

GOVERNMENT

No: 32/2005/ND-CP

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, 14 May 2003 2005

DECREE OF THE GOVERNMENT

Regulations on land border gate

GOVERNMENT

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

Pursuant to the Law on National Borders June 17, 2003;

The proposal of the Minister of Defense,

DECREES

CHAPTER I

GENERAL PROVISIONS

Article 1. Decree on the Regulation stipulates land border gate; prescribed activities of exit and entry, transit, export and import (abbreviated as export and import) through land border gates of People, facilities, goods and other activities in the gate area to manage, protect the sovereignty, security and national borders.

Article 2. Land border gate (hereinafter referred to as border gates), including international border gate, main gate and side gate, which opened on roads, railways, inland waterway in the border Regulations under the Agreement on the border was signed between the Government of the Socialist Republic of Vietnam with neighboring government to conduct the export, import, and the border countries.

Article 3.

1. International border gates are open to people, vehicles and goods of Vietnam, neighboring countries and third country export and import through border country.
2. The main gate is open for people, vehicles and goods in Vietnam and neighboring countries export and import through border country.
3. Side gate was open for people, vehicles and goods of Vietnam and neighboring countries in border areas, border areas through the border country.
4. Upgrading gate, identifying roads, railways, inland waterways used for transit by the Government decision in accordance with the law of Vietnam or international treaties which Vietnam has signed or acceded to .

Article 4.

1. Range of specific areas of international border gate, the gate of the provincial People's Committee determined after consulting the Ministry of Defense, Ministry of Public Security, the Ministries and branches concerned and report to the Prime Government decision.
2. Specific range gate areas side by Command of Border Guard identified the provinces agreed with the provincial sectors concerned and ask for detailed district-level People's Committee has gate on planning , reported President's Committee of provinces have decided to gate.
3. Gate area is plugged signs "gate area. Signs follow the model of the Ministry of Defense and plug within easy identification.

4. Control area was established at the gate for state agencies competent to conduct the inspection and control, production procedures, in accordance with the law.

Article 5. All activities of agencies, organizations, individuals, media in Vietnam and abroad gate area must comply with the provisions of this Decree, the provisions of relevant laws and international treaties which Vietnam has signed or acceded to; in the case of international treaties which Vietnam has signed or acceded to the otherwise applicable provisions of international treaties it.

CHAPTER II PROVISIONS OF EXPORT, IMPORT TO PEOPLE, TRANSPORT, GOODS

Article 6.

1. Vietnam citizen passport or passport is valid exit, entry via border gates of Vietnam.
2. Vietnam citizens residing in the border areas to border areas neighboring countries have passport or proof border certification by the People's Committee or the police communes, wards and towns for .

Article 7.

1. Foreigners who enter and exit Vietnam must have a valid passport or papers worth changed passport (collectively, passport) and must have a visa by the State agency authorized level of Vietnam, unless they are exempt from visa requirements.
2. Residents in the border area neighboring the border areas to Vietnam must have passport or identification card in accordance with the border agreement on border regulation signed between Vietnam and neighboring countries concerned.

Article 8.

1. Transport of Vietnam and abroad as exit and entry via border gates must have the following documents:
 - a) vehicle registration papers;
 - b) license that transport;
 - c) permit passenger and goods (if any);
 - d) certificate of technical safety and environmental protection.
2. Drivers of vehicles, passengers and goods on the vehicle must have the following papers:
 - a) The documents specified in Article 6, Article 7, Article 9 of this Decree;
 - b) license control means (for control means).

Article 9. Goods for export, import, transit and transport means on exit, entry, transit through border gates have full legal documents, implementation guidelines and procedures prescribed by the customs legislation, the provisions of the law of Vietnam and relevant international treaties which Vietnam Nam has signed or acceded to.

Article 10. Procedure for Cross-Border countries in sub-gate was conducted at border checkpoints office prescribed by law.

CHAPTER III MANAGEMENT ACTIVITIES IN GATE AREA

Article 11. Gate areas include:

1. Regional transit (for the international border gates).
2. Area inspection and control for vehicles and goods the export and import through border.

3. Area shelters procedures.
4. Regional export procedures, type of body functions.
5. Head Office of the functional departments and related agencies.
6. Regional warehouses, goods yards are gathered awaiting export, import.
7. Area for duty-free shops.
8. Area for services and trade.
9. Parking areas, parking terminals.
10. Restricted areas; other areas (if any).

Article 12.

1. Who are staying at the gate area.
 - a) Officers and soldiers, employees of state management agencies and specialized agencies concerned with headquarters or office in gate areas;
 - b) Employees of agencies, organizations and individuals operating services, trade Trade in gate area.
2. For those cases to save the border gate area not completed because of exit procedures for the means; export for goods or facilities are damaged, they must sign up temporary residence in accordance with and subject to inspection and control rooms Don Bien border gate.

Article 13.

1. For services, commercial agency staff, organizations and individuals in the gate area must be licensed by the People's Committees or bodies under the specialized management-level authority.
2. People, facilities, goods do export and import through border gates have full legal documents and subject to inspection and control bodies competent in the gate under the provisions of law .

Article 14. In the gate area, all activities of the people, facilities must abide by the provisions of Government Regulation on the border areas, the provisions of this Decree and subject to the guidance, inspection and control of the competent authority as prescribed by law.

Article 15. Strictly prohibit the following activities in the area gate

1. Behavior change signs and directions of the national border; alter the natural flow of rivers, streams border; damage national landmark world works and other devices, other signs gate areas, border belt, the forbidden.
2. Using passports, papers Author; organization, navigation, transport of exit and entry illegally.
3. Instigate or commit acts of vandalism and security, causing loss of public order, no executive or prevent the inspection and control of force management specialized use, sale, transportation, financial advocacy materials, books, harmful cultural products.
4. Smuggling, transporting or unauthorized use of goods, money, weapons, explosives, high fire, toxic substances, radioactive substances, narcotics and other goods banned from export state, imported.
5. Trafficking in women and children.
6. Means to use, welcoming people, transport, organizing, unloading goods not specified in the right place, go into restricted areas.
7. Person, means that, in the gate area not yet fully completed the paperwork and procedures prescribed.

8. Dispose of waste lose sanitation, causing environmental pollution.
9. Other activities contrary to the provisions of current law.

CHAPTER IV
LIABILITY MANAGEMENT ACTIVITIES
EXPORT, IMPORT THROUGH border

Article 16.

1. Government unified management of production activities, enter through border gates in the whole country.
2. The ministries, branches and functions within the duties and powers shall be responsible for directing, guiding forces, specialized agencies under the door of the border inspection and control, as the export procedures, in accordance with the law.
3. Provincial People's Committee has agreed border gates with ministries, branches and functions of planning, building gate, ensuring that production activities, enter and inspect and control in gate area.

Article 17. In the case because of defense and security reasons or other special request of the countries concerned, to decide on restrictions or suspension of activities and the border shall be as follows:

1. Prime Minister's decision to limit or halt operations at the international border gate at the request of the Minister of Defense; for the other cases follow the provisions of the law.
2. Chairman of provincial People's Committee decided to limit or halt operations at the border gate at the request of sub commander Chief Border Guards province.
3. Commander Border Guards provinces
 - Decision limit or halt operations at the main gate (except gate international) does not exceed 06 hours.
 - Decision limit or halt operations at the gate side or back roads temporarily not exceed 12 hours.
4. Border Patrol Chief Don Don is the right decision limit or halt operations at the gate side or back roads temporarily not exceed 06 hours.

Article 18.

1. At the international border gate area, main gate checkpoints were built as planned unity, ensure the state management agency specialized chains operating under control:

Door export: Customs - Quarantine (health, animals, plants) - Border Guards;

Door count: Border Guards - Quarantine (health, animals, plants) - Customs;

2. At the gate side, checkpoints were built as planned uniformity of the provincial People's Committee.
3. State management agency specialized in gate operations are arranged in workplace inspection station in accordance with the functions and duties of each force.

Article 19.

1. The State management agency specialized in operating the gate functions, duties and powers prescribed by law and is responsible for coordination, in the same half of the tasks and solve problems arising at the gate.
2. Officers, soldiers, employees of state management agencies in major border gates, while on duty must wear clothing industry, marine wear, badges controlled by regulations.

Article 20. Border Patrol Chief Don Don gate lead and coordinate with the State management agency specialized in gate and local governments solve the problems related to management activities, protect the sovereignty, security national borders, maintain security, order and social safety in the gate area.

**CHAPTER V
REWARDS AND HANDLING OF VIOLATIONS**

Article 21. Agencies, organizations and individuals with outstanding achievements in the implementation of this Decree shall be rewarded in accordance with the law.

Article 22. All violations of organizations and individuals with the provisions of this Decree shall be handled in accordance with the law.

**CHAPTER VI
Implementing Provisions**

Article 23. This Decree takes effect 15 days from the date of notice. The previous regulations contrary to this Decree are hereby repealed.

Article 24.

1. Annual Department of Defense to coordinate with the Ministry of Finance, Ministry of Planning and Investment estimation budget to implement this Decree.
2. Ministry of Defense shall, in coordination with other ministries and branches concerned to guide and supervise the implementation of this Decree.

Article 25. The ministers, heads of ministerial-level agencies, heads of agencies under the Government, President's Committee of provinces and cities directly under the Central Government shall implement this Decree. /.

TM. GOVERNMENT

PRIME

(Signed)

Phan Văn Khải