

KEY CHANGES IN VIETNAM'S DRAFT MARITIME AND INLAND WATERWAYS CODE

On 05 May 2026, Vietnam's Draft Maritime and Inland Waterway Code (the "Draft Code") was published for public consultation by the Ministry of Construction. It proposes to consolidate the 2015 Vietnam Maritime Code (the "**Maritime Code**") and the 2004 Vietnam Law on Inland Waterway Navigation (the "**Inland Waterway Law**"), including their amendments and supplements, into a unified regime for maritime and inland waterway activities. In this legal update, we highlight several key changes under the Draft Code.

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1. Expanded vessel definitions and amendments to registration and survey regimes

Under the Draft Code, there is a new concept of river vessel, defined as a mobile floating craft operating on inland waterways. Vessel also becomes the general term covering both seagoing and river vessels, replacing the previous concept of inland waterway vehicles, while “shipowners” have been adopted as a unified term for both seagoing and river vessels.

On registration, the registration regime for seagoing vessels remains unchanged, comprising both nationality registration and ownership registration, and includes six forms of registration, namely: permanent registration; temporary registration for a specified period; registration of alterations; provisional registration; registration of vessels under construction; and registration of small vessels. By contrast, river vessels are subject to administrative registration, including initial registration and re-registration.

In addition, the Draft Code further introduces certification and mandatory documentation requirements for river vessels and other watercraft to complete the legal framework governing craft that are not conventional seagoing or river vessels but nonetheless operate on waterways.

For survey and inspection, the Draft introduces new provisions on the classification and inspection of offshore oil and gas structures to institutionalise stricter management requirements.

Similarly, with respect to offshore renewable energy installations, the inclusion of survey and inspection requirements is necessary to establish a legal basis for controlling quality, ensuring technical safety, and preventing risks throughout the lifecycle of such structures.

2. Amendments to transport and service regulations

Key transport-related amendments include supplementary provisions on maritime and inland waterway transport, as well as services supporting recreation, tourism, submersibles, seaplanes and other activities within Vietnamese waters.

The Draft Code also introduces provisions on electronic transport documents in line with trends of digitalisation and international practice. The use of paper or electronic transport documents is subject to party agreement, and the two forms may not coexist simultaneously to avoid disputes. In addition, the Draft removes the requirement under Article 175 of the Maritime Code for carriers to use the vessel designated in a voyage charterparty, thereby allowing vessel substitution by agreement. Inland waterways are also incorporated into multimodal transport contracts to optimise logistics supply chains and multimodal transport operations.

Further, for inland waterway cargo transport, the Draft introduces internal passenger and cargo transport as a distinct transport category to establish a clearer legal distinction from commercial transport services.

With respect to transport services, the Draft removes regulation of maritime brokerage, which would instead be governed under civil law. It also abolishes business conditions applicable to ship agency and towage services, as these are no longer treated as conditional business lines under Investment Law 2025. Meanwhile, regarding pilotage, the Draft replaces the concept of “pilotage zones” with “pilotage routes” to better reflect vessel navigation patterns and introduces provisions on remote pilotage to accommodate technological developments.

Finally, the Draft permits competent authorities to retain a portion of fees and charges to support specialised regulatory functions and enhance maritime safety and security in line with IMO standards. In parallel, the Draft Code supplements provisions on the management of container handling service charges at inland waterway ports to establish an appropriate control mechanism similar to that applicable to seaports.

3. Consolidation and restructuring of maritime and inland waterway infrastructure regulations

In this regard, the Draft Code introduces an integrated approach to maritime and inland waterway infrastructure and establishes a consolidated legal framework governing the classification, designation, investment, operation and management of seaports, inland waterway ports and terminals, and dry ports.



As for seaports, the Draft Code modernises infrastructure regulation by expanding the functions of seaports to include logistics services, multimodal connectivity, digitalisation and broader roles in supply chains, economic development, state management, safety, security and environmental protection. For inland waterway ports and terminals, two regulatory models are proposed: retaining the existing berth-based framework or adopting a port-area management approach covering both land and water areas. In addition, dry ports are repositioned beyond container handling to function as logistics and multimodal transport hubs, with expanded roles relating to connectivity, logistics services, customs support, cargo coordination and green and digital development.

4. Addition of provisions on emissions reduction, clean energy use, and green port and logistics development

To support green transition and compliance with international commitments, the Draft Code introduces new provisions on greenhouse gas emissions reduction, alternative fuels, waste and ballast water management, and environmental incident response. It also establishes an environmental framework for the maritime and inland waterway sectors by setting out general environmental protection principles, incorporating relevant domestic policy directions and international conventions to which Vietnam is a

party, including MARPOL, AFS and BWM, and enabling the Government to issue detailed implementing regulations.

Notably, the Draft Code introduces incentives relating to tax, fees, credit and land use for investment in green and smart ports, green maritime and inland waterway transport, shipbuilding and fleets using alternative fuels, as well as the development of alternative fuel infrastructure. These measures are intended to encourage investment in vessel retrofitting and new fuel infrastructure, including LNG, hydrogen, ammonia and shore power systems, while enhancing the practical viability of green transition policies.

5. Other notable changes

With respect to limitation periods, the Draft Code consolidates provisions on time bars into a single general article rather than regulating them separately as under the Maritime Code 2015. In particular, it extends the time bar for cargo claims to two years to align with the 2005 Commercial Law and international practice while also ensuring consistency with other limitation periods under the Code.

As for oil spill response and disaster response, the Draft Code introduces new provisions to strengthen the legal framework. Provisions on oil spill response are introduced considering increasing risks of marine and inland waterway pollution arising from the rapid development of maritime and inland waterway transport activities.

Meanwhile, the provisions on disaster response are intended to reflect established policy directions while responding to practical operational needs.

With respect to maritime liens, detention and arrest, the Draft Code limits these mechanisms to seagoing vessels only, as inland waterway vessels are not subject to such procedures. Regarding ship arrest, the Draft Code retains only core provisions relating to the general definition, obligations of owners during the arrest period, and the competence to order and decide ship arrest. The remaining procedural provisions are proposed to be removed and addressed separately under the Ordinance on Procedures for the arrest of seagoing vessels.

Moreover, the Draft Code also supplements provisions on the shipbuilding industry to establish a legal basis for the sector's development.

In summary, while the Draft Code has not yet been officially adopted and may remain subject to further revision, it represents an important step towards consolidating and modernising Vietnam's maritime and inland waterway legal framework, addressing existing shortcomings and emerging issues, aligning the sector with international commitments, and creating a more effective legal foundation for its long-term development.

We hope the above is beneficial to you. Should you have any questions or need further information, please feel free to contact us.



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