

THE GOVERNMENT

No.: 144/2018/ND-CP

THE SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

Hanoi, October 16, 2018

DECREE

**AMENDING AND SUPPLEMENTING CERTAIN DECREES ON MULTIMODAL
TRANSPORT**

Pursuant to the Law on government organization dated June 19, 2015;

Pursuant to the Maritime Code of Vietnam dated November 25, 2015;

Pursuant to the Law on road traffic dated November 13, 2008;

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

Pursuant to the Law on inland waterway transport dated June 15, 2004; the Law amending and supplementing a number of articles of the Law on inland waterway transport dated June 17, 2014;

Pursuant to the Law on railway transport dated June 16, 2017;

Pursuant to the Law on enterprises dated November 26, 2014;

Pursuant to the Law on cooperatives dated November 20, 2012;

Pursuant to the Law on investment dated November 26, 2014 and the Law dated November 22, 2016 amending and supplementing Article 6 and Appendix 4 regarding the list of conditional business lines of the Law on investment;

Pursuant to the Law on customs dated June 23, 2014;

At the request of the Minister of Transport;

The Government promulgates a Decree amending and supplementing certain Decrees on multimodal transport;

Article 1. Amendments and supplements to the Government’s Decree No. 87/2009/ND-CP dated October 19, 2009 on multimodal transport, as amended in the Government’s Decree No. 89/2011/ND-CP dated October 10, 2011

1. Clause 3 is added to Article 1 as follows:

“3. Multimodal transport operators must meet business conditions applied to each mode of transport as regulated by laws.”

2. Article 5 is amended and supplemented as follows:

“Article 5. Conditions applied to international multimodal transport

1. A Vietnamese enterprise or cooperative, or a foreign-invested enterprise in Vietnam is allowed to engage in international multimodal transport only after obtaining the License to provide international multimodal transport service by means of satisfying all of the following licensing requirements:

a) Maintain a minimum amount of assets equivalent to SDR 80,000 or provide an equivalent guarantee or an alternative of financial character as regulated by laws;

b) Have a liability insurance policy for multimodal transport operator or an equivalent guarantee.

2. An enterprise of a member state of the ASEAN Framework Agreement on Multimodal Transport or another international treaty on multimodal transport to which Vietnam is a signatory are allowed to perform international multimodal transport contracts only after obtaining the License to provide international multimodal transport service granted by a competent authority of Vietnam by means of satisfying all of the following licensing requirements:

a) Have a registration certificate of international multimodal transport or another document of equivalent validity issued by the competent national body of its country;

b) Have a liability insurance policy for multimodal transport operator or an equivalent guarantee.

3. The Ministry of Transport shall organize the management and issuance of license to provide international multimodal transport service”.

3. Article 6 is amended and supplemented as follows:

“Article 6. Procedures for licensing of international multimodal transport

1. The applicant (that is one of enterprises, cooperatives and foreign-invested enterprises in Vietnam as prescribed in Clause 1 Article 5 of this Decree) shall submit 01 set of required application documents for the License to provide international multimodal transport service directly or by post or in any appropriate form to the Ministry of Transport. The application documentation includes:

a) The application form for the License to provide international multimodal transport service made according to the form provided in Appendix I enclosed herewith;

b) The duplicate copy derived from the original register, the duplicate copy with the original copy for verification purposes (if the application is submitted directly) or the certified duplicate copy (if the application is submitted by post) of the certificate of business registration, the certificate of investment registration or another document of equivalent validity as regulated by laws;

c) Audited financial statements. If audited financial statements are not available, the applicant must submit an equivalent guarantee given by a bank or other organization or individual, or provide an alternative financial plan as regulated by laws.

2. The applicant (that is one of enterprises as prescribed in Clause 2 Article 5 of this Decree) shall submit 01 set of required application documents for the License to provide international multimodal transport service directly or by post or in any appropriate form to the Ministry of Transport. The application documentation includes:

a) The application form for the License to provide international multimodal transport service made according to the form provided in Appendix I enclosed herewith;

b) The copy of the registration certificate of international multimodal transport or another document of equivalent validity issued by the competent national body of its country and legalized by a consular official;

c) The liability insurance policy for multimodal transport operator or an equivalent guarantee.

3. If the received application documentation is invalid, within a period of 03 (three) business days from receipt of directly submitted application or from the incoming date of the application specified on the postage stamp, the Ministry of Transport must give a written response in which unsatisfactory contents must be specified to the applicant.

4. Within a period of 05 (five) business days from receipt of a valid application documentation, the Ministry of Transport shall issue the License to provide international multimodal transport service using the form provided in Appendix III enclosed herewith.

A License to provide international multimodal transport service is valid for 05 years from the date of issue.

5. If there is any change in contents of the License to provide international multimodal transport service during its validity, the multimodal transport operator must apply for re-issuance of the License by following the procedures in Article 7 of this Decree".

4. Article 7 is amended and supplemented as follows:

“Article 7. Re-issuing the License to provide international multimodal transport service

In case there is any change in contents of the License to provide international multimodal transport service during its validity or the License is expired, lost, destroyed or damaged, the

multimodal transport operator is entitled to apply for re-issuance of the License. Procedures for re-issuance of the License:

1. The applicant (that is one of enterprises or cooperatives prescribed in Clause 1 or Clause 2 Article 5 of this Decree) shall submit 01 set of required application documents for re-issuance of the License to provide international multimodal transport service directly or by post or in any appropriate form to the Ministry of Transport. The application documentation includes:

a) The application form for re-issuance of the License to provide international multimodal transport service made according to the form provided in Appendix II enclosed herewith;

b) The duplicate copy derived from the original register, the duplicate copy with the original copy for verification purposes (if the application is submitted directly) or the certified duplicate copy (if the application is submitted by post) of the certificate of business registration or another document of equivalent validity as regulated by lawsoft (if changed);

c) The audited financial statements or an alternative financial plan as regulated by law or an equivalent guarantee (if changed).

2. Within a period of 03 (three) business days from receipt of a valid application documentation, the Ministry of Transport shall re-issue the License to provide international multimodal transport service to the applicant. The re-issued License to provide international multimodal transport service is valid for 05 years from the date of re-issuance.

3. If the received application for re-issuance of the License to provide international multimodal transport service is invalid, within a period of 02 (two) business days from receipt of directly submitted application or from the incoming date of the application specified on the postage stamp, the Ministry of Transport must give a written response in which unsatisfactory contents must be specified to the applicant.”

Article 2. Entry into force and implementation

1. This Decree comes into force as from the date on which it is signed.

2. The following regulations shall be abrogated:

a) Regulations in Chapter 3 of the Government's Decree No. 87/2009/ND-CP dated October 19, 2009; and

b) Regulations in the Government's Decree No. 89/2011/ND-CP dated October 10, 2011.

3. The Licenses to provide international multimodal transport service issued by competent authorities of Vietnam before the date of entry into force of this Decree are still valid until their expiration dates.

4. Ministers, heads of ministerial agencies, heads of the Government's affiliates and Chairpersons of People's Committees of provinces and central-affiliated cities shall implement this Decree.

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Nguyen Xuan Phuc

*This translation is made by **LawSoft** and for reference purposes only. Its copyright is owned by **LawSoft** and protected under Clause 2, Article 14 of the Law on Intellectual Property. Your comments are always welcomed*