

THE GOVERNMENT -
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SOCIALIST REPUBLIC OF VIET NAM
Independence - Freedom - Happiness

Ha Noi, date 28 month 03 year 2008

DECREE

On management of unmanned aircraft and ultralight aircraft

THE GOVERNMENT

Pursuant to the December 25, 2001 Law on Organization of the Government;

Pursuant to the July 12, 2006 Law on Civil Aviation of Vietnam;

At the proposal of the Minister of Defense,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation

This Decree prescribes the management of unmanned aircraft and ultralight aircraft; organization of flight activities; grant of flight licenses and management of flights of unmanned aircraft, unpiloted balloons, gliders and piloted balloons which do not take off from and land on airfields opened for civil activities.

Article 2.- Subjects of application

1. Vietnamese and foreign organizations and individuals in Vietnam (below collectively referred to as organizations and individuals for short) that import, export, manufacture or trade in unmanned aircraft and ultralight aircraft.
2. Organizations and individuals that use unmanned aircraft, unpiloted balloons, gliders and piloted balloons and airships to make flights for economic, social, cultural, sport and scientific purposes.
3. State management agencies competent to license organizations and individuals that import, export, temporarily import for re-export, design, manufacture, test or trade in unmanned aircraft and ultralight aircraft.
4. Unmanned aircraft and ultralight aircraft used in service of security or defense tasks comply with the Ministry of Defense's regulations.

Article 3.- Interpretation of terms

1. Unmanned aircraft means flying vehicles, flights of which can be controlled and propelling of which can be sustained without a direct control by any pilots or flight crews onboard.
2. Ultralight aircraft includes balloons and gliders of all kinds.
 - a/ Balloons means flying objects, the lift of which is provided by lighter-than-air gases contained in their envelopes. There are two types of balloon:
 - Piloted balloons;
 - Unpiloted balloons, including free balloons, automatically controlled balloons and balloons stringed to fixed positions on the ground.
 - b/ Gliders, including:
 - Gliders resembling various airplanes in shape and design, mounted with engines powered by batteries, liquid or solid fuels or solar energy, and controlled by radio devices or preset programs;
 - Piloted or unpiloted parachutes, canopies and hang gliders, excluding traditional kites.
3. Flight license means a document issued or a command given by a competent state agency stating conditions and limitations on permitted operation of unmanned or ultralight aircraft.

Article 4.- Import, export and manufacture of, and trading in unmanned aircraft and ultralight aircraft

1. State agencies competent to license organizations and individuals to import, export, temporarily import for re-export, design, manufacture, test or trade in unmanned or ultralight aircraft may grant licenses only after obtaining the consent of the Ministry of Defense and the Ministry of Public Security.
2. Organizations and individuals wishing to import, export, temporarily import for re-export, design, manufacture, test or trade in unmanned or ultralight aircraft shall send written requests to the Ministry of Defense and the Ministry of Public Security for approval before submitting their plans to competent authorities for decision.

Chapter II

ORGANIZATION OF FLIGHT ACTIVITIES

Article 5.- Management, administration and supervision of flight activities

The Ministry of Defense shall perform the unified management, administration and supervision of flights of unmanned aircraft, unpiloted balloons, gliders, piloted balloons which do not take off from and land on airfields opened for civil activities. The management covers:

1. Establishing, licensing, answering inquiries about and announcing zones in which flight activities are permitted (flight zones).
2. Designating agencies, organizations or units to manage and supervise flight activities.

The agency directly in charge of management, administration and supervision of flights is stated in each flight license.

Article 6.- Establishment of airfields and flight zones

The Ministry of Defense shall establish airfields, flight zones and test flight zones for unmanned aircraft and ultralight aircraft, ensuring the satisfaction of all flight conditions and no impact on defense, security and aviation safety maintenance.

Article 7.- Organization of aviation clubs

1. The Ministry of Defense shall direct the Air Defense-Air Force Service in coordinating with provincial/municipal People's Committees in organizing aviation clubs to involve organizations and individuals in activities of flying ultralight aircraft for economic, cultural, social, sport and defense education purposes.
2. The Ministry of Defense shall issue a regulation on organization and management of flying activities of aviation clubs in accordance with legal documents on security, defense, and management and administration of flights within Vietnam's airspace.

Chapter III

GRANT OF FLIGHT LICENSES AND MANAGEMENT OF FLIGHTS

Article 8.- Competence to license, refuse or terminate flight activities

1. The Operations Bureau of the General Command Post licenses or refuses to license flights of unmanned aircraft, unpiloted balloons, gliders, piloted balloons which do not take off from or land on airfields opened for civil activities.

- Address of its mail box: 1 Nguyen Tri Phuong street, Ba Dinh district, Hanoi;

- Its telephone numbers: 069 533200; 069 533105;

- Its fax number: 04 7337994.

2. The National Flight Management Center and regional flight management centers of the Air Defense-Air Force Service and air defense sections of military zones and military command posts of provinces or centrally run cities may request termination of flight activities in the cases specified at Point b, Clause 3, Article 12 of this Decree.

Article 9.- Dossiers and procedures of application for flight licenses

1. When wishing to organize flight activities, organizations and individuals shall submit dossiers of application for flight licenses. A dossier of application for a flight license comprises:

a/ An application for a flight license, made according to a set form (*not printed herein*);

b/ Technical documents on flying vehicles, including photos of the type of the aircraft or flying vehicle and a written explanation of technical aviation properties of the aircraft or flying vehicle, made according to a set form (*not printed herein*);

c/ A license or lawful document of authority permitting the aircraft or flying vehicle to take off from or land on an airfield or a land or water surface area;

d/ Other papers and documents related the aircraft or flying vehicle.

2. At least 14 days before the planned date of organization of their flights, organizations and individuals shall submit applications for flight licenses to the Operations Bureau of the General Command Post.

3. At least 10 days before the planned date of organization of their flights, organizations and individuals shall submit applications for modification of flight licenses to the Operations Bureau of the General Command Post.

4. The Ministry of Defense shall specify the organization of receipt and handling of applications for flight licenses or modification of light licenses of organizations and individuals, ensuring convenience and promptness.

Article 10.- Contents of flight licenses

A flight license contains the following:

1. Name, address and contact telephone number of the licensed organization or individual.

2. Identification features of the type of the aircraft or flying vehicle (including also an annex containing photos and explanation of technical properties of the aircraft or flying vehicle).
3. The zone in which flight activities are permitted, flight direction and trail.
4. Permitted purposes, duration and time of organization of flight activities.
5. Regulations on notification of flight coordination; a designated agency to administer, supervise or manage flights.
6. Limitations and other security or defense regulations.

Article 11.- Organization of notification of flight coordination

1. The Air Defense-Air Force Service shall specify activities involved in flight notification and forecast and promulgate regulations requiring organizations and individuals to terminate flight activities.
2. When organizing flights of unmanned or ultralight aircraft, organizations and individuals shall perform flight notifications and forecasts.

These organizations and individuals shall take responsibility for the truthfulness and accuracy of information in flight notifications or forecasts.

3. The National Flight Management Center and regional flight management centers of the Air Defense-Air Force Service shall receive and manage information on flight licensing, flight forecast and coordination notification.

Article 12.- Agencies in charge of administration, management and supervision of flight activities

1. The National Flight Management Center and regional flight management centers of the Air Defense-Air Force Service shall perform general administration and management of flights of unmanned aircraft and ultralight aircraft within Vietnam's airspace.

2. Air defense sections of military zones and military command posts of provinces or centrally run cities shall supervise and inspect flight zones and the observance of regulations on flight organization applicable to unmanned aircraft and ultralight aircraft within Vietnam's airspace.

3. Responsibilities and powers of agencies in charge of administration, management and supervision of flight activities:

a/ To organize the notification of flight coordination;

b/ To issue commands on flight termination if detecting that organizations and individuals that exploit unmanned or ultralight aircraft violate limitations and provisions in their flight licenses or organize flying activities without licenses;

c/ To propose to their superior agencies measures to handle and remedy violations of regulations on airspace and flight management;

d/ To coordinate with the public security force and local administrations in handling acts of violation of the law on aviation security and safety.

Article 13.- Responsibilities of organizations and individuals organizing flight activities

1. To carry out procedures for application for flight licenses before organizing flight activities.
2. To issue flight forecasts and notifications before planned dates of flight under regulations.
3. To firmly grasp regulations on and activities involved in the organization and making of flights within Vietnam's airspace.
4. To observe the requirements, conditions and limitations specified in flight licenses.
5. To strictly obey commands on flight termination and report the command obedience to agencies in charge of administration, management and supervision of flight activities defined in Clauses 1 and 2, Article 12 of this Decree.
6. To pay compensations for harms or damage caused by their unsafe aviation activities to people or properties on the ground.

Article 14.- Prohibited acts

1. Organizing flight activities without flight licenses.
2. Organizing flight activities neither in permitted flight zones nor under specified conditions or limitations; violating regulations on management of national territory and border.
3. Carrying radioactive substances, flammable or explosive materials onboard aircraft or flying vehicles.
4. Launching, shooting or jettisoning from the air harmful objects or substances or those containing hazards.
5. Mounting aerial equipment and conducting aerial film-shooting or photographing activities without licenses.

6. Flying flags or banners, releasing leaflets or using megaphones for the propaganda purpose not under flight licenses.

7. Failing to obey orders and commands of agencies in charge of administration, management and supervision of flight activities.

Article 15.- Time limit for licensing or refusing to license flying activities

1. Within ten days after receiving complete dossiers, the Operations Bureau of the General Command Post shall grant licenses for organizing flights.

2. Within seven days after receiving complete dossiers of application for modification of granted flight licenses, the Operations Bureau of the General Command Post shall grant modified flight licenses.

3. The Operations Bureau of the General Command Post may refuse to grant flight licenses in case of necessity to maintain security and defense or ensure aviation safety and when it is not supplied with sufficient information in applications for flight licenses. The refusal to grant flight licenses must be notified in writing.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 16.- Handling of violations

Organizations and individuals that violate the provisions of this Decree shall, depending on the severity of their violations, be administratively sanctioned, have their licenses revoked or be examined for penal liability in accordance with law.

Article 17.- Implementation effect

This Decree takes effect 15 days after its publication in "CONG BAO"; All previous stipulations which are contrary to this Decree are annulled.

Article 18.- Organization of implementation

1. The Ministry of Defense shall organize the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, presidents of provincial/municipal People's Committees, and concerned organizations and individuals shall implement this Decree.