

train controllers, organizing and performing the locomotive-carriage shunting and coupling in service of the organization of train operations; cargo loading and unloading, passenger transportation of the stations according to train operation commands, process and regulations, technical management rules of stations.

2. Couplers are persons who are subject to the direct command and administration of chief shunters, performing the locomotive-carriage shunting and coupling according to the stations' technical management process, regulations and rules.

3. Chief shunters and couplers shall have the responsibility to inspect necessary safety conditions in accordance with the regulations on technical standards, professional standards and other matters related to train operation safety while performing the assigned tasks.

Article 54.- Railroad, bridge, tunnel patrollers, tunnel guards; crossroad, common bridge guards

1. The railroad, bridge and tunnel patrollers and tunnel guards shall have the following responsibilities:

a) To check and monitor regularly and detect in time failures, obstacles and handle them to ensure train operation safety within the assigned geographical boundaries; to fully note down in patrol and guard books and report thereon to superiors according to regulations;

b) To repair, handle in time minor failures, obstacles; to participate in maintaining railroads, bridges, tunnels as assigned;

c) To promptly protect, quickly notify or signal trains to stop upon detection of failures, obstacles which threaten the railway communications and

transport safety; to participate in protection of railway infrastructures and railway traffic means within the assigned scope.

2. Crossroad, common bridge guards shall have the following responsibilities:

a) To close, open crossroad barriers in time, ensure safety for people and means joining in land traffic when railway traffic means run across crossroads;

b) To directly check, preserve, maintain and use works, crossroad barrier equipment compatible with regulations on technical standards, process and regulations.

Chapter V

URBAN RAILWAYS

Article 55.- Types of urban railway

1. Urban railways shall include subways, overhead trains, automatic-guided mono-rail and iron-wheel tramways.

2. Urban railway investment, construction, management and business shall be organized by provincial-level People's Committees.

Article 56.- Urban railway development policies

1. The State shall mobilize resources for development of urban railway into one of the major traffic modes in big cities.

2. Provincial-level People's Committees shall propose undertakings on construction investment, incentive policies to attract resources for investment in construction and exploitation of urban railways.

3. Organizations and individuals investing in the construction of urban railways shall be entitled to

reserve electricity supply system for subway stations.

Article 60.- Scope of work protection and urban railway traffic safety corridors

1. The urban railway work protection scope and urban railway traffic safety corridors must ensure safety for means and people participating in railway traffic; conform to types of urban railway traffic means and urban terrains and structures.

2. The urban railway work protection scope and urban railway traffic safety corridors shall be defined by the Minister of Transport for each urban railway traffic mode.

Article 61.- Management and maintenance of urban railway infrastructures

1. Urban railway business enterprises shall have the responsibility to maintain urban railway infrastructures invested by the State through bidding or public-utility product and/or service orders placed by provincial-level People's Committees.

2. Provincial-level People's Committees shall stipulate the management and maintenance of urban railway infrastructures by organizations or individuals investing in urban railway business according to the provisions of law.

Article 62.- Urban railway transport business

1. Urban railway transport business is a conditional business.

2. The ticket prices of urban railway transportation shall be stipulated by provincial-level People's Committees.

The urban railway transport freight subsidy shall

be implemented under contracts between provincial-level People's Committees and urban railway transport enterprises.

3. The urban railway transport enterprises must ensure safe, regular and timely train operations.

4. The urban railway transport enterprises must buy civil liability insurance according to the provisions of law on insurance business.

Chapter VI

RAILWAY TRAFFIC SIGNALS AND RULES, ASSURANCE OF RAILWAY COMMUNICATIONS AND TRANSPORT ORDER AND SAFETY

Section 1. RAILWAY TRAFFIC SIGNALS AND RULES

Article 63.- Railway traffic signals

1. The railway traffic signal system shall include orders of persons participating in controlling train operations, color light signals, semaphore signals, signal boards, protection flares, torches and signals of trains. The signal displays are orders and conditions for train operation and shunting.

2. Orders of persons participating in controlling train operations shall include banners, whistles, telephones, lights and hand signals.

3. Color signal lights are those used to signal train drivers to operate trains to enter, exit or get through stations, or stop the trains.

4. Semaphore signals are those used to signal train drivers to operate trains in, out or past stations, or to stop at places where there are no color light signals.

5. Signal boards shall include the two following groups:

- a) Signal boards for supply of necessary information to train drivers;
- b) Signboards, sign-markers for compelling train drivers to abide by.

6. Protection flares, torches, red light, rotating hand devices for signaling trains to urgently stop.

7. Trains' signals shall include lights, horns, rear signal boards and banners.

8. The Minister of Transport shall specify the railway traffic signals.

Article 64.- Train operation command

1. The train operation in each depot-to-depot section shall be commanded by only one train-running controllers. Superiors' train operation orders must be executed through train-running controllers' commands. Direct station train controllers, train captains, train drivers must strictly abide by the train-running controllers' commands.

2. Within railway stations, direct station train controllers shall be the persons commanding the train operations. Train captains and drivers must abide by the orders of station train controllers or by the signals' display.

3. Onboard trains, train captains are the persons commanding to ensure safe train operation.

4. On single locomotives, urban trains, train drivers are the persons commanding the train operation.

Article 65.- Train speed

1. Train speed must not exceed the speed provided in the speed pass for each rail route,

depot-to-depot section or station-to-station section and comply with train operation timetable.

2. At railway sections with warning signs indicating speeds other than those provided in speed pass, train drivers must operate trains at the lowest speed to ensure safe train operation.

Article 66.- Train formation

1. The train formation must strictly comply with the railway technical process and regulations.

2. Only carriages satisfying technical safety standards can be coupled.

3. It is forbidden to couple carriages carrying animals or stinky goods, inflammables, explosive, or hazardous substances, dangerous commodities with passenger trains.

Article 67.- Train shunting

1. Train shunting means moving locomotives, carriages from one position to another within a railway station or a station-to-station section. Train shunting must be conducted under plans of direct station train controllers.

2. In the course of train shunting, train drivers must obey the command of chief shunters.

Article 68.- Operating trains

1. When operating trains, train drivers must observe the following regulations:

- a) To operate trains to move out of stations, get through stations, stop, give ways or overtake in stations on the order of direct station train controllers;

- b) To be allowed to operate trains into station-to-station sections only where there are

possessions;

c) To be allowed to operate trains to enter stations, get past stations according to color light signals, semaphore signals and signals of direct station train controllers;

d) To run train at the speeds provided for in Article 65 of this Law;

e) In the course of operating trains, train drivers and assistant drivers on duty must not leave the working places.

2. Passenger trains can run only when all doors of passenger cars are closed. Passenger cars' doors shall be opened only when trains have completely stopped in railway stations.

Article 69.- Giving ways, overtaking by trains

1. Giving ways, overtaking by trains must be done in railway stations.

2. Train drivers shall give way to, overtake other trains on national railways, specialized railways by order of direct station train controllers; on urban railways, by order of urban train operators.

Article 70.- Stopping, reversing trains

Train drivers must stop trains when seeing stop signals; when detecting circumstances which threaten train operation safety or when receiving signals for emergency stop, they are allowed to urgently stop or reverse the trains. In cases of urgent stop or reversal, train captains and drivers shall have the responsibility to notify the station authorities thereof according to regulations on train operation process.

Article 71.- Traffic at crossroads, on common bridges, in tunnels

1. At crossroads and on common bridges, the

traffic priority right shall belong to trains.

2. Train drivers must blow whistles before entering crossroads, must switch on the headlights when running in tunnels.

3. Land traffic participants traveling through crossroads and common bridges must comply with the provisions of Article 23 of the Law on Road Traffic.

4. At crossroads or on common bridges with guards, when signal lights do not work or give wrong signals against regulation, when road barriers are out of order, the crossroad guards, common bridge guards must control the traffic.

Article 72.- Abiding by railway traffic signals

1. Persons directly participating in train operation must abide by the railway traffic signals.

2. Train drivers must abide by the signals safest for people and means when simultaneously receiving different signals or unclear signals; in cases of signals given directly by traffic controllers, they must abide by the signals of such controllers.

3. In cases where iron-wheel trams join in road traffic, the tram drivers must abide by the road traffic signals.

Section 2. ASSURANCE OF RAILWAY COMMUNICATIONS AND TRANSPORT ORDER AND SAFETY

Article 73.- Activities of ensuring railway communications and transport order and safety

1. Activities of ensuring railway communications and transport order and safety shall include:

a) Ensuring safety for people, means, property

of the State and people in railway communications and transport activities;

b) Ensuring the concentrated and unified control of communications and transport activities on national railways or urban railways.

2. Organizations and individuals must observe the legal provisions on ensuring railway communications and transport order and safety.

3. Acts of violating the regulations on railway communications and transport order and safety must be detected in time, strictly handled according to law.

4. Organizations and individuals participating in railway communications and transport activities, the railway security forces shall have the responsibility to ensure railway communications and transport order and safety. The police forces and local administrations at all levels in localities where railway stations are located and rail routes run through shall, within the scope of their respective tasks and powers, have the responsibility to ensure railway communications and transport security, order and safety.

Article 74.- Contents of railway communications and transport controlling

1. Controlling communications and transport on national railways, urban railways shall cover the following contents:

a) Making timetable and path allocation without discrimination between railway transport enterprises; publicizing train operation timetable;

b) Commanding train operations in a concentrated and unified manner, ensuring safe and smooth operations according to the publicized train operation timetable, process, regulations and

the superiors' orders;

c) Commanding the handling of urgent or extraordinary incidents occurring on railways; mobilizing means, equipment and human resources of enterprises in the railway sector for work of rescue and remedy of railway incidents; participating in analyzing the causes of incidents; requesting railway infrastructure or railway transport enterprises to apply measures to prevent and combat incidents, raise the quality, reliability and safety of railway communications and transport;

d) Suspending train operation when deeming it threatening to cause unsafety for train operations; adjusting itineraries of trains in each depot-to-depot section, each rail route, the entire railway networks in order to restore train operation timetable after accidents or incidents;

e) Signing contracts with railway infrastructure enterprises for use of railway infrastructure for train operation; signing contracts with railway transport enterprises for provision of controlling services and other services related to railway communications and transport;

f) Receiving and synthesizing information related to railway communications and transport control;

g) Requesting competent state agencies to recover safety certificates of railway business enterprises when detecting that such enterprises have failed to satisfy the conditions prescribed in the safety certificates;

h) Coordinating with international railway organizations in controlling railway communications and transport.

2. Financial sources for activities of controlling national railway or urban railway communications and transport shall include:

a) Charges for services on controlling railway communications and transport activities;

b) Other revenue sources as provided for by law.

Article 75.- Safety certificate

1. To be entitled to participate in railway communications and transport activities, railway business enterprises must acquire safety certificates issued by state management agencies in charge of railway activities.

2. To be granted safety certificates, railway business enterprises must satisfy the following conditions:

a) Personnel managing, controlling and serving railway communications and transport activities of railway business enterprises must be trained to suit their respective titles and technical grades;

b) Railway traffic means owned or hired by railway transport enterprises must ensure the technical safety standards which have been certified by registry offices and must be suitable to railway infrastructures;

c) Railway infrastructures of railway infrastructure enterprises must ensure safety and be suitable to the railway technical grades announced by the enterprises in the speed pass, load pass and information related to railway communications and transport activities.

3. The Ministry of Transport shall specify the conditions, contents of, and procedures for granting safety certificates and types of railway business enterprises which must acquire safety certificates.

Article 76.- Train operation timetable

1. Train operation timetables constitute a basis for organizing train operations, which are

elaborated annually, periodically and seasonally for each route and the entire railway network. The train operation timetables must be formulated on the principle of non-discrimination and publicization to all railway transport enterprises.

2. The formulation of train operation timetables must be based on the following elements:

a) Transport enterprises' demands in terms of transport duration, goods volumes, numbers of passengers and transport quality; transport routes, departure, stop and destination stations;

b) Capacity of railway infrastructures and railway transport means;

c) The time needed for the maintenance or repair of railway infrastructures;

d) The priority order for trains running on the same routes.

3. The Minister of Transport shall define the priority order for trains.

Article 77.- Train operation timetable-formulating order

1. Train operation timetable drafts must be based on the provisions of Clause 2, Article 76 of this Law and sent to railway business enterprises and state management agencies in charge of railway activities.

2. In cases where any railway transport enterprises disagree with the train operation timetable drafts, the railway communications and transport-controlling organizations shall assume the prime responsibility for negotiations and agreement with relevant railway transport enterprises, railway infrastructure enterprises. In case of failure to reach agreement, bidding shall be held and the railway transport enterprises which

offer the highest payable charge for use of infrastructures shall be allocated train operation timetables according to their demands.

3. The process of formulating train operation timetables specified in Clauses 1 and 2 of this Article shall be supervised by state management agencies in charge of railway activities.

Article 78.- Principles for train operation controlling

Train operation controlling must observe the following principles:

1. Being concentrated and unified; compliant with the publicized train operation timetables, process, regulations;

2. Ensuring safe and smooth railway communications and transport according to train operation timetables;

3. Being non-discriminatory between railway business enterprises.

Article 79.- Handling of railway incidents, violations upon detection thereof

1. Persons who detect acts or incidents which may obstruct or cause unsafety to railway communications and transport shall have to report them in time to station authorities, railway units, local administrations or the nearest police offices for taking handling measures; in case of urgency, measures must be taken immediately to signal the trains to stop.

2. Organizations or individuals that receive such reports or signals to urgently stop the trains must take immediate handling measures to ensure railway communications and transport safety and notify units which directly manage the railway

infrastructures thereof so as to take initiative in coordinating with relevant units in quickly applying remedies.

3. Organizations or individuals that commit acts of obstructing, or causing unsafety to, railway communications and transport must be handled and pay compensations according to the provisions of law.

Article 80.- Responsibility to maintain order and safety in railway activities of railway business enterprises

1. Railway business enterprises shall have the responsibility to organize the maintenance of order and safety in railway activities under their respective management; to assume the prime responsibility for, and coordinate with police offices, local administrations in, preventing, stopping and handling according to competence acts of violating the legislation on railways and take responsibility before law for their own decisions.

2. The train security forces shall be equipped with facilities, uniforms, badges, support tools under the Government's regulations and have the following tasks:

a) To detect and stop acts of infringing upon the life, health, property of people, causing disorder, unsafety and other acts of law violation onboard trains; to temporarily hold in custody according to administrative procedures and hand over the violators to station chiefs, police offices of local administrations when trains stop at the nearest stations;

b) To stop, apply coercive measures against persons who commit acts of illegally obstructing train operations, throwing earth, rocks or other objects thus causing damage or unhygiene to

trains; to temporarily hold in custody and hand over violators to station chiefs, police offices or local administrations when trains stop at the nearest stations;

c) To coordinate with the railway infrastructure-security forces, police forces and local administrations in promptly detecting and preventing acts of encroaching upon railway infrastructures, railway traffic means, causing unsafety to railway communications and transport;

d) To participate in settling, redressing incidents, natural disasters, railway accidents as defined in Article 11 and Article 37 of this Law.

Article 81.- Police forces' responsibility to ensure security, order and safety in railway activities

The police forces shall, within the scope of their tasks and powers, have to assume the prime responsibility for, and coordinate with railway security forces, railway inspectorate, railway officials, public servants and employees and local administrations in localities where railway stations are located and/or railways run through in, organizing the maintenance of security, order and safety in railway activities.

Article 82.- People's Committees' responsibility to ensure security, order and safety in railway activities

1. People's Committees at all levels shall, within the scope of their tasks and powers, have to organize the implementation of the provisions of Clause 2, Article 10 of this Law in order to raise the people's sense of maintaining railway traffic security, order and safety.

2. People's Committees at all levels of the localities where railway stations are located and/

or rail routes run through shall have the following responsibilities:

a) To direct the local police forces in coordinating with the railway security forces to prevent and handle in time acts of encroaching upon railway infrastructures and/or railway traffic means and other acts of violating the legislation on railway communications and transport safety;

b) To participate in settling railway traffic accidents under the provisions of Article 11 of this Law.

Chapter VII

RAILWAY BUSINESS

Article 83.- Railway business activities

1. Railway business activities cover railway infrastructure business, railway transport business and provision of services in support of railway transport.

2. Railway business is a conditional business. The Government shall specify the conditions, contents, order of granting, amending, supplementing, withdrawing railway business registration certificates.

Article 84.- Non-discrimination in railway business

In railway business, the following acts of discrimination must not be committed:

1. Permitting the use of railway infrastructures and railway communications and transport services under preferential conditions without plausible reasons;

2. Requesting railway business enterprises to

meet railway communications and transport safety conditions higher than those promulgated by the Minister of Transport;

3. Putting forth conditions with a view to prioritizing a specific enterprise;

4. Not permitting railway transport business enterprises to use railway infrastructures without plausible reasons;

5. Not issuing safety certificates on time or delaying the hand-over of safety certificates without plausible reasons;

6. Putting forth unlawful conditions to prevent enterprises from participating in railway business.

Article 85.- Railway infrastructure business

1. Railway infrastructure business means activities of investing in, managing, maintaining railway infrastructures for sale, contracting, lease or collecting charges for use of railway infrastructures and other services on the basis of tapping the capacity of railway infrastructures managed by the enterprises.

2. Organizations or individuals using railway infrastructures of the State or other organizations or individuals for business activities must pay rentals or charges for use of railway infrastructures.

3. The State-invested railway infrastructures shall be assigned to enterprises for business via bidding, order placement or plan assignment.

4. Organizations or individuals investing in the construction of railway infrastructures shall be entitled to do business on the railway infrastructures they have invested in.

Article 86.- Railway infrastructure-using

charges, rentals

1. The railway infrastructure-using charges are sums payable for operating trains on rail route sections or depot-to-depot sections. routes,

2. The railway infrastructure rentals are sums payable for use of one or a number of railway works not directly related to train operations.

3. The Prime Minister shall specify the rates of charges and rentals for use of infrastructures invested by the State. -- and rentals for use of railway - 'invested' . The charges in such railway infrastructures. infrastructures not by the State shall be decided by investors

Article 87.- The financial sources for management and maintenance of State-invested railway infrastructures

1. The financial sources for management and maintenance of State-invested railway infrastructures shall include:

- a) The state budget;
- b) Other revenues as provided for by law.

2. The management and use of financial sources from the state budget for management and maintenance of railway infrastructures shall comply with the regulations of the Government.

Article 88.- Rights and obligations of railway infrastructure enterprises

1. Railway infrastructure enterprises shall have the following rights:

a) To do business with railway infrastructures according to the contents of the granted railway infrastructure business registration certificates;

b) To request organizations or individuals

conducting activities related to railway infrastructures under their respective management to strictly observe the technical process and regulations on railway infrastructures;

c) To be placed orders or assigned plans by the State for activities of managing and maintaining State-invested railway infrastructures under their respective management;

d) To participate in bidding for, execution of railway infrastructure investment projects of other investors;

e) To lease railway infrastructures they have invested in;

f) To set and submit for approval rates of rental, charge for use of State-invested railway infrastructures under their respective management; to decide on rental, charge rates for use of railway infrastructures they have invested in;

g) To suspend train operations when deeming that railway infrastructures threaten train operation safety;

h) To be compensated for damage in cases where railway infrastructures are damaged by other organizations or individuals that are at fault;

i) Other rights as provided for by law.

2. Railway infrastructure enterprises shall have the following obligations:

a) To manage railway infrastructure capital and assets invested by themselves or assigned by the State under the provisions of law;

b) To maintain the technical conditions and raise the quality of railway infrastructures under their respective management, ensuring constantly safe and smooth railway traffic;

c) To publicize annual stable speed passes, load passes, which are suitable to the permitted

technical conditions on rail routes, route sections, depot-to-depot sections under their respective management, for use as bases for train operations;

d) To supply technical and economic information related to railway infrastructure capacity at the request of customers, railway communications and transport-controlling organizations and state management agencies in charge of railway activities;

e) To draw up plans for management, maintenance and investment development of railway infrastructures, meeting the transport demands and conforming to the planning on railway communications and transport development;

f) To prevent, combat and promptly address consequences of incidents, natural disasters, railway traffic accidents in order to ensure safe and smooth railway traffic; to submit to the direction and force mobilization by natural disaster-preventing and fighting and railway traffic accident-handling organizations according to regulations;

g) To notify in time incidents threatening train operation safety and the suspension of train operations to direct station train controllers at both ends of the station-to-station section where the incidents have occurred and railway communications and transport controllers;

h) To pay compensations for damage caused by their faults according to the provisions of law;

i) Other obligations as provided for by law.

Article 89.- Railway transport business

1. Railway transport business shall cover the business in transportation of passengers, luggage and cargo luggage and cargo transportation on railways.

2. Railway transport business enterprises shall be allowed to use railway infrastructures and be provided with railway traffic services only when they fully satisfy the following conditions:

- a) Having railway transport business registration certificates;
- b) Possessing safety certificates;
- c) Having contracts on the provision of railway communications and transport-controlling services by railway communications and transport- controlling organizations.

Article 90.- Rights and obligations of railway transport business enterprises

1. Railway transport business enterprises shall have the following rights:

- a) To conduct railway transport business according to the contents of their granted railway transport business registration certificates;
- b) To be equally treated when participating in railway transport business;
- c) To use railway infrastructures on rail routes, route sections, station-to-station sections under contracts on use of railway infrastructures;
- d) To be assured of the quality of railway communications and transport-controlling services and railway infrastructure capacity as committed by railway communications and transport- controlling organizations;

e) To be supplied with technical and economic information related to railway infrastructure capacity;

t) To suspend train operations of enterprises when deeming that railway infrastructures threaten to cause unsafety to train operations;

g) To be compensated for damage caused by

faults of railway communications- and transport-controlling organizations or railway infrastructure enterprises;

h) Other rights as provided for by law.

2. Railway transport business enterprises shall have the following obligations:

a) To organize train operations according to timetables, load passes, speed passes, which have been publicized by railway infrastructure enterprises;

b) To pay charges, rentals for use of railway infrastructures and railway traffic services;

c) To fully meet the train operation safety conditions in the course of exploitation;

d) To promptly notify railway communications and transport-controllers of the suspension of train operations of enterprises;

e) To submit to the direction, force mobilization by railway communications-and transport- controlling organizations and natural disaster- preventing and fighting as well as railway traffic accident-handling organizations according to regulations;

t) To pay compensations for damage caused by their faults according to the provisions of law;

g) To supply information on transport demands, capacities of transport means and equipment to railway communications and transport-controlling organizations in service of formulation and distribution of train operation timetables and to railway infrastructure business enterprises, which shall serve as basis for elaboration of plans on investment in upgrading, maintenance of railway infrastructures;

h) Other obligations as provided for by law.

Article ~1.- Passenger transportation contracts

1. Contracts for passenger transportation mean the agreement between railway transport business enterprises and passengers, cargo luggage consignors on transportation of passengers, luggage, cargo luggage, whereby the railway transport business enterprises undertake to transport passengers, luggage, cargo luggage from departure places to destination places. The contracts for transportation of passengers, luggage, cargo luggage determine the relations in obligations and interests between parties and shall be made in writing or other forms agreed upon by the two parties.

2. Passenger tickets are evidences of the conclusion of contracts on passenger transportation. Passenger tickets shall be issued by passenger transportation business enterprises in forms registered with competent state management agencies.

Article 92.- Cargo transportation contracts

1. Contracts for cargo transportation mean the agreement between railway transport business enterprises and transport hirers, whereby the railway transport business enterprises undertake to transport cargoes from places of reception to places of delivery to cargo consignees specified in the contracts. The cargo transportation contracts determine relations in obligations and interests between the parties and shall be made in writing or other forms agreed upon by the two parties.

2. Cargo consignment invoices constitute a part of the transportation contracts, issued by railway transport business enterprises in forms registered with competent state management agencies. The railway transport business enterprises shall have to make invoices and hand them to transport hirers

after the transport hirers consign cargoes; contain the signatures of transport hirers or their authorized persons. The invoices are documents on cargo delivery and reception between railway transport business enterprises and transport hirers, and the evidence for settlement of disputes.

3. Cargo consignment invoices must clearly state types of cargoes; signs and codes of cargoes; volumes and weight of cargoes; places of cargo delivery, places of cargo reception, names and addresses of cargo consignors, names and addresses of cargo consignees; transport freight and arising expenses; other details inscribed in the invoices under the agreement between the railway transport business enterprises and the transport hirers; the certification by railway transport business enterprises of conditions of cargoes received for transportation.

Article 93.- Ticket prices, railway transport freight

1. The ticket prices of passenger transportation, freight of luggage, cargo luggage, cargo transportation on railways shall be decided by railway transport business enterprises.

2. The ticket prices and transportation freight must be publicized and posted up at railway stations at least five days before the application thereof, for passenger, luggage and cargo luggage transportation, and ten days for cargo transportation, except for case of price reduction.

3. Freight for transportation of superlong, superweight cargoes shall be agreed upon by railway transport business enterprises and transport hirers.

4. The ticket price exemption or reduction for social policy beneficiaries shall comply with the

regulations of the Government.

Article 94.- International transportation

1. International transportation means the transportation from Vietnam to foreign countries, transportation from foreign countries to Vietnam or transit in Vietnam to a third country by railways.

2. Railway transport business enterprises of all economic sectors, when participating in international transportation, must satisfy all the conditions specified in Article 89 of this Law and the provisions of international treaties on railway transport, to which the Socialist Republic of Vietnam is a contracting party.

Article 95.- Transportation in service of special tasks

1. Transportation in service of special tasks means the transportation of people, cargoes and equipment to overcome consequences of natural disasters, accidents, to combat epidemics, to perform urgent defense or security tasks.

2. Railway transport business enterprises shall have to carry out the transportation in service of special tasks at the request of heads of competent state agencies according to the provisions of law.

Article 96.- Services in support of railway transportation

Services in support of railway transportation shall include:

1. Railway communications and transport controlling;

2. Cargo loading and unloading;

3. Cargo warehousing, preservation; 4. Cargo delivery and reception;

5. Transport agency;

6. Transport means lease, purchase, repair;

7. Other services related to the organization and implementation of transportation of passengers, luggage, cargo luggage and cargoes by rail.

Article 97.- Rights and obligations of passenger, luggage, cargo luggage transport business enterprises

1. Railway transport business enterprises, when doing business in passenger, luggage and cargo luggage transportation shall have the following rights:

a) To request passengers to fully pay freight for transportation of passengers, cargo luggage and freight for transportation of luggage in excess of the prescribed levels;

b) To check the weight, packing specifications of cargo luggage of consignors and consigned luggage of passengers before transportation thereof; in case of any doubts about the truthfulness of declaration on the categories of cargo luggage, consigned luggage against reality, to request the consignors or passengers to open the cargo luggage or consigned luggage for check;

c) To refuse to transport passengers violating the regulations of railway transport business enterprises;

d) The rights defined in Clause 1, Article 90 of this Law.

2. Railway transport business enterprises, when doing business in transportation of passengers, luggage, cargo luggage shall have the following obligations:

a) To publicly post up necessary regulations related to train passengers;

b) To transport passengers, luggage, cargo luggage from places of departure to places of destination inscribed in tickets and ensure safety, timeliness;

c) To serve passengers in a civilized, elegant and thoughtful manner and to organize forces in service of disabled passengers entering stations, embarking trains, disembarking trains comfortably;

d) To ensure minimum conditions for passengers' *daily-life activities* in case of transport interruption due to accidents, natural calamities or enemy sabotage;

e) To hand over passenger tickets, luggage tickets, cargo luggage tickets to passengers who have already made full payment;

f) To refund ticket money, to compensate for damage and other arising expenses when causing loss of, or damage to, human lives and/or health as well as property of passengers due to the faults of railway transport business enterprises;

g) To submit to and create favorable conditions for competent state management agencies to check passengers, luggage and/or cargo luggage when necessary;

h) Other obligations defined in Clause 2, Article 90 of this Law.

Article 98.- Responsibility for insurance in passenger transportation business

1. Passenger transportation business enterprises must buy insurance for passengers; the insurance premiums shall be calculated in passenger ticket prices.

2. Passenger tickets, train travel papers are evidence for payment of insurance indemnities upon the occurrence of insured incidents.

3. The passenger insurance shall comply with the provisions of legislation on insurance business.

Article 99.- Rights and obligations of passengers, cargo luggage consignors

1. Passengers and cargo luggage consignors shall have the following rights:

- a) To be transported according to tickets;
- b) To be exempt from freight for 20 kilograms of accompanied luggage; the freight exemption for over 20 kilograms shall be stipulated by railway transport business enterprises;
- c) To be refunded the ticket money, compensated for damage according to the provisions of Point f, Clause 2, Article 97 of this Law;

d) To be entitled to return tickets at departure stations within the prescribed time limits and receive back the ticket money after deduction of fees;

e) To have their lives and health insured under the provisions of law.

2. Passengers and cargo luggage consignors shall have the following obligations:

- a) Passengers travelling by trains must have valid passenger tickets and luggage tickets and have to protect their accompanied luggage by themselves. Train travellers having no tickets or invalid tickets shall have to buy supplementary tickets according to the regulations of railway transport business enterprises;
- b) Passengers having consigned luggage and cargo luggage consignors must declare the appellations, volumes of goods, pack goods according to regulations and assign them to railway transport business enterprises on time, at the right places and take responsibility for their declarations;

c) Passengers, cargo luggage consignors must compensate for loss of, or damage to, property of railway transport business enterprises;

d) Passengers must strictly abide by the train regulations and relevant provisions of law.

Article 100.- Rights and obligations of cargo transport business enterprises

1. Railway transport business enterprises, when doing business in cargo transportation, shall have the following rights:

a) To refuse to transport goods failing to comply with the regulations on packing, packages, signs, codes of goods and goods banned by the State;

b) To request transport hirers to open packages for examination in case of doubts about the truthfulness of their declaration on types of goods as compared with reality;

c) To request transport hirers to fully pay transport freight and arising expenses;

d) To request transport hirers to pay compensations for damage they have caused due to their faults;

e) To request goods expertise when necessary;

f) To hold goods in cases where transport hirers fail to fully pay transport freight and arising expenses as agreed upon in contracts;

g) To handle goods which consignees decline to receive, abandoned goods under the provisions of Article 106 of this Law;

h) To fine for unuse of wagons due to slow loading, unloading of cargoes;

i) The rights defined in Clause 1, Article 90 of this Law.

2. Railway transport business enterprises, when

doing business in cargo transportation, shall have the following obligations:

a) To publicly post up the necessary regulations related to cargo transportation;

b) To transport cargoes to destination places and hand over the cargoes to consignees under transport contracts;

c) To promptly notify the transport hirers upon the arrival of cargoes transported to places of delivery, when the transportation is interrupted;

d) To keep and preserve cargoes in cases where consignees refuse to receive the cargoes or the cargoes cannot be delivered to the consignees and notify the transport hirers thereof;

e) To pay damages to transport hirers when causing loss of, damage to, the cargoes or late transportation due to railway transport business enterprises' faults;

f) Other obligations defined in Clause 2, Article 90 of this Law.

Article 101.- Rights and obligations of transport hirers

1. Transport hirers shall have the following rights:

a) To alter cargo transport contracts even when cargoes have been consigned to railway transport business enterprises or cargoes have been loaded onto carriages and to bear expenses incurred due to alteration of transport contracts;

b) To redesignate persons to receive the cargoes which have not yet been handed over to the previous eligible consignees; to change places of delivery or request the transportation of cargoes back to sending places and bear all costs incurred due to changes of cargo consignees or places of

delivery;

c) To be compensated when cargoes are lost, reduced in weight, damaged or deteriorated in quality, delayed in transportation due to the faults of railway transport business enterprises.

2. Transport hirers shall have the following obligations:

a) To declare their cargoes honestly and to be accountable for such declarations;

b) To pay freight on time and by modes agreed upon in contracts;

c) To pack their cargoes and satisfy the transport conditions under guidance of railway transport business enterprises;

d) To hand over cargoes to railway transport business enterprises on time, at the right places;

e) To supply papers, documents and other necessary information on cargoes;

f) To pay compensations for damage caused by dishonest declarations of cargoes to railway transport business enterprises or other damage caused due to their faults.

Article 102.- Transport of dangerous goods

1. Dangerous goods are goods which, when being transported on railways, may cause harms to human health or lives and environmental hygiene.

2. The railway transportation of dangerous goods must comply with the provisions of legislation on transportation of dangerous goods.

3. Only the railway transport means which fully satisfy the technical safety conditions can be allowed to carry dangerous goods.

4. Dangerous goods must not be loaded, unloaded in crowded railway stations, urban stations.

5. The Government shall define the list of dangerous goods and conditions for railway transportation of dangerous goods.

Article 103.- Transportation of live animals

1. The railway transportation of live animals requires escorts who must have train tickets.

2. Transport hirers must themselves be responsible for loading, unloading of live animals and cleaning carriages after the cargoes are unloaded. In cases where transport hirers fail to do so, they shall have to pay the costs of loading and unloading of live animals and carriage cleaning to railway transport business enterprises.

3. The railway transportation of live animals must comply with the regulations on hygiene, epidemic prevention, environmental protection and the regulations on cargo transport on railways.

Article 104.- Transportation of corpses, remains

1. Corpses and remains, when being transported on railways, require escorts. The escorts must have train tickets.

2. Corpses and remains can be transported on railways only when they are accompanied with adequate papers required by law and the procedures for transportation must be carried out at least twenty four hours before the trains leave. The corpses must be put in coffins, remains must be packed according the provisions of legislation on epidemic prevention and hygiene and environmental protection.

3. Corpses and remains must be removed from railway stations within two hours after the trains

arrive at the stations; if this regulation is violated, the railway transport business enterprises shall take timely handling measures and may request owners of such corpses or remains to pay all arising expenses.

Article 105.- Transportation of superlong or superweight cargoes

1. The railway transportation of superlong or superweight cargoes must be permitted by competent agencies or organizations.

2. Railway transport business enterprises, when transporting superlong or superweight cargoes, must work out plans for organizing loading, unloading, reinforcement, transportation, assurance of safety for train operations and railway infrastructures.

Article 106.- Handling of cargoes, luggage, cargo luggage without receivers or with receivers who refuse to receive them

1. Within ten days as from the date the railway transport business enterprises notify the transport hirers that their cargoes, luggage and/or cargo luggage have been transported to places of delivery but there are no receivers or the receivers refuse to receive the cargoes, the railway transport business enterprises shall have the right to deposit cargoes, luggage and/or cargo luggage into safe and appropriate places and immediately notify the transport hirers thereof; all arising costs must be borne by the transport hirers.

2. After the go-day time limit as from the date the railway transport business enterprises have notified the transport hirers and received no replies or do not receive the payment of arising expenses, the railway transport business enterprises shall

have the right to auction the cargoes, luggage and/or cargo luggage to pay for the arising expenses according to the provisions of legislation on auction; if the cargoes, luggage and/or cargo luggage are easy to decay or the bailment costs are too large as compared with the value of cargoes, luggage and/or cargo luggage, the railway transport business enterprises shall have the right to auction them before the time limit provided for in this clause, but must notify the transport hirers thereof.

3. Cargoes, luggage and/or cargo luggage, which are banned from circulation or restricted from transportation under regulations and have no receivers or the receivers refuse to receive them, shall be handed over to competent state agencies for handling.

Article 107.- Exemption of liability for damage compensation

Railway transport business enterprises shall be exempt from liability for compensation for loss of, or damage to, cargoes, consigned luggage and/or cargo luggage in the course of transportation in the following cases:

1. Due to the natural properties or inherent defects of the cargoes, consigned luggage and/or cargo luggage;

2. The cargoes, consigned luggage and/or cargo luggage are seized under coercive decisions of competent state agencies;

3. Due to force majeure events as provided for by civil legislation;

4. Due to the faults of passengers, transport hirers, cargo, luggage and/or cargo luggage consignees or the faults of escorts appointed by transport hirers or cargo consignees.

Article 108.- Limits of responsibilities of railway transport business enterprises

1. Railway transport business enterprises must compensate for the loss of, damage to, cargoes, consigned luggage and/or cargo luggage under the

following regulations:

a) According to the declared values, for cargoes, consigned luggage or cargo luggage requiring value declaration; in cases where railway transport business enterprises can prove that the actual values are lower than the declared values, the compensation levels shall be calculated according to actual damage values;

b) According to the values on goods purchase invoices or at market prices at the time of compensation, for goods without value declarations but only with type and weight declarations, depending on which calculation methods yield higher results;

c) For cargoes, consigned luggage or cargo luggage without value declaration, without goods purchase invoices, the compensation level shall be calculated according to the average value of goods of the same types, but must not exceed the compensation levels set by the Minister of Transport.

2. In addition to the compensation levels specified in Clause 1 of this Article, railway transport business enterprises must refund the passengers or transport hirers the transport freight and surcharges for the loss or damaged cargoes, consigned luggage and/or cargo luggage.

Article 109.- Settlement of disputes

1. Disputes over contracts in railway activities

shall be settled in the following forms:

a) Through negotiations, conciliation;

b) Settlement by arbitration or courts.

2. The dispute-settling order and procedures shall comply with the provisions of law.

Article 110.- Time limits for complaint

1. The time limits for complaint shall be agreed upon by the parties; in case of no agreement, the time limits for complaint shall be stipulated as follows:

a) Thirty days as from the date of causing loss of, or damage to, lives or health of passengers;

b) Sixty days for lost, decayed goods, counting from the date the goods have been delivered to consignees or would have been delivered to consignees;

c) Thirty days for consigned luggage or cargo luggage, which have been lost or decayed, counting from the date the consigned luggage or cargo luggage have been delivered to consignees or would have been delivered to consignees.

2. Within sixty days as from the date the complaints are received, the concerned railway transport business enterprises shall have to settle them.

Article 111.- Statute of limitations for lawsuit

The statute of limitations for lawsuit to request settlement of disputes over contracts in railway business activities shall comply with the provisions of legislation on civil procedures and legislation on commercial arbitration.

Chapter VIII

THE MINISTRIES

IMPLEMENTATION PROVISIONS

Article 112.- Regulations applicable to organizations, individuals engaged in railway activities

1. Contracts or written agreements related to railway activities, which have existed before this Law takes effect, shall remain valid for implementation within the time limits stated in such contracts or agreements.

2. After this Law takes effect, any amendments or supplements to contracts or agreements specified in Clause 1 of this Article must be made in accordance with the provisions of this Law.

3. The Government shall specify the conditions and time for organizations and individuals engaged in railway activities to adjust their structures, organizations and to operate in accordance with the provisions of this Law.

Article 113.- Implementation effect

This Law takes effect as of January 1, 2006.

Article 114.- Detailing and guiding the implementation

The Government shall detail and guide the implementation of this Law.

This Law was passed on June 14, 2005, by the National Assembly of the Socialist Republic of Vietnam, the Xfih Legislature, at its ~h session.

Chairman of the National Assembly
NGUYEN VAN AN

INTER -MINISTERIAL

THE MINISTRY OF TRADE -THE MINISTRY OF INDUSTRY

JOINT CIRCULAR No.1S/200SmLT/BTM-BCN OF AUGUST 9, 2005, GUIDING THE DEPOSITING/ GUARANTEE FOR IMPLEMEN- TATION OF EXPORT TEXTILE AND GARMENT QUOTAS

Pursuant to the Government's Decree No. 29/ 2004/ ND-CP of January 16, 2004, defining the functions, tasks, powers and organizational structure of the Ministry of Trade;

Pursuant to the Government's Decree No. 55/ 2003/ ND-CP of May 28, 2003, defining the functions, tasks, powers and organizational structure of the Ministry of Industry;

At the proposal of the Vietnam Textile and Garment Association,

The Ministry of Trade and the Ministry of Industry hereby jointly guide the depositing/guarantee for implementation of export textile and garment quotas as follows:

.GENERAL PROVISIONS