

**MINISTRY OF  
TRANSPORT**

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No.39/2017/TT-BGTVT

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

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*Hanoi, November 11, 2017*

**CIRCULAR**

**ON AMENDMENTS TO SOME ARTICLES OF CIRCULAR NO.34/2015/TT-BGTVT  
DATED JULY 24, 2015 OF THE MINISTER OF TRANSPORT ON REGULATIONS ON  
MARITIME ACCIDENT REPORTING AND INVESTIGATION**

*Pursuant to Vietnam Maritime Code dated November 25, 2015;*

*Pursuant to the Code on international standards and recommendations for investigation into maritime accidents or incidents of International Maritime Organization;*

*Pursuant to Decree No.12/2017/ND-CP dated February 10, 2017 of the Government on functions, missions, rights and organizational structure of the Ministry of Transport;*

*At the request of the Director of Vietnam Maritime Administration and Director General of Department of Traffic Safety;*

*The Minister of Transport promulgates a Circular on amendments to some articles of Circular No.34/2015/TT-BGTVT dated July 24, 2015 of the Minister of Transport on regulations on maritime accident reporting and investigation.*

**Article 1. Amendments to some articles of Circular No.34/2015/TT- BGTVT dated July 24, 2015 of the Minister of Transport on regulations on maritime accident reporting and investigation**

1. Clause 2 in Article 2 shall be amended as follows:

“2. Regulations in this Circular shall be applied to investigation into accidents of official duty ships and hydroplanes that occur in Vietnam’s port waters.”

2. Article 3 shall be amended as follows:

**“Article 3. Definition**

1. A maritime accident means an incident directly related to the operation of a ship and results in dead, injured, missing people; collision; severe damage of ship structure; causes missing or sunk ships, grounding, immobility of the ship, damage of maritime infrastructure or environmental pollution.

Maritime accidents do not include intentional acts resulting in harm to humans, ships, maritime infrastructure or environment.

2. A maritime incident means an incident directly related to the operation of a ship other than the incidents mentioned in clause 1 in this Article that causes danger or, if not properly handled, threatens the safety of ships, humans or environment.

3. Clause 5 in Article 5 shall be amended as follows:

“5. With regard to a maritime accident that causes loss of life, apart from the responsibility to report prescribed by this Circular, the captain, ship owner; and employer have to notify the local labor inspection authority in charge of the area where the employer’s headquarters are located in a timely and accurate manner.”

4. Clause 4 and 7 in Article 12 shall be amended as follows:

“4. During the investigation, if crimes are suspected, Director of the port authority must notify a competent authority, transfer documents and evidence related to the maritime accident at the request of the investigating authority; photocopies or certified true copies of documents must be made before they are transferred to serve further investigation. The transfer of documents and evidence must be recorded in writing.

With regard to a maritime accident that causes loss of life, missing or injured people, Director of the port authority must notify a investigating authority as regulated by laws, transfer documents and evidence related to the maritime accident at the request of the investigating authority; photocopies or certified true copies of documents must be made before they are transferred to serve further investigation. The transfer of documents and evidence must be recorded in writing.”

“7. Director of the port authority may seize a ship for up to 05 days to collect evidence serving the investigation. Longer seizure regarding to the maritime accident that occurs in the port waters shall be decided by Director of Vietnam Maritime Administration at the request of Director of the port authority and the extension shall not exceed 05 days; for other maritime accidents, the extension of seizure period shall be decided by the Minister of Transport at the request of Vietnam Maritime Administration.

5. Article 14 shall be amended as follows:

**“Article 14. Investigation team and members thereof**

1. Investigation team

a) An investigation team must have a team leader and at least 01 deputy, 01 member appointed by the Director of the port authority and 01 register having adequate capacity, professional skills and experiences in maritime accidents investigation appointed by the Vietnam Register;

b) Where necessary, Director of Vietnam Maritime Administration shall appoint experts in relevant fields to join the investigation team. Director of the port authority shall establish the investigation team according to the appointment decision of Director of Vietnam Maritime Administration.

2. A member of the investigation team must be a captain, chief engineer or engineer specialized in ship operation, ship machinery operation, shipbuilding, electricity and electronic ships, maritime law or equivalent fields; have at least 05 years of practical experiences in such fields and have completed training courses in maritime accident investigation."

6. Clause 10 in Article 15 shall be amended as follows:

"10. Carry out verification, analysis, assessment and propose conclusion about the causes of the maritime accident. Where necessary, request Director of the port authority to send inquiries to organizations in charge of classification and supervision of ship engineering or relevant professional authorities."

7. Clause 1 in Article 16 shall be amended as follows:

"1. Time limit for investigation into a maritime accident that occurs in Vietnam's port waters and other maritime accidents is 60 days from the occurrence date and 60 days from the day on which the investigation team is assigned to investigate such maritime accidents, respectively."

8. Clause 2 in Article 18 shall be amended as follows:

"2. The maritime authority of the country whose flag is raised by the ship, ship owner, and relevant ship operator must not publish or grant access to the draft report or any part thereof without the consent of the investigation team, Director of the port authority or Vietnam Maritime Administration."

9. Clause 3 and 4 in Article 19 shall be amended as follows:

"3. A set of photocopies of documents (if necessary) and two copies of the report on investigation into an extremely serious accident shall be sent to the Vietnam Maritime Administration.

4. With regard to serious and extremely serious maritime accidents, Vietnam Maritime Administration must immediately send the report on investigation conclusion to the Minister of Transport and International Maritime Organization."

## **Article 2. Effect**

This Circular comes into force on January 01, 2018.

## **Article 3. Implementation**

1. The Vietnam Maritime Administration shall take responsibility to implement this Circular.

2. Chief of the Ministry Office, Chief Ministry Inspectorate, Directors General, Director of the Vietnam Maritime Administration, Vietnam Register, Vietnam Inland Waterway, authorities, relevant organizations and individuals shall take responsibility to implement this Circular./.

**MINISTER**

**Nguyen Van The**