

No.: 49/2013/TT-BGTVT

Hanoi, December 6, 2013

CIRCULAR

**ON ANNOUNCEMENT OF SEAPORT WATERS WITHIN THE TERRITORY OF
HA TINH PROVINCE AND MANAGEMENT AREA OF HA TINH MARITIME
PORT AUTHORITY**

Pursuant to Vietnam Maritime Code on June 14, 2005;

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

Pursuant to Decree No. 21/2012/ND-CP dated March 21, 2012 of the Government on management of seaports and marine fairways;

Based on the opinions of the People's Committee of Ha Tinh province in Official Dispatch No. 2747/UBND-GT dated August 21, 2012 and Official Dispatch No. 2135/SGTVT-KH dated August 30, 2012 of the Department of Transport of Ha Tinh province;

At the request of the Director of the Legal Department and the Director of the Vietnam Maritime Administration;

The Minister of Transport promulgates the Circular on announcement of seaport waters within the territory of Ha Tinh province and the management area of Ha Tinh Maritime Port Authority,

Article 1. Announcement of seaport waters within the territory of Ha Tinh province

Now, announce seaport waters in the territory of Ha Tinh province including:

1. Vung Ang seaport waters: including Port No. 1, Port No. 2, Vung Ang Petrol and LPG Port.
2. Xuan Hai seaport waters: including Xuan Hai Port and Xuan Pho Port.

Article 2. Scope of seaport waters in the territory of Ha Tinh province

The scope of seaport waters in the territory of Ha Tinh province calculated based on the maximum tidal water level is specified as follows:

1. Scope of Vung Ang seaport waters:

a) The boundary towards the sea: is limited by the straight lines connecting points A1, A2, A3, A4, A5, respectively, with the following coordinate positions:

A1: 18°06'30"N, 106°21'50"E;

A2: 18°12'35"N, 106°21'50"E;

A3: 18°12'35"N, 106°31'10"E;

A4: 18°00'00"N, 106°31'10"E;

A5: 18°00'00"N, 106°28'05"E.

b) The boundary towards the mainland: From point A1 running along the coast to point A5.

2. Scope of Xuan Hai seaport waters on Lam River includes:

a) The waters shared with Ben Thuy seaport waters: is the waters announced by the Minister of Transport at the seaport waters in the territory of Nghe An province and management area of Nghe An Maritime Port Authority as regulated;

b) Waters of Xuan Hai and Xuan Pho seaports: is the waters on Lam river limited by two straight lines crossing the river at a point 2,000 m upstream from the edge of Xuan Hai wharf and a point 1000m downstream from the edge of Xuan Hai wharf of Lam river.

3. Coordinates of points A1, A2, A3, A4, A5 are applied under coordinate system VN – 2000 and converted to the corresponding coordinate systems as follows:

Position	Coordinate system VN - 2000		Coordinate system used in Nautical chart IA-100-08		Coordinate system WGS - 84	
	Latitude (N)	Longitude (E)	Latitude (N)	Longitude (E)	Latitude (N)	Longitude (E)
A1	18°06'30"	106°21'50"	18°06'26.8"	106°21'39.4"	18°06'26.4"	106°21'56.7"
A2	18°12'35"	106°21'50"	18°12'31.8"	106°21'39.4"	18°12'31.4"	106°21'56.7"
A3	18°12'35"	106°31'10"	18°12'31.8"	106°30'59.4"	18°12'31.4"	106°31'16.7"
A4	18°00'00"	106°31'10"	17°59'56.8"	106°30'59.4"	17°59'56.4"	106°31'16.7"
A5	18°00'00"	106°28'05"	17°59'56.8"	106°27'54.4"	17°59'56.4"	106°28'11.7"

Article 3. Pilot embarking and disembarking area, quarantine area, anchorage area, transshipment area, storm shelter, other relevant waters

The Director of Vietnam Maritime Administration shall organize the announcement of the pilot embarking and disembarking area, quarantine area, anchorage area, transshipment area, and storm shelter for ships to enter and leave Vung Ang and Xuan Hai seaport and other waters as regulated in Article 2 of this Circular.

Article 4. Responsibilities of Ha Tinh Maritime Port Authority and related parties

1. Responsibilities of Ha Tinh Maritime Port Authority:

a) Perform the tasks and powers under the provisions of the Vietnam Maritime Code and the relevant provisions of law on maritime operation in seaport waters in the territory of Ha Tinh province;

b) Based on the actual situations of weather, wind, draft, tonnage of ships and the nature of the cargo, designate a specific location for the ships to embark or disembark pilot, conduct the quarantine, anchorage, transshipment and storm sheltering in waters as regulated, ensure maritime safety and security, prevention from environmental pollution.

2. Responsibilities of Ha Tinh Maritime Port Authority, Nghe An Maritime Port Authority for shared waters and Ben Thuy seaport waters:

The coordination in management between Ha Tinh Maritime Port Authority of and Nghe An Maritime Port Authority is implemented under the following principles:

a) Ha Tinh Maritime Port Authority is responsible for coordinating with Nghe An Maritime Port Authority to manage the assurance of maritime order and safety within the waters shared with Ben Thuy seaport waters. Any case arising related to ships entering or leaving either seaport shall be settled by the corresponding Maritime Port Authority in accordance with law;

b) In case ships entering or leaving Xuan Hai or Xuan Pho seaport but is anchored for pending, transshipping or avoiding storm in Hon Ngu area, Ha Tinh Maritime Port Authority must notify at least 03 hours prior to the arrival of ships to Nghe An Maritime Port Authority of relevant information for coordination in management in accordance with the law;

c) In case a vessel arrives at Xuan Hai or Xuan Pho seaport but then enters Ben Thuy port or Cua Lo port or vice versa, the maritime port authority where the ships arrived first must carry out the procedures and collect entrance fee. The Maritime Port Authority where the ships arrive, then carry out the procedures, collect all departure fees in accordance with the legal provisions;

d) For other activities related to maritime order and safety as well as operation of ships in the waters shared with Ben Thuy seaport waters, except for the activities specified at Points a, b of this Clause, the function of state management for maritime is implemented by Nghe An Maritime Port Authority in accordance with the legal provisions.

Article 5. State management responsibilities for maritime in waters within the territory of Ha Tinh province

In addition to the waters area specified in Article 2 of this Circular, Ha Tinh Maritime Port Authority is responsible for state management of maritime safety and security and prevention from environmental pollution in waters of Ha Tinh province.

Article 6. Effect

1. This Circular takes effect from March 1, 2014. Annul Decision No. 11/2007/QĐ-BGTVT dated February 28, 2007 of the Minister of Transport on announcement of seaport waters under the territory of Ha Tinh province and the management area of Ha Tinh Maritime Port Authority.

2. The boundary of seaport waters specified in this Circular is determined on Nautical chart IA-100-08, the first edition in 1997 of the People's Navy of Vietnam.

Article 7. Organization of implementation

Chief of Office of the Ministry, Chief Inspector of the Ministry, Directors of the Ministry, Director of Vietnam Maritime Administration, Director of Vietnam Inland Waterways Administration, Director of Department of Transport of Ha Tinh Province, Director of Department of Transport of Nghe An Province, Director of Ha Tinh Maritime Port Authority, Director of Nghe An Maritime Port Authority, Heads of relevant agencies, organizations and individuals are responsible for the implementation of this Circular./.

MINISTER

Recipients:

- As per Article 7;
- Minister of Transport;
- Government office;
- Ministries, ministerial agencies, Governmental agencies;
- People's Committees of provinces and cities under the central authority;
- Deputy Ministers of Transport;
- Department of Examination of Legal Normative Documents (Ministry of Justice);
- E-Portal of the Government;
- E-Portal of the Ministry of Transport;
- Official Gazette;
- Transport Newspapers, Transport Magazine;
- Archives: Filing, PC.

Dinh La Thang