

**THE GOVERNMENT**

No. 19/2016/ND-CP

**SOCIALIST REPUBLIC OF VIET NAM**

**Independence - Freedom - Happiness**

*Ha Noi, day 22 month 3 year 2016*

**Decree**

**on gas business**

*Pursuant to the Law on Government organization dated June 19, 2015;*

*Pursuant to the Law on Commerce dated June 14, 2005;*

*Pursuant to the Law on Goods and product quality dated November 21, 2007;*

*Pursuant to the Law on Price dated June 20, 2012;*

*Pursuant to the Law on Investment dated November 26, 2014;*

*At requests of the Minister of Industry and Trade, the Government issues this Decree providing regulations on gas business.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope of adjustment**

This Decree stipulates regulations on gas business and requirements for gas trading in Vietnam.

**Article. Subject of application**

1. This Decree applies to traders specified in the Law on Commerce and entities engaging in gas business.
2. Gas importers, producing and processing entities whose gas products serve their own interests and are not sold on the market according to the registration with the Ministry of Industry and Trade shall not be governed by this Decree.

**Article 3. Interpretation**

For the purpose of this Decree, terms herein shall be construed as follows:

1. Gas herein refers to liquefied petroleum gas, liquefied natural gas and compressed natural gas.
2. Liquefied petroleum gas (hereinafter referred to as "LPG") is a mixture of hydrocarbon gases derived from petroleum, containing 2 major compositions called propane (C<sub>3</sub>H<sub>8</sub>) or butane (C<sub>4</sub>H<sub>10</sub>) or the mixture of both propane and butane. LPG presents in form of vaporized gas at the normal temperature and pressure; and may turn into liquid at a limited temperature and pressure.

3. Liquefied natural gas (hereinafter referred to as “LNG”) is a liquid hydrocarbon product, derived from natural gases, mainly containing Methane (CH<sub>4</sub>). LNG presents in form of vaporized gas at the normal temperature and pressure; and may turn into liquid form at a limited temperature and pressure.
4. Compressed natural gas (hereinafter referred to as “CNG”) is a vaporized hydrocarbon product that is made by compressing natural gas which mainly contains Methane (CH<sub>4</sub>) at high pressure.
5. Industrial customer refers to any trader who buys gas from gas traders for the purpose of their own production.
6. Gas filling station for vehicles refers to any facility that uses tools and instrument to directly fuel vehicles that run on fuel gas.
7. Gas distribution station refers to any facility that uses tool and gas pipeline networks to distribute gas to their customers.
8. Gas business refers to the continual performance of at least one of following activities: gas producing, processing, export, import, storage, filling, and distribution, gas import for re-export storehouse or port for lease, delivery or transport of gas for making profits.
9. Gas producing and processing is a complex process designed to treat and convert associated gases and natural gas into gas products.
10. Gas blending refers to a process of mixing gases, semi-finished gas products, substances and preparations into gas products.
11. Gas business facility refers to any gas-producing and gas-processing facility; ports for gas import or export; storehouse; LPG bottle storehouse, LPG bottle supplier; LPG bottling station; CNG, LNG and LPG filling station.
12. Bottled LPG refers to LPG that has been pumped into a LPG bottle at a designed volume in accordance with applicable standards.
13. LPG bottle refers to any high-pressure gas bottle that is made in accordance with technical regulations for storing or refilling LPG, also known as standard the gas bottle.
14. Mini-sized LPG bottle refers to any high-pressure gas bottle that is made in accordance with technical regulations on LPG storage and has the maximum bottle capacity of 1,000 ml per bottle.
15. LPG bottle owner is also known as the LPG wholesaler. LPG bottles shall be recorded in documents provided by LPG bottle producers or importers and shall be labeled as registered under provisions of laws.
16. LPG bottling refers to the process of pumping LPG into LPG bottles from fixed LPG storage tanks at a designed volume by using tools.

17. LPG bottling stations refers to any facility specialized in bottling LPG into LPG bottles or tank trucks to sell to customers by using bottling tools.
18. Bottled LPG shop refers to any store that sells bottled LPG to customers.
19. Dedicated bottled LPG shop refers to any store that solely provides bottled LPG and LPG auxiliary equipment and is constructed in accordance with applicable technical regulations.
20. LPG auxiliary equipment includes LPG cookers, LPG pipes and hoses, PLG bottle valves, LPG pressure regulators.
21. Payment of deposit on LPG bottles means the transfer of a sum of money by a customer (LPG general agent or agent or LPG customer) to a LPG bottle owner as a guarantee of the return of LPG bottle the customer borrows as agreed.
22. Deposit on LPG bottle means a sum of money that a customer (LPG general agent or agent or LPG customer) gives to a LPG bottle owner to use the LPG bottle.
23. LPG wholesaler refers to any LPG importer/exporter; distributor and LPG producing and processing entity;
24. LNG wholesaler refers to any LNG importer/exporter; distributors and producing and processing facilities;
25. CNG wholesaler refers to any CNG importer/exporter; distributor and producing and processing facility;
26. Gas wholesaler refers to any LPG/CNG/LNG wholesaler.

#### **Article 4. Application of relevant laws and international agreements**

1. Foreign-invested enterprises or foreign investors engaging in Vietnam's gas business shall comply with provisions hereof; where any difference between provisions hereof and international agreements exists, the international agreements shall prevail.
2. Gas traders in Vietnam market shall comply with both provisions hereof and provisions prescribed in other relevant laws.

#### **Article 5. Gas business development planning**

1. Gas business facilities specified in clause 11, article 3 hereof (except for carriage companies and tank truck rental enterprises) shall be constructed in accordance with technical regulations and the development planning; the planning shall be conformable to provisions of relevant legislative documents.
2. The Ministry of Industry and Trade shall take charge of and cooperate with relevant regulatory authorities and People's Committees of provinces and centrally-affiliated cities (hereinafter referred to as "People's Committee of province") to draw up and announce gas business development planning nationwide, within their jurisdiction,

including: gas-producing and gas-processing facilities, storehouses with the total capacity of at least 5,000 m<sup>3</sup> and shall supervise and inspect the approved planning execution.

3. Every People's Committees of the province shall aggregate their gas business development plan into the province's socio-economic development master plan in accordance with the national master plan, including: plans for development of dedicated bottled LPG shops, gas filling stations for vehicles, gas distribution stations, LPG bottling stations, storehouses with the total storage tanker capacity of under 5,000 m<sup>3</sup>; and People's Committees of provinces shall supervise and inspect of the approved planning execution.

#### **Article 6. Fire protection and HSE**

1. Gas business facilities shall comply with laws on fire protection and HSE during the operation.
2. Officers and workers working for gas business facilities or gas services, including drivers of gas tank trucks, must complete training courses in HSE and fire protection and obtain Certificate of completion of such training course under provisions of laws.

### **Chapter II**

## **GAS BUSINESS**

### **Section 1. GAS BUSINESS REQUIREMENTS**

#### **Article 7. Requirements for gas importers and exporters**

1. Every gas importer and exporter must be enterprises that are incorporated and satisfy the following requirements:
  - a) Own/ jointly own or enter an agreement on leasing wharves of Vietnam ports for at least 05 years;
  - b) Own/jointly own/enter into an agreement for leasing storehouses with the total storage tanker capacity of least 3,000 m<sup>3</sup> for LPG for at least 01 year, 60,000 m<sup>3</sup> for LNG for at least 5 years and 200,000 m<sup>3</sup> for CNG for at least 5 years.
2. In addition to the set forth requirements, every gas importer/exporter shall:
  - a) Own a quantity of LPG bottles (excluding mini-sized LPG bottles) that are eligible for being used on the market with the total capacity of at least 3,930,000 liters; and
  - b) Own LPG bottling stations granted Certificates of Eligibility or a contract for LPG bottling with other LPG wholesalers; and have their own LPG bottling stations available after 02 years from the date of issue of the Certificate of Eligibility for LPG import/export.
  - c) Have a distribution channel available, including: bottled LPG shops or LPG distribution stations or LPG filling stations for vehicles that are certified as eligible or

industrial customers; and at least 40 LPG general agents or agents that meet requirements hereof.

3. LNG importers or exporters, besides requirements prescribed in clause 1 of this Article, shall have their LNG distributing facilities or means of transport available, including: LNG tank trucks or pipelines that are owned/jointly owned for at least 1 year; and own LNG distribution stations or LNG filling stations for vehicles certified eligible.

4. CNG importers or exporters, besides requirements prescribed in clause 1 of this Article, shall have their CNG distributing facilities or means of transport available, including: CNG tank trucks or pipelines owned or jointly owned for at least 1 year on; and their own CNG distribution stations or vehicle CNG filling station certified as eligible.

#### **Article 8. Requirements for gas-producing and gas-processing entities**

1. Every gas-producing and gas-processing facility must be enterprises that are incorporated under provision of laws and satisfy the following requirements:

- a) Have gas producing and processing plants available in compliance with provisions of laws on investment and the planning approved by competent authorities; and
- b) Own/jointly own or enter into agreements on leasing quality testing laboratories for at least 1 year with entities qualified gas testing.

2. In addition to requirements stipulated in clause 1 of this Article, LNG importers and exporters shall have LNG pump systems or gasification systems available.

3. In addition to the requirements stipulated in clause 1 of this Article, CNG producing or processing entities shall:

A )Own or jointly own or enter into agreements on leasing CNG storage tanks with the total capacity of at least 200,000 Sm<sup>3</sup> that are constructed in compliance with current national technical regulations and planning for at least 1 year.

b) Own CNG compressor stations with the minimum capacity of 3,000 Sm<sup>3</sup>/hour.

#### **Article 9. Requirements for gas distributors**

1. Every gas distributor shall be a legal enterprise that owns/co-owns or enters into the agreement on leasing storage tanks with the total capacity of at least 300 m<sup>3</sup> for bottled LPG distributors; 100 m<sup>3</sup> for distributors dispensing LPG through pipeline ; 3,000 m<sup>3</sup> for LNG and 10,000 Sm<sup>3</sup>( standard cubic meter) for CNG distributors for at least 01 year.

2. In addition to the requirements stipulated in clause 1 of this Article, every bottled LPG distributor shall:

- a) Own LPG bottles (excluding mini-sized LPG bottles) that are eligible for being used on the market with the total capacity of at least 2,620,000 liters; and
- b) Have their own LPG bottling stations granted Certificates of Eligibility or a contract for LPG bottling with other LPG wholesalers; and

LPG distributors must have their own LPG bottling stations after 02 years from the date of issue of the Certificate of Eligibility for LPG distribution.

- c) Have a distribution channel available, including: bottled LPG shops or LPG distribution stations or vehicle LPG filling stations that are certified as eligible or industrial customers; and at least 20 LPG general agents or agents that satisfy provisions hereof.

3. LPG distributors, besides requirements prescribed in clause 1 of this Article, shall own LPG distribution stations certified eligible.

4. LNG distributors, besides requirements prescribed in clause 1 of this Article, shall have their own LNG distributing facilities or means of transport available, including: LNG distribution stations or LNG filling stations for vehicles certified as eligible.

5. CNG distributors, besides requirements prescribed in clause 1 of this Article, shall have CNG distributing facilities available, including: CNG tank trucks or pipelines owned/jointly owned or lease by contract for at least 1 year; CNG filling stations for vehicles or CNG distribution stations certified as eligible.

#### **Article 10. Requirements for gas blending**

1. Only gas wholesalers are entitled to carry out the process of blending gases at their gas-producing and gas-processing facilities or storehouses.

Other type of gas traders are entitled to mixing gases in gas bonded warehouses.

2. Every gas wholesaler must own/co-own or enters into a 1-year agreement on leasing gas quality testing laboratories qualified for testing gas quality in accordance with national technical regulations and standards.

3. Gas wholesalers blending gas shall register their gas blending facilities in accordance with the guidance of the Ministry of Science and Technology.

#### **Article 11. Requirements for LPG general agents**

Every LPG general agents must be enterprises that are incorporated and satisfy the following requirements:

1. Own/ co-own or enter into an at least 1-year agreement on leasing storage tanks with the total capacity of at least 2,000 PLG bottles (except for mini-sized PLG bottles) and bottled PLG; and

2. Own distribution channels, including: bottled LPG shops or LPG filling stations for vehicles or LPG distribution stations that are certified eligible; and at least 10 agents or agents that satisfy requirements stipulated hereof; and
3. Enter into an agency agreement with LPG wholesalers for at least 01 year.

#### **Article 12. Requirements for LPG agents**

The LPG general agent may be an enterprise or collective or household that is legally established and:

1. Own bottled LPG shops, LPG distribution stations or vehicle LPG filling stations certified as eligible; and
2. Enter into an agency agreement with the LPG wholesaler or LPG general agent for at least 01 year.

#### **Article 13. Requirements for bottled LPG shops**

Every bottled LPG shop shall satisfy the following requirements:

1. The bottled LPG shop shall be owned by a LPG general agent, agent or wholesaler; and
2. The bottled LPG shop shall satisfy all requirements for fire protection; and
3. All officers and sellers who directly trade gases shall be trained in fire protection and HSE under provisions of laws; and
4. The dedicated bottled LPG shop shall be located in planned areas specified in the planning approved by competent authorities.

#### **Article 14. Requirements for LPG bottling stations, LPG distribution stations and vehicle LPG filling stations**

1. Every LPG bottling station, LPG distribution station and LPG filling station for vehicles shall:
  - a) Obtain the construction permit from the competent authority and be constructed in accordance with the gas business development planning; and
  - b) Have measuring instruments tested or calibrated in compliance with laws on measurement, and
  - c) Satisfy all requirements for fire protection.
2. Every LPG bottling station, in addition to the requirements stipulated in clause 1 of this Article, shall:
  - a) Be owned by LPG wholesalers; and
  - b) Get LPG filling stations, filling equipment, storage tanks and auxiliary equipment conformable to current national technical regulations; and

c) Have all machines and equipment that sound risky and are required to meet the HSE standards tested under provisions of laws; and

d) Take place the following process: PLG bottling, PLG tank truck filling, machine operation, incident tackling and application of safety regulations.

3. Every LPG filling station for, besides provisions in clause 1 of this Article, shall be owned by LPG general agents, agents or wholesalers and have machines and equipment that are conformable to safety regulations on LPG filling stations for vehicles tested and registered in accordance with provisions of laws.

4. LPG distribution stations shall be owned by a LPG general agent, agent or wholesaler.

#### **Article 15. Requirements for LPG distribution stations and LPG filling stations for vehicles**

1. Every LPG distribution station and LPG filling station for vehicles shall:

a) Be owned by LPG wholesalers; and

b) Be conformable to the gas business development planning and obtain the construction permit issued by the competent authority; and

c) Have their measuring instruments tested or calibrated in compliance with laws on measurement; and

d) Satisfy all requirements for fire protection.

2. In addition to the requirements stipulated in clause 1 of this Article, every LNG filling station for vehicles shall satisfy the following requirements:

a) LPG filling stations, filling equipment, storage tanks and auxiliary equipment shall be conformable to current national technical regulations; and

b) All machines and equipment thereof that sound risky and are required to meet the HSE standards shall undergo testing and shall be registered under provisions of laws; and

c) The following process shall take place: LNG bottling, LNG tank truck filling, machine operation, incident tackling and application of safety regulations.

#### **Article 16. Requirements for CNG distribution stations and CNG filling stations for vehicles**

1. Every CNG distribution station and CNG filling station for vehicles shall:

a) Be owned by CNG wholesalers; and

b) Be conformable to the gas business development planning and obtain the construction permit issued by the competent authority; and

c) Have their measuring instruments tested or calibrated in compliance with laws on measurement; and

d) Satisfy all requirements for fire protection.

2. In addition to the requirements stipulated in clause 1 of this Article, every CNG filling station for vehicles shall satisfy the following requirements:

a) LPG filling stations, filling equipment, storage tanks and auxiliary equipment shall be conformable to current national technical regulations; and

b) All machines and equipment thereof that sound risky and are required to meet the HSE standards shall undergo testing and shall be registered under provisions of laws; and

c) The following process shall take place: LNG bottling, LNG tank truck filling, machine operation, incident tackling and application of safety regulations.

#### **Article 17. Requirements for LPG bottles in Vietnam market**

1. LPG bottles shall be tested and have their labels registered before being initially launched into Vietnam market in accordance with provisions of laws. Used LPG bottles shall be re-tested under provisions of laws.

2. Tested LPG bottles must stay in their original shape and shall be in the testing effective period. LPG bottle colors shall be registered at competent authorities; and LPG bottles shall be completely recorded and their records shall be stored at their owner's business facilities.

3. The owner of a LPG business facility that is amalgamated, dissolved, shut down or has their business lines changed shall recall all their LPG bottles to sell or transfer to other traders together with their bottle records under provisions of laws. Traders who buy or receive LPG bottle ownership transfer shall go through the label re-registration at competent authorities; notify market management authorities, distribution channels and consumers; comply with provisions of LPG bottle management stipulated hereof and shall be responsible for such LPG bottles.

4. Every LPG bottle owner has the rights to take deposits for their LPG bottles and issue deposit slips that shall be uniformly applied across their distribution channel and customers; and inspect LPG bottle guarantee records of facilities using their LPG bottles.

#### **Article 18. Requirements for bottled LPG in Vietnam market**

1. Bottled LPG on the Vietnam market shall meet the following requirements: the LPG bottle satisfies requirements prescribed in clauses 1 and 2, Article 17 hereof; the weight and volume of LPG in the bottle is consistent with that in the label and the quality standard announced by the trader; and the LPG bottle is appropriately sealed.

2. Bottled LPG origin shall be consistent with that specified in LPG sale/purchase contracts or LPG agency agreements.

## **Section 2. RIGHTS AND OBLIGATIONS OF GAS TRADERS**

### **Article 19. Rights and obligations of LPG importers and exporters**

LPG importers and exporters shall:

1. Import LPG according to business plans and guarantee that the imported LPG is conformable to the current National technical regulations;

Be entitled to export, temporarily import and re-export LPG as stipulated in Article 48 hereof.

2. Decide LPG prices and bottled LPG prices of their distribution channels to suit the Vietnam market

3. Enter into LPG sale contracts with other LPG wholesalers and industrial customers; retail LPG and bottled LPG within their distribution channels; have the power to authorize their subsidiaries or branches to sell LPG in duty-free zones in writing.

4. Apply derivative market strategies in conformity with the international practice during the transaction of LPG.

5. Only enter into contracts with gas traders who are eligible for being appointed as general LPG agent/agent.

6. Only fill LPG bottles that are qualified for being put on the market and owned by the LPG traders or fill other LPG wholesalers' LPG bottles under contracts.

7. Operate and provide services such as: LPG storehouses and LPG ports for lease, LPG carriage

8. Register distribution channels and submit reports on gas labels under regulations of the Ministry of Industry and Trade.

9. Comply with and satisfy requirements, provisions hereof and other provisions of relevant laws on LPG trading; supervise and inspect LPG general agents and agents; supply sufficient LPG and take responsibilities for LPG weight and volume sold by their distribution channels; and maintain the LPG reserves under clause 1, article 49 hereof.

10. Test and register LPG bottles and LPG auxiliary equipments in accordance with provisions of laws; provide quality control systems, maintenance and replacement of LPG bottles and auxiliary equipments to ensure the customer safety.

11. Obey laws on label registration; control quantity and quality of LPG bottles; undergo the inspection and control of competent authorities under current provisions of laws.

12. Jointly take liabilities for violations committed by LPG general agents or agents of their distribution channels during the LPG trading under provisions of laws.

### **Article 20. Rights and obligations of LPG producing and processing entities**

LPG producing and processing entities shall:

1. Decide LPG selling prices according to market price mechanism.
2. Directly import, export, temporarily import, re-export LPG or authorize subsidiaries or branches to import or export LPG under current provisions of laws and Article 48 hereof.
3. Have the same entitlements and obligations as LPG importers and exporters prescribed from clause 3 through clause 7, Article 19 hereof.
4. Establish distribution channels prescribe in clause 2, Article 7 hereof for the provision of LPG for industrial customers and bottled LPG sales; decide fixed LPG and bottled LPG prices within their distribution channels to suit the Vietnam market
5. Have LPG product quality that are produced or processed on their own and initially launched into the market certified as satisfactory and comply with quality, safety and measurement control during the producing and processing.
6. Openly, equally and transparently enter into LPG sale contracts with other LPG wholesalers. Maritain the LPG reserves prescribed in clause 1, article 49 hereof.
7. Own /jointly own or enter into agreement for leasing LPG storehouses with the total capacity of 3,000 m<sup>3</sup> for at least 5 years for storage LPG for import/export with LPG service providers. The Ministry of Industry and Trade shall provide instructions and certify LPG producing and processing entities as eligible for LPG import/export under Article 8 and clause 8, Article 20 hereof.

### **Article 21. Rights and obligations of LPG distributors**

LPG distributors shall:

1. Decide LPG and bottled LPG prices within their distribution channels to suit Vietnam market
2. Enter into LPG sale contracts with other LPG wholesalers and industrial customers; retail LPG and bottled LPG within their distribution channels;
3. Only enter into agency agreements with traders who are eligible for being appointed as general LPG agent/agent.
4. Only fill LPG bottles that are qualified for being used on the market and owned by the LPG traders or fill up other LPG wholesalers' LPG bottles under contracts.
5. Operate and provide services such as: LPG storehouse for lease, LPG delivery, LPG transport.

6. Register distribution channels and submit reports on gas labels under provisions of the Ministry of Industry and Trade.
7. Supply sufficient LPG to distribution channels, within the management, to meet the LPG demands for production and activities of daily living; maintain the LPG reserves under clause 1, article 49 hereof.
8. Supervise and inspect LPG general agents and agents; and take responsibilities for LPG weight and volume sold by their distribution channels;
9. Test and register LPG bottles and LPG auxiliary equipments in accordance with provisions of laws; provide quality control, maintenance and replacement of LPG bottles and auxiliary equipments to ensure the customer safety.
10. Obey laws on label registration; control quantity and quality of LPG bottles; undergo the inspection and control of competent authorities under current provisions of laws.
11. Jointly take liabilities for violations committed by LPG general agents or agents of their distribution channels during the LPG trading under provisions of laws.

#### **Article 22. Rights and obligations of LPG general agents**

LPG general agents shall:

1. Enter into agency agreements with 03 LPG traders who meet requirements prescribed hereof.
2. Only sell LPG and bottled LPG provided by LPG wholesalers; publish price schedules and apply the prices fixed by LPG wholesalers.
3. Supervise and inspect the compliance with regulations on LPG trading by LPG business facilities of LPG general agents.
4. Only sell bottled LPG qualified for put on the market, provide LPG user manuals; take responsibilities for LPG weight, volume and selling prices; open logbook of LPG sold.
5. Give LPG bottles to authorized LPG wholesalers under contracts and perform obligations stipulated in the contracts; undergo the inspection and supervision of LPG wholesalers and competent authorities.
6. Do not sell or purchase LPG or bottled LPG that are inconsistent with terms of the contract signed with the LPG wholesaler or those whose origins are unknown; do not sell or purchase LPG bottles that are owned by other LPG wholesalers and are on the market.
7. Record and store invoices, and documents in accordance with regulations of the Ministry of Finance.

#### **Article 23. Rights and obligations of LPG agents**

LPG agents shall:

1. Select LPG traders and enter into agency agreements with 01 LPG general agent or 03 LPG wholesalers who satisfy requirements prescribed hereof.
2. Only sell LPG and bottled LPG provided by LPG wholesalers or LPG general agents. Publish price schedules and apply the prices fixed by LPG traders.
3. Supervise and inspect the compliance with regulations on LPG trading by LPG business facilities of the LPG agents.
4. Only sell bottled LPG products qualified for coming on the market, provide LPG user manuals; take responsibilities for LPG weight, volume and selling prices; open logbook of LPG sold.
5. Give LPG bottles to authorized LPG wholesalers or general agents under contracts and perform obligations stipulated in contracts; undergo the inspection and supervision of LPG wholesalers or LPG general agents and competent authorities.
6. Do not sell or purchase LPG or bottled LPG that are inconsistent with terms of the contract signed with the LPG wholesaler or those whose origins are unknown; do not sell or purchase LPG bottles that are owned by other LPG wholesalers and are on the market.
7. Record and store invoices, and documents in accordance with regulations of the Ministry of Finance.

#### **Article 24. Rights and obligations of bottled LPG shop owners**

Every bottled LPG shop owner shall:

1. Do not sell or purchase bottled LPG whose origin is unknown or those that are uncomformable to signed contracts. Only sell bottled LPG that are qualified for being used on the market; do not shall bottled LPG of other traders out of the contract and mini-sized bottled LPG that are refueled.
2. Do not expropriate LPG bottles of other traders.
3. Put up nameplates and logos of LPG wholesalers that the shop owner signed the agency agreement with; the nameplate shall be conformable to provisions of laws.
4. Publish price schedules and apply the prices fixed by the principal.
5. Record and store invoices, and documents in accordance with regulations of the Ministry of Finance.

#### **Article 25. Rights and obligations of LPG bottling station owners**

Every LPG bottling station owner shall:

1. Only fill up LPG bottles that are qualified for being put on the market and owned by the LPG bottling stations. Take LPG bottles (including LPG bottles not under their

ownership) out of the LPG filling station that fails to satisfy requirement for being used on the market.

2. Fill up other eligible wholesalers' PLG bottles that are qualified for being put on the market under contracts.

3. Request traders who employ others to fill up their LPG bottles to present the Certificate of Eligibility for LPG wholesaler and Certificate of label registration.

4. Ensure the LPG weight limit pumped into bottles and guarantee that the LPG quality is consistent with that presented in the label and conformable to quality standards announced by the business facility under Law on goods quality and relevant documents.

5. Do not store LPG bottles of other LPG wholesalers who do not enter into contracts for LPG filling.

#### **Article 26. Rights and obligations of LPG distribution station owners**

Every LPG distribution station owner shall:

1. Only sell LPG to those who enter into LPG sale contracts and satisfy regulations on LPG safety and fire protection; sell LPG at the prices listed on the price schedule; ensure that the LPG weight and volume sold are consistent with that stipulated in the signed contract and are conformable to its label and standards announced by the business facility under regulations of laws on good quality and relevant documents.

2. Suspend LPG selling or terminate LPG sale contracts before the expiration date if the customer disobeys regulations on LPG safety and fire protection or replaces or installs extra LPG auxiliary equipment without prior consent of the owner.

3. Send technicians to install LPG equipment where customers required.

4. Regularly check measuring instruments, fire detectors, lock valve, safety valves, LPG auxiliary equipment, connection points and LPG pipelines; detect and promptly tackle fire or explosion risks to secure the customer safety.

5. Provide customers with PLG user manuals in which the telephone numbers of LPG distribution stations and their first-line managers shall be specified.

6. Notify customers of LPG price adjustments.

7. Only transport LPG by specialized vehicles satisfying all requirements for LPG transport under provisions of laws or through LPG pipelines under contracts; do not allow to pump LPG into bottles.

#### **Article 27. Rights and obligations of owners of LPG filling stations for vehicles**

Every owner of LPG filling stations for vehicles shall:

1. Put up station nameplates and logos of LPG wholesalers; the nameplate shall be conformable to provisions of laws.
2. Undergo the inspection and supervision of LPG wholesalers and competent authorities.
3. Be entitled to jointly contribute capital to establish LPG filling stations for vehicles and petroleum stations that are granted the Certificate of Eligibility for gas and oil business under the forms of partnership or joint-venture.
4. Only sell LPG that is provided by LPG wholesalers and is conformable to LPG quality regulations; do not purchase LPG whose origin is unknown or illegally imported for the purpose of re-selling.
5. Only fuel up vehicles running on LPG; do not pump LPG into LPG bottles.
6. Publish price schedules and apply the prices fixed by LPG wholesalers; be responsible for the LPG weight, volume and selling price. Ensure that LPG quality is consistent with that presented in the label and conformable to quality standards announced by the business facility under Law on goods quality and relevant documents.
7. Ensure the accuracy of measuring instruments; regularly check LPG filling equipment safety during the operation.

#### **Article 28. Rights and obligations of LNG importers and exporters**

Every LNG importer and exporter shall:

1. Import LNG according to business plans and guarantee that imported LNG is satisfactory to the current National technical regulations;  
Be entitled to export, temporarily import and re-export LNG as stipulated in Article 48 hereof.
2. Decide LNG and bottled LNG selling prices within the distribution channels to suit Vietnam market
3. Enter into LNG sale contracts with other LNG wholesalers and industrial customers that satisfy requirements prescribed hereof.
4. Provide and operate services such as: LNG storehouses and LNG ports for lease, LNG carriages and LNG delivery for LNG traders satisfying requirements stipulated hereof.
5. Apply derivative market strategies in conformity with international practice during the transaction of LNG.
6. Supply sufficient LNG to distribution channels, within the management; maintain the LPG reserves prescribed in clause 1, article 49 hereof.

7. Comply with provisions hereof and other provisions of relevant laws on LNG trading; supervise and inspect LNG business facilities; take responsibilities for LNG weight and volume sold by their distribution channels.
8. Have LNG storage tanks and LNG auxiliary equipments tested at LNG business facilities and ensure the LNG safety.
9. Obey laws on label registration; manage LNG business facilities with the administration of LNG importers/exporters; undergo the inspection and administration of competent authorities under current provisions of laws.

#### **Article 29. Rights and obligations of LNG producing and processing entities**

Every LNG producing and processing entity shall:

1. Decide LNG selling prices according to market price mechanism.
2. Directly import LNG and guarantee that the imported LNG is conformable to the current National technical regulations;  
Be entitled to export, temporarily import and re-export LNG as stipulated in Article 48 hereof.
3. Enter into LNG sale contract with other LNG traders and industrial customers that satisfy requirements prescribed hereof.
4. Provide and operate services such as: LNG storehouses and LNG ports for lease LNG carriages and LNG delivery for LNG traders satisfying requirements stipulated hereof.
5. Apply derivative market strategies in conformity with international practice during the transaction of LNG.
6. Have LNG product quality that are produced or processed and initially launched into the market certified as satisfactory; and comply with quality, safety and measurement control during the producing and processing.
7. Draw up plans for safety check on equipment, machinery and technological lines for detection and prevention of unexpected risks during the LNG producing and processing.
8. Comply with requirements and provisions of LNG producing and processing; and LNG import-export (for importers or exporters) prescribed hereof and others relevant laws; maintain the LNG reserves under clause 1, article 49 hereof.
9. Own or jointly own or enter into contracts for leasing LNG storehouses with the total storage tank capacity of 60,000m<sup>3</sup> for at least 5 years for storage LNG for import/export. The Ministry of Industry and Trade shall guide and certify LNG producing and processing entities eligible for LNG import/export under Article 8 and clause 9, Article 29 hereof.

### **Article 30. Rights and obligations of LNG distributors**

Every LNG distributor shall:

1. Decide LNG and bottled LNG prices within their distribution channels to suit Vietnam market
2. Enter into LNG sale purchase contracts with industrial customers satisfying requirements prescribed hereof.
3. Enter into LNG sale contracts with other LNG wholesalers that satisfy requirements prescribed hereof.
4. Supply sufficient LNG to distribution channels, within the management, to meet the LNG demands for production; maintain the LNG reserves under clause 1, article 49 hereof.
5. Comply with provisions hereof and other provisions of relevant laws on LNG trading; supervise and inspect LNG business facilities within the distribution channels; take responsibilities for LNG weight and volume sold by the distribution channels.
6. Have LNG storage tanks and LNG auxiliary equipments tested at LNG business facilities and ensure the LNG safety.
7. Obey laws on label registration; manage LNG business facilities within the administration of LNG importers/exporters; undergo the inspection and control of competent authorities under current provisions of laws.

### **Article 31. Rights and obligations of owners of LNG filling stations for vehicles**

Owners of LNG filling stations for vehicles shall:

1. Put up nameplates and logos of LPG filling station owners; the nameplate shall be conformable to provisions of laws.
2. Undergo the inspection and supervision of LNG suppliers and competent authorities.
3. Be entitled to cooperate or contribute capital to establish LNG filling stations for vehicles and petroleum stations that are granted the Certificate of Eligibility for oil and gas business under the forms of partnership or joint-venture.
4. Only sell LNG that satisfy stipulated requirements; do not purchase LNG whose origin is unknown.
5. Only fuel up vehicles running on LNG, and tank trucks
6. Announce LNG prices and apply the prices fixed by LNG wholesalers; be responsible for the LNG weight, volume and selling price. Ensure that LNG quality is consistent with that presented in the label and conformable to quality standards

announced by the business facility under Law on goods quality and relevant documents.

7. Ensure the accuracy of measuring instruments; regularly check LNG filling equipment safety during the operation.

### **Article 32. Rights and obligations of LNG distribution station owners**

Every LNG distribution station owner shall:

1. Only sell LNG to those who enter into LNG sale contracts and satisfy regulations on LPG safety and fire protection; sell LNG at the prices listed on the price schedule; ensure that the LNG weight and volume sold are consistent with that stipulated in the signed contract and are conformable to its label and standards announced by the business facility under regulations of laws on good quality and relevant documents.
2. Suspend LNG selling or terminate LNG sale contracts before the expiration date if the customer disobeys regulations on LPG safety and fire protection or replaces or install extra LPG auxiliary equipment without prior consent of the owner.
3. Send technicians to help customers replace or install LNG equipment where it is required.
4. Regularly check measuring instruments, fire detectors, lock valve, safety valves, LNG auxiliary equipment, connection points and LNG pipelines; detect and promptly tackle fire or explosion risks to ensure the customer safety.
5. Provide customers with LNG user manuals in which telephone numbers of LNG distribution stations and their first-line managers shall be specified.
6. Notify customers of LNG price adjustments.
7. Only sell LNG via pipeline under contracts; do not fuel up any types of vehicles, including those of other LNG traders

### **Article 33. Rights and obligations of CNG importers and exporters**

Every CNG importer and exporter shall:

1. Import CNG according to business plans and guarantee that imported CNG quality is satisfactory to the current National technical regulations;

Be entitled to export, temporarily import and re-export CNG as stipulated in Article 48 hereof.

2. Decide CNG selling prices within their distribution channel to suit Vietnam market.
3. Enter into CNG sale contracts with other CNG traders and industrial customers that satisfy requirements prescribed hereof.
4. Operate and provide services such as: CNG storehouses, CNG ports, CNG carriages for lease and CNG delivery for CNG traders satisfying requirements stipulated hereof.

5. Apply derivative market strategies in conformity with international practice during the transaction of CNG.
6. Supply sufficient CPG to the distribution channel, within the management, to meet the LPG demands for production and activities of daily living.
7. Comply with provisions hereof and other provisions of relevant laws on CNG trading; supervise and inspect CNG business facilities within the distribution channel; guarantee that LNG weight and volume sold by the distribution channels are conformable to their labels and standards announced by the business facilities under Law on goods quality and relevant documents.
8. Have CNG storage tanks and CNG auxiliary equipments tested at their CNG business facilities and ensure the CNG safety.
9. Obey laws on label registration; manage CNG business facilities within the administration of CNG importers/exporters; undergo the inspection and administration of competent authorities under current provisions of laws.

**Article 34. Rights and obligations of CNG producing and processing entities**

Every CNG producing and processing entity shall:

1. Decide CPG selling prices according to market price mechanism.
2. Directly import CNG and guarantee that the CNG quality is conformable to the current provisions of laws;

Be entitled to export, temporarily import and re-export CNG as stipulated in Article 48 hereof.

3. Enter into CNG sale contracts with other CNG traders and industrial customers that satisfy requirements prescribed hereof.
4. Operate and provide services such as: CNG storehouses and CNG ports for lease, CNG carriage and CNG delivery for CNG traders satisfying requirements stipulated hereof.
5. Apply derivative market strategies in conformity with international practice during the transaction of CNG.
6. Have CNG product quality that are produced or processed and initially launched into the market certified as satisfactory; and comply with quality, safety and measurement regulations during the producing and processing and ensure the compliance with labels and standards announced by the business facility under Laws on Goods Quality and relevant documents.
7. Draw up plans for safety check on equipment, machinery and technological lines for detection and prevention of unexpected risks during the CNG producing and processing.

8. Comply with requirements and provisions of CNG producing and processing; only import or export CNG certified eligible for CNG import-export by the Ministry of Industry and Trade under provisions hereof and relevant legal documents.

**Article 35. Rights and obligations of CNG distributors**

Every CNG distributor shall:

1. Decide CNG selling prices within the distribution channel to suit Vietnam market.
2. Enter into CNG sale contracts with other CNG industrial customers that satisfy requirements prescribed hereof; be entitled to trade in CNG at their CNG shops in duty-free zones where the headquarters or branch is located
3. Enter into CNG sale contracts with other CNG wholesalers that satisfy requirements prescribed hereof.
4. Supply sufficient CNG to their distribution channel, within the management, to meet the CNG demands for production and activities of daily living.
5. Comply with provisions hereof and other provisions of relevant laws on CNG trading; supervise and inspect CNG business facilities; take responsibilities for the LNG weight and volume sold by the distribution channels are conformable to their labels and standards announced by the business facility under Law on goods quality and relevant documents.
6. Have CNG storage tanks and CNG auxiliary equipments tested at their CNG business facilities and ensure the CNG safety.
7. Obey laws on label registration; manage CNG business facilities within the administration of CNG importers/exporters; undergo the inspection and administration of competent authorities under current provisions of laws.

**Article 36. Rights and obligations of owners of CNG filling stations for vehicles**

Every owner of CNG filling stations for vehicles shall:

1. Attach their nameplate and logo to vehicles; the nameplate shall be conformable to provisions of laws.
2. Undergo the inspection and supervision of CNG suppliers and competent authorities.
3. Be entitled to cooperate or contribute capital to establish CNG filling stations for vehicles and petroleum stations that are granted the Certificate of Eligibility for oil and gas business.
4. Only sell CNG that is provided by CNG traders and is conformable to regulations on CNG quality; do not purchase CNG whose origin is unknown.
5. Only fuel up vehicles running on LNG, and tank trucks

6. Publish CNG prices and apply the prices fixed by CNG wholesalers; be responsible for the CNG weight, volume and selling price. Guarantee that CNG quality is consistent with that presented in the label and conformable to quality standards announced by the business facility under Law on goods quality and relevant documents.

7. Ensure the accuracy of measuring instruments; regularly check CNG filling equipment safety during the operation.

### **Article 37. Rights and obligations of CNG distribution station owners**

Every CNG distribution station owner shall:

1. Only sell CNG to those who enter into CNG sale contracts and satisfy regulations on CNG safety and fire protection; sell CNG at the prices listed on the price schedule; ensure that the CNG weight and volume sold are consistent with that stipulated in the signed contract and be responsible for the CNG volume, quality and selling price.
2. Suspend CNG selling or terminate the CNG sale contract before the expiration date if the customer replaces or installs extra CNG auxiliary equipment without prior consent of the owner.
3. Send technicians to help customers replace or install CNG equipment where it is required.
4. Regularly check measuring instrument, fire detectors, lock valve, safety valves, CNG auxiliary equipment, connection points and CNG pipelines; detect and promptly tackle fire or explosion risks for customer safety.
5. Provide customers with CNG user manuals in which telephone numbers of CNG distribution stations and their first-line managers shall be specified.
6. Notify customers of CNG price adjustments.
7. Only sell CNG through pipeline under contracts; do not fuel up any type of vehicles, including those of other LNG traders

## **Chapter III**

### **GAS SERVICE BUSINESS**

#### **Article 38. Requirements for provision of gas storehouses and ports for lease**

1. The gas service provider shall be incorporate in accordance with provisions of laws and:
2. Own, jointly own wharves within Vietnam seaport system that are constructed in accordance with current technical regulations and according to the gas business development plan, under capital contribution contracts or partnership agreements, and

3. Own/jointly own storehouses with the total storage tank capacity of at least 1,000 m<sup>3</sup> for LPG trading, 20,000m<sup>3</sup> for LNG trading and 60,000 Sm<sup>3</sup> for CNG under capital contribution contracts or partnership agreements, according to Vietnam planning and current technical regulations approved by competent authorities.

**Article 39. Rights and obligations of service providers of gas storehouses and ports for lease**

1. Only enter into agreement for leasing gas storehouses, import-export ports and gas delivery with gas wholesalers and LPG general agents.
2. Do not enter into any agreements for leasing storehouses for illegally imported gases or unknown gases.
3. Fulfill all commitments stipulated in contracts; be responsible for gas weight volume, quality and safety during the storage period.

**Article 40. Requirements for gas carriage services**

1. The carrier shall be incorporate under provisions of laws and:
2. Owned, jointly owned or leased means of transport for carriage of gas for at least 1 year and satisfy all requirements and have valid documents enclosed under provisions of laws such as: License to transport hazardous goods, Certificate of safety and measuring instrument testing; Certificate of quality standards and environmental protection registration
3. All officers and sellers who directly use means of gas transport shall be trained in fire protection and HSE under provisions of laws.

**Article 41. Rights and obligations of gas carriers**

1. Only enter into gas carriage contract with gas traders who satisfy requirements prescribed hereof and fulfill all contract commitments.
2. Do not transport, purchase or sell illegally-imported gases or gases whose origins are unknown or poor quality gases; or bottled LPG that are unqualified for being put on the market;  
Do not sell or purchase LPG bottles and bottled LPG of other traders.
3. Be entitled to rent means of transport that satisfy the current requirements and are provisions of laws.
4. Comply with requirements, provisions hereof and other provisions of relevant laws on goods carriage; be responsible for gas weight and volume and quality during the transport.
5. Buy transportation insurance under provisions of laws and cargo insurance if the cargo owner agreed.
6. Undergo the inspection and supervision of the lessee and competent authorities.

## **Chapter IV**

### **PROCEDURES AND AUTHORITY TO GRANT CERTIFICATE OF ELIGIBILITY FOR GAS BUSINESS**

#### **Article 42. Types of Certificate of Eligibility for gas business**

Types of Certificates of Eligibility for gas business are as follows:

1. Certificate of Eligibility for LPG/LNG/CNG import/export.
2. Certificate of Eligibility for LPG/LNG/CNG distribution
3. Certificate of Eligibility for LPG bottling.
4. Certificate of Eligibility for LPG/CNG/LPG filling up vehicles.
5. Certificate of Eligibility for LPG/LNG/CNG distribution.
6. Certificate of Eligibility for LPG general agent.
7. Certificate of Eligibility for LPG agent.
8. Certificate of Eligibility for trading LPG to bottled LPG shops.

#### **Article 43. Procedures for granting Certificates of Eligibility**

1. The trader shall submit 01 application for the Certificate of Eligibility to the competent State authority directly or by post. Documents requested in an application:
  - a) Application form for the Certificate of Eligibility using the prescribed form.
  - b) A copy of certificate of enterprise/collective/household business registration;
  - c) Documents as proof of satisfying requirements set forth in Chapter II hereof.
2. Where the application is invalid, the competent State authority shall request the applicant to complete his/her application in writing within 07 working days from the date of receipt.
3. Within 30 working days from the date of receipt of the valid application, the competent State authority shall review, appraise and grant the Certificate of Eligibility to the applicant. In case of rejection, the competent State authority shall send the applicant a written notice in which reasons for rejection shall be specified.
4. The Certificate of Eligibility shall be valid for 05 years from the date of issue.
5. Where the LPG agent that obtained the Certificate of Eligibility has only 01 bottled LPG shop or 01 LPG distribution station or 01 LPG filling station for vehicles shall be exempted from the application for the new Certificate of Eligibility for LPG agent.
6. Any applicant granted the Certificate of Eligibility shall be charged under current provisions of laws on fees and charges.

#### **Article 44. Authority to grant Certificates of Eligibility**

1. The Ministry of Industry and Trade has the authority to grant Certificates of Eligibility prescribed in clauses 1 and 2, Article 42 hereof.
2. The Departments of Industry and Trade has the authority to grant Certificates of Eligibility prescribed from clauses 3 through 8, Article 42 hereof.
3. The People's Committees of districts has the authority to grant the Certificate of Eligibility for selling bottled LPG if they are authorized by People's Committees of provinces.

#### **Article 45. Re-grant, adjustment, extension and revocation of Certificates of Eligibility**

1. The Certificate of Eligibility shall be re-issued if it is wrong, lost or damaged. The contents and effective period of the new Certificate shall be the same as that of the previous one. The new Certificate of Eligibility shall replace the wrong, lost or damaged Certificate.

The application for re-grant of the Certificate of Eligibility includes: a request for re-grant of the Certificate of Eligibility using the existing form; the wrong or damaged Certificate of Eligibility (not applying to lost Certificates). Within 07 working days from the date of receipt of the valid application, the competent State authority shall re-grant the Certificate of Eligibility to the applicant.

2. The Certificate of Eligibility shall be adjusted if any change in business line registration, addresses; operation scale or conditions or information related to whom the registration is made in his/her name.

The application for adjustment includes: A request for adjustments to the Certificate of Eligibility using the prescribed form; Documents related to adjustments.

Within 07 working days from the date of receipt of the valid application, the competent State authority shall grant the adjusted Certificate of Eligibility to the applicant. The effective period shall remain unchanged.

3. The Certificate of Eligibility is entitled to be extended as it expires.

The application for extension includes: A request for extension of the Certificate of Eligibility using the existing form; a commitment to satisfy requirements for the Certificate using.

Within 07 working days from the date of receipt of the valid application, the competent State authority shall grant the extension of Certificate of Eligibility to the applicant. The Certificate of Eligibility is entitled to be extended only once with the extension of 05 years.

4. Certificates of Eligibility shall be revoked if:

- a) The application for the Certificate of Eligibility is falsified;

- b) The applicant no longer satisfies or fails to satisfy prescribed requirements;
- c) The applicant lets out his/her Certificate to someone else or adjusts the contents of the Certificate without prior consent;
- d) The business is shut down;
- dd) The Certificate is granted ultra vires

The competent State authority that grants the Certificate has the power to revoke them. The trader whose Certificate is revoked shall submit the Certificate and all copies of the Certificate to the competent State authority within 07 working days from the date of issue of the revocation decision.

## **Chapter V**

### **GAS BUSINESS MANAGEMENT**

#### **Article 46. Responsibilities of gas traders**

Gas wholesalers shall:

1. Ensure the sufficiency of gas within the distribution channel; guarantee that gas quality satisfying the current regulations; contribute to stability of domestic production and consumption and against commercial frauds.
2. Notify the adjusted selling prices to competent authorities where the distribution channel is located; go through price registration and announce LPG prices as the State stabilizes gas prices under provisions of Price Law and relevant legal documents.
3. Label and announce goods quality standards; comply with regulations on quality and measuring control.
4. Decide the distribution channel transaction name and logo; get the nameplate conformable to provisions of laws.
5. Buy liability insurances for all types of gases sold to customers
6. Supervise and inspect the compliance with provisions of this Decree and regulation on quality and measurement and other relevant laws on gas business by their distribution channel; equip workers and officers with individual protective equipment; undergo the inspection and supervision of competent authorities.
7. Formulate and apply quality control systems.
8. Guarantee that gas auxiliary associated equipment that operates and is used at gas business facilities satisfies quality standards and origin and technical regulations.
9. Develop business facilities and distribution channels in accordance with the trader's business model and regulations of laws.
10. Detect, recall or destroy LPG bottles that fail to satisfy requirements for being on the market under provisions of laws and report the competent authority about LPG

bottles that are banned from the market; install and provide customers with instructions on gas safety.

11. Register for free sales, test and re-test gas bottles; pay taxes or fees (if any) and manage LPG management under provisions of laws.

12. Refund deposits on LPG bottles to customers if they no longer use LPG bottles.

13. LPG general agents/agents shall return LPG bottles (including the LPG bottle records) to LPG wholesalers as the contract is settled.

#### **Article 47. Transparency of gas trading**

1. The Ministry of Industry and Trade shall publish the list of gas importers and exporters; and list of gas distributors on their portal website.

2. Gas importers/exporters/distributors shall comply with laws on prices management and publish the retail price and gas distributional channel on their website or on means of mass media

3. LPG general agents and LPG agents shall submit the schedule of retail prices to the Department of Finance and Department of Industry and Trade where the LPG business facility is located under laws on prices.

#### **Article 48. Gas temporarily import, gas export and transit of gas**

1. Only gas wholesalers satisfying requirements set in this Decree are allowed to temporarily import gas for re-export and export gas; gas shall be temporarily imported or exported in accordance current provisions of laws.

2. Gas export or import for re-export shall be paid in any kind of foreign currency that may be exchanged at banks. Wholesalers temporarily importing gas or exporting gas shall comply with laws on import-export tax and other relevant laws.

3. The transit of gas from a foreign country to another foreign country shall be made in compliance with relevant current laws.

4. The transit of gas from a foreign country to Vietnam shall be made in accordance with current relevant laws and Treaties of goods transit between the Government of the Socialist Republic of Vietnam and other countries.

#### **Article 49. Gas Reservation**

1. Every LPG and LNG wholesaler shall maintain the LPG/LNG reserve equal to the volume of LPG/LNG distributed for at least 15 days to their distribution channel.

2. Every LPG general agent and agent shall reserve a volume of LPG equal to that distributed for at least 03 days.

#### **Article 50. Gas selling prices**

The gas selling price shall be decided by gas wholesalers after paying all taxes and fees (if any) under the State-controlled market price regulation in accordance with provisions of laws. The gas wholesalers shall follow price stability strategies announced by competent authorities under current regulations of laws.

#### **Article 51. Gas quality and gas measurement control**

1. Gas trader are allowed to sell and purchase only gases whose quality is conformable to current national technical regulations and applicable standards; and do not allowed to import or sell gases that may negatively affect environment and human health.
2. Gas traders shall comply with current regulations on gas quality control and gas measurement during the importation, producing, processing , storage, delivery, carriage and selling; and be responsible for gas quality and volume and weight of the distribution channel.
3. Where any type of gases is not governed by regulations of laws, gas importers, exporters, producing and processing entities shall guarantee that it is conformable to applicable standards (baseline standards, Vietnam standards or international standards)
4. People's Committees of provinces shall direct and inspect the measurement and quality of gases within the province; deal with violations against regulations on gas measurement and gas quality and other types of frauds affecting the market in accordance provisions of laws.

#### **Article 52. Responsibilities of regulatory bodies and People's Committees of provinces**

In addition to responsibilities specified above, every regulatory body and People's Committee of province, within the jurisdiction, shall take responsibilities as follows:

1. The Ministry of Industry and Trade shall:
  - a) Promulgate regulations on LPG agents, distribution channel and label reports; provide instructions on application for grant re-grant adjustment and extension of Certificates of Eligibility; release regulations on registration of specialized gas import, producing and processing; cooperate with the People's Committees of provinces to inspect and supervise the compliance with this Decree by gas traders.
  - b) Inspect and supervise the compliance with provisions of gas trading of nationwide gas business facilities, set up distribution channels under laws on HSE; inspect the issue of Certificate of Eligibility under provisions hereof and other legal documents.
  - c) Take charge of and cooperate with relevant agencies to issue technical regulations on gas filling stations, gas distribution stations and LPG auxiliary equipments including LPG cooking, hoses, pipelines, LPG pressure regulator, LPG bottle valves and CNG auxiliary equipment.
2. The Ministry of Science and Technology shall:

- a) Take charge of and cooperate with relevant agencies to formulate, amend and complete the national gas technical regulations and standards; complete the legislative documents on gas quality and gas measurement; manage and inspect the measurement and quality control of gas producing, processing, import, blending, delivery, carriage and selling in the market.
- b) Provide instructions on testing and calibration of gas measuring instruments under current laws on measurement
- c) Inspect and certify gas quality for gases initially launched into the market by gas producing and processing entities.
- d) Release regulations on addition of substances to blend gases; and the application of gas quality control and gas testing laboratory management; provide gas wholesalers with instructions on gas blending registration.

3. The Ministry of Finance shall:

Take charge of and cooperate with the Ministry of Industry and Trade to inspect and supervise the compliance with laws on prices by gas wholesalers.

- b) Decide the fixed deposit and depreciation period for each type of LPG bottles.
- c) Stipulate and provide instruction on gas pricing under laws on prices.

4. The Ministry of Transport shall:

Take charge of and cooperate with relevant agencies to formulate, amend and complete the national technical regulations and standards on gas import/export ports and vehicles for transport of gas.

5. The Ministry of Construction shall:

Take charge of and cooperate with relevant agencies to instruct and inspect the construction of gas works by People's committees of provinces under current Laws on Construction and guidance documents.

6. The Ministry of Public Security shall:

- a) Be responsible for the State management of security, community order and fire protection of gas production facilities and gas business facilities nationwide. Instruct Police authorities to inspect the compliance of regulations on community security and order and fire protection by gas production and business facilities under current provisions of laws.
- b) Inspect and supervision the compliance with requirements prescribed in clause 2, article 40 and Clause 3 of Article 41 hereof by the gas carriers.
- c) Provide training in fire protection for officers and workers of gas production and business facilities.

7. The Ministry of Labor, War Invalids and Social Affairs shall:

Direct and inspect the HSE of gas business facilities under current provisions of laws.

8. The Ministry of Environment and Natural Resources shall:

Take charge of and cooperate with relevant agencies to inspect and supervise the compliance with laws on environmental protection by gas production and business facilities.

9. People's Committees of provinces shall:

a) Direct and inspect gas quality and measurement, fire protection and environmental protection of gas production and business facilities within the province under provisions of laws; prevent the commercial frauds and stabilize gas market.

b) According to the socio-economic development and requirements for State management in the provinces, the People's Committees of province shall authorize the People's Committees of districts to issue Certificates of Eligibility for liquefied petroleum gas trading to bottled LPG business facilities according to the competence of assessment and verification of requirements for bottled PLG business facilities; develop the route map for conversion of bottled LPG shops to dedicated LPG business facilities.

## **Chapter IV**

### **IMPLEMENTATION ORGANIZATION**

#### **Article 53. Transitional provisions**

1. Traders obtaining permanent Certificate of Eligibility for operation before the effective date of this Decree shall be entitled to operate for one more year from the date on which this Decree takes effect; and shall comply with provisions hereof thereafter.

2. Traders obtaining Certificate of Eligibility for operation before the effective date of this Decree shall be entitled to operate up to the expiration date of the Certificate.

3. LPG bottling stations obtaining the Certificates of Eligibility for operation shall be entitled to operate for 02 more years from the effective date of this Decree. After the set forth period, such stations shall comply with requirements for LPG bottling station hereof.

4. 02 years after the effective date of this Decree, People's Committees of provinces shall consider approving gas business development plans. During the period of the absence of gas business development plans, the People's Committee of the province shall provide instructions on the grant of temporary Certificates of Eligibility for gas business facilities that satisfy requirements stipulated hereof according to the reality of the province.

**Article 54. Effect**

1. This Decree takes effect on May 15, 2016.
2. This Decree shall replace the Government's Decree No. 107/2012/ND-CP dated December 20th 2012, defining the functions, tasks, entitlements and organizational structure of the Ministry of Transport and Article 2 of the Government's Decree No. 118/2011/ND-CP amending and supplementing the administrative procedures in terms of petroleum and liquefied petroleum gas dated December 16, 2011. Any former regulation that is inconsistent with provisions hereof shall be annulled.

**Article 55. Implementation organizations**

Ministers, heads of ministerial-level agencies, Heads of Governmental agencies, Presidents of People's Committees of provinces shall be responsible for the implementation of this Decree./.

*For the Government*

*The Prime Minister*

*Nguyen Tan Dung*