**REGULATIONS ON**

**OIL SPILL RESPONSE**

Dated 14 January 2013

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PRIME MINISTER OF THE GOVERNMENT SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 02-2013-QD-TTg

Hanoi, 14 January 2013

**DECISION**

**ISSUING**

**REGULATIONS ON**

**OIL SPILL RESPONSE**

Pursuant to the *Law on Organization of the Government* 32-2001-QH10 dated 25 December 2001;

Pursuant to the *Law on Environmental Protection* dated 29 November 2005;

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

Pursuant to the *Law on Internal Waterways* dated 15 June 2004;

Pursuant to the *Law on the Sea of Vietnam* dated 21 June 2012;

On the proposal of the Ministry of National Defence, the Ministry of Natural Resources & Environment, and the National Committee for Search & Rescue (Vinasarcom);

The Prime Minister of the Government hereby promulgates a Decision issuing *Regulations on Oil Spill Response*.

**Article 1**

To issue *Regulations on Oil Spill Response*.

**Article 2**

This Decision is of full force and effect from 1 March 2013 and replaces Decision 103-2005-QD-TTg dated 12 May 2005 issuing *Regulations on Oil Spill Response*.

**Article 3**

The Chairman of the *National Committee for Search & Rescue* (Vinasarcom), ministers, heads of ministerial equivalent and Governmental agencies, and chairmen of people's committees of provinces and cities under central authority are responsible to implement this Decision.

On behalf of the Prime Minister

Deputy Prime Minister

HOANG TRUNG HAI

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**REGULATIONS ON**

**OIL SPILL RESPONSE**

CHAPTER 1

**General Provisions**

**Article 1** *Governing scope*

These Regulations prescribe action required to prepare, organize response to, overcome and resolve consequences of any oil spill, and regulates the responsibilities of organizations and individuals regarding any oil spill within the territory or sea waters of Vietnam.

**Article 2** *Applicable entities*

These Regulations apply to any Vietnamese or foreign organization or individual who directly or indirectly causes an oil spill or who takes any oil spill response action within the territory or sea waters of Vietnam. If an international treaty of which Vietnam is a member contains provisions different from those in these Regulations, then the provisions of such treaty shall apply.

**Article 3** *Definition of terms*

In this Decision, the following terms are construed as follows:

1. *Oil and oil products* comprise:
   1. *Crude oil* being oil from exploited fields which remains unprocessed;
   2. *Finished oil products* which have been processed into petrol, kerosene, jet fuel, diesel oil, mazut oil, and various types of lubricants or hydraulic oils;
   3. *Other types* being oil refuse and waste water mixed with oil from activities of rinsing, cleaning and repairing sea ships, river vessels and other oil storage facilities.

In these Regulations, oil includes all the above-mentioned types.

1. *Oil spill incident* means a discharge of oil from any oil container or oil transporting facility, from a works or oil field, and released into the natural environment as a result of a technical breakdown, disaster or human act.
2. *Specially serious oil spill incident* means an oil spill involving a large volume of oil spilt over a wide area, involving more than one city and province, and constituting a serious threat to life, assets, environment, living conditions and health of the citizens.
3. *Oil spill response* ["*OSR*"][[1]](#footnote-1) means activities [or an operation] utilizing human resources, facilities, equipment and materials in order to promptly deal with, eliminate or minimize the source of oil spilt into the environment.

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1. Allens footnote: For easy reference "oil spill response" is abbreviated to OSR in this translation. [↑](#footnote-ref-1)