

THE GOVERNMENT

No. 79/2011/ND-CP

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom - Happiness

Hanoi, September 05, 2011

DECREE

AMENDING AND SUPPLEMENTING A NUMBER OF ARTICLES OF THE GOVERNMENT'S DECREE NO. 36/2008/ND-CP, OF MARCH 28, 2008, ON MANAGEMENT OF UNMANNED AIRCRAFT AND ULTRALIGHT AIRCRAFT AND THE GOVERNMENT'S DECREE NO.58/2010/ND-CP, OF JUNE 01, 2010 DETAILING AND GUIDING IMPLEMENTATION A NUMBER OF ARTICLES OF LAW ON MILITIA AND SELF-DEFENSE FORCES

GOVERNMENT

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

Pursuant to the Law on Vietnam civil aviation, of July 12, 2006;

Pursuant to the Law on militia and self-defense forces , of November 23, 2009;

At the proposal of Minister of National Defense,

DECREE:

Article 1. Amending and supplementing a number of articles of the Government's Decree No. 36/2008/ND-CP, of March 28, 2008, on management of unmanned aircraft and ultralight aircraft.

1. Point a, clause 1 Article 9 is amended and supplemented as follows:

“An application for a flight license in Vietnamese and English (made according to a set form enclosed with this Decree).”

2. Clause 2 and clause 3 of Article 9 are amended and supplemented as follows:

“2. At least 07 working 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 07 working 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.”

3. Clause 1 and clause 2 of Article 15 are amended and supplemented as follows:

“1. Within 05 working days after receiving complete dossiers as prescribed, the Operations Bureau of the General Command Post shall grant licenses for organizing flights.

2. Within 03working days after receiving complete dossiers of application for modification of granted flight licenses as prescribed, the Operations Bureau of the General Command Post shall grant modified flight licenses.”

4. To annul point b and re-lay out point c, point d, clause 1, Article 9 into point b and point c; to annul the set form No.1/DNCPB and the set Form No.2/TLKTPTB (enclosed with the Decree No.36/2008/ND-CP).

Article 2. amending and supplementing a number of articles of the Government's Decree No.58/2010/ND-CP, of June 01, 2010 detailing and guiding implementation a number of articles of law on militia and self-defense forces.

1. Clause 3, Article 42 is amended and supplemented as follows:

“3. The procedures for, dossier of allowances when **militiamen and self-defense members are sick, dead are undertaken by** the ward-level military commands, the military commands of agencies, organizations at grassroots where managing core militia and self-defense officers and soldiers, and report to the district-level military commands to submit to district-level People's Committees for consideration and making decision. Time-limit of undertaking dossier of the ward-level military commands, the military commands of agencies, organizations at grassroots, heads of agencies, organizations, enterprise owners or legal representatives of enterprise owners (where have no military command) is 03 working days; of the district-level military commands is 05 working days; of district-level People's Committees is 05 working days. The dossier comprises:

a) An application for allowance of militiamen **or family of militiamen (in case of dead) must have opinion and sealed for certification of the ward-level** military command; an application for allowance of self-defense member or of family of self-defense member **(in case of dead) must have opinion and sealed for certification of the** military command, if have no military command, it must have **opinion and sealed for certification of head of** agency, organization, enterprise owner or legal representative of enterprise owner;

b) Paper leaving hospital after treatment, prescription, invoice, medical tests of all kinds;

c) A paper notifying dead or certifying dead being issued by a competent agency."

2. Clause 2, Article 45 is amended and supplemented as follows:

“2. The procedures for, dossier of accident allowances for militiamen and self-defense members have not participating in social insurance shall be undertaken by the ward-level military commands, the military commands of agencies, organizations at grassroots where managing core militia and self-defense officers and soldiers, and report to the district-level military commands to submit to district-level People's Committee for consideration and making decision. Time-limit of undertaking dossier of the ward-level military commands, the military commands of agencies, organizations at grassroots, heads of agencies, organizations, enterprise owners or legal representatives of enterprise owners (where have no military command) is 03 working days; of the district-level military commands is 05 working days; of district-level People's Committees is 05 working days. The dossier comprises:

a) A minute surveying accident made by the ward-level military commands, the military commands of agencies, organizations at grassroots, the military commands of ministries, central branches or Public Security agencies for case of being accident on road of going and turning back. The minute must record happening of accident, injury of victim, extent of damage, reason of accident with signature of representative of militia and self-defense unit. For case of getting accident on road of going and turning back, the minute must have certification of local authorities where happened accident;

b) The minute of medical verification or copy of conclusion of injured-rate verification of competent agency for case of getting accident on road of going and turning back, coming place of training, doing task (if any);

- c) A paper notifying dead or certifying dead being issued by a competent agency.
- d) Report on appraisal of the district-level military command.”

Article 3. Effect

This Decree takes effect on October 22, 2011.

Article 4. Responsibility for implementation

Ministers, Heads of ministerial-level agencies, Heads of Governmental agencies, the chairpersons of the People’s Committees of central-affiliated cities and provinces, relevant organizations and individuals shall implement this Decree.

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Nguyen Tan Dung

ANNEX

THE SET APPLICATION FORM OF FOR GRANT OF FLIGHT LICENSE(*Enclosed with the
Government’s Decree No.79/2011/ND-CP, of September 05, 2011*)

**CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự do - Hạnh phúc
SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

**ĐƠN ĐỀ NGHỊ CẤP PHÉP BAY
APPLICATION FORM FOR REQUEST OF FLIGHT AUTHORIZATION**

Kính gửi/To:

Căn cứ Nghị định số 36/2008/NĐ-CP ngày 28 tháng 3 năm 2008 của Chính phủ về quản lý tàu bay không người lái và các phương tiện bay siêu nhẹ, Nghị định số XX/2011/NĐ-CP ngày DD/MM/2011 của Chính phủ sửa đổi, bổ sung một số điều của Nghị định số 36/2008/NĐ-CP/Pursuant to Decree No.36/2008/NĐ-CP dated 28 March 2008 of the Government on the management of unmanned aircraft and ultra light Instrument, Decree No.XX/2011/NĐ-CP dated DD/MM/2011 of the Government on Revision and Supplement of Decree No.36/2008/NĐ-CP.

1. Tổ chức, cá nhân đề nghị cấp phép bay/Applicant

- Tên/Full name:

- Địa chỉ/Address:

- Quốc tịch/Nationality:

- Điện thoại, fax/Phone, fax:

Đề nghị Cục Tác chiến cấp phép hoạt động bay cho loại phương tiện bay sau đây/Request Department of Operations issue flight authorization for the aircraft or ultra light Instrument below:

2. Phương tiện bay/Aircrafts or ultra light Instrument:

- Loại phương tiện bay, tên gọi/Type of aircraft or ultra light Instrument, call sign:
 - Nhà sản xuất/Manufacturer:
 - Số xuất xưởng/Manufacturer's Serial Number:
 - Trọng lượng cất cánh tối đa/Aircraft maximum take - off weight (MTOW):
 - Năm sản xuất/Year of Delivery from the Manufacturer:
 - Số lượng và kiểu loại động cơ/Number and Designation of Engines:
 - Dấu hiệu đăng ký (nếu có)/Registration Mark (if possible):
 - Trang thiết bị thông tin hàng không, thiết bị dẫn đường, giám sát bay, thiết bị chụp ảnh/Avionics Equipment, type of communication, Navigation, Surveillance and camera:
 - Thuyết minh tính năng kỹ thuật hàng không, kích thước (rộng, dài, cao), độ cao bay tối đa, tốc độ bay tối đa, bán kính hoạt động, phương pháp điều khiển bay, thời gian hoạt động trên không, khả năng mang, treo/Performance specification, Dimension (width, length, height), Service Ceiling, Max Cruising Speed, Range with Max Fuel (no reserve), Way of Control, Endurance of Flight:
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 - Các thông tin và tính năng kỹ thuật khác, trang bị khác/Additional Informations, Performance specification and Equipments:
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3. Mục đích thực hiện bay/Purpose of flight:
4. Kích thước khu vực vùng trời tổ chức bay/Dimension of Airspace's Area for Flights:
5. Số ngày và thời gian tổ chức bay/Dates and Times for Day requested:
6. Sân bay (hoặc tên khu vực mặt đất, mặt nước) bảo đảm cho việc cất cánh, hạ cánh của tàu bay, phương tiện bay/Location or Name of Area of Land/Water for Take Off/Landing:
7. Sơ đồ bay/Flight Chart:
8. Tài liệu gửi kèm theo đơn/The below reference documents are attached:
- Ảnh chụp tàu bay, phương tiện bay (kích thước tối thiểu 18 x 24 cm)/Photo of Aircraft (dimension 18x24cm).
 - Bản thuyết minh kỹ thuật hàng không/Performance specifications.

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Chúng tôi (Tôi) cam kết thực hiện đúng các quy định của phép bay, các quy định về bay, quản lý - điều hành bay trong vùng trời Việt Nam và các quy định pháp luật khác có liên quan của Việt Nam/We (I) undertake to realize all Terms in the Flight Authorization, Rules the Air and Air Traffic Management in Vietnamese Airspace and other stipulations of Vietnam.

Tôi cam đoan các thông tin trong đơn là hoàn toàn chính xác và chịu trách nhiệm về tính chính xác, đầy đủ của các thông tin/I certify that all of the information above and attached to this request is true, correct and complete.

Ngày/Date tháng/Month năm/Year
Người làm đơn/Applicant
(Ký tên, đóng dấu/Signature and stamp)

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