

PRIME MINISTER

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 02/2013/QĐ-TTg

Hanoi, January 14, 2013

DECISION

TO PROMULGATE THE REGULATION ON OIL SPILL RESPONSE

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

Pursuant to the Law on Environment protection dated November 29, 2005;

Pursuant to the Maritime Code of Vietnam dated June 14, 2005;

Pursuant to the Law on Inland Waterway Navigation dated June 15, 2004;

Pursuant to the Law on Vietnam's sea dated June 21, 2012;

At the request of the Ministry of National Defense, the Ministry of Natural Resources and Environment, and National Search and Rescue Committee

The Prime Minister decides to promulgate the Regulation on oil spill response,

Article 1. Promulgating together with the Decision the Regulation on oil spill response.

Article 2. This Decision takes effect on March 01, 2013 and supersedes the Decision No. 103/2005/QĐ-TTg dated May 12, 2005 of the Prime Minister to promulgate the Regulation on oil spill response.

Article 3. The President of National Search and Rescue Committee, Ministers, Heads of ministerial agencies, Heads of Governmental agencies, Presidents of the People's Committees of central-affiliated cities and provinces are responsible for the implementation of this Decision./.

**PP THE PRIME MINISTER
DEPUTY PRIME MINISTER**

Hoang Trung Hai

REGULATION

ON OIL SPILL RESPONSE

(promulgated together with the Prime Minister's Decision No. 02/2013/QĐ-TTg dated January 14, 2013)

Chapter 1.

GENERAL PROVISIONS

Article 1. Scope of regulation

This Regulation deals with the preparation, organization of oil spill response, alleviation of damage caused by oil spill, responsibilities of organizations and individuals for oil spill within the territory and sea of Vietnam.

Article 2. Subjects of application

This Regulation is applicable to Vietnamese, foreign organizations and individuals that directly or indirectly cause oil spill and engage in oil spill response within the territory and sea of Vietnam. If the International Agreements to which the Socialist Republic of Vietnam is a signatory are in contravention of this Regulation, the International Agreements shall prevail.

Article 3. Interpretation of terms

In the Regulation, the terms below are construed as follows:

1. Oil and oil products include:

- a) Crude oil is oil extracted from the wells without treatment;
- b) Processed oil is oil that has been refined such as gasoline, paraffin, aviation fuel, diesel, fuel oil, lubrication, hydraulic fluid;
- c) Other types include waste oil, sewage water that contain oil when rinsing, repairing ships or oil containers;

Oil in this Regulation is all aforesaid types.

2. Oil spill is the release of oil in containers, vehicles, constructions, and oil wells into the environment because of technical accidents, natural disasters, or humans.

3. Extremely serious oil spill is an oil spill that involves a large amount of oil being spread over a large area, including multiple provinces or cities, and threatens the environment, life, property, and health of people.

4. Oil spill response means the use of forces, vehicles, instruments to responsively deal with, eliminate, or minimize the release of oil into the environment.

5. Recovery means cleaning up soil, water, ecosystems in the oil spill area, and the measures for minimizing the damage, recovery the environment after the oil spill.

6. Oil spill response include are all activities from preparation, oil spill response, and oil spill recovery.

7. Oil spill response plan means the prediction of risks and possible oil spill scenarios together with corresponding response plans, training programs and drills to ensure the preparedness of resources to respond to oil spill when it occurs.

8. Emergency oil spill response plan is the plan for deploying emergency operations to response to oil spill and recover when oil spill occurs.

9. Oil spill site means the area where operations related to prevention, response, and recovery are deployed.

10. Site commander means the person appointed to directly command all response operation at the site. Entitlements and responsibilities of the site commander are specified in the oil spill response plan of every facility, province, and unit.
11. Facilities mean agencies, units and individuals engaged in the extraction, transport, transit, and use of oil and oil products that cause or pose a risk of causing oil spill.
12. Offshore facility means any instrument or structured that are fixed or floating on the sea surface outside Vietnam's territorial sea that participate in petroleum exploration, extraction, oil production or loading.
13. Facility owner means the head of the agency or unit, who is in charge of its operation.
14. The agency in charge of oil spill response is the agency that organizes the oil spill response.
15. Oil spill response teams (hereinafter referred to as response teams) are the organizations that have equipment for oil spill response and personnel trained in oil spill response.
16. Projects are projects of construction, facility or port facing a risk of oil spills.
17. Offshore projects are the projects executed outside Vietnam's territorial sea.
18. Priority area is an environmentally, economically or socially sensitive area needs protection when oil spill occurs such as mangrove forests, coral reefs, sanctuaries, biosphere reserves, water sources serving life and production, rated historical remains, tourist attractions, and fishery farms.
19. Restricted areas are the areas defined by coordinates on the sea charts or boundaries on land or along the coast where traffic is restricted in order to ensure safety for rescue and oil spill response.
20. The party that causes the oil spill is any organization or individual that causes the oil spill and environmental pollution.
21. National hotlines are the hotlines that receive, transmit, and process emergency reports from ships within Vietnam's sea on the accidents related to oil and toxic chemicals.

Article 4. Rules for oil spill response

1. Positively prevent, proactively build plans, invest in equipment, cooperative plans so as to be ready for response upon happening oil spill.
2. Receive and process information about oil spill, ensure communication for the response, and notify competent authorities when response is overwhelmed.
3. Cooperate and mobilize all resources to raise the effectiveness of oil spill preparedness and oil spill response; focus of rescue and environment protection.
4. Actively make response near the source of oil spill to prevent and limit the release of oil into the environment. Strictly supervise the risk or spreading of oil slick to the shore to make a list of priorities and take measures for protecting the priority areas.
5. Ensure fire safety during the response.
6. Give congruous orders, cooperate strictly with other the forces, vehicles and equipment participating in the response.

7. The party that causes the oil spill shall pay compensation for the damage caused by oil spill as prescribed by law.

Article 5. Levels of oil spill response

Depending on the seriousness of oil spill, response shall be deployed at 3 levels:

1. In-house level:

a) When oil spill occurs at the facility, the facility owner shall dispatch their forces, vehicles and instruments, or the forces, vehicles and instrument stated in the oil spill response contract to deploy response. The facility owner shall take charge of the site.

b) If the oil spill is beyond the capacity and the on-site resources are not adequate, the facility shall notify the governing body and the People's Committee of the province or city (hereinafter referred to as province) and call for help.

c) If the oil spill is serious or occurs in a priority area, the heads of the facilities in charge of the site shall notify the People's Committee of the province where the oil spill occurs and National Search and Rescue Committee for responsive guidance and response.

2. Provincial level:

a) When the oil spill is beyond the capacity to respond of the facility, or an unexplained oil spill spreads to the shore, the People's Committee of the province where the oil spill occurs shall take charge and appoint a site commander to organize the response according to the plan of the province, and may mobilize necessary resources of local facilities, agencies, Ministries, and Oil Spill Response Center.

b) The provincial Steering Committee on Flood and Storm Control, Search and Rescue or the provincial Oil Spill Response Committee is in charge of assisting the People's Committee of the province in oil spill response.

3. National level

a) If the extremely serious oil spill is beyond the capacity of the provincial government, the People's Committee of the province where the oil spill occurs shall send a notification to National Search and Rescue Committee for direct guidance and cooperation with relevant agencies in the response.

b) If the oil spill is beyond the capacity to respond of domestic forces, National Search and Rescue Committee shall request the Prime Minister to consider calling for international assistance.

During the oil spill response at the levels above, the agency in charge or the site commander must deal with and report the developments of the incident, provide suggestions for competent authorities, and take responsibility for their decisions.

Article 6. Classification of oil spills

1. Oil spills are classified as small, medium, and large oil spills. In particular:

a) A small oil spill is an oil spill in which the amount of oil being released is below 20 tonnes;

b) A medium oil spill is an oil spill in which the amount of oil being released is from 20 to 500 tonnes;

- c) A small oil spill is an oil spill in which the amount of oil being released is over 500 tonnes.
2. The classification of oil spills is to formulate emergency plans and determine the investment in equipment and resources to prepare and respond to various levels of oil spills.

Chapter 2.

PREPARATION FOR OIL SPILL RESPONSE

Article 7. Formulation, assessment, and approval for oil spill response plans

1. National Search and Rescue Committee shall take charge and cooperate with the Ministries, agencies and local governments in formulating and submitting the national oil spill response plan, and is in charge of the implementation of such plan.
2. The People's Committee of the province facing a risk of medium oil spills or above must formulate a provincial oil spill response plan and submit it to the National Search and Rescue Committee for assessment and approval.
3. Ports, facilities, and projects in the province must formulate their oil spill response plans and submit them to the People's Committee of the province for assessment and approval.
4. The businesses trading oil and gas that face a risk of small onshore oil spills shall formulate their oil spill response plans and submit them to the People's Committee of the district for assessment and approval. The approved plans must be reported to the People's Committee of the province for integration into the provincial oil spill response plan.
5. Offshore petroleum facilities shall formulate their oil spill response plan, consult with the People's Committees of the provinces that may be affected when oil spills occur, and submit them to Vietnam National Oil and Gas Group for assessment, then to National Search and Rescue Committee for approval.
6. Local oil spill response centers shall formulate plans for mobilizing vehicles and equipment to prepare for responding to oil spills that occur locally, and then submit them to National Search and Rescue Committee for approval.
7. The oil tankers with capacity of 150 tonnes or over, other ships with capacity of 400 tonnes or over must have plans for responding to oil pollution and chemical pollution that are approved by Vietnam Maritime Administration or Vietnam Inland Waterway Administration as prescribed.
8. Vietnamese oil tankers with capacity of 150 tonnes or over that participate in ship-to-ship oil transfer on Vietnam's sea must have plans for ship-to-shop oil transfer, which are approved by Vietnam Maritime Administration.
9. The ship owner must have chemical oil spill response plan to instruct and support the ships that have oil spills in response and recovery.
10. After the oil spill response plans mentioned in Clauses from 1 to 9 of this Article are approved, their contents must be known by relevant agencies, units, and local governments for cooperation in implementation within the area of their competence in the plans.

Article 8. Building up resources for oil spill response

1. National Search and Rescue Committee shall take charge and cooperate with the Ministries and agencies in establishing and running training programs and drills to raise the efficiency of the national oil spill response and recovery in Vietnam.

2. The Ministry of Natural Resources and Environment and the Ministry of Transport shall run training courses in provincial and national oil spill response and recovery.
3. The People's Committees of provinces shall establish and run training courses and drills to raise the efficiency of local oil spill response and recovery.
4. Local oil spill response centers and Units must ensure that their personnel are trained and capable of deploying emergency response when oil spills occur. Local oil spill response centers shall do practices and drills according to the plans approved by National Search and Rescue Committee.
5. Facilities, ports and projects must invest in or sign contracts for oil spill response with the facilities that have vehicles and instruments for response or with local oil spill response centers, at a level corresponding to the risk of oil spills in their areas, in order to responsively dispatch vehicles and equipment for responding to oil spills. Booms must be deployed within 1 hour if below 20 tonnes of oil is spilled, within 12 hours if 20 - 100 tonnes of oil is spilled; within 24 hours if 100 - 500 tonnes of oil are spilled. Vehicles and equipment must be ready for oil spill response and recovery at the request of competent authorities.

Article 9. Financial security for compensation for oil pollution

1. Owners of ships with capacity over 1,000 tonnes must buy insurance or have other financial security depending on their civil liability to provide compensation for oil pollution. The Certificate of insurance or financial security must be kept on the ship and presented at the request of the competent authority.
2. Owners of facilities and projects facing a risk of oil spills must have commitments of financial security to provide compensation for any oil pollution they cause. The commitments of financial security must be stated in the oil spill response plans of the facilities or projects, which are approved by competent authorities.

Article 10. Organizing the implementation of oil spill response plans

1. National Search and Rescue Committee shall take charge and cooperate with Ministries and agencies in initiating the national oil spill response plan, and inspect the implementation of the oil spill response plans they approved.
2. The People's Committees of provinces shall implement the approved oil spill response plans and inspect the implementation of oil spill response plans of the local facilities and projects.
3. PetroVietnam shall cooperate with competent authorities in inspecting the implementation of oil spill response plans of the offshore petroleum facilities and projects under their management.
4. Local oil spill response center shall implement the approved oil spill response plans and cooperate with local competent authorities in inspecting the implementation of oil spill response plans of the local facilities.
5. Facilities shall implement the approved oil spill response plans.
6. Port authorities, inland waterway port authorities, inland waterway management agencies shall inspect and supervise the implementation of plans for responding to oil spills at the ports and of the ships operating in port waters or inland waterways under their management.
7. Ships shall implement the approved oil spill response plans.

Article 11. Supervision of oil spill response

1. Supervision shall be carried out to find the risk of oil spills and receive information about oil spills, in particular: direct supervision at the ship, the port, the facility; supervision by patrolling and controlling forces on land, river, sea, and by air; supervision via environment observation systems, oceanographic radar systems, and remote sensing systems; receipt of information about oil spills provided by organizations, individuals, and other sources.
2. All ports, facilities, and projects in process must supervise the activities that pose high risk of oil spill within their territory in order to take appropriate measures for deploying response.
3. The oil tankers under transshipment or ship-to-ship transfer on Vietnam's sea must and a prior notice at least 48 hours before their transshipment or ship-to-ship transfer to the national hotline or the nearest port authority about the time, location, and amount of oil being transshipped or transferred for competent authorities to supervise and take measures for responding to any oil spill that occurs. The transshipment is only carried out with the approval of the national hotline or port authority.

Chapter 3.

ORGANIZING OIL SPILL RESPONSE

SECTION 1. COOPERATION IN PROVIDING INFORMATION ABOUT OIL SPILL RESPONSE

Article 12. Recipients of information about oil spills

1. The organization or individual that causes an oil spill to occur or discovers an oil spill shall immediately inform one of the agencies below:
 - a) The national hotline
 - b) The nearest port authority;
 - c) The local oil spill response center;
 - d) The local Maritime Search and Rescue Cooperation Center (if rescue at sea is needed);
 - dd) Coastal communications stations of Vietnam that forward information to the agency in charge of response or rescue;
 - e) The Service of Natural Resources and Environment;
 - g) The nearest local government;
 - h) The standing agencies in charge of organizations and individuals of relevant Ministries, agencies and localities.
2. The airplane that find oil slick on the sea shall request the air traffic service station or the rescue service station to forward information to a competent authority according to Clause 1 of this Article.
3. Apart from the aforesaid recipients, the occurrence of an oil spill may be informed to any agency such as coastal communications stations, the People's Committees of districts; naval units, border guard units, the Coastguard, waterway police for processing or forwarding to the agency in charge of response.

4. Processing information and reports on oil spills.

Upon receipt of information or reports on an oil spill, the agency in charge of response shall:

- a) Verify the information;
- b) Preliminarily assess the nature, scale, seriousness, and possible damage of the oil spill;
- c) Implement the plan and measures for emergency response to the incident;
- d) Notify relevant agencies and units of the measures and plans for cooperation in emergency response; sign decisions to deploy the response.
- dd) Notify local agencies, unit and people in the area that is affected or may be affected by the oil spill to actively make response and recovery;
- e) Notify competent authorities of the processing of information and measures for cooperation in deploying the response, suggestions and recommendations.

Article 13. Reports on oil spill response and recovery

1. The oil spill developments shall be constantly reported since it is discovered until the oil spill response is finished, including:

- a) Initial report on the oil spill is made when the oil spill is discovered;
- b) Next reports on the oil spill shall be made every day during the oil spill response;
- c) The report on the end of the oil spill shall be made when the response is finished;
- d) The summary report is to summarize the oil spill response since the oil spill is discovered until the oil spill response is finished.

2. The report shall specify:

- a) The time when the incident occurs or is discovered;
- b) The location and coordinates (if any);
- c) The types of oil (crude oil, processed oil, etc);
- d) Estimate of weight and speed of oil spill;
- dd) Weather conditions (waves, wind, current, etc.);
- e) Relevant information;
- g) The activities deployed and intended to be deployed;
- h) Requests for assistance, rescue, and oil spill response.

3. National Search and Rescue Committee, Ministries, agencies and local governments shall make reports as prescribed throughout the oil spill response and recovery.

SECTION 2. OIL SPILL RESPONSE IN THE FACILITY

Article 14. Response to oil spills at sea caused by ships

1. When an oil spill occurs, the ship must immediately take measures according to the Emergency chemical oil spill response plan of the ship in order to prevent or limit the release of

oil into the environment, and send an emergency report to the recipient of information about oil spills as prescribed in Article 12 of this Regulation.

2. If the accident of the ship that causes the oil spill involves the rescue of people, ships, and oil spill response, the oil spill response and rescue shall be organized as follows:

- a) The local oil spill response center or rescue units shall perform the contract for oil spill response services at the request of the captain, ship owner, or representative of the ship owner;
- b) The local oil spill response center shall cooperate with the local Maritime Search and Rescue Cooperation Center to simultaneously attempt the rescue of people and ships;
- c) The local oil spill response center or maritime rescue unit shall participate when they are dispatched by National Search and Rescue Committee or the People's Committee of the province.

3. If the offshore rescue is only carried out by maritime rescue units, the most capable unit shall be appointed to take charge of the site by a competent authority. The local oil spill response center shall take charge of the site when it is requested to participate in the response.

4. The port authority shall dispatch ships and vehicles to participate in the rescue and oil spill response, and cooperate with relevant agencies in supervising the rescue and oil spill response at sea.

5. If an oil spill is caused by multiple ships, they must cooperate in the recovery and follow the guidance of the port authority and site commander.

6. If the oil spill poses a risk of spreading to the shore, the site commander shall immediately notify National Search and Rescue Committee, People's Committees of coastal provinces that might be affected for supervision and preparation.

7. If the oil spill is widespread and the entire site is hard to observe, the site commander and the agency in charge of response shall promptly request National Search and Rescue Committee to provide assistance in oil spill supervision in other forms such as radars, remote sensing systems, airplanes, and request information provision on maritime channels.

8. The port authority and relevant agencies shall allow ships to participate in the rescue and oil spill response quickly when they are dispatched by competent authorities, or when rescue and oil spill response are requested.

9. The oil recovered may be impounded for recycling, and the ship that causes the oil spill may be impounded to secure compensation on a case-by-case basis.

10. The owner and insurer of the ship that causes pollution shall be requested to establish a compensation fund according to their civil liability as prescribed.

11. The site commander and the agency in charge of response shall provide information and send reports to National Search and Rescue Committee for guidance and assistance where necessary.

Article 15. Responding to oil spills at facilities or projects

1. Every facility must formulate an Emergency oil spill response plan and assemble a force, which corresponds to the risk of oil spills, to prevent and respond promptly and effectively to oil spills caused by the facility.

2. If the capacity is limited, the facility must sign contracts with a local facility capable of oil spill response or with a local oil spill response center for assistance in response when an oil spill occurs.
3. The facility shall comply with every request and guidance of the Service of Natural Resources and Environment and competent authorities in order to quickly prevent or minimize damage caused by oil pollution.
4. If the response of the facility is considered ineffective, or the oil spill threatens to cause serious damage, the People's Committee of the province shall directly command at the site or appoint a site commander.
5. If the oil spill is beyond the capacity, the facility shall notify the People's Committee of the province where the oil spill occurs and deploy the response in accordance with the Emergency oil spill response plan of the province. The People's Committee of the province shall directly command at the site and appoint a site commander.

Article 16. Responding to oil spills at ports

1. Every port must formulate and immediately implement the emergency plan for mobilizing resources for oil spill response.
2. If the oil spill is beyond the capacity of the port, the port must sign contracts with capable facilities or with a local oil spill response center for participation in the response.
3. The port authority shall cooperate with relevant local agencies in supervising, assessing the effectiveness of oil spill recovery.
4. If the response of the port is considered ineffective, or the oil spill threatens to cause more serious damage, the port authority shall request the People's Committee of the province to directly provide guidance.
5. If necessary, the port authority may impound and preserve the recyclable oil that is recovered to secure compensation for the cost of response as well as the damaged caused by the oil spill. The oil recovered shall be returned based on the compensation agreed by the ship owner.
6. If the owner of the ship that causes the oil spill has not established the compensation fund, the Director of port authority, competent authorities or response forces may file a lawsuit to request the seizure of the ship to secure compensation for response cost and damage caused by the oil spill.
7. The regulations in this Article also apply to the response to oil spills at military ports and inland ports.
8. Clause 5 and Clause 6 of this Article do not apply to naval ships and state-owned ships that cause oil spills.

SECTION 3. PROVINCIAL OIL SPILL RESPONSE

Article 17. Responding to oil spills in the province

1. The People's Committee of the province where the oil spill occurs shall organize or appoint a site commander to organize the response according to the provincial response plan.
2. The People's Committee of the province shall appoint a site commander, mobilize necessary resources from local facilities and agencies depending on the developments of the oil spill.

3. If the oil spill that occurs in a province is likely to spread to another province, the People's Committee of the province where the oil spill occurs must notify the People's Committees of other provinces to cooperate in the response, and notify National Search and Rescue Committee for planning assistance where necessary.

Article 18. Tasks of provincial authorities

1. Steering Committee on Flood and Storm Control, Search and Rescue of the province or the Steering Committee on oil spill response of the province shall direct the oil spill response in accordance with the emergency response plan of the province to mobilize local forces and vehicles.

2. The Service of Natural Resources and Environment shall advise and provide guidance on environment protection, recovery, and management of collected waste; plans for protection of sensitive areas, investigation and assessment of environmental damage, construction of environmental remediation programs after the oil spills; cooperate with relevant agencies in finding the causes of the oil spill.

3. The port authority shall advise on maritime and waterway traffic safety while dispatching ships and vehicles to participate in provincial oil spill response.

4. Services, relevant local agencies, military units, waterway police, the fire department, the police department specialized in environmental crimes shall advise and dispatch forces to participate in the response and recovery.

5. The local oil spill response center, local Maritime Search and Rescue Cooperation Center, rescue units, oil spill response units that participate in the emergency response plan of the province shall cooperate in the rescue and oil spill response when being dispatched.

SECTION 4. NATIONAL OIL SPILL RESPONSE

Article 19. Responding to oil spills beyond the capacity of provincial governments

1. Where an oil spill is beyond the capacity to respond of provincial forces and spreads over a large area, of the oil spill is extremely serious, National Search and Rescue Committee shall directly direct the response in accordance with the national emergency oil spill response plan.

2. The response to a widespread oil spill is separated into sections at sea and in the provinces where the oil spill occurs.

a) The People's Committee of the province shall directly organize the oil spill response locally;

b) National Search and Rescue Committee shall appoint one or multiple site commanders at sea to organize the response at corresponding sectors depending on the oil spill developments;

c) The National Search and Rescue Committee shall direct the entire response to extremely serious oil spills.

Article 20. National cooperation in responding to oil spills in Vietnam

1. Where an oil spill is beyond the capacity to respond of domestic forces, National Search and Rescue Committee shall cooperate with Ministries and agencies in submitting a petition to the Prime Minister for requesting assistance from international forces in the oil spill response.

2. National Search and Rescue Committee shall reach agreements with relevant agencies on assistance in the response.

3. The cooperation in oil spill response in Vietnam shall comply with the agreements reached by every party.
4. The licensing and cooperation in oil spill response shall comply with regulations on licensing and cooperation with foreign forces in response in Vietnam.

Article 21. Assisting other countries in oil spill response

1. For the countries that concluded bilateral and multilateral International Agreements on oil spill response with Vietnam, such International Agreements shall apply.
2. For any other country, an agreement on assistance shall be concluded with the agency in charge of oil spill response of such country depending on the request for assistance and capacity of Vietnam.
3. The units participate in the oil spill response shall stay in contact and send reports to National Search and Rescue Committee on the developments, provide sufficient documents serving the payment.

SECTION 5. OTHER ACTIVITIES IN OIL SPILL RESPONSE

Article 22. Notification of restricted areas

1. In order to facilitate the rescue and oil spill response, the agency in charge of response may establish a restricted area to facilitate the rescue and oil spill response where necessary.
2. The People's Committee of the province shall consider deciding the boundary and announcing the restricted area for rescue and oil spill response in the province at the request of the agency in charge of response.
3. The Ministry of Transport shall specify the announcement of restricted areas within Vietnam's sea.

Article 23. Salvaging sunk ships that cause or likely to cause oil spills

1. The ships facing risk of wrecking must send an emergency notification to a port authority or Maritime Search and Rescue Cooperation Center to deploy the rescue.
2. Where a wrecked ship endangers maritime activities and inland waterway traffic, the owner of the shipwreck must immediately make a salvage plan, which specify measures for preventing and responding to oil spills during the salvage, send it to the port authority, and carry out the salvage after the port authority grants an approval.
3. The salvage shall comply with regulations on marine salvage.

Article 24. Using oil dispersants and biological agents for oil spill response

1. Only the oil dispersants and biological agents that are registered and permitted by the Ministry of Natural Resources and Environment may be used.
2. Oil dispersants shall be only used at sea if other oil recovery methods are considered inappropriate.
3. It is prohibited to use dispersants on inland waterways, at estuaries, or coastal areas with a depth under 20 m or within a distance of 01 nautical mile from the shore, and in sensitive areas.

4. The use of oil dispersants and biological agents must not exceed permissible limits and must comply with the procedure and guidance provided by the Ministry of Natural Resources and Environment.

5. The Ministry of Natural Resources and Environment shall take charge and cooperate with the Ministry of Science and Technology in promulgating the list of permissible oil dispersants at sea and guidance on the use of dispersants for response to oil spills at sea.

Article 25. Cooperation with airplanes in oil spill response

1. Where necessary, the site commander or the agency in charge of response shall request National Search and Rescue Committee to dispatch airplanes to participate in site supervision, spread dispersants and oil absorbents.

2. The airplanes participating in observation, supervision, and spread of dispersants must report the result to the air traffic service station for forwarding to the site commander or the agency in charge of response.

3. The use of airplanes for oil spill response shall comply with the Regulation on search and rescue at sea and relevant regulations.

Article 26. Cooperation in assurance of fire safety during oil spill response

1. Regulations on fire safety must be complied with during the oil spill response.

2. The fire department shall advise local governments on fire safety during oil spill response.

3. The commander of the on-site firefighting force shall direct the fire safety during oil spill response.

Article 27. Suspending and finishing oil spill response

The agency in charge of response shall:

1. Decide the suspension of the oil spill response upon the occurrence of a situation that threatens the safety and likely to cause serious accidents, or when the response is ineffective.

2. Decide to supervise and monitor the developments of the oil spill and resume the response when possible.

3. Decide to resume the response after the threats to safety are eliminated, or when the response is considered effective again.

4. Decide to finish the response when oil slick has been cleaned or the on-site response is no longer effective.

5. Decide to suspend, resume or finish of part or the whole oil spill response on a case-by-case basis.

Chapter 4.

OIL SPILL RECOVERY

SECTION 1. INVESTIGATION INTO CAUSES OF OIL SPILLS

Article 28. Investigation into causes of oil spills

1. The facility or project that causes an oil spill shall be investigated by the governing body in cooperation with relevant agencies.
2. The investigation into the facility or project under the management of a local government shall be carried out by the People's Committee of the province.
3. The aforesaid agency shall establish an investigation team. The members of the investigation team must be proficient in their professions and law that suit the investigation.
4. The police department shall be requested to cooperate if a crime is suspected during the investigation. If the police department requests the transfer of documents and evidence related to the accident and oil spill, such documents must be photocopied. The transfer of documents and evidence must be recorded in writing.
5. The summary report on investigation into causes of oil spills shall be sent to National Search and Rescue Committee, the Ministry of Natural Resources and Environment, and relevant local governments. Where necessary, National Search and Rescue Committee, the Ministry of Natural Resources and Environment shall request the agency in charge to provide documents and reports made during the investigation.

Article 29. Investigation into causes of oil spills in some special cases

1. The investigation into oil spills caused by ships in port waters and Vietnam's sea shall be carried out by the port authority in cooperation with local specialized agencies.
2. The investigation into oil spills caused by ships on inland waterways shall be carried out by the inland port authority or the agency in charge of the segment of the inland waterway in cooperation with Services of Natural Resources and Environment and local specialized agencies.
3. The investigation into an oil spill caused by a facility under the management of a Ministry shall be carried out by the specialized agency or inspection agency of such Ministry, in cooperation with relevant agencies.
4. The investigation into an unexplained oil spill in a province shall be carried out by the Service of Natural Resources and Environment in cooperation with local relevant company in advising the People's Committee of the province.
5. The Ministry of Natural Resources and Environment shall take charge and cooperate with relevant Ministries in the investigation into unexplained oil spills that spread over multiple agencies.
6. National Search and Rescue Committee shall take charge and cooperate with the Ministry of Natural Resources and Environment, and relevant Ministries in establishing an interdisciplinary investigation team to carry out the investigation.

Article 30. Impounding ships to serve investigation into oil spills.

1. Article 30. Impounding ships to serve investigation into oil spills.
2. Ships shall be impounded to serve the investigation and shall be released in accordance with regulations on management of ports and navigable channels.

Article 31. Suspending facility operation to serve recovery and investigation.

1. National Search and Rescue Committee, the relevant Ministry or the People's Committee of the province may decide the suspension of facility operation to serve oil spill recovery and investigation into the oil spill.

2. The suspension and resume of the operation of the facility that causes the oil spill shall comply with law.

SECTION 2. OIL SPILL RECOVERY

Article 32. Determination of damage caused by the oil spill

1. The damage caused by the oil spill (hereinafter referred to as damaged) is the damage to humans, property, and the environment, including:

- a) Damage that cause injuries or fatalities;
- b) Damage to property of organizations or individuals;
- c) Damage to the environment, fishery, tourism, ecosystems;
- d) The payment for organizations and individuals participating in oil spill response;
- dd) Cost of environmental recovery;
- e) Loss of profit due to the damage caused by the oil spill.

2. The organizations and individuals participating in the response shall enumerate the costs and send reports to the dispatching agency for reimbursement.

3. The determination of damage and claim for compensation shall comply with law.

Article 33. Responsibility to provide compensation

1. The owner of the facility or ship that causes the oil spill and their insurer (hereinafter referred to as party responsible for compensation) shall establish a compensation fund or compensation entrustment fund that is considered adequate by a the court or a competent authority.

2. The owner of the facility or ship that causes the oil spill is responsible for providing compensation, cover the cost of response, economical and environmental damage. The party responsible for compensation shall cooperate with competent authorities in providing compensation.

3. If the damage caused by the oil spill is limited within a province, the People's Committee of the province shall determine the damage and compensation. The People's Committee of the province shall establish a provincial Steering Committee on oil spill recovery composed of some agencies that advise on the recovery.

4. If the oil spill affects multiple provinces, National Search and Rescue Committee shall take charge and cooperate with relevant Ministries, agencies and local governments in establishing a Steering Committee on oil spill response.

5. If the oil spill is extremely serious and affects multiple countries, National Search and Rescue Committee shall request the Prime Minister to establish a national Steering Committee on oil spill response.

Article 34. Claiming compensation

1. The organizations and individuals that suffer damage caused by oil spills are entitled to directly or hire lawyers to file complaints against and claim compensation from the facilities or projects of owners of ships that cause oil spills.
2. The steering committee on oil spill recovery shall determine the total damage caused by the oil spill to request the party responsible for compensation for establish a compensation fund or compensation entrustment fund (hereinafter referred to as fund) to ensure sufficient compensation for damage.
3. Competent authorities shall inspect and supervise the provision of compensation of the fund in order to ensure the compensation demanded.

Article 35. Using government budget for emergency response

1. Competent authorities shall provisionally pay the dispatched organizations and individuals for the cost of their participation in the oil spill, and request the responsible party to reimburse the payment.
2. The provisional payment for the cost of oil spill response shall comply with the Regulation on financial management of rescue and response to calamities. The compensation provided by the responsible party shall be used to reimburse the provisional payment.
3. If the money collected by competent authorities is smaller than the provisional payment, government budget shall pay for the difference.
4. If the entity responsible for the oil spill is not identified, the government budget shall cover the whole provisional payment for the response.

Chapter 5.

RESPONSIBILITIES OF ORGANIZATIONS AND INDIVIDUALS TO OIL SPILLS

Article 36. National Search and Rescue Committee shall:

National Search and Rescue Committee, which is in charge of directing and organizing the oil spill response shall:

1. Take charge of the deployment of the national oil spill response plan nationwide.
2. Provide guidance on oil spill response plan; take charge and cooperate with the Ministry of Natural Resources and Environment, relevant Ministries and agencies in assessing and approving oil spill response plans made by the People's Committees of provinces and local oil spill response centers; inspect and supervise their implementation.
3. Direct and dispatch forces and vehicles of Ministries, agencies, local oil spill response center to participate in oil spill response in accordance with their assignments specified in Article 6 of this Regulation.
4. Provide guidance on provision training in oil spill response for standing forces or part-time forces; organize practices, drills and cooperation among forces; disseminate the knowledge about the risk and menace of oil spills in order to prevent and response actively.
5. Direct the inspection information oil spills at the request of the Ministries, agencies and local governments, facility owners or competent authorities; submit suggestions to the Prime Minister and relevant state authorities on measures for preventing and minimizing damage caused by oil spills.

6. Cooperate with competent authorities of relevant countries to deal with oil spills that occur on bordering sea, and report the cases beyond their capacity to the Prime Minister.
7. Send the Prime Minister periodic reports on oil spill response of forces belonging to Ministries, agencies and local governments and unscheduled reports upon the occurrence of oil spills.

Article 37. The Ministry of Natural Resources and Environment

1. Cooperate with relevant Ministries, agencies and local governments in promulgating or request competent authorities to promulgate legal documents on supervision, risk assessment, and oil spill recovery; provide guidance on the use of oil dispersants; promulgate a list of permissible dispersants on Vietnam's sea.
2. Instruct the Ministries, agencies and local governments to make and update maps of environmentally sensitive areas; update the map of environmentally sensitive areas map along the coast and on islands to serve oil spill response.
3. If the oil spill affects multiple provinces, National Search and Rescue Committee shall take charge and cooperate with relevant Ministries, agencies and local governments in establishing a Steering Committee on oil spill response.
4. Instruct local governments to investigate, assess damage and claim compensation for environmental damage; make and implement plans for environmental remediation after oil spill; direct the cooperation among the People's Committees of the provinces in the implementation of such plans.
5. Take charge and cooperate with National Search and Rescue Committee, relevant Ministries, agencies and local governments in identifying causes of unexplained oil spills that occurs on two or more provinces; instruct local governments to identify causes of oil spills that occur locally.

Article 38. The Ministry of Transport

1. Take charge and cooperate with relevant Ministries, agencies and local governments or request competent authorities to promulgate technical regulations and standards on marine environment protection, prevention and response to oil spills.
2. Provide guidance on the formulation, assessment and implementation of emergency plans for responding to chemical and oil spills of ships, and plans for ship-to-ship oil transfer at sea.
3. Make and publish nautical maps of port waters, navigable channels, and the areas facing risk of oil spills to ensure maritime safety and oil spill response.
4. Announce the emergency frequencies of the coastal communications system of Vietnam, the methods of communications and recipients of information about oil spills, the centers and stations that participate in marine rescue, port authorities and inland waterway authorities to cooperate in oil spill response and rescue.
5. Cooperate with National Search and Rescue Committee in directing the system for maritime, aviation and inland maritime rescue; organize the cooperation in oil spill response and rescue on rivers and at sea.

6. Instruct maritime agencies to provide guidance for port authorities on strictly supervision of oil transfer at that port, offshore petroleum ports, and ship-to-ship oil transfer at sea to prepare for response.

Article 39. The Ministry of National Defense

1. Cooperate with National Search and Rescue Committee in formulating and implementing plans together with mobilizing forces and vehicles of the navy, the air force, the border guard, the coastguard, and other military units to perform the tasks assigned by the Ministry of National Defense, in association with supervision and discovery of oil spills, preparedness for responding to local oil spills.

2. Approve oil spill response plan of the facilities under the management; cooperate with local governments in inspecting the facility owner's adherence or regulations to minimize the risk of oil spills.

3. Instruct the Oil Spill Response Center under their management, dispatch military forces and vehicles to participate in responding to oil spills upon their occurrence and at the request of National Search and Rescue Committee and the People's Committees of provinces.

4. Provide training for standing forces and part-time forces; participate in oil spill response and recovery; cooperate in dissemination of knowledge and raising the public's awareness of marine environment protection, oil spill response and recovery.

Article 40. The Ministry of Industry and Trade

1. Instruct Vietnam National Oil and Gas Group, South Oil Spill Response Center and units under its management to dispatch forces and vehicles to participate in responding to oil spills upon their occurrence and at the request of National Search and Rescue Committee and the People's Committees of provinces.

2. Instruct Vietnam National Oil and Gas Group to cooperate with National Search and Rescue Committee in approving oil spill response plans of offshore petroleum projects and facility under their management; to cooperate with local governments in inspecting the adherence to regulations of facilities and projects to reduce and minimize the risk of oil spills.

Article 41. The Ministry of Foreign Affairs

1. Instruct the agencies affiliated to the Ministry of Foreign Affairs and diplomatic missions overseas to cooperate in completing formalities for oil spill response units of Vietnam to participate in international cooperation and for foreign assisting forces in Vietnam at the request of National Search and Rescue Committee.

2. Diplomatically cooperate with National Search and Rescue Committee, Ministries and specialized agencies in exchanging information and forwarding request for assistance in oil spill response when oil spills occur at foreign sea that affects Vietnam, or at Vietnam's sea that affect other countries.

3. Cooperate with National Search and Rescue Committee, relevant Ministries and agencies in international cooperation in oil spill response.

Article 42. Relevant Ministries and agencies

1. Cooperate with local governments and Oil Spill Response Centers in inspecting the facilities under their management to minimize the risk of oil spills.
2. Instruct agencies and units affiliated to Ministries to submit plans for dispatching forces and vehicles in the national oil spill response plan to National Search and Rescue Committee.
3. Instruct agencies and units affiliated to the Ministries to dispatch forces and vehicles to participate in response to oil spills at the request of National Search and Rescue Committee and competent authorities.
4. Report oil spills under their management; submit annual reports on deployment of oil spill response to National Search and Rescue Committee.

Article 43. Responsibilities of the People's Committees of provinces

1. Organize the implementation of oil spill response plans made by the People's Committees of provinces according to Article 9 of this Regulation.
2. Approval oil spill response plans made by local facilities, ports and projects; inspect and supervise the implementation of provincial oil spill response plans.
3. Direct and report the response on oil spills that occur locally; assess damage, complete legal documents, request owners of ships and facilities that cause the oil spill to provide compensation for damage.
4. Provide guidance on training for provincial oil spill response and recovery; raise the awareness of the public of the risk and menace of oils oil spills to protect the marine environment, prevent and respond to local oil spills.
5. Submit biannual and annual reports on the goods of provincial oil spill response plans to National Search and Rescue Committee.

Article 44. Responsibilities of local oil spill response centers

1. Take charge of oil spill response in the appointed area; respond to oil spill response under appointments and contracts for oil spill response signed with facilities; mobilize forces to respond to oil spills nationwide under the guidance of National Search and Rescue Committee.
2. Instruct provinces to formulate oil spill response plans under the guidance of National Search and Rescue Committee; participate in the assessment of oil spill response plans made by facilities.
3. Formulate and submit oil spill response plans to National Search and Rescue Committee for assessment and approval.
4. Promptly send reports oil spills and oil spill response to National Search and Rescue Committee.
5. Provide training courses, conventions and conferences on oil spill response under the plans approved by National Search and Rescue Committee or the governing body.

Article 45. Responsibilities of ports, facilities and projects

1. Ports and facilities shall formulate and submit oil spill response plans to competent authorities for approval and effectively implement them after they are promulgated; stay ready to participate in oil spill response under the mobilization of competent authorities.

2. Make annual plans for providing training for personnel or send personnel to attend training courses to improve their skills. Organize at least one oil spill drill every 06 months.
3. Make plans for acquisition of equipment and instruments to raise the capacity for response of every port and facility; conclude contracts for oil spill response with suitable agencies or unit.
4. Actively deploy the response; promptly and effectively mobilize resources when an oil spill occurs.

Article 46. Responsibilities of other socio-economic organizations

1. Vietnamese, foreign organizations and individuals shall invest in infrastructure and equipment for oil spill response and environment protection in accordance with Vietnam's law.
2. Organizations and individuals that provide response services shall participate in oil spill response and recovery to claim compensation.
3. Organizations and individuals capable of providing oil spill response and recovery services shall submit emergency plans for responding to oil spills to the areas within their competence to the agency in charge of response.
4. The organizations and individuals in the list of resources for oil spill response of oil spill response plans shall comply with the dispatch of the agencies in charge of such plans.

Chapter 6.

IMPLEMENTATION

Article 47. Organizing the implementation

National Search and Rescue Committee, the Ministry of National Defense, the Ministry of Natural Resources and Environment, other Ministries, the People's Committees of provinces, relevant organizations and individuals are responsible for the implementation of this Regulation./.

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