

## **THE GOVERNMENT**

### **DECREE No. 03/2002/ND-CP OF JANUARY 7, 2002 ON THE PROTECTION OF PETROLEUM SECURITY AND SAFETY**

#### **THE GOVERNMENT**

*Pursuant to the Law on Organization of the Government of September 30, 1992;*

*Pursuant to the July 6, 1993 Petroleum Law and the June 9, 2000 Law Amending and Supplementing a Number of Articles of the Petroleum Law;*

*At the proposal of the Minister of Public Security,*

#### **DECREES:**

##### ***Chapter I***

#### **GENERAL PROVISIONS**

**Article 1.-** This Decree prescribes the measures and responsibilities of the agencies, organizations and individuals for protection of petroleum security and safety.

**Article 2.-** This Decree governs petroleum activities and petroleum projects, means as well as equipment of Vietnam Oil and Gas Corporation and its partners, including: prospecting, exploration and development of oil fields, exploitation, transportation, storing, processing, technical services, scientific research conducted on the mainland, islands, in the inland water, the territorial waters, the exclusive economic zone and the continental shelf of the Socialist Republic of Vietnam.

##### **Article 3.-**

1. To protect petroleum security and safety is the obligation as well as the responsibility of organizations and individuals conducting petroleum activities, State bodies, socio-political organizations, economic organizations, people's armed force units and every citizens.

2. All acts of violating this Decree and other law provisions related to petroleum security and safety must be detected in time and strictly handled according

to law provisions.

##### **Article 4.-**

1. All organizations and individuals, when detecting signs of incident, incidents or acts of infringing upon petroleum security and safety, must strive to stop and immediately notify them to the nearest police or army offices, local administrations or other agencies or organizations for timely handling and damage prevention.

2. The agencies and organizations mentioned in Clause 1 of this Article, upon receiving the information related to petroleum security and/or safety infringement, shall have to coordinate with the functional units for timely handling and damage prevention.

**Article 5.-** In this Decree, the following terms and expressions are construed as follows:

1. "Petroleum security protection" means taking measures to prevent, detect, stop and handle acts of violating or harming the implementation of the undertakings, policies and legislation on the development of Vietnam's petroleum sector; protecting internal security of petroleum agencies and enterprises; safeguarding the State's secrets; and protecting petroleum activities as well as petroleum projects, means and equipment.

2. "Petroleum safety protection" means taking measures to prevent, detect, stop and handle acts of violating the provisions on the prevention and fighting of explosions, fires, accidents and technical breakdowns with a view to ensuring safety for humans, as well as petroleum projects, means, equipment and activities, and protecting the ecological environment.

3. "Petroleum projects, means and equipment" mean derricks, pipelines, storehouses, factories, wharves and other projects, means and equipment in service of petroleum activities, including those in service of petroleum activities on the basis of cooperation with foreign countries in regions beyond the jurisdiction of the Socialist Republic of Vietnam.

#### ***Chapter II***

#### **PETROLEUM SECURITY PROTECTION**

**Article 6.-** The tasks of protecting petroleum

security are to prevent, detect, stop and handling the following acts:

1. Abusing petroleum activities to infringe upon the national security, the sovereignty and sovereignty rights of the Socialist Republic of Vietnam.

2. Indirectly or directly sabotaging petroleum agencies and/or enterprises, petroleum projects, means and equipment.

3. Infringing upon petroleum activities, causing damage to the State's assets, the national interests and/or the legitimate interests of organizations and individuals conducting petroleum activities.

4. Disclosing the State's secrets in petroleum activities.

5. Harming the implementation of undertakings, policies and legislation on the development of the petroleum sector.

**Article 7.-** Before starting petroleum activities in Vietnam, all organizations and individuals must draw up plans and schemes to protect petroleum activities as well as petroleum projects, means and equipment according to the regulations of the Ministry of Public Security. The protection plans and schemes must be forwarded to Vietnam Oil and Gas Corporation for coordinated implementation.

#### **Article 8.-**

1. The recruitment of laborers to work for Vietnam Oil and Gas Corporation must strictly comply with the law provisions on labor and other relevant law provisions.

For foreigners and overseas Vietnamese, the recruitment dossiers must contain their judicial records. After being recruited, these individuals must operate in compliance with their entry purposes.

2. Vietnam Oil and Gas Corporation shall have to co-ordinate with the functional State bodies in managing activities of foreign laborers and overseas Vietnamese working for petroleum contractors, representative offices and enterprises in Vietnam.

#### **Article 9.-**

1. Foreign petroleum contractors, foreign-invested petroleum enterprises, when recruiting Vietnamese

laborers, must strictly comply with the Vietnamese law provisions on labor. They, after recruiting laborers, must send notices thereon together with the copies of the labor contracts to Vietnam Oil and Gas Corporation.

2. Foreign petroleum contractors, foreign-invested petroleum enterprises, when sending Vietnamese laborers to work or study abroad, must notify Vietnam Oil and Gas Corporation of the lists of the delegation members and the working or study programs.

#### **Article 10.-**

1. Foreigners and overseas Vietnamese working for foreign contractors, or foreign-invested petroleum enterprises in Vietnam must strictly observe the Vietnamese laws and the international agreements which Vietnam has signed or acceded to.

2. Vietnam Oil and Gas Corporation may request foreign contractors and foreign-invested petroleum enterprises to terminate labor contracts with laborers when detecting evidences of violations of Vietnamese laws.

**Article 11.-** Information categorized as State secrets in the petroleum sector, when being transmitted by wired, wireless communications means or other technical means, must be encoded according to the State's regulations on the cipher work.

To strictly prohibit the exchange or publication of information listed as State secrets in the petroleum sector on the mass media.

**Article 12.-** Organizations and individuals conducting petroleum activities in Vietnam, when using the computerized communication system connected with the Internet in service of petroleum activities, shall have the responsibility to:

1. Observe the State's regulations on the establishment, management and use of the Internet;

2. Take responsibility before law for the information contents fed into or transmitted from their computer systems;

3. When detecting information of illegal sources infiltrating into Vietnam or law-breaking acts in the Internet use, immediately report them to the functional State bodies for handling.

**Chapter III****PETROLEUM SAFETY PROTECTION**

**Article 13.-** Organizations and individuals conducting petroleum activities in Vietnam shall be obliged to ensure safety for petroleum activities as well as petroleum projects, means and equipment according to the provisions of this Decree, and to observe the Regulation on the safety management in petroleum activities as well as relevant law provisions of Vietnam in order to protect safely human lives and health, properties and the environment.

**Article 14.-** Organizations and individuals conducting petroleum activities in Vietnam shall have the responsibility to:

1. Establish and maintain the safety management system, ensure effective control of risks throughout the operation process from designing, construction, test running, operation, exploitation to dismantlement of projects;

2. Establish and maintain the emergency aid and rescue system and apply necessary aid and rescue measures when fires, explosions, accidents or incidents occur;

3. Work out emergency aid and rescue plans compatible with the national emergency aid and rescue system, organize regular training and periodical exercises according to the plans;

4. Implement all environmental protection plans and take measures to prevent pollution and overcome consequences caused by environmental pollution incidents.

**Article 15.-**

1. Laborers expected to work at petroleum projects, with petroleum means and/or equipment must be provided with training in safety knowledge and skills according to regulations so that they can meet the requirements of the assigned jobs; be equipped with adequate labor safety equipment.

2. During the working process, laborers must strictly observe the regulations on fire prevention and fighting and labor environment protection; the protection of human health and lives and safety for petroleum projects, means and equipment.

3. People on working or sight-seeing visits at petroleum agencies or enterprises must strictly observe the internal rules and regulations on reception, working and sight-seeing according to the requirements and guidance of the petroleum agencies and enterprises, in order to protect security and safety for petroleum activities as well as petroleum projects, means and equipment.

**Article 16.-**

1. At the petroleum offices, enterprises, projects, means and equipment, there must be appropriate forces to safely protect them, prevent and fight fires and explosions, and prevent and intercept incidents.

2. Security and safety forces must satisfy all conditions on professional qualities and qualifications and be equipped with necessary means in order to fulfill the tasks of protecting petroleum security and safety within their respective responsibilities.

**Article 17.-**

1. For petroleum projects on the mainland, the safety corridors must be established and there must be forms of making public the regulations on the protection of the safety corridors so that everyone can know and comply with.

2. In the safety corridor, it is strictly forbidden to build projects, to plant perennial trees, burn fires, use heat- or fire-emitting devices and carry out other activities that may cause harm to petroleum projects.

3. Where it is necessary to use a safety corridor for security, defense or other special purposes, the permission of a competent State bodies must be obtained and measures to ensure safety for petroleum projects must be taken.

4. The safety corridors around petroleum projects on the mainland shall be prescribed by competent State bodies at the proposal of Vietnam Oil and Gas Corporation.

**Article 18.-**

1. Organizations and individuals that have no responsibility are strictly forbidden to encroach upon, or carry out activities in any form in, the safety zone of offshore petroleum projects, except for special cases permitted by the Prime Minister.

2. The width of the safety zone of an offshore petroleum project is 500 m outwards calculated from the outermost edge of the project or from the anchoring position for floating means.

3. Within two nautical miles calculated from the outermost edge of an offshore petroleum project, means, boats and ships that have no responsibility must not be anchored.

4. The co-ordinates of the safety zones surrounding offshore petroleum activities or projects shall be announced by the Vietnamese maritime security authority at the proposal of Vietnam Oil and Gas Corporation.

#### **Chapter IV**

### **STATE MANAGEMENT AND RESPONSIBILITIES OF THE MINISTRIES, BRANCHES AND PEOPLE'S COMMITTEES AT ALL LEVELS FOR PETROLEUM SECURITY AND SAFETY PROTECTION**

**Article 19.-** The Government exercises the uniform State management over the petroleum security and safety protection. The ministries and branches shall perform their State management function of protecting petroleum security and safety according to their respective tasks and powers.

**Article 20.-** The Ministry of Public Security shall have the responsibility to:

1. Draft and submit to the Government or the Prime Minister for promulgation or promulgate according to its competence legal documents guiding the implementation of this Decree and the regulations on the handling of administrative violations in petroleum activities;

2. Direct the concerned police units to guide and coordinate with Vietnam Oil and Gas Corporation in organizing the work of preventing, detecting, stopping and handling acts of violating the legislation on the petroleum security and safety protection;

3. Guide and direct Vietnam Oil and Gas Corporation and concerned branches to perform the work of preventing and fighting explosions and fires and unsafe conditions in petroleum activities; deploy forces and coordinate in rendering timely aid and

rescue when explosions, fires or incidents occur at petroleum projects;

4. Direct and coordinate with Vietnam Oil and Gas Corporation in building up mass movements to safeguard the Fatherland's security and organize security forces at units and establishments engaged in petroleum activities and at petroleum projects.

**Article 21.-** The Ministry of Defense shall have the responsibility to:

1. Direct its attached functional forces to coordinate with the police force and Vietnam Oil and Gas Corporation in protecting security and safety for petroleum activities and projects; participate in patrolling, inspecting, controlling activities, seize people and means and handle according to its competence acts of infringing upon petroleum security and safety; join activities of searching, salvaging, overcoming incidents, and protecting the environment;

2. Guide and coordinate with Vietnam Oil and Gas Corporation in making plans for protecting key offshore petroleum projects.

**Article 22.-** Depending on the nature and requirement of the work of protecting a number of petroleum projects inland or offshore, at the proposal of Vietnam Oil and Gas Corporation, the Ministry of Public Security and the Ministry of Defense shall organize forces to protect petroleum security and safety. The organization of, and forms of participation in, these protection activities shall be guided by the Minister of Public Security and the Minister of Defense in a joint circular.

**Article 23.-** The Ministry of Aquatic Resources and the People's Committees of the coastal provinces shall direct the provincial/municipal Aquatic Resource Services and the Aquatic Resource Protection Sub-Departments to coordinate with the border guard and the marine police forces in organizing propaganda and education for fishermen to understand the regulations on the petroleum security and safety protection, and disallow ships and boats having no responsibility to encroach upon the safety zones of the petroleum projects.

**Article 24.-** The Ministry of Communications and Transport, the Ministry of Public Security, the Ministry

of Defense, the Ministry of Science, Technology and Environment, the Ministry of Aquatic Resources, the Ministry of Health, the Ministry of Labor, War Invalids and Social Affairs, the National Committee for Search and Rescue and the provincial People's Committees shall elaborate plans on mobilization of people, means and supplies for coordinated participation in providing aid and rescue, dealing with incidents, fires, explosions and accidents occurring in petroleum activities and on petroleum projects, means and equipment in the geographical areas under their respective management.

**Article 25.-** Vietnam Oil and Gas Corporation shall have the responsibility to:

1. Build up mass movements to protect the Fatherland's security at its agencies and enterprises, perform the work of protecting internal security in its agencies and enterprises, protect the State's assets, prevent and combat crimes of all types, and prevent incidents, fires, explosions and accidents;

2. Coordinate with the ministries, branches, local administrations where petroleum activities are carried out in educating citizens to participate in the protection of petroleum security and safety;

3. Build up the full-time and part-time security and safety forces according to law provisions so as to provide timely aid and rescue when incidents occur, and equip them with adequate necessary means so that they can fulfill the tasks of protecting petroleum security and safety;

4. Assume the prime responsibility and coordinate with the concerned ministries, branches and localities in summing up and drawing experiences from the work of protecting petroleum security and safety, propose solutions to raise the effectiveness of the petroleum security and safety protection work suited to the practical situation and conditions.

**Article 26.-** The information agencies, the central and local mass media and the concerned branches shall have the responsibility to propagate and educate the observance of the regulations on the petroleum security and safety protection.

**Article 27.-** Organizations and individuals conducting petroleum activities and the forces responsible for participating in protecting petroleum

security and safety shall have to ensure uninterrupted and timely information and communication and strictly abide by the prescribed regime of reporting on the situation and work of petroleum security and safety protection.

## Chapter V

### INSPECTION, REWARD AND HANDLING OF VIOLATIONS

**Article 28.-** The ministries and branches having the State management function in the domain of petroleum security and safety protection shall have to inspect and supervise activities of foreign and domestic organizations and individuals conducting petroleum activities in order to ensure their observance of the State's laws and regulations on petroleum security and safety.

**Article 29.-** Organizations and individuals conducting petroleum activities shall submit to the inspection and supervision by the functional State bodies regarding their observance of the legislation on the petroleum security and safety protection and the relevant legislation on inspection and supervision.

**Article 30.-** Organizations and individuals that record achievements in petroleum security and safety protection or merits in detecting and/or stopping acts of infringing upon petroleum security and safety; limiting losses of human lives, assets and/or petroleum projects shall be commended and/or rewarded according to law provisions.

Organizations and individuals that violate this Decree and other relevant regulations on the petroleum security and safety protection shall, depending on the nature and seriousness of their violations, be subject to administrative sanctions. Individuals who commit crime-constituting acts shall be examined for penal liability; if causing damage, they must pay compensation therefor according to law provisions.

## Chapter VI

### IMPLEMENTATION PROVISIONS

**Article 31.-** This Decree takes effect 15 days after its signing. The Ministry of Public Security, the Ministry

of Defense and the concerned State management bodies shall have to guide the implementation of this Decree within the scope of their respective functions and powers.

**Article 32.-** The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government, the presidents of the People's Committees of the provinces and centrally-run cities, the chairman of the Managing and the general director of Vietnam Oil and Gas Corporation shall have to implement this Decree.

*On behalf of the Government*

*Prime Minister*

**PHAN VAN KHAI**