A draft of the amendment(s) and supplement(s);

c) Documentary evidences for such amendment(s) and supplement(s);

d) Quantity of the application: 01 set.

Within 05 working days from the receipt of the application, the Civil Aviation Authority of Vietnam shall verify the documents against actual conditions and approve the amendment to the literature or notify the applicant of its rejection with explanation in writing.”

8. Clause 3 of Article 44 is amended as follows:

“3. Within 12 days from the receipt of the satisfactory application, the Civil Aviation Authority of Vietnam shall verify information, issue the written approval and propagate data to the units and organizations concerning the airport or aerodrome operation safety. If the application is rejected, the applicant shall be informed in writing of reason(s). ”

9. Clause 3 of Article 45 is amended as follows:

“3. Within 05 working days from the receipt of the satisfactory application, the Civil Aviation Authority of Vietnam shall consider and approve the full or partial launch of the infrastructural building of the airport or aerodrome or the temporary partial closure of the infrastructure of the airport or aerodrome. If rejecting the application, the Civil Aviation Authority of Vietnam shall provide explanation(s) in writing.”

10. Clause 1 of Article 50 is amended as follows:

“1. The entity managing and operating a piece of equipment shall submit 01 application for licensing of operation of the equipment to the Civil Aviation Authority of Vietnam, whether directly or by post or another appropriate manner. An application includes:

a) An application form for licensing, which specifies the type of equipment, purposes of use, scope of application, location of installation and operation, standards in force and equipment operation personnel.

b) Certificate of origin (CO) and certificate of quality of the equipment imported;

c) The certificate of technical eligibility of the aviation equipment or vehicle produced, assembled or remodeled in Vietnam;

d) The manufacturer's operation manual;

dd) The written record of the completion of formalities for installation and verification of the system;

e) Other documents as prescribed by the legislation on each type of equipment (if applicable).

Within 05 working days from the receipt of the satisfactory application, the Civil Aviation Authority of Vietnam shall carry out appraisal and issue the license. If the application is rejected, a response and explanation must be provided in writing.”

11. Clauses 2 and 3 of Article 60 are amended as follows:

a) Clause 2 of Article 60 is amended as follows:

“2. To apply for initial licensing of personnel operating aviation equipment and vehicles, an organization shall submit 01 application for licensing of operation of the equipment to the Civil Aviation Authority of Vietnam, whether directly or by post or another appropriate manner. An application includes:

a) An application form for licensing from the organization managing the personnel operating aviation equipment and vehicles, enclosed with the list of employees who operate aviation equipment and vehicles;

b) The copies of the relevant land motorized vehicle driving licenses (of the employees operating vehicles) and the relevant certificates of training by the manufacturers or qualified aviation employee training institutions in the operation of vehicles or equipment pursuant to regulations;

c) 02 ID color photos (3x4 cm) taken within the last 06 months.

Within 18 working days from the receipt of the satisfactory application, the Civil Aviation Authority of Vietnam shall examine documents, carry out a test and respond to the applicant in writing on its approval or refusal to license with explanation.”

b) Clause 3 of Article 60 is amended as follows:

“3. An employee’s license to operate an aviation equipment or vehicle in restricted areas of an airport or aerodrome, when expired, lost or damaged, can be reissued upon request. “An organization applying for reissuance of the license for its employees to operate an aviation equipment or vehicle in restricted areas of an airport or aerodrome shall submit 01 application for licensing of operation of the equipment to the Civil Aviation Authority of Vietnam, whether directly or by post or another appropriate manner. An application includes:

a) An application form for licensing from the organization managing the personnel operating aviation equipment and vehicles, enclosed with the list of employees who operate aviation equipment and vehicles;

b) The copies of the relevant land motorized vehicle driving licenses (of the employees operating vehicles) and the relevant certificates of training by the manufacturers or qualified aviation employee training institutions in the operation of vehicles or equipment pursuant to regulations;

c) 02 ID color photos (3x4 cm) taken within the last 06 months.

Within 18 days (for expired license) or 05 working days (for lost or damaged license) from the receipt of the satisfactory application, the Civil Aviation Authority of Vietnam shall examine documents, carry out a test (in case of license expiration), decide to reissue the license or respond to the applicant in writing on the approval or refusal to license with explanation.”

12. The Form No. 03 in the Appendix enclosed with the Circular No. 17/2016/TT-BGTVT is replaced with the Form No. 03 in the Appendix enclosed with this Circular.

13. The Forms No. 11, 12 and 13 are added to the Appendix enclosed with this Circular.

**Article 2. Effect**

This Circular comes into force from November 05, 2018.

**Article 3. Implementation**

1. Chief of the Ministry Office, Chief Inspector of the Ministry, Directors, General Director of Civil Aviation Authority of Vietnam, heads of relevant organizations and individuals are responsible for the implementation of this Circular.

2. Difficulties that arise during the implementation of this Circular should be promptly reported to the Ministry of Transport for consideration./.

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|  | **PP. THE MINISTER THE DEPUTY MINISTER     Le Dinh Tho** |