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Independence - Freedom – Happiness

Hanoi, 4 December 2015

DECREE

DETAILING THE FLIGHT ACTIVITY MANAGEMENT

Pursuant to the Law on organization of Government dated 25/12/2001;

Pursuant to the Law on Civil Aviation of Vietnam dated 29/6/2006;

Pursuant to the Law amending and adding some articles of the Law on Civil Aviation of Vietnam dated 21/11/2014;

At the request of the Minister of Transport;

The Government issues this Decree detailing the flight activity management.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree details the organization and use of airspace; issues the flight permit; coordinated management of civil and military flight activities; management of flight activities at the airport or aerodrome and management of special flight activity management in Vietnam.

Article 2. Subjects of application

This Decree applies to the Vietnamese and foreign organizations and individuals pertaining to the flight activity management in Vietnam.

Article 3. Interpretation of terms

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

1. Safe runway program is the measures to ensure the absolute safety in operation and use of runway, taxiway and apron to reduce the number and seriousness of the cases of intrusion into the runway, skidding off the runway, wrong use of runway and other incidents on the surface of flight operation areas.

2. Control tower at aerodrome is the facility established to control the activities in the movement area of aircraft at the aerodrome and flight activities in the aerodrome airspace.

3. Flight path serving the joint aviation activities is the area or one part of area with restricted height, width and is established in the form of a corridor where all or a part of air traffic services for the joint aviation flight activities is provided and is outside the flight areas in service of joint aviation activities.

4. Domestic airway is the one which lies entirely within the airspace of Vietnam.

5. International airway is the one which lies in the international air route of the Asia - Pacific region and has at least one point outside the flight information region of Vietnam and one point inside the airspace of Vietnam or in the flight information region on international waters under the management of Vietnam.

6. Alternate aerodrome is the one where one aircraft can arrive and lands when it cannot or should not arrive or land on the intended arrival aerodrome, including:

a) The alternate departure aerodrome is the one where the aircraft can land as needed right after it takes off and cannot use the departure aerodrome;

b) The alternate aerodrome on the flight path is the aerodrome where the aircraft can land after it encounters the emergency or unusual circumstance during a long flight;

c) The alternate arrival aerodrome is the one where the aircraft can arrive when it cannot or should not land on the intended arrival aerodrome.

7. Flexible use of airspace is the process of coordination between the civil and military management and operation bodies during the management of strategic airspace and management of airspace before use and use of airspace in order to improve the airspace capacity and flight operation efficiency.

8. National Center for flight operation management is the body which manages and operates the flights of the Air and Air Defense Force and summarizes the flight activities in the country; forecasts and informs, operates and manages the flights; coordinates and cooperates, informs and modifies the flight plans in the airspace of Vietnam.

9. Area center for flight operation management is the body which manages and operates the flights of the Air and Air Defense Force and summarizes the flight activities; forecasts and informs, operates and manages the flights; coordinates and cooperates, informs and modifies the flight plans in the assigned areas.

10. Area control center is a facility which is established to control the controlled flights in the assigned areas.

11. Air traffic flow management Center is a facility which is established to control the daily flight activities in the assigned areas; coordinates with the relevant management and operation bodies to ensure the safety, regulation and effectiveness for the flight activities; modifies the flight activities to ensure the safety and smoothness for the air traffic flow by using a maximum of flight operation capacity in line with the flight flow in each specific area and the announced flight operation capacity.

12. Airspace for joint aviation activities consists of the flight area, flight path for joint aviation activities; airway and aerodrome airspace.

13. Air traffic airspace is the airspace with defined limit and is indicated by the alphabetical order A, B, C, D, E, F and G of which the provision of air traffic services and flight rules are specified for each specific flight, particularly:

a) Airspace type A is the airspace which only permits the flights by the instrument flight rules (hereafter referred to as IFR flights); the flights are provided with the flight operation services and are separately operated with each other;

b) Airspace type B is the airspace which only permits the flights by the visual flight rules (hereafter referred to as VFR flights); the flights are provided with the flight operation services and are separately operated from each other;

c) Airspace type C is the airspace which permits the IFR flights and VFR flights; the flights are provided with the flight operation services; the IFR flights are separately operated from the other IFR flights and VFR flights; the VFR flights are separately operated with the IFR flights and are informed of other VFR flights;

d) Airspace type D is the airspace which permits the IFR flights and VFR flights; the flights are provided with the flight operation services; the IFR flights are separately operated from the other IFR flights and are informed of other VFR flights; the VFR flights are informed of the other flights;

dd) Airspace type E is the airspace which permits the IFR flights and VFR flights; the IFR flights are provided with the flight operation services and are separately operated from the other IFR flights; the flights are informed of the other flights under the practical conditions; the airspace type E is not used as the controlled airspace;

e) Airspace type F is the airspace which permits the IFR flights and VFR flights; the IFR flights are provided with the air traffic advice services; the flights are provided with the flight information services if required;

g) Airspace type G is the airspace which permits the IFR flights and VFR flights; the flights are provided with the flight information services if required;

Chapter II

ORGANIZATION AND USE OF AIRSPACE

Article 4. Organization of airspace in service of flight activities

1. The organization of airspace of Vietnam in service of civil flight activities consists of:
 - a) Airspace of civil aerodrome and aerodrome jointly used;
 - b) Airway;
 - c) Flight area, and flight path in service of joint aviation activities;
 - d) Area of fuel discharge, luggage and cargo drop dedicated for civil aircraft;
 - dd) Part of flight information region on international waters under the management of Vietnam;
 - e) Assigned area of flight management and operation.
2. The organization of airspace in service of other activities consists of:
 - a) Airspace of military aerodrome, air areas and military flight path;
 - b) No-fly zone;
 - c) Restricted flying area;
 - d) Dangerous area;
 - dd) Assigned area ready to fight of the air divisions.

Article 5. Airway

1. The airway consists of the international airway and domestic airway which are set up on the basis of:
 - a) Needs for international aviation exchange;
 - b) Requirements for domestic flight operation;
 - c) Requirements and capacity to provide the flight assurance services, aviation security and safety assurance;
 - d) Requirements and capacity to manage and protect the airspace, national defense and security;
 - dd) Conformity with the development planning of Vietnamese civil aviation industry and the airlift plan of the International Civil Aviation Organization (ICAO).

2. The domestic airway is denoted by the letters H, J, Q, T, V, Y, Z, W and numbered in Arabic numerals.

3. The domestic airway is denoted by the letters A, B, G, L, M, N, P, R and numbered in Arabic numerals.

Article 6. Setup, modification, cancellation and announcement of airway

1. The Ministry of Transport shall coordinate with the Ministry of Defense to develop the scheme for setup and cancellation of airway; recommend the modification of area airlift plan for the international airway to ICAO.

2. On the basis of the scheme specified in Paragraph 1 of this Article, the Ministry of Defense shall request the Prime Minister to decide the setup or cancellation of airway.

3. The Ministry of Transport shall define and modify the detailed parameters of airways which have been set up on the basis of the consent of the Ministry of Defense.

4. The Civil Aviation Authority of Vietnam shall announce the detailed parameters of airways which have been set up and modified and the cancellation of airway in the aeronautical information publication (AIP) of Vietnam.

Article 7. Principles of use of airway.

1. The international airway is used for international flights and domestic flights. The domestic airway is used for domestic flights.

2. The Ministry of Transport shall decide the frequent use of domestic airway for the international flights in case of need after having the consent from the Ministry of Defense and immediately inform the Ministry of Public Security.

3. The flight permit issuing body specified in Paragraphs 1, 2 and 3, Article 14 of this Decree shall permit the international flights to use the domestic airway on the basis of consent of the Department of Operations and the Civil Aviation Authority of Vietnam.

Article 8. Aerodrome airspace

1. The aerodrome airspace is defined for one or multiple aerodromes and is set up based on the following factors:

a) Safety assurance for flight activities inside and around the aerodrome areas;

b) Needs for take-off and landing of the operated aircraft;

c) Method, equipment of communications, navigation and supervision;

d) Conformity with characteristics of each aerodrome.

2. The limit of aerodrome airspace is defined in the flight Rule in the aerodrome areas.

Article 9. Setting up, modifying, cancelling and announcing the no-fly zone and restricted flying area

1. The Ministry of Defense shall agree with the Ministry of Transport to set up, modify and cancel the no-fly zone and restricted flying area for the purpose of ensuring the national defense and social security and safety and request the decision from the Prime Minister.

2. In case of decisions on temporary flight prohibition or flight restriction, the General Staff shall immediately inform the Air and Air Defense Force, the Civil Aviation Authority of Vietnam and the air traffic flow management Center; these decisions shall take immediate effect.

The air traffic flow management Center shall immediately inform the relevant bodies and units to coordinate and implement these decisions; the Vietnam Aeronautical Information Center shall release an appropriate notice of airmen (NOTAM) to the no-fly zone and restricted flying area which has been set up or cancelled.

3. The Civil Aviation Authority of Vietnam shall inform the International Civil Aviation Organization (ICAO) and the relevant bodies and units and announce in the aeronautical information publication (AIP) of Vietnam of the no-fly zone and restricted flying area which has been set up, modified or cancelled as stipulated in Paragraph 1 of this Article.

Article 10. Defining and announcing the dangerous areas

1. The Department of Operations shall define and inform the air traffic flow management Center of the dangerous areas within at least twenty four (24) hours before any activity which can cause danger to the flights. In case of emergency of occurrence of air defense operations, the national Center for flight operation management and the area centers for flight operation management must immediately inform the relevant area control center and the air traffic flow management Center; the air traffic flow management Center shall immediately inform the Vietnam Aeronautical Information Center to release an appropriate notice of airmen (NOTAM) of the dangerous areas;

2. The notification of dangerous areas specified in Paragraph 1 of this Article consists of the following information:

a) Activities causing dangers;

b) Location defined by WGS84 coordinate system;

c) Horizontal and vertical limit;

d) Validity period of dangerous areas;

- dd) Warnings to the flight activities;
- e) Information which must ensure the national security secrets (if any);
- g) Other necessary conditions to ensure the safety of flight activities.

3. The air traffic flow management Center shall take measures to ensure the flight safety and immediately inform the Civil Aviation Authority of Vietnam and the relevant bodies and units; the Vietnam Aeronautical Information Center shall release an appropriate notice of airmen (NOTAM) of the established dangerous areas specified in Paragraph 1 of this Article;

Article 11. Airspace for joint aviation activities

1. The Department of Operations shall submit the decision on setup of flight area and flight path to serve the joint aviation activities as required by the Civil Aviation Authority of Vietnam to the Chief of the General Staff.

2. On the basis of decision specified in Paragraph 1 of this Article, the Civil Aviation Authority of Vietnam shall announce the flight area and flight path to serve the joint aviation activities; manage the running and operation of joint aviation activities; approve the scheme for operation and management of flight activities, mode of flight, scheme for operation of flight area in service of joint aviation activities; appoint the appropriate civil flight operation facility.

3. All flight activities in the flight areas and flight path in service of joint aviation activities must be under the command and operated and cooperated by the appointed civil flight operation facility. The area centers for flight operation management must inform and cooperate on the military flight activities and other flight activities of public service aircrafts affecting the airspace for the joint aviation activities and the appointed civil flight operation facility. The bodies directly performing the duties of management and operation of flights are responsible for signing and complying with the written cooperation of flight safety assurance.

4. The Civil Aviation Authority of Vietnam shall coordinate with the Department of Operations, the Air and Air Defense Force to define and announce the mode of common communications for the flight activities in the airspace for the flight area and flight path in service of joint aviation activities.

Article 12. Area of fuel discharge and drop of luggage, cargo or other objects from civil aircraft;

1. The area of fuel discharge and drop of luggage, cargo or other objects from civil aircraft is set up for each aerodrome which has the civil flight activities, horizontal and vertical limit.

2. The setup of area of fuel discharge and drop of luggage, cargo or other objects from civil aircraft must ensure the safety, environmental hygiene

3. The Civil Aviation Authority of Vietnam shall coordinate with the Department of Operation and the relevant bodies of the Ministry of Natural Resources and Environment, People's Committee of provinces and centrally-run cities, operators of airport or aerodrome and air traffic service providers to define the area of fuel discharge and drop of luggage, cargo or other objects from civil aircraft and submit it the Ministry of Transport for decision.

4. The Ministry of Natural Resources and Environment and People's Committee of provinces and centrally-run cities shall appoint and assign duties for the relevant subordinate bodies to coordinate with the Civil Aviation Authority of Vietnam in defining the area of fuel discharge and drop of luggage, cargo or other objects from civil aircraft.

5. The Civil Aviation Authority of Vietnam shall announce the area of fuel discharge and drop of luggage, cargo or other objects from civil aircraft.

Article 13. Assigned areas of flight management and operation

1. The assigned areas of flight management and operation are the control areas in the air and on the ground and consist of the control areas on the ground, the control areas at the aerodrome, the controlled approach areas, the long flight control areas and the air traffic advice areas.

2. The assigned areas of flight management and operation are limited and defined based on the following factors:

a) Ensure to provide all information for aircraft operation;

b) Type and density of flight activities;

c) Topographical characteristics and meteorological conditions of areas;

d) Activities of the units managing and operating the military and civil flights.

3. Based on the air traffic services and type of flight rule, the assigned control areas in the air are classified by the airspace with type A, B, C, D, E, F and G.

4. The Director of the Civil Aviation Authority of Vietnam shall define the range, horizontal limit, vertical limit and announce in the aeronautical information publication (AIP) of Vietnam the assigned areas and classify the assigned control areas in the air after having the consent of the Air and Air Defense Force; allocate the assigned areas to the civil flight operation facility.

Chapter III

ISSUE OF FLIGHT PERMIT

Article 14. Authority to issue, modify and cancel the flight permit

1. The Consular Department shall issue, modify and cancel the flight permit specified under Point a, Paragraph 2, Article 81 of the Law on Civil Aviation of Vietnam amended and added under Paragraph 18, Article 1 of the Law amending and adding some articles of the Law on Civil Aviation of Vietnam.

2. The Department of Operations shall issue, modify and cancel the flight permit specified under Point a, Paragraph 2, Article 81 of the Law on Civil Aviation of Vietnam amended and added under Paragraph 18, Article 1 of the Law amending and adding some articles of the Law on Civil Aviation of Vietnam.

3. The Civil Aviation Authority of Vietnam shall issue, modify and cancel the flight permit specified under Point c, Paragraph 2, Article 81 of the Law on Civil Aviation of Vietnam amended and added under Paragraph 18, Article 1 of the Law amending and adding some articles of the Law on Civil Aviation of Vietnam. Where the flights are carried out partially in the airway and the special flight activities in the airway, the Civil Aviation Authority of Vietnam shall issue, modify and cancel the flight permit after having the consent from the Department of Operations.

4. On days-off, holidays, after office hours or in cases of necessity, the Civil Aviation Authority of Vietnam shall authorize the air traffic flow management Center to issue, modify and cancel the flight permit for the following flights:

a) The flights transporting the mechanics, engine, equipment to serve and repair the malfunctioning aircraft or transporting passengers, luggage, cargo and postal items of the malfunctioning aircraft.

b) The flights for search, rescue, medical emergency aid, salvage;

c) The domestic flights transferred to another aerodrome and flights for technical testing;

d) The flights of Vietnamese public service aircraft;

dd) Modifying the following contents of flight permit: Airway, points of flight into and out of the airspace of Vietnam; change of aircraft for commercial reasons; change of aircraft for commercial reasons for the domestic flights; change of departure and arrival aerodrome outside the territory of Vietnam for the flights over the airspace of Vietnam.

The Civil Aviation Authority of Vietnam must supervise the issue of flight permit under authorization. The air traffic flow management Center shall announce the contents of the flight permit issued, modified or cancelled for the national Center for flight operation management and the relevant air traffic service providers right after the issue, modification or cancellation of flight permit and prior to the expected time of flight or time to fly into the flight information region under the management of Vietnam for the flights over the airspace of Vietnam.

5. In case of necessary flight safety assurance, the air traffic controller who is directly operating the flights has the right to give the order to change the flight plan to the flying aircraft. The

facility which directly operates the flights shall inform immediately the relevant area center for flight operation management of the order giving to the flights;

6. The flight permit issuing bodies must publicly announce the focal point and address of the body receiving the request for issue flight permit.

7. The Ministry of Transport shall coordinate with the Ministry of Foreign Affairs and the Ministry of Defense to stipulate the order and procedures for issuing, modifying and cancelling the flight permit of the flights specified in Paragraphs 1, 2 and 3 of this Article.

Article 15. Request for issue of flight permit

1. The aircraft operator, the transporter or the authorized person (hereafter referred to as the requester for flight permit) shall send the request for issue of flight permit to the flight permit issuing body specified in Paragraphs 1, 2 and 3, Article 14 of this Decree.

2. The request for issue of flight permit except the flights specified in Paragraph 3 and 4 of this Article consists of the following contents:

a) The name, postal address and telegram address of the aircraft operator and the transporter;

b) The type of aircraft, flight number, registration number, aircraft nationality and maximum take-off weight;

c) The flight itinerary;

d) The airway and points of flight into and out of the Airspace of Vietnam;

dd) The date of flight performance; estimated time of takeoff, landing or estimated time of flying past the points of flight into and out of the Airspace of Vietnam (the calculated time is twenty-four (24) hours a day and is the Coordinated Universal Time - UTC);

e) The purposes of flight;

g) The number of seats and available ton - AT.

3. For the flights of joint aviation activities, the request for issue of flight permit must submit the request for flight permit including the contents specified under Points a, b, e and g of Paragraph 2 of this Article and the following contents:

a) The flight itinerary, flight area in service of joint aviation; airway or flight path in service of joint aviation activities;

b) The time of flight permit performance.

4. Request for issue of flight permit to the ultra-light flying vehicle including the contents specified in Paragraph 2 of this Article and the following contents:

- a) The departure and arrival aerodrome or position of ultra-light flying vehicle (WGS-84 coordinate);
- b) Thời gian hoạt động (giờ, ngày, tháng, năm); The operational time (hour, date, month, year);
- c) The minimum and maximum altitude;
- d) The flight path and flight direction of ultra-light flying vehicle;
- dd) The identification characteristics;
- e) The communication equipment;
- g) Other notes.

5. The requester for flight permit shall take responsibility for the truthfulness and accuracy of the information and documents of the flights;

Article 16. Time limit for submission of request and for issue and modification of flight permit

1. Within ten (10) working days prior to the estimated date of flight permit performance for the regular flights.

2. Within seven (07) working days prior to the estimated date of flight permit performance for the following cases:

- a) Testing, performance, demonstration or training flights;
- b) Flights in service of scientific study, national economy, cultural, sports and tourism activities;
- c) Flights of foreign military aircraft performing the civil flight activities in Vietnam.

3. Within five (05) working days prior to the estimated date of flight permit in the following cases:

- a) The foreign special aircraft flights transporting the guests of the Party and State and flights performing the escorting or preparation duty for those special flights; Other foreign special flights and escorting or preparation flights those special flights;
- b) The international chartered flights or increased flights to and from Vietnam;

c) The flights of foreign public service aircraft not subject to the cases specified in Paragraph 2 of this Article.

4. Within three (03) working days prior to the estimated date of flight permit performance for the following cases:

a) The irregular flights over the airspace of Vietnam or technical landing in Vietnam;

b) The flights are performed as decided by the Court or the competent state authorities of Vietnam;

c) The flights are performed under the aircraft lease/ sale contract;

d) The flights transferred to international aerodrome;

dd) The flights in service of separate needs of the bodies, organizations and individuals.

5. Within twenty four (24) hours prior to the estimated hour of flight permit performance for the flights specified under Point c, Paragraph 4, Article 14 of this Decree; the flights for humanitarian purposes and the flights of joint aviation activities.

6. Do not apply the time limit in the following cases:

a) The flights in urgent circumstances;

b) The flights specified under Points a, b and d, Paragraph 4, Article 14 of this Decree;

c) Modification of flight permit specified under Point dd, Paragraph 4, Article 14 of this Decree.

7. The time limit for submission of request for issue or modification of flight permit for the special aircraft flights, escorting flights, preparation flights complies with the regulations on special aircraft assurance.

8. The flight permit issuing body shall review and inform the flight permit or reply upon disapproval of permit issue to the requester within the following time limit:

a) Seven (07) working days after receiving the request for the cases specified in Paragraph 1 of this Article;

b) Five (05) working days after receiving the request for the cases specified in Paragraph 2 of this Article;

c) Three (03) working days after receiving the request for the cases specified in Paragraph 3 of this Article;

d) Two (02) working days after receiving the request for the cases specified in Paragraph 4 of this Article;

dd) Twelve (12) hours after receiving the request for the cases specified in Paragraph 5 of this Article;

e) The flight permit issuing body and the air traffic controller shall reply and issue the order to change the flight plan immediately to the requester for the cases specified in Paragraph 6 of this Article.

9. Where the request for issue or modification of flight permit is not submitted at the prescribed time limit, the flight permit issuing body shall review the factors of reasons for late submission of request, characteristics and necessity of flight and other relevant matters to decide on issue or denial of issue of flight permit.

10. The flight permit issuing body must ensure the conditions and restricted operation of aerodrome airspace, airway, mode of flight and the conditions to ensure the safe flight activities specified in the Rules of civil aviation air traffic and the Rules of the air in the aerodrome areas and the policies announced in the aeronautical information publication (AIP) of Vietnam when issuing the flight permit.

11. The Civil Aviation Authority of Vietnam shall provide instructions and assess the compliance with the standards of aviation safety and security of the airlines before issuing the flight permit to the flights to and from Vietnam. Where there are the grounds that the foreign aviation authority does not ensure the safety supervision over the aircraft operation of the relevant airlines according to the standards of ICAO, the Civil Aviation Authority of Vietnam shall assess the aviation safety supervision capacity of that aviation authority. The requester for issue of flight permit must submit with the request for issue of flight permit the necessary documents as required by the Civil Aviation Authority of Vietnam in service of assessment.

Article 17. Contents of flight permit

1. The contents of flight permit, except the cases specified in Paragraph 2 and 3 of this Article, consist of:

a) The name and address of person issued with flight permit; name and address of the aircraft operator;

b) The flight permit number issued;

c) The type of aircraft, flight number, registration number and aircraft nationality;

d) The flight itinerary;

dd) Airway, points of flight into and out of the Airspace of Vietnam;

e) Estimated time of takeoff, landing or estimated time of flying past the points of flight into and out of the Airspace of Vietnam (the calculated time is twenty-four (24) hours a day and is the Coordinated Universal Time - UTC);

g) The purposes of flight;

h) The value of implementation time of flight permit;

i) The appointment of flight assurance service provider (if necessary);

k) Other regulations of flight permit.

2. The flight permit for the flights of joint aviation activities consists of the contents specified under Points a, b, c, d, g, h and i, Paragraph 1 of this Article and the following contents:

a) The flight areas in service of joint aviation activities; airway or flight path in service of joint aviation activities;

b) The communication equipment.

3. The flight permit of the ultra-light flying vehicle consists of the contents specified under Points a, b, c, g, h and i, Paragraph 1 of this Article and the following contents:

a) The departure and arrival aerodrome or position of ultra-light flying vehicle (WGS-84 coordinate);

b) The operational time (hour, date, month, year);

c) The minimum and maximum altitude;

d) The flight path and flight direction of ultra-light flying vehicle;

dd) The identification characteristics;

e) The communication equipment;

g) Other notes.

Article 18. Effect of flight permit

1. The implementation time of each flight is defined by the contents of issued flight permit.

2. The flight permit for the departure and arrival flights at the airports or aerodromes of Vietnam is valid from twelve (12) hours prior to the estimated hour specified in the flight permit to twenty four (24) hours after the estimated hour of take-off and landing specified in the flight permit.

3. The flight permit for the flights over the airspace of Vietnam is valid from three (03) hours prior to the estimated hour specified in the flight permit to seventy two (72) hours after the estimated hour specified in the flight permit.

4. The validity of the flight permit consists of the flight permit for the flights from the alternate aerodrome to the arrival aerodrome or departure aerodrome.

Article 19. Modification and cancellation of flight permit

1. The flight permit issuing body can cancel it for the following reasons:

a) Security and national defense;

b) Safety and security of the flights;

c) Public order and interests;

d) Protection of State interests;

dd) Conformity with the international agreement of which the Socialist Republic of Vietnam is a member;

e) The requester for flight permit provides the untruthful information and fails to properly implement the flight permit as stipulated in the flight permit; fails to fully pay all prices and fees of flight operation into or over the flight information region under the management of Vietnam and other prescribed fees or has other tricky acts

2. When wishing to change the contents of issued flight permit, the requester for flight permit shall submit the request for modification of flight permit to the flight permit issuing body and only performing the flight after getting the confirmation of the flight permit issuing body. The request for modification of flight permit consists of the following contents:

a) The name, postal address and telegram address of the aircraft operator and the transporter;

b) The issued flight permit number date of issue of flight permit;

c) The details of request for modification of the issued flight permit.

3. The requester for issue of flight permit must inform the flight permit issuing body prior to the estimated time limit for flight performance in case of cancellation of the flight issued with permit.

Article 20. Sending the flight permit

1. The flight permit issuing bodies must send the flight permit issued, modified or cancelled to the requester for issue of flight permit.

2. The Department of Operations, the Consular Department must immediately send the flight permit issued, modified or cancelled to the national Center for flight operation management, the Civil Aviation Authority of Vietnam and the air traffic flow management Center.

3. The Civil Aviation Authority of Vietnam must immediately send the flight permit issued, modified or cancelled to the national Center for flight operation management and the air traffic flow management Center.

Article 21. Procedures for receiving the flight information for the flights over or in the flight information region on international waters under the management of Vietnam.

1. The aircraft operator, transporter or authorized person for the for the flights over or in the flight information region on international waters under the management of Vietnam (hereafter referred to as the flight information sender) must send the flight information to the air traffic flow management Center within the following time limit:

- a) Within twenty (20) working days prior to the estimated date of flight performance for the regular flights.
- b) Within one (01) hour prior to the estimated time of flight performance for the irregular flights.

2. The flight information consists of the following contents:

- a) The name, postal address and telegram address of the aircraft operator and the transporter;
- b) The type of aircraft, flight number, registration number, aircraft nationality and maximum take-off weight;
- c) The flight itinerary or flight area;
- d) The airway, point of flight into and out of the flight information region;
- dd) The date of flight performance; estimated time of takeoff, landing or estimated time of flying past the points of flight into and out of the Airspace of Vietnam (the calculated time is twenty-four (24) hours a day and is the Coordinated Universal Time - UTC);
- e) The purposes of flight

3. For the flight activities in the flight information region on international waters under the management of Vietnam, the flight information sender must submit the flight chart with the flight information specified in Paragraph 2 of this Article.

4. The flight information for the ultra-light flying vehicle consists of the information specified in Paragraph 2 of this Article and the following contents:

- a) The position of ultra-light flying vehicle (WGS-84 coordinate);

- b) The operational time (hour, date, month, year);
- c) The maximum altitude;
- d) The flight path and flight direction of ultra-light flying vehicle;
- dd) The identification characteristics;
- e) The communication equipment;
- g) Other notes.

5. The flight information sender is solely responsible for the truthfulness and accuracy of flight information and documents.

6. The air traffic flow management Center must review and inform the approval of flight information to the flight permit sender.

Article 22. Making and implementing the flight activity plan

1. The air traffic flow management Center shall make the civil flight activity plan by season and day and send it to the national Center for flight operation management and the Civil Aviation Authority of Vietnam.

2. The national Center for flight operation management shall summarize the flight activity plan by the joint day in the whole country and deploy it to the units managing the airspace and flights under the management of the Ministry of Defense; manage and operate the joint flight activity plan in the whole country; send the military flight activity plan pertaining to the civil flight activities to the air traffic flow management Center.

3. The air traffic flow management Center shall summarize the civil flight activity plan and the relevant military flight activity plan and send them to the relevant aviation Authorities, the air traffic service providers and the operators of airports or aerodromes.

4. The operators of airports or aerodromes must deploy the flight activity plan to the relevant bodies, units and service providers at the airports or aerodromes.

Chapter IV

COORDINATED MANAGEMENT OF CIVIL AND MILITARY FLIGHT ACTIVITIES

Article 23. Organization of airspace and development of flight mode in service of military flight activities affecting the civil flight activities

The organization of airspace and development of flight mode in service of military flight activities affecting the civil flight activities must ensure the effective use of airspace, safety and

optimal use of equipment system to ensure the flight activities; take into account the harmony between the economic development and national defense security assurance based on the consent between the Ministry of Defense and the Ministry of Transport.

Article 24. Coordinated flight operation

1. The civil flight operation facility which operates the flights shall carry out the civil aviation activities and other flights authorized in writing by the flight permit issuing body. The units of the military flight operation and management system shall operate the flights for military activities.
2. The flight permit issuing body shall authorize the flight operation to the civil flight operation facility or the unit managing and operating the military flights on the basis of operation capacity of that facility or unit.
3. When there is a combination of civil and military flight activities in the aerodrome airspace, the command and operation are done from a control tower at the aerodrome to coordinate the control over the civil flight activities and the command of military flight activities in the aerodrome areas.
4. When there is a combination of civil and military flight activities in the flight areas, flight path in service of joint aviation activities, the command and operation are done based on the coordinated flight operation for the civil flight activities and the flight command and operation for military flight activities.
5. When providing the flight training in the aerodrome airspace, the training facility must assign the qualified persons at the control tower at the aerodrome to assist the training.
6. The operation of military aircrafts which operate in the airway and aerodrome airspace must be based on the coordination between the civil flight operation facility with the unit managing and operating the military flights.
7. The coordinated operation of flight activities is done by the following principles:
 - a) The air traffic controller is in charge of coordination for the flight activities in the airway, flight areas and flight path in service of joint aviation activities;
 - b) The commander of military flight is in charge of coordination for the flight activities outside the areas specified under Point a of this Paragraph.
 - c) For the flight activities in the aerodrome airspace, the Rules of the air in the aerodrome areas.
8. The air traffic flow management Center is responsible for collecting and summarizing the information pertaining to the flight activities within its scope of responsibility in the flight information region on international waters under the management of Vietnam and informing the national Center for flight operation management.

9. The flight operation for special flight activities must follow the provisions of this Article.

Article 25. Separation of flight between military aircraft and civil aircraft

The separation of flight between military aircraft and civil aircraft shall comply with the Rules of civil aviation air traffic and the Rules of the air of the Ministry of Defense and select the safer standard. The person in charge of coordination specified in Paragraph 7 of Article 24 of this Decree shall select the standard of separation between the military aircraft and civil aircraft.

Article 26. Coordinated use of airspace and flight management and operation; use of frequency of civil aviation operations

1. The coordinated use of airspace and flight management and operation is done on the basis of flexible use of airspace between the civil flight activities and military flight activities.
2. The Civil Aviation Authority of Vietnam shall coordinate with the Department of Operations to assign the use of combined system of information system, navigation, supervision, aviation meteorology and aviation information to the relevant units managing and operating the civil flights and military units.
3. The Air and Air Defense Force and the Civil Aviation Authority of Vietnam agree to use the frequency of the civil aviation operations.

Chapter V

MANAGEMENT OF FLIGHT ACTIVITIES AT AIRPORTS OR AERODROMES

Article 27. Rules of the air in the aerodrome areas

1. The Rules of the air in the aerodrome areas consist of the following contents:
 - a) General principles;
 - b) Explanation of aerodrome;
 - c) Aerodrome areas;
 - d) Means of communication, wireless and lighting technology assurance;
 - dd) Meteorology assurance and notification of bird activity;
 - e) Flight management and operation;
 - g) Flight practice;
 - h) Principles of orientation recovery in the aerodrome;

i) Search, rescue and airport emergency;

k) Relevant appendices.

2. Authority to issue the Rules of the air in the aerodrome areas:

a) The Rules of the air in the areas of civil aerodrome of the domestic airport are issued by the Director of Civil Aviation Authority of Vietnam after having the consent of the Department of Operations and the Air and Air Defense Force;

b) The Rules of the air in the areas of aerodrome of the international airport are issued by the Director of Civil Aviation Authority of Vietnam after having the consent of the Department of Operations and the Air and Air Defense Force;

c) The Rules of the air in the areas of aerodrome jointly used of domestic airport are issued by the Director of Civil Aviation Authority of Vietnam after having the consent of the Department of Operations and the Air and Air Defense Force except the cases specified under Point d of this Paragraph;

d) The Rules of the air in the areas of aerodrome jointly used of domestic airport managed by the Air and Air Defense Force with the flight training activities to be ready for combat regularly are issued by the Commander of the Air and Air Defense Force after having the consent of the Department of Operations and the Civil Aviation Authority of Vietnam;

dd) The Rules of the air in the areas of aerodrome jointly used of international airport are issued by the Director of Civil Aviation Authority of Vietnam after having the consent of the Department of Operations and the Air and Air Defense Force;

e) The Rules of the air in the areas of military aerodrome are developed by the Division Chief of Air Division or the Principal of Air Force Academy and submitted to the Commander of Air and Air Defense Force for issuance after having the consent of the Civil Aviation Authority of Vietnam.

Article 28. Modes of flight at aerodromes

1. The modes of flight at aerodromes consist of the modes of departure, arrival, approach and holding.

2. The development of modes of flight at the aerodromes must be done based on the following factors:

a) The infrastructure of aerodrome and boundary of assigned areas of flight management and operation;

b) The method, navigation equipment and aviation supervision;

c) The aerodrome topography and obstacles in the aerodrome areas;

d) The operational density of aircraft;

dd) The no-fly zone, dangerous area, area awaiting air defense operations and military flight activity area.

3. The Director of Civil Aviation Authority of Vietnam shall decide the modes of flight for the civil flight activities at the civil aerodrome and notify the Air and Air Defense Force; decide the modes of flight for the civil flight activities at the aerodrome jointly used after having the consent of the Air and Air Defense Force;

4. The Commander of Air and Air Defense Force shall decide the modes of flight for the flight activities at the aerodrome jointly used after having the consent of the Civil Aviation Authority of Vietnam;

Article 29. Use of alternate aerodrome

1. The alternate aerodrome must ensure the minimum conditions for the runway, taxiway, parking position, technical system, equipment and flight assurance services and other necessary services.

2. Based on the capacity of the airports or aerodromes, the Director of Civil Aviation Authority of Vietnam shall decide the list of alternate aerodromes in service of civil flight activities after having the consent of the Department of Operations.

3. The Civil Aviation Authority of Vietnam shall announce the alternate aerodromes and the conditions for the international flights in the AIP of Vietnam; the alternate aerodromes for the domestic flights in the Rules of the air in the aerodrome areas. The aircraft operator selects the alternate aerodrome in the list of aerodromes and the conditions announced.

Article 30. Runway safety Program

1. The Civil Aviation Authority of Vietnam shall make a plan and implement the contents to prevent and minimize the incidents and accidents; ensure the safety and effective operation of runway at the airport or aerodrome.

2. Based on the runway safety Program issued by the Ministry of Transport, the Civil Aviation Authority of Vietnam shall coordinate with the bodies and units at the airports or aerodromes to develop and implement the runway safety Program at each airport or aerodrome;

Article 31. Flight operation at airport or aerodrome

1. The aircraft controller must follow the regulations on flight activities during the take-off, landing and rolling on the flight area.

2. The organizations and individuals pertaining to the flight operation at the airport or aerodrome must follow the procedures for operation of civil flights in the areas of apron, taxiway, runway and aerodrome airspace.

Chapter VI

IMPLEMENTATION PROVISION

Article 32. Responsibility of the Ministry of Transport

1. The Minister of Transport stipulates the flight management pertaining to the following contents:

- a) Air traffic of civil aviation;
- b) Aeronautical information;
- c) Information, navigation and supervision of civil aviation;
- d) Civil aviation meteorology;
- dd) Civil aviation search and rescue;
- e) Air traffic flow management;
- g) Flight information at aerodrome;
- h) Safety of runway;
- i) Mode of flight of civil aviation;
- k) Aviation map and layout;
- l) Feature navigation;
- m) Measure unit used in flight activities;
- n) Mode of air – land communications;
- o) Requirements for air traffic management system; security and safety of flight activities;
- p) Testing and calibration of system of communications, navigation, supervision and mode of flight of civil aviation.
- q) Flight activities in flight areas in service of joint aviation activities;

r) Dispatching, flight operation and flight planning, selection of alternate aerodrome for the civil flight activities.

2. The Director of Civil Aviation Authority of Vietnam shall guide, direct, issue the professional directives and instructions pertaining to the management of flight activities as follows:

a) Mode of air traffic of civil aviation;

b) Organization and mode of operation of civil flight operation facility.

c) Operation of dependent or independent runway.

d) Management of air traffic;

dd) Organization and management of assigned areas of flight operation and management;

e) System of equipment of communication, navigation and supervision;

g) System of quality management, equipment and mode of implementation of aviation meteorology;

h) Aeronautical information and electronic information on topography and obstacles and aerodrome map.

i) Mode of altitude setting for civil flight activities;

k) Procedures for operation of civil flight activities at the aerodrome;

l) Safety management system of flight activities.

Article 33. Responsibility of the Ministry of Defense

The Minister of Defense stipulated the following contents:

1. Protection and management of airspace;

2. Flight forecasting and notification and flight operation plan;

3. Supervision of civil flight activities.

4. Setup of flight and flight path in service of joint aviation activities.

5. Management of flight activities outside the airway and special flight activities.

6. Provision of flight activity information.

Article 34. Effect

1. This Decree takes effect from 26/1/2016.
2. This Decree replaces the Decree No. 94/2007/ND-CP dated 24/6/2007 of the Government on management of flight activities.

Article 35. Implementation

The Ministers and Heads of ministerial bodies and Heads of governmental bodies, Chairman of People's Committee of provinces and centrally-run cities and the relevant organizations and individuals are liable to execute this Decree./.

**FOR THE GOVERNMENT
PRIME MINISTER**

Nguyen Tan Dung

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