

**GOVERNMENT**

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**SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom – Happiness**

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No. 17/2022/ND-CP

*Hanoi, January 31, 2022*

**DECREE**

AMENDMENT TO DECREES IMPOSING PENALTIES FOR ADMINISTRATIVE VIOLATIONS IN CHEMICALS AND INDUSTRIAL EXPLOSIVE MATERIALS; ELECTRICITY, HYDROELECTRICITY DAM SAFETY, EFFECTIVE AND EFFICIENT USE OF ENERGY; COMMERCE, PRODUCTION AND TRADE OF COUNTERFEITS AND PROHIBITED GOODS, AND PROTECTION OF CONSUMER'S RIGHTS; PETROLEUM, PETROL, OIL, AND GAS TRADING

*Pursuant to Law on Governmental Organization dated June 19, 2015; Law on amendments to Law on Government Organization and Law on Local Governmental Organization dated November 22, 2019;*

*Pursuant to the Law on Imposing Penalties for Administrative Violations dated June 20, 2012; Law on amendment to the Law on Imposing Penalties for Administrative Violations dated November 13, 2020;*

*Pursuant to Law on Investment dated June 17, 2020;*

*Pursuant to Law on Enterprises dated June 17, 2020;*

*Pursuant to Commercial Law dated June 14, 2005;*

*Pursuant to Law on Foreign Trade Management dated June 12, 2017;*

*Pursuant to the Law on E-Transactions dated November 29, 2005;*

*Pursuant to Law on Products and Goods Quality dated November 21, 2007;*

*Pursuant to Law on Measurement dated November 11, 2011;*

*Pursuant to the Law on Tobacco Harm Prevention and Control dated June 18, 2012;*

*Pursuant to the Law on Alcoholic Beverage Harm Prevention and Control dated June 14, 2019;*

*Pursuant to the Law on Pharmacy dated April 06, 2016;*

*Pursuant to the Law on Management and Use of Weapons, Explosive Ordinances, and Combat Gears dated June 20, 2017 and the Law on amendments to the Law on Management and Use of Weapons, Explosive Ordinances, and Combat Gears dated November 25, 2019;*

*Pursuant to Law on Chemicals dated November 21, 2007;*

*Pursuant to Law on Prevention and Control of Narcotic Substances dated March 30, 2020;*

*Pursuant to the Law on Protection of Consumer's Rights dated November 17, 2010;*

*Pursuant to Law on Electricity dated December 3, 2004 and Law on amendments to Law on Electricity dated November 20, 2012;*

*Pursuant to Law on Economical and Efficient Use of Energy dated June 17, 2010;*

*Pursuant to Petroleum Law dated July 6, 1993; Law on amendments to Petroleum Law dated June 9, 2000; Law on amendments to Petroleum Law dated June 3, 2008;*

*Pursuant to Law on Prices dated June 20, 2012;*

*Pursuant to the Law on Occupational Safety and Hygiene dated June 25, 2015;*

*Pursuant to Law on Fire Prevention and Firefighting dated June 29, 2001; Law on amendments to Law on Fire Prevention and Firefighting dated November 22, 2013;*

*Pursuant to Law on Environmental Protection dated November 17, 2020;*

*Pursuant to the Law on amendments to 11 Laws related to planning dated June 15, 2018;*

*At request of Minister of Industry and Trade;*

*The Government promulgates Decree on amendment to Decrees imposing penalties for administrative violations in chemicals and industrial explosive materials; electricity, hydroelectricity dam safety, effective and efficient use of energy; commerce, production and trade of counterfeits and prohibited goods, and protection of consumer's rights; petroleum, petrol, oil, and gas trading.*

**Article 1. Amendment to Decree No. 71/2019/ND-CP dated August 30, 2019 of the Government imposing penalties for administrative violations in chemicals and industrial explosive materials**

1. Amendment to Point a Clause 2 Article 2:

“a) An economic organization established in accordance with the Law on Enterprise, including: Private enterprise, joint-stock company, limited liability company, or a joint venture;”.

2. Addition of Point m after Point l Clause 3 Article 3:

“m) Mandated return of Certificate of eligibility for producing, trading chemicals under conditional production and trade in industrial sector; License for producing, trading chemicals under conditional production and trade in industrial sector; License for exporting, importing industrial precursors; License for exporting, importing Schedule 1 chemicals, Schedule 2 chemicals, Schedule 3 chemicals; license and certificates regarding management and use of industrial explosive materials, explosive precursors that have been modified, altered, or otherwise fabricated to the agencies that issue the respective certificates and license.”.

3. Addition of Article 4a and Article 4b after Article 4:

**“Article 4a. Regulations on concluded administrative violations, ongoing administrative violations, and penalties for repetitive administrative violations**

1. Concluded violations and ongoing violations shall be identified in accordance with Decree No. 118/2021/ND-CP dated December 23, 2021 of the Government elaborating to the Law Imposing Penalties for Administrative Violations.

2. Penalties for repetitive administrative violations:

a) Organizations and individuals committing repetitive administrative violations and not mentioned under Point b of this Clause shall be met with penalties for every administrative violation without taking into account aggravating circumstances caused by repetitive violations when the decisions imposing penalties for administrative violations are issued;

b) Organizations and individuals committing repetitive violations of violations under Clause 2 and Clause 3 Article 6; Clause 2 Point a Clause 3 Article 13; Clause 5 Article 16; Clause 5 Article 17; Clause 2 Article 18; Article 21; Clause 2 Article 22; Clause 1 and Clause 3 Article 23; Point a Clause 2 Article 56 hereof shall be met with aggravating circumstances for committing repetitive violations when decisions imposing penalties for administrative violations are issued instead of facing penalties for each administrative violation.

**Article 4b. Execution of penalties, remedial measures, and determination of profits illegally generated by the administrative violations**

1. Implementation of decisions imposing penalties for administrative violations shall conform to Section 2 of Chapter III of the Second Part of the Law on Imposing Penalties for Administrative Violations and Decree No. 118/2021/ND-CP dated December 23, 2021 of the Government elaborating to the Law on Imposing Penalties for Administrative Violations.

2. Other notices, documents, records, or instruments recording execution of penalties and/or remedial measures must be included in the dossiers on imposing penalties for administrative violations in accordance with Article 57 of the Law on Imposing Penalties for Administrative Violations.

3. Profits illegally generated by the administrative violations according to this Decree mean instrument, money, objects, or other assets gained from the administrative violations committed by the offenders and are determined as follows:

a) Illegal monetary profit means the money generated by the offenders from the administrative violations and equals the money generated from illegal transfer or consumption of commodities, provision of services after deducting direct costs of commodities and services based on dossiers and documents proving legitimacy of those costs provided by the offenders; illegal monetary profit generated from consumption of prohibited commodities, counterfeits, illegally imported commodities, or conditionally provided services means all money generated from transfer or consumption of commodities or provision of services;

b) Illegal instrument profit means all valuable instruments that the offenders gain from the administrative violations. If valuable instruments have been transferred, the illegal profit shall equal the money gained at the time of transfer; if valuable instruments have been dispersed or disposed, the illegal profit shall equal book value of institutions that issue the valuable instruments at the time of dispersal or disposal;

c) Illegal profits that are objects or other assets gained by the offenders from the administrative violations mean other assets according to the Civil Code.

In case objects or other assets are not prohibited commodities, counterfeits, or illegally imported commodities and have been transferred, sold, or disposed, the illegal profits shall equal the monetary equivalence of market value of the same assets or book value of the assets (if market value is not available) or monetary value of the assets written on the export declarations, import declarations (in case of exports, imports) of the offenders after deducting direct costs of commodities based on documents proving legitimacy of the costs.

In case other objects or assets are prohibited commodities, counterfeits, or illegally imported commodities and have been transferred or sold, the illegal profits shall equal total money received by the offenders when they make the transfer.”.

4. Amendments to some clauses of Article 5:

a) Amendments to Clause 3:

“3. A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed on using outdoor chemical tanks without bunds or other technical measures for preventing chemicals from leaking into the environment.”;

b) Addition of Clause 4a after Clause 4:

“4a. Apply regulations on violations, penalties, additional penalties, and remedial measures under the Decree imposing penalties for administrative violations in labor to impose penalties for violations regarding periodic inspection of machinery, equipment, and materials that require strict occupational safety and hygiene in chemical production and sale.”

5. Amendment, addition, and annulment of some clauses of Article 14:

a) Amend to Clause 2:

“2. A fine ranging from VND 20.000.000 to VND 25.000.000 shall be imposed on failing to organize storage of hazardous chemicals intended for use.”;

b) Annul Clause 3.

6. Amendment, addition, and annulment of some clauses of Article 15:

a) Amend Clause 2 and insert Clause 2a after Clause 2:

“2. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed on failing to store information of chemicals intended for production of other products and commodities.

2a. A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed on failing to assign individuals specialized in chemical safety in facilities that utilize chemicals intended for production of other products and commodities.”;

b) Annul Clause 4.

7. Amendment, addition, and annulment of some clauses of Article 16:

a) Amend Clause 1 and Clause 2:

“1. A fine ranging from VND 1.000.000 to VND 3.000.000 shall be imposed on fabricating, altering, or otherwise modifying Certificate of eligibility for manufacturing, trading chemicals under conditional production and sale in industrial sector.

2. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed on:

a) Leasing, lending, mortgaging, pledging, selling, or transferring Certificate of eligibility for manufacturing, trading chemicals under conditional production, sale in industrial sector;

b) Renting, borrowing, receiving the mortgaged, receiving the pledged, purchasing, receiving the transferred Certificate of eligibility for manufacturing, trading chemicals under conditional production, sale in industrial sector.”;

b) Annul Clause 3;

c) Amend Clause 5:

“5. A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed on manufacturing or producing chemicals under conditional, sale at the incorrect location, in the

incorrect scale, or with incorrect type of chemicals according to the Certificate of eligibility for manufacturing, trading chemicals under conditional production, sale in industrial sector.”;

d) Amend Clause 7:

“7. Additional penalties:

Suspension of Certificate of eligibility for manufacturing, trading chemicals under conditional production, sale in industrial sector for 1 to 3 months for violations under Point a Clause 2 of this Article and for 3 to 6 months for violations under Clause 5 of this Article.”;

dd) Amend Clause 8:

“8. Remedial measures:

a) Mandated submission of Certificate of eligibility for manufacturing, trading chemicals under conditional production, sale in industrial sector which was modified, altered, or otherwise fabricated to agencies that issue the Certificate for violations under Clause 1 of this Article;

b) Mandated submission of profits illegally generated by the violations under Clause 2, Clause 5, and Clause 6 of this Article.”.

8. Amendment, addition, and annulment of some clauses of Article 17:

a) Amend Clause 1 and Clause 2:

“1. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed on fabricating, altering, or otherwise modifying Certificate of eligibility for manufacturing, selling chemicals under restricted production and sale in industrial sector.

2. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed on:

a) Leasing, lending, mortgaging, pledging, selling, or transferring Certificate of eligibility for manufacturing, selling chemicals under restricted production and sale in industrial sector;

b) Renting, borrowing, receiving the mortgaged, receiving the pledged, purchasing, receiving the transferred Certificate of eligibility for manufacturing, selling chemicals under restricted production and sale in industrial sector.”;

b) Annul Clause 3;

c) Amend Clause 5:

“5. A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed on manufacturing, trading at incorrect location, with incorrect scale, or with incorrect types of chemicals under restricted production and sale in industrial sector according to the Certificate of

eligibility for manufacturing, selling chemicals under restricted production and sale in industrial sector.”;

d) Amend Clause 7:

“7. Additional penalties:

Suspension of Certificate of eligibility for manufacturing, selling chemicals under restricted production and sale in industrial sector for 3 to 6 months for violations under Point a Clause 2 of this Article and for 6 to 12 months for violations under Clause 5 of this Article.”;

dd) Amend Clause 8:

“8. Remedial measures:

a) Mandated submission of Certificate of eligibility for manufacturing, selling chemicals under restricted production and sale in industrial sector which has been modified, fabricated, or otherwise altered to the agencies that issue the Certificate for violations under Clause 1 of this Article;

b) Mandated submission of profits illegally generated by the violations under Clause 2, Clause 5, and Clause 6 of this Article.”.

9. Amendments to Article 18:

**“Article 18. Violation of regulation on control of chemicals under restricted production and sale in industrial sector**

1. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed on selling chemicals under restricted production and sale in industrial sector to buyers which intend to use said chemicals but fail to fulfill regulations on the use of hazardous chemicals.

2. A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed on selling chemicals under restricted production and sale in industrial sector to buyers which intend to use said chemicals for commercial purposes but fail to fulfill requirements for selling chemicals under restricted production and sale in industrial sector.

3. Additional penalties:

Suspension of Certificate of eligibility for manufacturing, selling chemicals under restricted production and sale in industrial sector for 3 to 6 months for violations under Clause 2 of this Article.

4. Remedial measures:

Mandatory return of revenues illegally generated by the violations under Clause 2 of this Article.”.

10. Amendment, addition, and annulment of some clauses of Article 19:

a) Amend Clause 1:

“1. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed on modifying, fabricating, or otherwise altering contents of Industrial precursor import, export permit.”;

b) Annul Clause 3;

c) Amend Clause 4:

“4. Remedial measures:

a) Mandated submission of Industrial precursor import, export permit which has been modified, fabricated, or otherwise altered to agencies that issue the permit for violations under Clause 1 of this Article;

b) Mandated re-export or removal of imported industrial precursors from territory of the Socialist Republic of Vietnam for violations under Clause 2 of this Article.”.

11. Amendments to Point b Clause 5 Article 23:

“b) Mandated recall of domestically produced or imported chemicals which have been sold or circulated on the market without safety data sheets prepared using Vietnamese language for violations under Clause 4 of this Article.”.

12. Amendments to some clauses of Article 24:

a) Amend Clause 2:

“2. A fine ranging from VND 4.000.000 to VND 6.000.000 shall be imposed on failing to declare accurate information about imported chemicals in the declaration of imported chemicals via the National Single Window Portal.”;

b) Add Clause 6a after Clause 6:

“6a. A fine ranging from VND 20.000.000 to VND 25.000.000 shall be imposed on failing to declare import chemicals in accordance with regulations and law.”;

c) Amend Clause 7:

“7. Additional penalties:



Suspension of chemical import for 1 to 3 months from the date on which decisions imposing penalties come into force for violations under Clause 3, Clause 4, and Clause 6a of this Article.”.

13. Amendment, addition, and annulment of some clauses of Article 26:

a) Amend Clause 1:

“1. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed on:

a) Storing hazardous chemicals that are materials, intermediate chemicals, and final product chemicals and not listed in the chemical emergency preparedness and response measures;

b) Storing hazardous chemicals that are materials, intermediate chemicals, and final product chemicals at a greater amount than what has been declared in the chemical emergency preparedness and response measures.”;

b) Annul Clause 5.

14. Amendments to Article 27:

**“Article 27. Violation of regulations on development of chemical emergency preparedness and response measures and plans**

1. Fines imposed on violation of regulations on development of chemical emergency preparedness and response measures are regulated as follows:

a) A fine ranging from VND 2.000.000 to VND 3.000.000 shall be imposed on failing to submit chemical emergency preparedness and response measures in industrial sector and decisions issuing the measures to Departments of Industry and Trade of provinces and cities where chemical activity projects are set up within 10 working days from the date on which decisions issuing the measures are promulgated;

b) A fine ranging from VND 3.000.000 to VND 4.000.000 shall be imposed for every missing mandatory detail of the chemical emergency preparedness and response measures;

c) A fine ranging from VND 4.000.000 to VND 5.000.000 shall be imposed on failing to submit chemical emergency preparedness and response measures in industrial sector and decisions issuing the measures to Departments of Industry and Trade of provinces and cities where chemical activity projects are set up;

d) A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed on failing to store issued chemical emergency preparedness and response measures at the chemical facilities in order for organizations and individuals to perform safety control at the facilities and present to competent authorities when requested;

dd) A fine ranging from VND 10.000.000 to VND 12.000.000 shall be imposed on failing to issue the developed chemical emergency preparedness and response measures and bringing the projects into operation;

e) A fine ranging from VND 12.000.000 to VND 15.000.000 shall be imposed on failing to amend or revise the chemical emergency preparedness and response measures in case of any change during investment and activities relating to details set forth in the measures;

g) A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed on bringing the projects into operation without developing chemical emergency preparedness and response measures.

2. Fines imposed on violation of regulations on development of chemical emergency preparedness and response plans are regulated as follows:

a) A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed on failing to store approved chemical emergency preparedness and response plans at the chemical facilities in order for organizations and individuals to perform safety control at the facilities and present to competent authorities when requested;

b) A fine ranging from VND 15.000.000 to VND 17.000.000 shall be imposed on failing to submit reports on changes during investment and activities related to details under the approved plans to Ministry of Industry and Trade for consideration;

c) A fine ranging from VND 17.000.000 to VND 20.000.000 shall be imposed on failing to obtain approval of competent authorities for chemical emergency preparedness and response plans before bringing the projects into operation;

d) A fine ranging from VND 20.000.000 to VND 25.000.000 shall be imposed on bringing projects into operation without developing chemical emergency preparedness and response plans in production, sale, use, and storage of hazardous chemicals.

3. Additional penalties:

Suspension of production or sale or use of hazardous chemicals for 1 to 3 months from the date on which decisions imposing penalties come into force for violations under Point g Clause 1 and Point d Clause 2 of this Article.”.

15. Amendments to Article 29:

**“Article 29. Violation of regulations on reports**

1. A fine ranging from VND 1.000.000 to VND 3.000.000 shall be imposed on failing to submit consolidated reports on annual chemical activities in a timely manner.

2. A fine ranging from VND 5.000.000 to VND 7.000.000 shall be imposed on engaging in chemical activities without producing consolidated reports on annual chemical activities on the website [chemicaldata.gov.vn](http://chemicaldata.gov.vn) or failing to produce irregular reports on chemical activities in case of any incident, suspension of chemical activities, or when requested by competent authorities.”.

16. Amendments to Clause 4 Article 30:

“4. Additional penalties:

Suspension of production of Schedule 1 chemicals for 1 to 3 months from the date on which decisions imposing penalties come into force for violations under Clause 3 of this Article.”.

17. Amendments to some clauses of Article 31:

a) Amend Clause 1 and Clause 2:

“1. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed on editing, altering, modifying, or otherwise fabricating the license to manufacture Schedule 1 chemicals, Schedule 2 chemicals, Schedule 3 chemicals, DOC and DOC-PSF chemicals.

2. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed on:

a) Leasing, lending, mortgaging, pledging, selling, or transferring license to manufacture Schedule 1, Schedule 2, Schedule 3, DOC, and DOC-PSF chemicals;

b) Renting, borrowing, receiving the mortgaged, receiving the pledged, purchasing, receiving the transferred license to manufacture Schedule 1, Schedule 2, Schedule 3, DOC, and DOC-PSF chemicals.”;

b) Amend Clause 5 and Clause 6:

“5. Additional penalties:

a) Confiscation of exhibits of violations that are Schedule 1, Schedule 2, Schedule 3, DOC, and DOC-PSF chemicals for violations under Clause 4 of this Article;

b) Suspension of license to manufacture Schedule 1, Schedule 2, Schedule 3, DOC, and DOC-PSF chemicals for 1 to 3 months from the date on which decisions imposing penalties come into force for violations under Point a Clause 2 and Clause 3 of this Article.

6. Remedial measures:

a) Mandated submission of license to manufacture Schedule 1, Schedule 2, Schedule 3, DOC, and DOC-PSF chemicals which has been modified, fabricated, edited, or otherwise altered to the agencies that issue the license for violations under Clause 1 of this Article;

b) Mandatory return of revenues illegally generated by the violations under Clause 2 and Clause 4 of this Article.”.

18. Amendment, addition, and annulment of some clauses of Article 32:

a) Amend Clause 1:

“1. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed on editing, modifying, fabricating, or otherwise altering license to import, export Schedule 1, Schedule 2, and Schedule 3 chemicals.”;

b) Annul Clause 3;

c) Amend Clause 4:

“4. Remedial measures:

a) Mandated submission of license to import, export Schedule 1, Schedule 2, and Schedule 3 chemicals which has been modified, fabricated, edited, or otherwise altered to the agencies that issue the license for violations under Clause 1 of this Article;

b) Mandated re-export or removal of Schedule 1, Schedule 2, and Schedule 3 chemicals from territory of the Socialist Republic of Vietnam for violations under Clause 2 of this Article.”.

19. Amendment, addition, and annulment of some clauses of Article 51:

a) Annul Point d Clause 5;

b) Amend Clause 6:

“6. Remedial measures:

a) Mandatory return of revenues illegally generated by the violations under Point a Clause 2 of this Article;

b) Mandated submission of license, certificate regarding management and use of industrial explosive materials and explosive precursors to agencies that issue the license and certificate for violations under Clause 3 of this Article.”.

20. Amendment, addition, and annulment of some clauses of Article 58:

a) Amend Point c Clause 1:

“c) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 10.000.000;”;

b) Amend Point c Clause 2 as follows:

“c) Confiscate exhibits and instrument of administrative violations;”.

21. Amendment, addition, and annulment of some clauses of Article 59:

a) Amend Point c Clause 1:

“c) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 1.000.000;”;

b) Amend the opening segment of Clause 2:

“2. Chief Inspectors of Departments of Industry and Trade, Chief Inspectors of Departments of Health, Chief Inspectors of Departments of Agriculture and Rural Development, Chief Inspectors of Departments of Science and Technology; heads of Regional Animal Health Offices, heads of Regional Animal Inspection Offices affiliated to Department of Animal Health; heads of Regional Plant Inspection Offices affiliated to Department of Plant Protection; Head of Central Region Agro-Forestry-Fisheries Quality Assurance Office, Head of Southern Agro-Forestry-Fisheries Quality Assurance Office affiliated to Agro-Forestry-Fisheries Quality Assurance Departments; heads of Offices regarding plant production and protection, livestock production and health, fisheries, and agro-fisheries quality assurance affiliated to Departments of Agriculture and Rural Development; Head of Department of Standards Metrology and Quality affiliated to Department of Science and Technology; heads of inspectorates of Vietnam Chemicals Agency, Industrial Safety Techniques and Environment Agency, Health Environment Management Agency, Directorate of Fisheries, Directorate of Water Resources, National Agro-Forestry-Fisheries Quality Assurance Department, Department of Animal Health, Department of Livestock Production, Plant Protection Department, Department of Crop Production; heads of specialized inspectorates of Departments of Industry and Trade, Departments of Health, Departments of Agriculture and Rural Development, Departments of Science and Technology have the right to:”;

c) Amend Point d Clause 2:

“d) Confiscate exhibits and instruments of administrative violation whose value does not exceed VND 50.000.000 in case of administrative violations related to chemicals and VND 100.000.000 in case of administrative violations related to industrial explosive materials;”;

d) Amend Point d Clause 3:

“d) Confiscate exhibits and instruments of administrative violation whose value does not exceed VND 70.000.000 in case of administrative violations related to chemicals and VND 140.000.000 in case of administrative violations related to industrial explosive materials;”;

dd) Amend the opening segment of Clause 4:

“4. Chief Inspectors of Ministry of Industry and Trade, Ministry of Agriculture and Rural Development, Ministry of Transport, Ministry of Science and Technology, Ministry of Natural Resources and Environment, Ministry of Information and Communications; Director of Vietnam Chemicals Agency, Director of Industrial Safety Techniques and Environment Agency, Director of Health Environment Management Agency; General Director of Directorate of Fisheries, General Director of Directorate of Water Resources, General Director of Directorate for Roads of Vietnam, General Director of Directorate for Standards, Metrology and Quality of Viet Nam, General Director of Vietnam Environment Administration; Director of National Agro-Forestry-Fisheries Quality Assurance Department, Director of Department of Animal Health, Director of Department of Livestock Production, Director of Plant Protection Department, Director of Department of Crop Production; Director of Vietnam Railway Authority, Vietnam Inland Waterway Authority, Vietnam Maritime Administration, Civil Aviation Authority of Vietnam, Vietnam Agency for Radiation and Nuclear Safety, Director of Vietnam Telecommunication Authority, Director of Authority of Broadcasting and Electronic Information, Director of Authority of Press, Director of Department of Publication, Printing and Distribution of Viet Nam, Director of Drug Administration of Vietnam, Director of Vietnam General Department of Preventive Medicine have the right to:”.

22. Amendment, addition, and annulment of some clauses of Article 60:

a) Amend the opening segment of Clause 2:

“2. Heads of mobile police companies, chiefs of stations, team captains of individuals mentioned under Clause 1 of this Article have the right to:”;

b) Amend the opening segment of Clause 3:

“3. Heads of police authorities of communes, heads of police stations, heads of border police posts, export-processing zone police posts, heads of border police authorities of international airports, commanding officers of mobile police battalions, commanding officers of naval forces have the right to:”;

c) Amend Point c Clause 3:

“c) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 5.000.000;”;

d) Amend the opening segment of Clause 4:

“4. Heads of district police; directors of professional affair departments of Police Department on Administrative Management of Social Order; directors of professional affair departments of Traffic Police Department; directors of professional affair departments of Vietnam Fire and Rescue Police Department; directors of provincial police, including: Director of Police Department on Administrative Management of Social Order, Director of Investigating Police Department for Social Order-related Crimes, Director of Investigating Police Department for Corruption, Economic, Smuggling Crimes, Director of Investigating Police Department for

Drug-related Crimes, Director of Traffic Police Department, Director of Road and Railway Traffic Police Department, Director of Road Traffic Police Department; Director of Waterway Police Department, Director of Mobile Police Department, Director of Police Department for Prevention and Control of Environment-related Crimes, Director of Police Department for Firefighting and Rescue, Director of Economic Security Department, Captain of Mobile Police Regiment, Captain of Squadron have the right to:”;

dd) Amend Point d Clause 4:

“d) Confiscate exhibits and instruments of administrative violation whose value does not exceed VND 20.000.000 in case of administrative violations related to chemicals and VND 40.000.000 in case of administrative violations related to industrial explosive materials;”;

e) Amend Point d Clause 5:

“d) Confiscate exhibits and instrument of administrative violations;”;

g) Amend the opening segment of Clause 6:

“6. Director of Economic Security Department, Director of Police Department on Administrative Management of Social Order, Director of Investigating Police Department for Social Order-related Crimes, Director of Investigating Police Department for Corruption, Economic, Smuggling Crimes, Director of Investigating Police Department for Drug-related Crimes, Director of Traffic Police Department, Director of Vietnam Fire and Rescue Police Department, Director of Police Department for Prevention and Control of Environment-related Crimes, and Mobile Police Command have the right to:”.

23. Amendments to Article 61:

**“Article 61. Entitlement of customs authorities to impose penalties for administrative violations**

1. Customs officials, while on duty, have the right to:

a) Impose warnings;

b) Impose a fine up to VND 500.000.

2. Captains and leaders affiliated to Customs Sub-departments; leaders of control teams affiliated to Customs Sub-departments of provinces and central-affiliated cities; captains affiliated to Post-clearance Inspection Sub-departments have the right to:

a) Impose warnings;

b) Impose a fine up to VND 5.000.000.

3. Directors of Customs Sub-departments, Directors of Post-clearance Inspection Sub-departments, Captains of Control Teams affiliated to Customs Departments of provinces and central affiliated cities, Captains of Criminal Investigation Teams, Captains of Smuggling Control Teams, Captains of Control Squadrons and Captains of Anti-counterfeit Smuggling and Intellectual Property Protection Teams affiliated to Anti-smuggling Department; Directors of Post-clearance Inspection Sub-departments affiliated to Post-clearance Inspection Department have the right to:

- a) Impose warnings;
- b) Impose a fine up to VND 25.000.000;
- c) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 50.000.000;
- d) Adopt remedial measures under Points d, dd, and i Clause 1 Article 28 of the Law on Imposing Penalties for Administrative Violations and Clause 3 Article 3 hereof.

4. Director of Anti-smuggling Department, Director of Post-clearance Inspection Department affiliated to General Department of Customs, Directors of Customs Departments of provinces and central-affiliated cities have the right to:

- a) Impose warnings;
- b) Impose a fine up to VND 50.000.000;
- c) Temporarily suspend the operation or certificate of eligibility for manufacturing, selling chemicals under conditional production and trade in industrial sector; license to manufacture and sell chemicals under restricted production and trade in industrial sector; license to manufacture Schedule 1, Schedule 2, Schedule 3, DOC, and DOC-PSF chemicals; license and certificate regarding management and use of industrial explosive materials and explosive precursors;
- d) Confiscate exhibits and instrument of administrative violations;
- dd) Adopt remedial measures under Points d, dd, and i Clause 1 Article 28 of the Law on Imposing Penalties for Administrative Violations and Clause 3 Article 3 hereof.

5. General Director of General Department of Customs has the right to:

- a) Impose warnings;
- b) Impose a fine up to VND 50.000.000 for administrative violations in chemicals and up to VND 100.000.000 for administrative violations in industrial explosive materials;
- c) Confiscate exhibits and instrument of administrative violations;



d) Adopt remedial measures under Points d, dd, and i Clause 1 Article 28 of the Law on Imposing Penalties for Administrative Violations and Clause 3 Article 3 hereof.”.

24. Addition of Article 61a following Article 61:

**“Article 61a. Entitlement of fisheries surveillance authorities**

1. Fisheries surveillance personnel, while on duty, have the right to:

a) Impose warnings;

b) Impose a fine up to VND 2.000.000;

c) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 4.000.000.

2. Captains of Fisheries Surveillance Station affiliated to regional Fisheries Surveillance Sub-departments have the right to:

a) Impose warnings;

b) Impose a fine up to VND 10.000.000;

c) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 20.000.000;

d) Enforce adoption of remedial measures under Points a and i Clause 1 Article 28 of the Law on Imposing Penalties for Administrative Violations.

3. Directors of Fisheries Surveillance Sub-departments have the right to:

a) Impose warnings;

b) Impose a fine up to VND 50.000.000 for administrative violations in chemicals and up to VND 100.000.000 for administrative violations in industrial explosive materials;

c) Confiscate exhibits and instrument of administrative violations;

d) Adopt remedial measures under Points a, d, and i Clause 1 Article 28 of the Law on Imposing Penalties for Administrative Violations and Clause 3 Article 3 hereof.

4. Director of Fisheries Surveillance Department has the right to:

a) Impose warnings;

b) Impose a fine up to VND 50.000.000 for administrative violations in chemicals and up to VND 100.000.000 for administrative violations in industrial explosive materials;

c) Temporarily suspend the operation or certificate of eligibility for manufacturing, selling chemicals under conditional production and trade in industrial sector; license to manufacture and sell chemicals under restricted production and trade in industrial sector; license to manufacture Schedule 1, Schedule 2, Schedule 3, DOC, and DOC-PSF chemicals; license and certificate regarding management and use of industrial explosive materials and explosive precursors;

d) Confiscate exhibits and instrument of administrative violations;

dd) Adopt remedial measures under Points a, d, and i Clause 1 Article 28 of the Law on Imposing Penalties for Administrative Violations and Clause 3 Article 3 hereof.”.

25. Amendment, addition, and annulment of some clauses of Article 62:

a) Amend the opening segment of Clause 2:

“2. Captains of Market Surveillance Teams, directors of professional affair departments affiliated to Department of Market Surveillance Practices have the right to:”;

b) Amend Point c Clause 2:

“c) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 50.000.000;”;

c) Amend Point c Clause 3:

“c) Confiscate exhibits and instrument of administrative violations;”.

26. Amendment, addition, and annulment of some clauses of Article 63:

a) Add Clause 2a following Clause 2:

“2a. Leaders of Task Force Teams for drug and crime prevention and control affiliated Task Force Commissions for drug and crime prevention and control have the right to:

a) Impose warnings;

b) Impose a fine up to VND 5.000.000 for administrative violations in chemicals and up to VND 10.000.000 for administrative violations in industrial explosive materials;

c) Confiscate exhibits and instruments of administrative violation whose value does not exceed VND 10.000.000 in case of administrative violations related to chemicals and VND 20.000.000 in case of administrative violations related to industrial explosive materials;

d) Enforce adoption of remedial measures under Points a and i Clause 1 Article 28 of the Law on Imposing Penalties for Administrative Violations.”;

b) Amend Clause 3 and insert Clause 3a following Clause 3:

“3. Heads of Border Guard Posts, Captains of Naval Border Guard Flotillas and Commanders of Border Guard Commands at port border gates have the right to:

a) Impose warnings;

b) Impose a fine up to VND 10.000.000 for administrative violations in chemicals and up to VND 20.000.000 for administrative violations in industrial explosive materials;

c) Confiscate exhibits and instruments of administrative violation whose value does not exceed VND 20.000.000 in case of administrative violations related to chemicals and VND 40.000.000 in case of administrative violations related to industrial explosive materials;

d) Adopt remedial measures under Points a, c, d, and dd Clause 1 Article 28 of the Law on Imposing Penalties for Administrative Violations and Clause 3 Article 3 hereof.

3a. Leaders of Task Force Teams for drug and crime prevention and control affiliated to the Department of Drug and Crime Prevention and Control under the control of the Command of Border Guards have the right to:

a) Impose warnings;

b) Impose a fine up to VND 25.000.000 for administrative violations in chemicals and up to VND 50.000.000 for administrative violations in industrial explosive materials;

c) Confiscate exhibits and instruments of administrative violation whose value does not exceed VND 50.000.000 in case of administrative violations related to chemicals and VND 100.000.000 in case of administrative violations related to industrial explosive materials;

d) Adopt remedial measures under Points a, c, d, dd, and i Clause 1 Article 28 of the Law on Imposing Penalties for Administrative Violations and Clause 3 Article 3 hereof.”;

c) Amend Clause 4:

“4. Chief Commanders of provincial Border Guards; Captains of Naval Border Guard Squadrons, and Director of the Department of Drug and Crime Prevention and Control affiliated to the Command of Border Guards have the right to:

a) Impose warnings;

b) Impose a fine up to VND 50.000.000 for administrative violations in chemicals and up to VND 100.000.000 for administrative violations in industrial explosive materials;

c) Temporarily suspend the operation or certificate of eligibility for manufacturing, selling chemicals under conditional production and trade in industrial sector; license to manufacture and sell chemicals under restricted production and trade in industrial sector; license to manufacture Schedule 1, Schedule 2, Schedule 3, DOC, and DOC-PSF chemicals; license and certificate regarding management and use of industrial explosive materials and explosive precursors;

d) Confiscate exhibits and instrument of administrative violations;

dd) Adopt remedial measures under Points a, c, d, dd, and i Clause 1 Article 28 of the Law on Imposing Penalties for Administrative Violations and Clause 3 Article 3 hereof.”.

27. Amendment, addition, and annulment of some clauses of Article 64:

a) Amend Point c Clause 4:

“c) Confiscate exhibits and instruments of administrative violation whose value does not exceed VND 20.000.000 in case of administrative violations related to chemicals and VND 40.000.000 in case of administrative violations related to industrial explosive materials;”;

b) Amend the opening segment of Clause 5:

“5. Captains of Naval Border Guard Squadrons; Heads of Reconnaissance Commissions; Heads of Task Force Commissions for Drug Crime Prevention and Control affiliated to the Command of Coast Guard of Vietnam have right to:”;

c) Amend Point c Clause 5:

“c) Confiscate exhibits and instruments of administrative violation whose value does not exceed VND 30.000.000 in case of administrative violations related to chemicals and VND 60.000.000 in case of administrative violations related to industrial explosive materials;”;

d) Amend Clause 6:

“6. Regional Commands of Coast Guard and Director of the Department of Operations and Legislation under the control of the Command of Coast Guard of Vietnam have the right to:

a) Impose warnings;

b) Impose a fine up to VND 25.000.000 for administrative violations in chemicals and up to VND 50.000.000 for administrative violations in industrial explosive materials;

c) Temporarily suspend the operation or certificate of eligibility for manufacturing, selling chemicals under conditional production and trade in industrial sector; license to manufacture and sell chemicals under restricted production and trade in industrial sector; license to manufacture Schedule 1, Schedule 2, Schedule 3, DOC, and DOC-PSF chemicals; license and certificate regarding management and use of industrial explosive materials and explosive precursors;

d) Confiscate exhibits and instrument of administrative violations;

dd) Adopt remedial measures under Points a, c, d, and dd Clause 1 Article 28 of the Law on Imposing Penalties for Administrative Violations and Clause 3 Article 3 hereof.”.

28. Amendment, addition, and annulment of some clauses of Article 65:

a) Amend Point a Clause 1:

“a) Chairpersons of People’s Committees of communes are entitled to impose penalties for violations under Clauses 1 and 2 Article 5; Clause 1 Article 7; Clauses 1 and 2 Article 8; Point a Clause 1, Point a Clause 3, Clause 4 Article 11; Clauses 1 and 2 Article 12; Clause 1 Article 14; Clause 1 Article 15; Clause 1 Article 20; Article 21; Clause 1 Article 22; Clause 1 Article 23; Clause 1 Article 24; Points a and b Clause 1, Point a Clause 2 Article 25; Points a, b, and c Clause 1 Article 27; Article 28; Clause 1 Article 29; Clause 1 Article 30; Clause 1 Article 33; Clause 1 Article 34; Clause 1 Article 35; Article 36; Clauses 1 and 2 Article 38; Clause 1 Article 41; Clause 1 Article 43; Clause 1 Article 44; Clause 1 Article 47; Points a, b, and dd Clause 1 Article 49; Clause 1 Article 53; Clauses 1 and 2 Article 54; Clause 1 Article 56 and Clause 1 Article 57 hereof that occur within their communes.”;

b) Amendments to Point b Clause 1 as follows:

“b) Chairpersons of People’s Committees of districts are entitled to impose penalties for violations under Article 5; Article 6; Article 7; Article 8; Article 9; Article 10; Clause 1, Points a, b, c, and d Clause 2, Clauses 3, 4, 5, 6 and 7 Article 11; Article 12; Article 13; Article 14; Article 15; Article 16; Article 17; Article 18; Clause 1 Article 19; Clauses 1, 2, and 3 Article 20; Article 21; Article 22; Article 23; Article 24; Article 25; Article 26; Article 27; Article 28; Article 29; Article 30; Article 31; Clause 1 Article 32; Article 33; Clauses 1, 2, and 3 Article 34; Article 35; Article 36; Article 37; Clauses 1 and 2, Points a, b, c, d, and đ Clause 3, Points a, b, c, d, and đ Clause 4, Clause 5 Article 38; Article 39; Article 40; Article 41; Article 43; Article 44; Article 45; Article 46; Article 47; Article 48; Article 49; Article 50; Clauses 1, 2, and 3 Article 51; Clauses 1, 2, and 3 Article 52; Clauses 1, 2, 3, and 4 Article 53; Clauses 1, 2, 3, 4, and 5 Article 54; Clause 1, 2, and 3 Article 55; Clauses 1, 2, 3, and 4 Article 56 and Article 57 hereof that occur within their districts.”;

c) Amend Point e Clause 2:

“e) Chief Inspectors of Departments of Agriculture and Rural Development; Directors of regional Sub-departments of Animal Health, Directors of regional Sub-departments of Animal Quarantine affiliated to Department of Animal Health; Directors of regional Sub-departments of Plant Quarantine affiliated to Plant Protection Department; Director of Central region Agro - Forestry - Fisheries Quality Assurance Sub-department, Director of Southern region Agro - Forestry - Fisheries Quality Assurance Sub-department affiliated to the National Agro - Forestry - Fisheries Quality Assurance Department; Directors of Sub-departments regarding cultivation and plant protection, husbandry, animal health, aquaculture, agro-forestry-fisheries quality assurance affiliated to Departments of Agriculture and Rural Development; heads of specialized

inspectorate of Directorate of Fisheries, National Agro - Forestry - Fisheries Quality Assurance Department, Department of Animal Health, Department of Livestock Production, Plant Protection Department, Department of Crop Production; heads of specialized inspectorates of Departments of Agriculture and Rural Development shall impose penalties for administrative violations under Article 14; Article 15; Article 22; Article 23; Article 24; Article 25; Article 26; Article 27; Article 28; and Article 29 hereof in cultivation, animal production, aquaculture, animal health, plant quarantine, preservation and processing of agricultural, forestry, fishery, and food products;”;

d) Amend Point p Clause 2:

“p) Chief Inspector of Ministry of Agriculture and Rural Development, General Director Directorate of Fisheries, Director of Agro-Forestry-Fisheries Management Department, Director of Department of Animal Health, Director of the Department of Livestock Production, Director of Plan Protection Department, and Director of Department of Crop Production shall impose penalties for administrative violations under Article 14; Article 15; Article 22; Article 23; Article 24; Article 25; Article 26; Article 27; Article 28 and Article 29 hereof in cultivation, animal production, aquaculture, animal health, plant protection, preservation and processing agricultural, forestry, fishery, and food products;”;

dd) Amend Point q Clause 2:

“q) Chief Inspectors of Ministry of Transport, Ministry of Science and Technology, Ministry of Natural Resources and Environment, Ministry of Information and Communications; General Director of Directorate for Roads of Vietnam, General Director of the Directorate for Standards, Metrology, and Quality, General Director of Vietnam Environment Administration; Director of Vietnam Railway Authority, Director Vietnam Inland Waterway Authority, Director of Vietnam Maritime Administration, Director of Civil Aviation Authority of Vietnam, Director of Vietnam Agency for Radiation and Nuclear Safety, Director of Vietnam Telecommunication Authority, Director of Authority of Broadcasting and Electronic Information, Director of Authority of Press, Director of Department of Publication, Printing and Distribution of Viet Nam, Director of Director of Drug Administration of Vietnam, Director of Vietnam General Department of Preventive Medicine shall impose penalties for administrative violations under Chapter II hereof in accordance with Clause 4 Article 59 and their functions, tasks, and powers.”

e) Amendments to Clause 3 as follows:

“3. Entitlement of the police to impose penalties for administrative violations:

a) Police officers, while on duty, shall impose penalties for administrative violations under Clause 1 and Clause 2 Article 21, Article 36 hereof;

b) Heads of company-level Mobile Police Units, heads of stations, and team leaders in charge of managing the soldiers mentioned under Point a Clause 1 of this Article shall impose penalties for administrative violations under Article 21; Clause 1 Article 23, Clause 1 Article 28; Article 36 hereof;

c) Commune-level Police Chiefs, Heads of Police Posts, Heads of Police Stations at border gates, export processing zones, Heads of International Airport Police Offices, Majors of Mobile Police Battalions, and Captains of Squadrons shall impose penalties for administrative violations under Clause 1 Article 5; Article 21; Clause 1 Article 23; Clause 1 Article 28; Article 36; Clause 1 Article 38; Clause 1 Article 53; and Clause 1 Article 54 hereof in accordance with Clause 3 Article 60 and their functions, tasks, and powers;

d) Heads of district police; directors of professional affair departments of Police Department on Administrative Management of Social Order; directors of professional affair departments of Traffic Police Department; directors of professional affair departments of Vietnam Fire and Rescue Police Department; directors of provincial police, including: Director of Police Department on Administrative Management of Social Order, Director of Investigating Police Department for Social Order-related Crimes, Director of Investigating Police Department for Corruption, Economic, Smuggling Crimes, Director of Investigating Police Department for Drug-related Crimes, Director of Traffic Police Department, Director of Road and Railway Traffic Police Department, Director of Road Traffic Police Department; Director of Waterway Police Department, Director of Mobile Police Department, Director of Police Department for Prevention and Control of Environment-related Crimes, Director of Police Department for Firefighting and Rescue, Director of Economic Security Department, Captain of Mobile Police Regiment, Captain of Squadron shall impose penalties for violations under Clauses 1 and 2 Article 5; Clause 1 Article 6; Article 7; Clauses 1, 2, and 3 Article 8; Article 9; Points a and b Clause 1, Point a Clause 2, Clauses 3, 4, 5, and 6 Article 11; Article 12; Clause 1 Article 13; Clause 1 Article 14; Clauses 1, 2, and 3 Article 15; Clauses 1 and 4 Article 16; Clause 1 Article 17; Clause 1 Article 18; Clause 1 Article 19; Clauses 1 and 2 Article 20; Article 21; Clause 1 Article 22; Clause 1 Article 23; Clauses 1, 2, and 3 Article 24; Points a, b, c, and d Clause 1 and Points a and b Clause 2 Article 25; Clause 1 Article 26; Points a, b, c, and d Clause 1 Article 27; Article 28; Article 29; Clauses 1 and 2 Article 30; Clauses 1 and 3 Article 31; Clause 1 Article 32; Clauses 1 and 2 Article 33; Clauses 1 and 2 Article 34; Article 35; Article 36; Article 37; Clauses 1, 2, and 5 Article 38; Article 39; Article 40; Clauses 1 and 3 Article 41; Clause 1 Article 42; Article 43; Article 44; Clause 1 Article 45; Article 46; Article 47; Points a, b, and dd Clause 1, Clauses 2 and 3 Article 49; Clause 1 Article 50; Clause 1 Article 51; Clause 1 Article 52; Clauses 1 and 2 Article 53; Clauses 1, 2, and 3 Article 54; Clause 2 Article 55; Clauses 1 and 2 Article 56; Clauses 1 and 2 Article 57 hereof in accordance with Clause 4 Article 60 and their functions, tasks, and powers;

dd) Directors of provincial police authorities shall impose penalties for administrative violations under Article 5; Article 6; Article 7; Article 8; Article 9; Article 10; Clause 1, Points a, b, c, and d Clause 2, Clauses 3, 4, 5, 6, and 7 Article 11; Article 12; Article 13; Article 14; Article 15; Article 16; Article 17; Article 18; Clause 1 Article 19; Clauses 1, 2, and 3 Article 20; Article 21; Clause 1 Article 22; Clauses 1 and 3 Article 23; Article 24; Article 25; Article 26; Article 27; Article 28; Article 29; Article 30; Article 31; Clause 1 Article 32; Article 33; Clauses 1, 2, and 3 Article 34; Article 35; Article 36; Article 37; Clauses 1, 2, and 5 Article 38; Article 39; Article 40; Clause 1 and 3 Article 41; Clause 1 Article 42; Article 43; Article 44; Article 45; Article 46; Article 47; Article 48; Points a, b, and dd Clause 1, Clauses 2, 3, 4, and 5 Article 49; Article 50; Clauses 1, 2, and 3 Article 51; Clauses 1, 2, and 3 Article 52; Clauses 1, 2, 3, and 4 Article 53;

Clauses 1, 2, 3, 4, and 5 Article 54; Clauses 1, 2, and 3 Article 55; Clauses 1, 2, 3, and 4 Article 56 and Article 57 hereof;

e) Director of Economic Security Department, Director of Police Department on Administrative Management of Social Order, Director of Investigating Police Department for Social Order-related Crimes, Director of Investigating Police Department for Corruption, Economic, Smuggling Crimes, Director of Investigating Police Department for Drug-related Crimes, Director of Traffic Police Department, Director of Vietnam Fire and Rescue Police Department, Director of Police Department for Prevention and Control of Environment-related Crimes, and Mobile Police Command shall impose penalties for administrative violations under Article 5; Article 6; Article 7; Article 8; Article 9; Article 10; Article 11; Article 12; Article 13; Article 14; Article 15; Article 16; Article 17; Article 18; Clause 1 Article 19; Clauses 1, 2, and 3 Article 20; Article 21; Clause 1 Article 22; Clauses 1 and 3 Article 23; Article 24; Article 25; Article 26; Article 27; Article 28; Article 29; Article 30; Article 31; Clause 1 Article 32; Article 33; Article 34; Article 35; Article 36; Article 37; Clauses 1, 2, and 5 Article 38; Article 39; Article 40; Clauses 1 and 3 Article 41; Clause 1 Article 42; Article 43; Article 44; Article 45; Article 46; Article 47; Article 48; Points a, b, and dd Clause 1, Clauses 2, 3, 4, and 5 Article 49; Article 50; Article 51; Article 52; Article 53; Article 54; Clauses 1, 2, 3, and 5 Article 55; Article 56 and Article 57 hereof in accordance with Clause 6 Article 60 and their functions, tasks, and powers.”;

g) Amend Clause 4:

“4. Entitlement of customs authorities to impose penalties for administrative violations:

a) Captains and leaders affiliated to Customs Sub-departments; leaders of control teams affiliated to Customs Sub-departments of provinces and central-affiliated cities; captains affiliated to Post-clearance Inspection Sub-departments shall impose penalties for administrative violations under Clause 1 Article 24 and Clause 1 Article 42 hereof;

b) Directors of Customs Sub-departments, Directors of Post-clearance Inspection Sub-departments, Captains of Control Teams affiliated to Customs Departments of provinces and central affiliated cities, Captains of Criminal Investigation Teams, Captains of Smuggling Control Teams, Captains of Control Squadrons and Captains of Anti-counterfeit Smuggling and Intellectual Property Protection Teams affiliated to Anti-smuggling Department; Directors of Post-clearance Inspection Sub-departments affiliated to Post-clearance Inspection Department shall impose penalties for violations under Clause 1 and Points a and b Clause 2 Article 19; Clause 4 Article 20; Clauses 1, 2, 5, and 6 Article 24; Clause 1 and Points a and b Clause 2 Article 32; Clause 1 Article 42 hereof;

c) Director of Anti-smuggling Department, Director of Post-clearance Inspection Department affiliated to General Department of Customs, Directors of Customs Departments of provinces and central-affiliated cities shall impose penalties for administrative violations under Article 19; Clause 4 Article 20; Article 24; Article 32; Article 42; Clause 3 and Point a Clause 4 Article 55 hereof;



d) General Director of General Department of Customs shall impose penalties for administrative violations under Article 19; Clause 4 Article 20; Clauses 1, 2, 5, and 6 Article 24; Article 32; Clause 1 Article 42; Clause 3 and Point a Clause 4 Article 55 hereof.”;

h) Add Clause 4a following Clause 4:

“4a. Entitlement of fisheries surveillance authorities to impose penalties for administrative violations:

a) Captains of Fisheries Surveillance Station affiliated to regional Fisheries Surveillance Sub-departments shall impose penalties for administrative violations under Clauses 1 and 2 Article 8 hereof in fisheries;

b) Directors of Fisheries Surveillance Sub-departments shall impose penalties for administrative violations under Clauses 1 and 2 Article 8; Clause 2 Article 19; Article 32 hereof in fisheries;

c) Directors of Fisheries Surveillance Departments shall impose penalties for administrative violations under Clauses 1 and 2 Article 8; Clause 2 Article 19; Article 32 hereof in fisheries.”;

i) Amend Clause 5:

“5. Entitlement of market surveillance authorities to impose penalties for administrative violations:

a) Market control employees, while on duty, shall impose penalties for administrative violations under Clause 1 and Clause 2 Article 21 hereof;

b) Leaders of Market Surveillance Teams and Heads of Professional Divisions affiliated to the Departments of Market Surveillance Operations shall impose penalties for administrative violations under Clauses 1 and 2 Article 5; Clauses 1 and 2 Article 8; Clause 1, Points a, b, c, and d Clause 2 and Clause 3 Article 11; Article 12; Clause 1, Point b Clause 3 Article 13; Clause 1, Point b Clause 2, Clauses 4 and 6 Article 16; Clause 1, Point b Clause 2, Clauses 4 and 6 Article 17; Clause 1 Article 18; Clause 1 Article 19; Clauses 1, 2, and 3 Article 20; Article 21; Article 22; Article 23; Clauses 5 and 6 Article 24; Article 26; Points a, b, c, d, dd, and e Clause 1, Points a, b, and c Clause 2 Article 27; Article 28; Article 29; Clauses 1 and 2 Article 30; Clause 1, Point b Clause 2, Clause 4 Article 31; Clause 1 Article 32; Clause 1 and 2 Article 33; Clause 1 Article 34; Clause 1 Article 35; Clause 1 Article 36; Clause 3 Article 37; Clauses 1, 2, and 5 Article 38; Clauses 1 and 3 Article 41; Clause 1 Article 42; Clause 2 Article 43; Article 44; Article 45; Article 48; Clauses 1, 2, and 3 Article 49; Clause 1 Article 51; Clause 1 Article 52; Clause 1 and 2 Article 53; Clauses 1, 2, and 3 Article 54; Clauses 1 and 2 Article 55 hereof;

c) Directors of Departments of Market Surveillance of provinces and Directors of Departments of Market Surveillance Professional Affairs affiliated to the Vietnam Directorate of Market Surveillance shall impose penalties for administrative violations under Article 5; Article 6; Article 7; Article 8; Article 9; Article 10; Clauses 1, 2, and 3 Article 11; Article 12; Article 13; Article 16; Article 17; Article 18; Article 19; Article 20; Article 21; Article 22; Article 23;

Clauses 5,6, and 6a Article 24; Article 26; Article 27; Article 28; Article 29; Article 30; Article 31; Article 32; Article 33; Article 34; Article 35; Article 37; Article 38; Article 39; Clause 2 Article 40; Article 41; Article 42; Article 43; Article 44; Article 45; Article 48; Clauses 1, 2, and 3 Article 49; Clauses 1, 2, and 3 Article 51; Clause 1 and Points a, c, and d Clause 3 Article 52; Clauses 1, 2, 3, and 4 Article 53; Clauses 1, 2, 3, 4, and 5 Article 54; Clauses 1, 2, 3, and 4 Article 55 hereof;

d) General Director of Directorate of Market Surveillance shall impose penalties for administrative violations under Article 5; Article 6; Article 7; Article 8; Article 9; Article 10; Clauses 1, 2, and 3 Article 11; Article 12; Article 13; Article 16; Article 17; Article 18; Article 19; Article 20; Article 21; Article 22; Article 23; Clauses 5, 6, and 6a Article 24; Article 26; Article 27; Article 28; Article 29; Article 30; Article 31; Article 32; Article 33; Article 34; Article 35; Article 37; Article 38; Article 39; Clause 2 Article 40; Article 41; Article 42; Article 43; Article 44; Article 45; Article 48; Clauses 1, 2, and 3 Article 49; Article 51; Clause 1, Points a, c, and d Clause 3 Article 52; Article 53; Article 54 and Article 55 hereof.”;

k) Amend Clause 6:

“6. Entitlement of Border Guard to impose penalties for administrative violations:

a) Border Guard officers, while on duty, shall impose penalties for administrative violations under Clause 1 and Clause 2 Article 21 hereof;

b) Heads of border guard stations and leaders of soldiers of border guard forces shall impose penalties for administrative violations under Article 21; Clause 1 Article 23; Clause 1 Article 42; Clause 1 Article 54 hereof;

c) Leaders of Task Force Teams for drug and crime prevention and control affiliated to Task Force Commissions for drug and crime prevention and control shall impose penalties for administrative violations under Clauses 1 and 2 Article 8; Clauses 1 and 2 Article 12; Clause 1 Article 15; Clause 1 Article 16; Clause 1 Article 17; Clause 1 Article 19; Clause 1 Article 20; Article 21; Clause 1 Article 23; Clause 1 Article 31; Clause 1 Article 32; Clause 1 and 3 Article 41; Clause 1 Article 42; Clause 1 Article 44; Clauses 1, 2, and 3 Article 54; Clause 1 Article 56 hereof;

d) Heads of Border Guard Posts, Captains of Naval Border Guard Flotillas and Commanders of Border Guard Commands at port border gates shall impose penalties for administrative violations under Clauses 1, 2, and 3 Article 8; Article 12; Clause 1 Article 13; Clauses 1 and 2 Article 15; Clauses 1 and 4 Article 16; Clause 1 Article 17; Clause 1 and Point a Clause 2 Article 19; Clauses 1 and 2 Article 20; Article 21; Clause 1 Article 23; Clause 1 Article 31; Clause 1 and Point a Clause 2 Article 32; Clauses 1 and 3 Article 41; Clause 1 Article 42; Article 44; Clause 1 Article 51; Clauses 1, 2, and 3 Article 54; Clause 2 Article 55; Clauses 1 and 2 Article 56 hereof;

dd) Leaders of Task Force Teams for drug and crime prevention and control affiliated to the Department of Drug and Crime Prevention and Control under the control of the Command of Border Guards shall impose penalties for administrative violations under Article 8; Article 12;

Article 13; Clauses 1, 2, and 2a Article 15; Clause 1, Point b Clause 2, Clause 4 and Clause 6 Article 16; Clause 1, Point b Clause 2, Clause 4 and Clause 6 Article 17; Clause 1 and Points a and b Clause 2 Article 19; Article 20; Article 21; Clauses 1, 3, and 4 Article 23; Clause 1, Point b Clause 2 and Clause 4 Article 31; Clause 1 and Points a and b Clause 2 Article 32; Clause 1 and 3 Article 41; Clause 1 Article 42; Clause 1 Article 44; Clause 1 Article 51; Clauses 1, 2, 3, 4, and 5 Article 54; Clauses 1, 2, 3, and 4 Article 55; Clauses 1 and 2 Article 56 hereof;

e) Commanders of Provincial-level Border Guard Forces, Captains of Naval Border Guard Squadrons, and Director of the Department of Drug and Crime Prevention and Control affiliated to the Command of Border Guards shall impose penalties for administrative violations under Article 8; Article 12; Article 13; Clauses 1, 2, and 2a Article 15; Article 16; Article 17; Article 19; Article 20; Article 21; Clause 1, 3, 4 Article 23; Article 31; Article 32; Clause 2 and 3 Article 34; Clause 1 and 3 Article 41; Article 42; Article 44; Article 51; Article 54; Article 55 and Article 56 hereof.”;

l) Amend Point dd, Point e, and Point g Clause 7:

“dd) Captains of Naval Border Guard Squadrons; Heads of Reconnaissance Commissions; Heads of Task Force Commissions for Drug Crime Prevention and Control under the control of the Command of Coast Guard of Vietnam shall impose penalties for administrative violations under Article 8; Article 12; Clauses 1 and 2 Article 13; Clauses 1, 2, and 2a Article 15; Clauses 1, 4, and 5 Article 16; Clauses 1 and 4 Article 17; Clause 1 and Point a Clause 2 Article 19; Clauses 1, 2, and 3 Article 20; Article 21; Clauses 1 and 3 Article 23; Clause 1 Article 31; Clause 1 and Point a Clause 2 Article 32; Clauses 1 and 3 Article 41; Clause 1 Article 42; Article 43; Article 44; Clause 1 Article 51; Clauses 1, 2, 3, and 4 Article 54; Clauses 2 and 3 Article 55; Clauses 1, 2, and 3 Article 56 hereof;

e) Regional Commands of Coast Guard, Director of the Department of Operations and Legislation under the control of the Command of Coast Guard of Vietnam shall impose penalties for administrative violations under Article 8; Article 12; Article 13; Article 15; Clauses 1 and 4 Article 16; Clauses 1 and 4 Article 17; Clause 1 and Points a and b Clause 2 Article 19; Article 20; Article 21; Clauses 1, 3, and 4 Article 23; Clauses 1 and 3 Article 31; Clause 1 and Points a and b Clause 2 Article 32; Clauses 1 and 3 Article 41; Clause 1 Article 42; Article 43; Article 44; Points b, c, and d Clause 1 Article 48; Clauses 1 and 3 Article 51; Clauses 1, 2, 3, 4, and 5 Article 54; Clauses 2, 3, and 4 Article 55; Clauses 1, 2, 3, and 4 Article 56 hereof;

g) Commander of Vietnam Coast Guard shall impose penalties for administrative violations under Article 8; Article 12; Article 13; Article 15; Clauses 1 and 4 Article 16; Clauses 1 and 4 Article 17; Articles 19, 20, and 21; Clauses 1, 3, and 4 Article 23; Clauses 1 and 3 Article 31; Articles 32 and 39; Clauses 2 and 3 Article 34; Clauses 1 and 3 Article 41; Article 42; Article 43; Article 44; Points b, c, and d Clause 1 Article 48; Clause 1, Points b and c Clause 2, Clause 3, Clause 4 Article 51; Article 54; Clauses 2, 3, and 4, Clause 5 Article 55; Article 56 hereof.”.

## **Article 2. Amendments to Decree No. 134/2013/ND-CP dated October 17, 2013 of the Government**

1. Amendment to title of the Decree:

“Decree imposing penalties for administrative violations in electricity”.

2. Amendments to Article 1:

**“Article 1. Scope**

This Decree prescribes administrative violations, penalties, fines, remedial measures; procedures and entitlement to produce notice of administrative violations, entitlement to impose penalties for administrative violations in electricity, including:

1. Regulations on electrical permit.
2. Regulations on design, construction, commissioning, and operation of electrical structures.
3. Regulations on electricity generation, transmission, and distribution.
4. Regulations on electricity sale and retailing.
5. Regulations on use of electricity.
6. Regulations on electrical safety: Implementation of safety measures when building electrical structures; operation, repair, and maintenance of power plants, power line, electrical substations, and electrical equipment; inspection of electrical equipment, tools, and materials; use of electricity in business, production, and daily activities.
7. Regulations on load dispatch.
8. Regulations on electricity market.
9. Regulations on management of safety operation of dams and hydroelectricity reservoirs.
10. Regulations on safety assurance
11. Regulation on safety assurance of buffer zones of hydroelectricity dams.
12. Regulation on energy accounting.
13. Regulation on effective and efficient energy consumption in industrial manufacturing, construction, transport, and agricultural production.
14. Regulation on management and effective, efficient energy consumption in primary energy users.

15. Regulation on energy labeling in production, import, sale, and distribution of equipment and instrument using energy.

16. Regulation on production, import, sale of equipment and instrument using energy listed under the lists of equipment and instruments for elimination and energy labeling.

17. Regulation on energy consumption in production and sale.

18. Regulation on report on energy consumption and procurement of entities utilizing state budget.”.

3. Addition of Article 1a following Article 1:

**“Article 1a. Regulated entities**

1. Vietnamese and foreign organizations, individuals (hereinafter referred to as “organizations and individuals”) which commit administrative violations mentioned under this Decree within Vietnamese territory.

Organizations which are the subject of penalties for administrative violations in accordance with this Decree include:

a) Organizations engaging in electricity activities, including: Electricity generating units, Electricity transmitting units; Electricity distributing units, Electricity wholesalers, Electricity retailers, Electricity regulating units, Electricity market coordinating units; Electricity consultants;

b) Organizations engaging in energy accounting; facilities providing energy accounting training and issuing energy accounting certificate; facilities providing energy management training and issuing energy management certificate;

c) Electricity users, power users that are regulatory authorities which commit violations which are not within the assigned state management tasks; economic organizations established in accordance with the Law on Enterprises, Law on Investment; cooperatives, cooperative unions; public service providers; the people’s armed forces; political organizations, socio-political organizations, socio-occupational-political organizations, social organizations, socio-occupational organizations; foreign enterprises operating in Vietnam and branches, representative offices of foreign enterprises operating in Vietnam; international organizations and foreign organizations operating in Vietnam and branches, representative offices of international organizations and foreign organizations operating in Vietnam;

d) Other organizations established in accordance with regulations and law committing violations under this Decree.

2. Competent individuals entitled to produce offence notice, impose penalties for administrative violations and other relevant individuals and regulations.”.

4. Amendments to Article 2:

**“Article 2. Regulation on prescriptive period, concluded administrative violations, ongoing administrative violations, and repetitive administrative violations**

1. Prescriptive period of violations in electricity, effective and efficient energy use shall be 1 year; prescriptive period of violations in manufacturing and import of equipment and instruments using energy effectively and efficiently shall be 2 years.

2. Concluded violations and ongoing violations shall be identified in accordance with Decree No. 118/2021/ND-CP dated December 23, 2021 of the Government elaborating to the Law Imposing Penalties for Administrative Violations.

3. Penalties for repetitive administrative violations:

a) Organizations and individuals which commit repetitive administrative violations shall be met with aggravating circumstances which will then be used by competent individuals entitled to impose penalties when issuing decisions imposing penalties for administrative violations, except for cases under Point b of this Clause;

b) Organizations and individuals which commit repetitive administrative violations which will be subject to penalties depending on value, quantity, amount, or type of exhibits or instruments of violations according to this Decree shall be met with penalties for each violation and competent individuals entitled to impose penalties for administrative violations shall not adopt multiple aggravating circumstances when issuing decisions imposing penalties for each administrative violation.”.

5. Amend Article 3 as follows:

**“Article 3. Forms of penalties for administrative violations and fine amounts**

1. Main forms of penalty:

a) Warnings;

b) Fine.

2. Additional penalties:

a) Confiscation of exhibits and instrument of administrative violations;

b) Temporary suspension of the license of operation;

c) Temporary suspension of electricity-related activities; temporary suspension of energy labeling activities.

3. Fine amount:

a) The maximum fine imposed is VND 100.000.000 for individual offenders and VND 200.000.000 for organization offenders in electricity;

b) Fines mentioned under Chapter II hereof shall be imposed on violations committed by individual offenders, except for administrative violations committed by organization offenders under Article 5, Article 7, Article 8, Clause 2 through Clause 6 Article 9, Article 10, Clause 4 and Clause 6 through Clause 9 Article 11, Article 13, Article 14, Article 20, Clause 2 Article 21, Article.”.

6. Amendments to Article 4:

**“Article 4. Remedial measures**

1. Mandated restoration to original state.

2. Mandated re-export of commodities, items, and instruments of violations.

3. Mandated disposal of commodities, items, and instruments of violations which cause harm to human health, domestic animal health, and the environment.

4. Mandated elimination of factors of violations from commodities, commodity packaging; elimination of electricity generator groups.

5. Mandated recall of unqualified products and commodities in circulation (including energy labels applied to equipment, instruments, and products).

6. Mandated recall or re-selling of contributed capital or purchased shares of generating units.

7. Mandated return of issued license for electricity operations.

8. Mandated submission of illegal revenues generated by the administrative violations to state budget or return to organizations and individuals which paid the revenues (including all costs incurred as a result of the violations (if any)).

9. Mandated testing and inspection of equipment; quality inspection of partial or total construction which has been completed, commissioned, transferred, or brought into use.

10. Mandated replacement and installation of electrical equipment and parts satisfying standards and technical regulations issued by competent authorities or mandated use of equipment that has been inspected and satisfying standards and regulations issued by competent authorities or mandated use of lighting equipment satisfying technical regulations on effective and efficient use of energy in public lighting.

11. Mandated investment and maintenance of regular operation of communication equipment, SCADA/EMS, electrical measuring instrument, AGC, PSS systems.
12. Mandated maintenance of primary frequency control and voltage regulation.
13. Mandated selection eligible and capable organizations and individuals.
14. Mandated additional installation of warning systems in downstream areas.
15. Mandated addition of warning signs and warning systems for radius of hydroelectricity structures and warning buoys in lakes within the protected vicinity of upstream side of dams.
16. Mandated installation of operational monitoring, communication, and safety warning systems for dams and downstream side of dams.
17. Mandated adherence to regulations on energy consumption, technical regulations in designing, constructing, and using construction materials for energy efficiency.
18. Mandated cancellation of energy accounting certificate and disclosure of list of violating certificate to organizations issuing energy accounting certificate; mandated revocation of certificate, test results, energy management certificate, energy accounting certificate, and certificate of energy management course completion.
19. Mandated suspension of circulation of equipment, instrument, and machinery.”.
7. Annulment of the title of Section 1 “Section. Electricity sector” under Chapter II.
8. Amendments to Article 5:

**“Article 5. Violation of regulation on electrical permit**

1. Impose a fine ranging from VND 5.000.000 to VND 10.000.000 on organizations which fail to store the original copies of Electrical permit at head office of the organizations or fail to store copies of Electrical permit at agent offices of the organizations.
2. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed on organizations which:
  - a) Fail to submit report within the time limit applicable to annual reports on operation in the licensed sector;
  - b) Fail to adopt procedures for revising Electrical permit within 30 days from the date on which name or address of head office is changed.
3. A fine ranging from VND 50.000.000 to VND 70.000.000 shall be imposed on organizations which:



a) Engage in electricity activities during the period in which Electrical permit is missing or lost without reporting to issuing agencies;

b) Fail to report to issuing agencies within 60 days prior to ceasing to engage in electricity activities or transferring electricity activities if Electrical permit is not expired.

4. A fine ranging from VND 90.000.000 to VND 120.000.000 shall be imposed on organizations which:

a) Fail to adopt procedures for revising Electrical permit within 30 days from the date on which any content of the Electrical permit is changed, except for violations under Point b Clause 2 of this Article;

b) Fail to adequately adhere to Electrical permit, except for other violations under this Decree;

c) Repair, lease, lend, rent, or borrow Electrical permit.

5. A fine ranging from VND 120.000.000 to VND 160.000.000 shall be imposed on organizations which:

a) Fail to provide truthful and accurate applications for issuance, revision of the permit;

b) Engage in electricity activities when the Electrical permit has expired;

c) Fail to satisfy any requirement for engagement in electricity activities during operation.

6. A fine ranging from VND 160.000.000 to VND 200.000.000 shall be imposed on organizations which:

a) Engage in electricity activities without Electrical permit, except for violations under Point b Clause 5 of this Article;

b) Engage in electricity activities during the period in which Electrical permit is suspended by competent authorities.

7. Remedial measures:

a) Mandated submission of issued Electrical permit for violations under Point c Clause 4 and Point a Clause 5 of this Article;

b) Mandated submission of revenues illegally generated by administrative violations which are the revenues that the offenders gain from electricity activities during violation to state budget for violations under Point c Clause 4, Point b Clause 5, and Clause 6 of this Article.”.

9. Amendments to Article 6:

## **“Article 6. Violation of regulations on construction, installation of electrical structures**

1. A fine ranging from VND 2.000.000 to VND 3.000.000 shall be imposed on hindering organizations and individuals from repairing or constructing electrical structures.

2. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed on installing, repairing, or relocating electrical structures without obtaining approval of owners of the electrical structures or entities managing, operating electrical structures.

3. A fine ranging from VND 30.000.000 to VND 60.000.000 shall be imposed on:

a) Installing and using materials, electrical equipment which does not adhere to design, does not satisfy standards and technical regulations issued by competent authorities;

b) Issuing and forcing adoption of standards related to construction and installation of electrical structures which do not conform to standards and technical regulations issued by competent authorities.

4. A fine ranging from VND 80.000.000 to VND 100.000.000 shall be imposed on:

a) Selecting ineligible organizations and individuals to provide consultancy in electricity or construct electrical structures;

b) Constructing or installing electrical structures without adhering to electricity development planning;

c) Commencing construction or constructing electrical structures without obtaining construction permit if required or without fulfilling requirements for commencing construction;

d) Failing to submit reports to competent authorities after commencing construction;

dd) Bringing structures or work items into operation and use without obtaining written approval of commissioning results issued by competent authorities.

5. Remedial measures:

a) Mandated restoration to original state for violations under Clause 2 and Point b Clause 4 of this Article;

b) Mandated replacement or installation of electrical equipment satisfying standards and technical regulations issued by competent authorities for violations under Point a Clause 3 of this Article;

c) Mandated selection of eligible organizations and individuals for violations under Point a Clause 4 of this Article;

d) Mandated submission of illegal revenues generated by the violations which are the revenues that the offenders gain from electricity generation to state budget and mandated quality inspection for structures which have been completed or commissioned, transferred, and brought into operation in part or in whole for violations under Point dd Clause 4 of this Article.”.

10. Amendments to Article 7:

**“Article 7. Violations of regulations on electricity generation**

1. A fine ranging from VND 20.000.000 to VND 40.000.000 shall be imposed on Generating units which fail to provide information on electricity generation readiness, reserve capacity, implementation of operational methods of electricity generation plants, and information related to electricity generation for National power system dispatching units, Entities conducting transactions in electricity market or electricity regulators in accordance with Circulars regulating competitive electricity market, regulations on electricity transmission system, and regulations on electricity transmission system issued by Ministry of Industry and Trade.

2. A fine ranging from VND 60.000.000 to VND 100.000.000 shall be imposed on Generating units which:

a) Fail to periodically test and inspect equipment;

b) Use equipment that has not been tested or inspected or is not satisfying standards, technical regulations issued by competent authorities;

c) Fail to adhere to procedures, standards, technical procedures issued by competent authorities regarding connection and operation of power plants, electrical grids.

3. A fine ranging from VND 120.000.000 to VND 150.000.000 shall be imposed on Generating units which:

a) Fail to provide inaccurate information on readiness of machine groups and power plants;

b) Fail to invest in communication, SCADA/EMS, electrical measuring instrument, AGC, and PSS systems;

c) Fail to maintain regular operation of communication, SCADA/EMS, electrical measuring instrument, AGC, PSS systems which have been invested;

d) Fail to maintain primary frequency control capacity at written request of National power system dispatching units;

dd) Fail to maintain voltage regulation capacity of the power plants at written request of National power system dispatching units.

4. Remedial measures:

a) Mandated testing and inspection of equipment; replacement of equipment not satisfying standards and technical regulations issued by competent authorities and mandated submission of illegal revenues generated by the violations to the victims (including all costs incurred as a result of the violations (if any)) for violations under Point a and Point b Clause 2 of this Article; if the victims cannot be identified, submit the illegal revenues to state budget;

b) Mandated investment and maintenance of regular operation of communication devices, SCADA/EMS, electrical measuring instrument, AGC, PSS systems for violations under Point b and Point c Clause 3 of this Article;

c) Mandated maintenance of primary frequency control capacity and voltage regulation capacity for violations under Point d and Point dd Clause 3 of this Article.”.

11. Amendments to Article 8:

**“Article 8. Violation of regulations on electrical transmission**

1. A fine ranging from VND 20.000.000 to VND 40.000.000 shall be imposed on Power transmitting units which fail to provide information on load capacity and operation modes, provision of equipment and information related to electrical transmission at written request of National power system dispatching units, Electricity market transaction operating units, or Electricity regulatory authorities.

2. A fine ranging from VND 80.000.000 to VND 100.000.000 shall be imposed on Power transmitting units which:

a) Allow connection of equipment which does not meet standards and technical regulations issued by competent authorities to electrical transmission grids;

b) Use electrical measuring instruments which have not been inspected or fail to meet standards and technical regulations applicable to electrical measuring instruments of electrical transmission grids issued by competent authorities.

3. A fine ranging from VND 100.000.000 to VND 120.000.000 shall be imposed on Power transmitting units which:

a) Fail to adhere to procedures and technical regulations on operation of electrical grids;

b) Fail to provide electrical transmission service at request of entities utilizing electrical transmission grids, except for cases where electrical grids are overloaded and confirmed by Electricity regulatory authorities;

c) Provide inaccurate information on operational status of electrical grids thereby causing damage to electrical transmission;

d) Fail to invest in communication, SCADA/EMS, electrical measuring instrument systems;

dd) Fail to maintain regular operation of invested communication, SCADA/EMS systems.

4. A fine ranging from VND 120.000.000 to VND 160.000.000 shall be imposed on Power transmitting units which:

a) Fail to remediate and restore original operational status of electrical transmission grids thereby causing interruption to power supply or overload of electrical equipment on electrical transmission grids within the time limit in accordance with Regulations on electricity transmission system issued by Ministry of Industry and Trade without a justifiable reason;

b) Fail to cease or request National power system dispatching units to reduce transmission load in case of risk to human lives and safety of equipment;

c) Approve connection to load, power sources in a manner that overloads the line, high voltage transformer substations, ultra-high voltage transformer substations in regular operational conditions, except for cases where approval is granted by competent authorities.

5. A fine ranging from VND 160.000.000 to VND 200.000.000 shall be imposed on Power transmitting units which:

a) Fail to construct or delay construction of electrical grids from connection points of Power generating units, Electricity distributing units when these units have met all requirements and standards, technical regulations issued by the authorities for connecting to the national power system without a justifiable reason approved by Electricity regulatory authorities;

b) Provide transmission service without adhering to Regulations on electricity transmission system of Ministry of Industry and Trade thereby causing damage to Power generating units, Electricity distributing units, and users connecting directly to electricity transmission grids, except for cases where electrical grids are overloaded and confirmed by Electricity regulatory authorities;

c) Contribute capital to Power generating units; purchase shares of Power generating units.

6. Remedial measures:

a) Mandated testing and inspection of equipment and replacement of equipment that does not meet standards and technical regulations issued by the authorities for violations under Point b Clause 2 of this Article;

b) Mandated recall of contributed capital or purchased shares of Power generating units for violations under Point c Clause 5 of this Article;

c) Mandated investment and maintenance of regular operation of communication devices, SCADA/EMS, electrical measuring instruments for violations under Point d and Point dd Clause 3 of this Article.”.

12. Amendments to Article 9:

**“Article 9. Violation of regulation on electricity distribution**

1. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed on:

- a) Removing or installing measuring instruments when not being assigned to do so;
- b) Failing to obtain record of removal or installation when installing or replacing electrical measuring instrument or failing to obtain signatures of electricity users’ representatives on the record;
- c) Failing to obtain professional cards before calibrating measuring instruments installed along electrical grids;
- d) Failing to obtain Certificate of inspection or inspection stamp or inspection seal when inspecting electrical measuring instruments;
- dd) Failing to commission within the time limit after installing, replacing, repairing, or calibrating electrical measuring instruments.

2. A fine ranging from VND 10.000.000 to VND 30.000.000 shall be imposed on Electricity distributing units which fail to produce reports on readiness, reserve capacity, and electricity distribution equipment, electricity use demand of their areas at request of National power system dispatching units, Electricity market transaction operating units, Electricity regulatory authorities, or competent authorities.

3. A fine ranging from VND 40.000.000 to VND 60.000.000 shall be imposed on Electricity distributing units which:

- a) Fail to inspect, repair, or replace electrical measuring instruments or fail to adopt replacement measures within 3 working days starting from the date on which written request of electricity buyers;
- b) Fail to rectify incidents within 2 hours from the date on which the incidents are discovered or notice of the buyers is received regarding incidents of electrical grids under management of the sellers in order to restore electrical supply without a justifiable reason;
- c) Fail to satisfy customer service quality requirements.

4. A fine ranging from VND 60.000.000 to VND 80.000.000 shall be imposed on Electricity distributing units which:

- a) Allow equipment that does not satisfy standards and technical regulations issued by competent authorities to be connected to electrical distribution grids;

b) Reach an agreement to connect electrical stations, power plants, or lines to 100 kV electrical grids in a manner that does not conform to electricity development planning approved by competent authorities;

c) Utilize electrical measuring instruments that are not inspected as per the law or do not satisfy standards and technical regulations issued by competent authorities;

d) Utilize electrical measuring instruments that do not conform to National standards or are not inspected and sealed by competent authorities or designated metrology organizations;

dd) Fail to exercise the right to suspend or reduce electricity supply; fail to notify or fail to implement the notice in accordance with Regulations on procedures for suspending, reducing electricity supply issued by Ministry of Industry and Trade;

e) Suspend or reduce electricity supply for priority users in case of electricity shortage, except for cases of potential risk to safety of humans, electrical equipment, or electrical systems.

5. A fine ranging from VND 80.000.000 to VND 100.000.000 shall be imposed on Electricity distributing units which:

a) Fail to provide electricity distribution services which have satisfied standards, technical regulations issued by the authorities, service quality and safety according to contracts for electricity users, Electricity retailers, and Electricity wholesalers, except for cases where electricity distribution grids are overloaded and confirmed by electricity regulatory authorities or assigned agencies;

b) Provide inaccurate information thereby affecting safety, causing damage to electricity distribution;

c) Fail to invest in communication, SCADA/EMS, electrical measuring instrument systems;

d) Fail to maintain regular operation of invested communication, SCADA/EMS systems.

6. A fine ranging from VND 100.000.000 to VND 120.000.000 shall be imposed on Electricity distributing units which:

a) Shed load or power sources; reduce electricity generation in a manner that does not adhere to plans approved by competent authorities;

b) Use electrical structures not under one's management to supply electricity for other electricity users;

c) Approve connection to load, power sources in a manner that overloads the line, high voltage transformer substations, and ultra-high transformer substations in regular operational conditions, except for cases where approval is granted by the authorities;

d) Suspend electricity supply due to technical errors which occur as a result of violation of operational procedures or untested, uninspected equipment.

7. Remedial measures:

a) Mandated testing and inspection of electrical measuring instruments and replacement of instruments that do not meet standards and technical regulations issued by the authorities for violations under Point c and Point d Clause 4 of this Article;

b) Mandated investment and maintenance of regular operation of communication devices, SCADA/EMS, electrical measuring instruments for violations under Point c and Point d Clause 5 of this Article.”.

13. Amendments to Article 10:

**“Article 10. Violation of regulation on electricity trading**

1. A fine ranging from VND 50.000.000 to VND 60.000.000 shall be imposed on Electricity wholesalers which sell electricity for the price which is not prescribed by the authorities.

2. A fine ranging from VND 100.000.000 to VND 120.000.000 shall be imposed on Electricity generating units, Electricity wholesalers, and Electricity retailers which produce electricity trading contracts that do not conform to regulations and law on term electricity trading contracts.

3. A fine ranging from VND 120.000.000 to VND 150.000.000 shall be imposed on Electricity generating units, Electricity wholesalers, and Electricity retailers which trade electricity with entities that do not have Electrical permit.

4. A fine ranging from VND 150.000.000 to VND 180.000.000 shall be imposed on Electricity wholesalers which export or import electricity without permission of the authorities.

5. Remedial measures:

a) Mandated refund of illegal revenues generated by selling electricity at a price higher than the prescribed price (including all costs incurred because of the violations) to the victims for violations under Clause 1 of this Article. If the victims cannot be identified, the illegal revenues shall be submitted to the state budget;

b) Mandated submission of illegal revenues generated by the administrative violations to the state budget for violations under Clause 3 and Clause 4 of this Article.”.

14. Amendments to Article 11:

**“Article 11. Violation of regulations on electricity retail**



1. A fine ranging from VND 500.000 to VND 1.000.000 shall be imposed on failing to publicly post regulations and law on electricity tariffs, procedures for supplying electricity, measuring electricity, recording meter reading, collecting electricity charges, suspending and reducing electricity supply, electrical safety instructions.

2. A fine ranging from VND 1.000.000 to VND 3.000.000 shall be imposed on:

a) Repeating violations under Clause 1 of this Article;

b) Posting incorrect electricity retail price publicly.

3. A fine ranging from VND 2.000.000 to VND 3.000.000 shall be imposed on hindering persons in the performance of their duty who are inspecting, examining electricity trade.

4. A fine ranging from VND 10.000.000 to VND 30.000.000 shall be imposed on Electricity retailers which:

a) Fail to sign electricity trading contracts after 7 working days from the date on which electricity buyers which buy electricity for domestic purposes have satisfied all requirements and negotiated details in the draft contracts without a justifiable reason;

b) Utilize electrical measuring instruments that are not inspected as per the law or do not satisfy standards and technical regulations issued by competent authorities applicable to electrical distribution grids;

5. A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed on taking advantage of the occupation to harass electricity users for personal gain.

6. A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed on Electricity retailers which:

a) Fail to sign electricity trading contracts for non-domestic purposes after 7 working days from the date on which electricity buyers have satisfied all requirements and negotiated details in the draft contracts without a justifiable reason;

b) Sell electricity without electricity trading contracts with electricity users.

7. A fine ranging from VND 50.000.000 to VND 60.000.000 shall be imposed on Electricity retailers which:

a) Sell electricity at a price not regulated by the authorities;

b) Fail to exercise the right to suspend or reduce electricity supply; fail to notify or fail to implement the notice in accordance with Regulations on procedures for suspending, reducing electricity supply issued by Ministry of Industry and Trade;

8. A fine ranging from VND 120.000.000 to VND 150.000.000 shall be imposed on Electricity retailers which purchase electricity from electricity entities that lack Electrical permit.

9. A fine ranging from VND 150.000.000 to VND 180.000.000 shall be imposed on Electricity wholesalers which export or import electricity without permission of the authorities.

10. Remedial measures:

a) Mandated refund of illegal revenues generated by selling electricity at a price higher than the prescribed price (including all costs incurred because of the violations) to the victims for violations under Point a Clause 7 of this Article. If the victims cannot be identified, the illegal revenues shall be submitted to the state budget;

b) Mandated testing and inspection of electrical measuring instruments and replacement of instruments that do not meet standards and technical regulations issued by the authorities for violations under Point b Clause 4 of this Article;

c) Mandated submission of illegal revenues generated by the administrative violations to the state budget for violations under Clause 5 and Clause 9 of this Article.”.

15. Amendments to Article 12:

**“Article 12. Violation of regulations on electricity use**

1. A fine ranging from VND 2.000.000 to VND 3.000.000 shall be imposed on hindering competent individuals from inspecting electricity use.

2. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed on:

a) Unintentionally causing error in electrical system of the sellers;

b) Supplying electricity to other organizations and individuals without permission.

3. A fine ranging from VND 5.000.000 to VND 8.000.000 shall be imposed on installing, closing, opening, repairing, relocating, or replacing electrical equipment and instruments of the sellers.

4. A fine ranging from VND 8.000.000 to VND 10.000.000 shall be imposed on closing the circuit without permission when electricity structures of the buyers have not been commissioned or when electricity supply is being suspended as a result of violation of the law.

5. A fine ranging from VND 10.000.000 to VND 14.000.000 shall be imposed on:

a) Damaging or relocating electricity measuring system without permission (including meter protection boxes, seals, and electrical wiring diagrams);

b) Using equipment in order to interfere and damage data transmission equipment, measuring instruments, or protection equipment of electrical systems.

6. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed on landlords who charge tenants for electricity at a higher rate when purchasing electricity using retail price for domestic, production, business, and service purposes. +

7. A fine ranging from VND 60.000.000 to VND 80.000.000 shall be imposed on major electricity users which:

a) Fail to use electricity in accordance with request of National power system dispatching units when the system's capacity is limited; fail to adopt measures for ensuring voltage standards agreed upon in electricity trading contracts;

b) Connect electrical equipment or connecting equipment which fails to satisfy standards and technical regulations issued by competent authorities to the national electricity grids;

c) Fail to execute operation orders of National power system dispatching units;

d) Fail to cut electricity or reduce electricity use at request of the sellers due to force majeure;

dd) Fail to invest in communication, SCADA/EMS, electrical measuring instrument systems;

e) Fail to maintain regular operation of invested communication systems, SCADA/EMS/DMS, and electrical measuring instruments.

8. Fine imposed on electricity theft in any shape or form shall be as follows:

a) A fine ranging from VND 4.000.000 to VND 10.000.000 shall be imposed on electricity theft where total stolen electricity is worth less than VND 1.000.000;

b) A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed on electricity theft where total stolen electricity is worth from VND 1.000.000 to less than VND 2.000.000.

9. Upon discovering electricity theft where total stolen electricity is worth at least VND 2.000.000, competent individuals receiving the case must transfer the case file to competent criminal proceedings agencies for criminal prosecution in accordance with Clause 1, Clause 2, and Clause 4 Article 62 of the Law on Imposing Penalties for Administrative Violations. In case the criminal proceedings agencies issue decisions on not pursuing criminal prosecution, decisions annulling the decisions pursuing criminal prosecution, decisions on suspending investigation, decisions on dismissing the case, decisions on removing the defendants, exempting from criminal liabilities if the violations indicate administrative violations, transfer the case files to competent individuals entitled to impose penalties for administrative violations in accordance with Clause 3 Article 62 and Article 63 of the Law on Imposing Penalties for Administrative Violations in order to impose penalties for administrative violations in accordance with Point b Clause 8 of this Article.

10. Additional penalties:

Confiscation of exhibits and instruments of administrative violations for violations under Clause 5, Point b Clause 7, Clause 8, and Clause 9 of this Article.

11. Remedial measures:

a) Mandated restoration to original state for violations under Clause 3 and Clause 5 of this Article;

b) Mandated refund of illegal revenues generated by the administrative violations (including all costs incurred as a result of the violation) to the victims for violations under Point a Clause 5, Clause 6, Clause 8, and Clause 9 of this Article. In case the victims cannot be identified, the illegal revenues shall be submitted to the state budget for violations under Clause 6 of this Article;

c) Mandated the use of equipment that satisfies all standards and technical regulations issued by the authorities for violations under Point b Clause 7 of this Article;

d) Mandated investment and maintenance of regular operation of communication devices, SCADA/EMS, electrical measuring instruments for violations under Point dd and Point e Clause 7 of this Article.”.

16. Amend Article 13 as follows:

**“Article 13. Violation of regulations on electricity system dispatch**

1. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed on National power system dispatching units which dispatch electricity system without complying with applicable regulations and law without a justifiable reason but have not caused any incident to the electrical system.

2. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed on Electricity generating units, Electricity transmitting units which fail to report incidents, irregular working conditions of equipment that can potentially cause the power plants or electrical transmission grids to cease to operate to National power system dispatching units.

3. A fine ranging from VND 50.000.000 to VND 60.000.000 shall be imposed on National power system dispatching units which:

a) Dispatch electrical system without adhering to approved operating plans thereby causing incidents along electrical system without a justifiable reason;

b) Violate the Operating procedures of national power system issued by Ministry of Industry and Trade thereby causing incidents along the electrical grid;

c) Fail to comply with the Incident response procedures of national power system issued by the Ministry of Industry and Trade thereby causing the incident to affect a larger scale;

d) Contribute capital to Power generating units; purchase shares of Power generating units.

4. A fine ranging from VND 50.000.000 to VND 60.000.000 shall be imposed on Electricity distributing units which:

a) Fail to comply with dispatch orders of the National power system dispatching units according to the Dispatching procedures of national electrical issued by Ministry of Industry and Trade, except for cases where execution of dispatch orders will pose risk to humans and equipment;

b) Fail to adhere to the Operating procedures of national power system and Operating procedures of equipment issued by Ministry of Industry and Trade thereby causing incidents along electrical distribution network;

c) Fail to comply with the Incident response procedures of national power system issued by the Ministry of Industry and Trade thereby causing the incident to affect a larger scale.

5. A fine ranging from VND 180.000.000 to VND 200.000.000 shall be imposed on Electricity generating units and Electricity transmitting units which:

a) Fail to comply with dispatch orders of the National power system dispatching units according to the Dispatching procedures of national electrical issued by Ministry of Industry and Trade, except for cases where execution of dispatch orders will pose risk to humans and equipment;

b) Fail to adhere to the Operating procedures of national power system, Black start procedures, Incident response procedures of national power system, Electricity restoration procedures of national power system, Operating procedures of equipment and other relevant procedures, regulations issued by Ministry of Industry and Trade thereby causing incidents within power plants or electricity transmission grids.

6. Remedial measures:

Mandated selling of contributed or purchased capital of Electricity generating units for violations under Point d Clause 3 of this Article.”.

17. Amendments to Article 14:

**“Article 14. Violation of regulations on electricity market**

1. A fine ranging from VND 40.000.000 to VND 60.000.000 shall be imposed on Electricity transmission units which fail to provide information on repair plans of electrical transmission grids to National power system dispatching units, Electricity market transaction operating units within the time limit according to Regulations on competitive electricity market and Regulations on electricity transmission system issued by Ministry of Industry and Trade.

2. A fine ranging from VND 40.000.000 to VND 60.000.000 shall be imposed on Electricity generating units which:

a) Fail to produce and send application for participation in electricity market in accordance with the Regulations on competitive electricity market issued by Ministry of Industry and Trade;

b) Fail to invest in connection system of electricity market in accordance with Regulations on competitive electricity market issued by Ministry of Industry and Trade.

3. A fine ranging from VND 60.000.000 to VND 80.000.000 shall be imposed on Electricity market transaction operating units which:

a) Violate regulations on information disclosure under Regulations on competitive electricity market issued by Ministry of Industry and Trade;

b) Use input parameters and data in producing annual power system operating plans without obtaining permission of the authorities in accordance with Regulations on competitive electricity market issued by Ministry of Industry and Trade.

4. A fine ranging from VND 60.000.000 to VND 80.000.000 shall be imposed on Electricity wholesalers which:

a) Fail to provide accurate information in order to produce annual power system operating plans and monthly, weekly power system capacity mobilization schedules or settle disputes and impose penalties for violations in electricity market in accordance with Regulations on competitive electricity market issued by the Ministry of Industry and Trade;

b) Fail to adhere to procedures for appraising and approving electricity trading agreements.

5. A fine ranging from VND 80.000.000 to VND 100.000.000 shall be imposed on Electricity market transaction operating units, Power system operating units which:

a) Violate regulations on information disclosure under Regulations on competitive electricity market issued by Ministry of Industry and Trade;

b) Provide information serving supervision of electricity market, settlement of disputes, and sanction against violation in electricity market in an inadequate or untimely manner in accordance with Regulations on competitive electricity market, Regulations on electricity market supervision, and Regulations on dispute settlement and violation sanction issued by Ministry of Industry and Trade;

c) Violate procedures and methods of calculating annual electrical production for Electricity generating units in accordance with Regulations on competitive electricity market and Regulations on sample electricity trading equipment issued by Ministry of Industry and Trade;

d) Lose data required for production of electricity payment documents during storage period in accordance with Regulations on competitive electricity market issued by Ministry of Industry and Trade.

6. A fine ranging from VND 100.000.000 to VND 120.000.000 shall be imposed on Electricity transmitting units which fail to provide accurate information in order to produce annual power system operating plans and monthly, weekly power system mobilization schedules in accordance with Regulations on competitive electricity market and Regulations on transmission electricity system issued by Ministry of Industry and Trade.

7. A fine ranging from VND 100.000.000 to VND 120.000.000 shall be imposed on Generating units which:

a) Fail to provide accurate information in order to produce annual power system operating plans and monthly, weekly power system capacity mobilization schedules or settle disputes and impose penalties for violations in electricity market in accordance with Regulations on competitive electricity market issued by the Ministry of Industry and Trade;

b) Reach an agreement with other Electricity generating units on offers in order to have mobilization schedules prepared;

c) Directly or indirectly agree with other entities in restricting or controlling offered capacity on the market in order to increase the price on the spot market and thereby affecting power supply security;

d) Reach an agreement with Electricity market transaction operating units on offers in order to have mobilization schedules prepared in a manner that does not conform to regulations and law.

8. A fine ranging from VND 160.000.000 to VND 180.000.000 shall be imposed on Electricity market transaction operating units, Power system operating units which:

a) Intervene in electricity market operation without adhering to Regulations on competitive electricity market and Regulations on transmission electricity system issued by Ministry of Industry and Trade;

b) Fail to adhere to regulations on execution of mobilization schedules of electricity generator groups under Regulations on electricity transmission system issued by Ministry of Industry and Trade;

c) Fail to adhere to regulations on preparation of mobilization schedules of electricity generator groups under Regulations on competitive electricity market and Regulations on electricity transmission system issued by Ministry of Industry and Trade;

d) Reach an agreement with Electricity generating units on offers in order to have mobilization schedules of electricity generator groups of Electricity generating units prepared in a manner that

does not conform to Regulations on competitive electricity market issued by the Ministry of Industry and Trade.

#### 9. Remedial measures:

Mandated submission of illegal revenues generated by the administrative violations which are the money gained from the offers (including all costs incurred as a result of the violations) to state budget for violations under Point b, Point c, and Point d Clause 7, and Point d Clause 8 of this Article.”.

#### 18. Amendments to Article 15:

##### **“Article 15. Violation of regulations on electrical safety**

1. A fine ranging from VND 2.000.000 to VND 3.000.000 shall be imposed on hindering individuals in the performance of their duty.

2. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed on:

- a) Entering electrical substations or scaling utility poles when not assigned to any task;
- b) Planting trees or placing trees in a manner that violates safety clearance of overhead power lines and electrical substations;
- c) Installing television antennas, clothes line, scaffolds, advertising panels or posters in a way that they will collide with electrical grid if they fall;
- d) Flying a kite or any object thereby causing incidents along electrical grid;
- dd) Failing to adequately adopt safety measures prior to working with energized components on power system;
- e) Trimming or cutting trees in order to ensure safety for high-voltage electrical grid without informing organizations managing or individuals owning the trees;
- g) Hindering entities managing operation of high-voltage electrical grid from inspecting or repairing damage of electrical substations and power lines.

3. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed on:

- a) Using any components of electrical grid for other purposes without agreeing with entities managing operation of electrical grid;
- b) Unloading, piling, or arranging materials, components, and equipment beneath overhead power lines and failing to ensure minimum approach distance by voltage from power lines to materials, components, and equipment;



c) Using any parts of houses, structures which are allowed to be located within safety perimeter of overhead power lines for other purposes in a manner that violates minimum approach distance by voltage;

d) Building or renovating houses, structures situated within safety perimeter of overhead power lines without reaching an agreement or complying with existing agreements with entities managing operation of the power lines in order to ensure safety in construction and renovation of houses, structures;

dd) Loading commodities, materials, components, planting trees, or anchoring watercrafts within the safety perimeter of underground power cables;

e) Building houses or structures in a manner that interferes with entrances or vents of electrical substations, power plants;

g) Failing to adequately adopt construction measures when working with work items and equipment along power system, except for violations under Point dd Clause 2 of this Article;

h) Failing to produce list of electrical equipment and instruments that require inspection for monitor and management in accordance with regulations on safety technical inspection of electrical equipment and instruments;

i) Stealing electricity of a customer for another household;

k) Stealing electricity of a customer for purposes other than those under signed contracts without permission;

l) Repairing, replacing, maintaining, or otherwise altering circuits approved under electricity trading agreements before completing training courses regarding electrical engineering, civil electricity, and electrical safety;

m) Starting a fire, combusting, or committing slash-and-burn in a manner that poses risk to operation safety of electrical grid.

4. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed on:

a) Building structures into the ground or dredging rivers, lakes, or ponds within safety perimeter of underground power cables without informing entities managing operation of the cables;

b) Failing to install safety signs or signboards, warning signs in adequate format for power lines, electrical substations, and power plants in accordance with regulations on electricity safety;

c) Felling trees and not taking measures to prevent said trees from falling into electrical grid;

d) Building houses or structures on safety corridor of underground power cable;

dd) Failing to obtain work slip or work order when conducting work which requires compliance with work slip or work order;

e) Failing to retain work slip and work order;

g) Failing to adequately comply with work slip and work order;

h) Failing to adequately adopt safety measures prior to conducting work close to energized components on electrical system;

i) Failing to adequately adopt safety measures prior to working with energized components on power system;

k) Failing to obtain technical design, construction drawing design, as-built dossiers, and other technical dossiers in accordance with construction laws and transfer to managing and operating entities;

l) Failing to inspect and adjust equipment within power generation, transmission, and distribution technology line in part or in whole in order to ensure compliance with standards and technical regulations issued by competent authorities and parameters under approved design.

5. A fine ranging from VND 60.000.000 to VND 70.000.000 shall be imposed on:

a) Digging or driving piles into safety corridor of underground cables;

b) Operating equipment, instrument, or vehicles or conducting other activities in a manner that violates minimum approach distance by voltage;

c) Dismantling any component of electrical grid or power plant when not assigned to do so;

d) Throwing any object and causing damage to electrical grid or power plant or causing incident to electrical grid or power plant;

dd) Employing electricity to trap, capture animals or to use as direct protective measures in a manner that contradicts regulations and law;

e) Failing to adequately promulgate procedures and regulations on electrical safety;

g) Failing to adequately adopt safety measures when working by work slip or work order and thereby causing incidents or accidents;

h) Utilizing or hiring individuals who have not received electrical training or electrical safety training, or have not been issued with electrical safety card, inspector card to manage operation, repair electrical grid, power plant, or conduct technical safety inspection of electrical equipment and instruments;

- i) Setting up power lines across residential areas, crowded areas or letting the power lines to carry more load than the prescribed standards;
- k) Failing to have standards and technical regulations on electrical safety issued by competent authorities;
- l) Failing to develop and adopt procedures, regulations, and methods of organizing implementation of regulations on electrical safety at workplace and enterprises on the basis of standards and technical regulations on electrical safety issued by competent authorities;
- m) Failing to produce documents, information sheets, and technical dossiers relating to electrical equipment and managing organizations;
- n) Failing to produce statistical reports, monitor electricity-related incidents and violations of safety corridor of high-voltage electrical grid under their management, and submit reports on electricity operations and local electricity use to the authorities.

6. A fine ranging from VND 70.000.000 to VND 80.000.000 shall be imposed on:

- a) Designing, installing, and using electrical grid or power plant which does not satisfy regulations on electrical engineering and electrical safety;
- b) Failing to inspect and examine lightning arrester, grounding system of power plant, electrical substations, and power lines;
- c) Storing or placing combustible, explosive, or corrosive substances within safety corridor of electrical grid;
- d) Failing to conduct technical safety inspection for electrical equipment and instruments;
- dd) Conducting technical safety inspection for electrical equipment and instruments without effective Certificate of registration of electrical equipment and instrument inspection;
- e) Conducting technical safety inspection of electrical equipment and instrument and exceeding the scope stipulated under the Certificate of registration of electrical equipment and instrument inspection;
- g) Failing to dismantling, recalling structures of electrical grid and returning the premise within 6 months from the date on which the electrical grid is separated from the power system.

7. A fine ranging from VND 90.000.000 to VND 100.000.000 shall be imposed on:

- a) Digging and causing poles of power lines or equipment of electrical stations, power plants to depress or collapse;
- b) Blasting and damaging any component of electrical grid or power plant;

c) Using construction machinery in a manner that damages or causes incidents to electrical grid or power plant.

8. Additional penalties:

Confiscation of exhibits and instruments of administrative violations for violations under Clause 3; Point a, Point c, and Point d Clause 4; Points a, b, c, d, and dd Clause 5; Point c Clause 6; Point a and Point c Clause 7 of this Article.

9. Remedial measures:

a) Mandated restoration to original state for violations under Point b and Point c Clause 2; Clause 3; Point c and Point d Clause 4; Point a, Point c, Point d, and Point i Clause 5; Point c Clause 6 and Clause 7 of this Article;

b) Mandated submission of illegal revenues generated by inspection activities to state budget for violations under Point dd and Point e Clause 6 of this Article.”.

19. Annulment of the title of section 2 “Section 2. Safety of hydroelectricity dams” under Chapter II.

20. Amendments to Article 16:

**“Article 16. Violation of regulations on management and operation of hydroelectricity dams and reservoirs**

1. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed on failing to register safety of hydroelectricity dams and reservoirs in accordance with regulations and law on dam safety management; failing to organize development and storage of construction completion dossiers prior to commissioning and using the structures.

2. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed on failing to develop, organize implementation, or comply with operational procedures of equipment and maintenance procedures of each hydroelectricity work item and dam.

3. A fine ranging from VND 50.000.000 to VND 70.000.000 shall be imposed on failing to report current conditions of hydroelectricity dam and reservoir safety to the authorities.

4. A fine ranging from VND 70.000.000 to VND 90.000.000 shall be imposed on:

a) Failing to maintain hydroelectricity dams and equipment installed at hydroelectricity dams;

b) Failing to prepare human resources, materials, instruments, equipment, and necessities required for natural disaster response in order to ensure hydroelectricity safety and downstream areas and emergency response in accordance with approved measures;

c) Conducting work other than those under the operation permit regarding hydroelectricity dam and reservoir protection, except for cases where reservoir water surface is used for aquaculture, tourism, or recreational purposes without written approval of the authorities and met with penalties for administrative violations in water resources, natural resources or irrigation structure operation and protection;

d) Failing to inspect and assess safety of dams and reservoirs;

dd) Failing to develop database on hydroelectricity dams and reservoirs;

e) Failing to prepare functional backup power sources to operate valves of spillway.

5. A fine ranging from VND 90.000.000 to VND 100.000.000 shall be imposed on:

a) Failing to conduct safety inspection of hydroelectricity dams;

b) Conducting work within protection perimeter of dams and reservoirs without permit where permit is required;

c) Failing to develop operational procedures of hydroelectricity dams or failing to review and revise operational procedures or failing to adhere to operational procedures approved by competent authorities;

d) Failing to adhere to procedures and methods of closing, opening valves of water discharge structures in accordance with regulations applicable to reservoirs and non-overflow dams.

6. Additional penalties:

Suspension from electrical operation for 6 to 12 months for violations under Point a and Point c Clause 5 of this Article.”.

21. Amendments to Article 17:

**“Article 17. Violation of regulations on safety assurance of hydroelectricity dams and downstream areas**

1. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed on:

a) Failing to produce natural disaster response plans for dams and downstream areas for approval of the authorities during construction process; failing to adequately implement natural disaster response plan for dams and downstream areas approved by competent authorities;

b) Failing to produce, approve, and implement natural disaster response plans during operation of hydroelectricity dams and reservoirs.

2. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed on:

a) Failing to produce or adhere to natural disaster response plans during operation or failing to review and approve annual natural disaster response plans during operation;

b) Failing to install or failing to review and install additional warning systems in downstream areas on an annual basis;

c) Failing to install warning signs for perimeter of hydroelectricity structures, warning buoys reservoirs in upstream areas of dams;

d) Failing to organize inspection, submit accurate reports to the authorities on activities within perimeter of hydroelectricity dams and reservoirs under the offenders' management and ownership.

3. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed on:

a) Failing to maintain communication and reports with National Steering Committee for Natural Disaster Prevention and Control and the authorities;

b) Failing to issue warning or inform the inhabitants and local governments in advance about flood discharge of hydroelectricity dams;

c) Failing to produce and adequately comply with emergency response plans of hydroelectricity dams and reservoirs approved by the authorities;

d) Failing to produce and adequately comply with protective measures of hydroelectricity dams approved by the authorities;

dd) Failing to produce and adequately comply with emergency response plans or failing to review, revise, and adjust emergency response plans for approval of the authorities on an annual basis;

e) Failing to develop plans for placing markers identifying protection perimeter of hydroelectricity dams; failing to place and manage markers; failing to transfer markers to People's Committees of communes where dams are built for management;

g) Failing to produce protective measures for hydroelectricity dams and reservoirs and present to the authorities for approval.

4. A fine ranging from VND 50.000.000 to VND 70.000.000 shall be imposed on:

a) Failing to develop emergency response plans or revise emergency response plans on an annual basis and present to competent authorities for approval;

b) Failing to install operation monitoring system, information equipment, and safety warning for dams and downstream areas.

5. Remedial measures:

a) Mandated additional installation of warning systems of downstream areas for violations under Point b Clause 2 of this Article;

b) Mandated addition of warning signs for perimeter of hydroelectricity structures, warning buoys in reservoirs within protection perimeter of upstream of dams for violations under Point c Clause 2 of this Article;

c) Mandated installation of operation monitoring system, information equipment, and safety warning for dams and downstream areas for violations under Point b Clause 4 of Article.”.

22. Amendments to Article 18:

**“Article 18. Violation of regulations on safety assurance of buffer zones of hydroelectricity dams**

1. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed on mooring watercrafts to hydroelectricity dams or shoulders of hydroelectricity dams, except for watercrafts serving inspection, maintenance, or repair of hydroelectricity dams.

2. Additional penalties:

Confiscation of instruments of administrative violations for violations under Clause 1 of this Article.”.

23. Annulment of the title of section 3 “Section 3. Sectors of effective and efficient power use” under Chapter II.

24. Amendments to Article 19:

**“Article 19. Violation of primary energy consumers regarding energy accounting**

1. A warning shall be imposed on failing to produce accounting reports which contain adequate contents in accordance with the regulated form.

2. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed on:

a) Failing to adopt remedial measures at request of competent authorities;

b) Failing to produce reports on energy consumption.

3. A fine ranging from VND 50.000.000 to VND 60.000.000 shall be imposed on failing to perform energy accounting.”.

25. Amendment, addition, and annulment of some clauses of Article 20:

a) Annul Clause 4;

b) Amend Clause 5:

“5. Remedial measures:

a) Mandated annulment of certificate of energy accountant and disclosure of violating certificate for violations under Point b, Point c, and Point d Clause 1, Clause 2 of this Article;

b) Mandated refund of illegal revenues generated by the administrative violations to learners (including all costs incurred as a result of the violation) for violations under Point b, Point c, and Point d Clause 1, Clause 2 of this Article; in case learners cannot be identified, the illegal revenues shall be submitted to state budget;

c) Mandated revocation of certificate of energy accountants for violations under Clause 3 of this Article.”.

26. Amendments to Article 21:

a) Amend Clause 2:

“2. A fine ranging from VND 15.000.000 to VND 30.000.000 shall be imposed on primary energy consumers which conduct energy accounting by themselves or hiring ineligible energy accounting organizations to conduct energy accounting (lacking energy accountants issued with certificate of energy accountants or lacking technical equipment, instruments required for energy accounting operation).”;

b) Amend Clause 4:

“4. Additional penalties:

Suspension of certificates of energy accountants for 6 to 12 months for violations under Point b Clause 1 of this Article.”.

27. Amendments to Article 22:

**“Article 22. Violation of regulations on effective and efficient use of energy in industrial manufacturing**

A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed on failing to implement technical standards, energy consumption, energy management measures, and technology using energy effectively and efficiently required in design, construction, installation, and operation of equipment in order to save electricity.”.

28. Amendment, addition, and annulment of some clauses of Article 23:



a) Annul Clause 3;

b) Amend Clause 4:

“4. Remedial measures:

Mandated removal of electricity generator groups in accordance with roadmap regulated by the authorities for violations under Clause 1 and Clause 2 of this Article.”.

29. Amend Clause 4 Article 24 as follows:

“4. Remedial measures:

Mandated the use of lighting equipment which satisfies technical regulations on effective and efficient use of energy in public lighting for violations under Clause 2 and Clause 3 of this Article.”.

30. Amend Clause 2 Article 25 as follows:

“2. Remedial measures:

Mandated compliance with regulations on energy consumption rate and technical regulations in design, construction, and use of construction materials in order to save energy for violations under this Article.”.

31. Amendments to Article 26:

**“Article 26. Violation of regulation on effective and efficient use of energy for organizations and enterprises engaged in transport operations**

1. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed on utilizing transports mentioned under the List of equipment and vehicles to be removed.

2. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed on failing to produce reports on fuel and energy consumption.

3. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed on manufacturing equipment or transports that do not conform to technical regulations and energy consumption rate regarding effective and efficient use of energy.

4. A fine ranging from VND 90.000.000 to VND 100.000.000 shall be imposed on importing equipment or transports that do not conform to technical regulations and energy consumption rate regarding effective and efficient use of energy.

5. Remedial measures:

a) Mandated termination of circulation of equipment and transport for violations under Clause 1 of this Article;

b) Mandated re-export of imported equipment and transport for violations under Clause 4 of this Article;

c) Mandated disposal of imported equipment and transport for violations under Clause 4 of this Article if re-export measure under Point b of this Clause cannot be implemented.”.

32. Amendments to Clause 3 Article 27:

“3. Remedial measures:

Mandated termination of circulation of equipment, machinery, and vehicles for violations under this Article.”.

33. Amendment, addition, and annulment of some clauses of Article 28:

a) Annul Clause 3;

b) Amend Clause 4:

“4. Remedial measures:

a) Mandated revocation of certificate of completion of energy management training course for violation under Point b, Point c, and Point d Clause 1 of this Article;

b) Mandated refund of illegal revenues generated by the administrative violations to learners (including all costs incurred as a result of the violation) for violations under Point b, Point c, and Point d Clause 1, Clause 2 of this Article; in case learners cannot be identified, the illegal revenues shall be submitted to state budget;

c) Mandated revocation of certificate of energy management for violations under Clause 2 of this Article.”.

34. Amendments to Article 29:

**“Article 29. Violation of regulations on energy management**

1. Warnings shall be imposed on:

a) Heads of primary energy consumers which fail to adequately implement energy management model in the primary energy consumers;

b) Heads of organizations utilizing state budget which fail to adequately comply with regulations on management and effective, efficient use of energy, including: failing to develop and submit

annual effective and efficient energy consumption plans to local energy authorities; violating regulations on reports on energy consumption, failing to develop regulations on energy efficiency in facilities, agencies, and entities; failing to comply with the list of energy efficient equipment and instruments issued by the authorities in procurement and installation of equipment and instruments that use energy.

2. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed on failing to designate eligible individuals as energy managers.

3. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed on failing to develop annual and 5-year effective and efficient use of energy; failing to produce reports as per the law and failing to produce reports on annual and 5-year plan execution results.

4. Additional penalties:

Suspension of certificate of energy managers for 6 to 12 months for violations under Clause 3 of this Article.”.

35. Amendments to Article 30:

**“Article 30. Violation of regulations on energy labeling and use of energy labels**

1. Impose the following penalties for failing to apply energy label onto equipment and appliances which must be applied with energy labels:

a) Warnings in case of first-time violation;

b) A fine ranging from VND 10.000.000 to VND 20.000.000 in case of failing to apply energy labels onto equipment and appliances which must be applied with energy labels in case of repeated violations.

2. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed on failing to truthfully submit reports on quantity and type of equipment and appliances to be applied with energy labels manufactured, imported, sold, and distributed to the authorities.

3. A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed on:

a) Applying energy labels on equipment, appliances, or packaging with inappropriate dimension;

b) Increasing or decreasing dimension of energy labels in inappropriate proportions;

c) Concealing or causing confusion regarding information on energy labels.

4. A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed on:

a) Failing to disclose energy consumption rate of equipment and appliances;

b) Proceeding to apply energy labels onto equipment or appliances without disclosing again in case of any change to standard energy consumption rate issued by competent authorities.

5. A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed on:

a) Failing to provide accurate information on energy consumption rate on energy labels according to documents disclosing energy consumption rates of equipment and appliances (including when selling or distributing products on digital platforms);

b) Providing false information on energy consumption rate of energy-consuming equipment and appliances when publicizing or advertising (including when selling or distributing products on digital platforms).

6. A fine ranging from VND 50.000.000 to VND 60.000.000 shall be imposed on applying energy labels onto equipment and appliances in a manner that does not conform to documents disclosing energy consumption rate, or applying energy labels onto equipment and appliances without disclosing energy labeling.

7. Additional penalties:

Suspension of energy labeling operation for 4 to 6 months for violations under Clause 4 of this Article.

8. Remedial measures:

a) Mandated removal of elements of violations on appliances, equipment, or packaging for violations under Clause 2 and Clause 3 of this Article;

b) Mandated recall of products bearing energy labels for violations under Clause 6 of this Article.”.

36. Amendments to Clause 2 Article 31:

“2. Remedial measures:

a) Mandated revocation of issued certificates and test results for violations under Clause 1 of this Article;

b) Mandated refund of illegal revenues generated by the administrative violations (including all costs incurred as a result of the violation) to the victims for violations under Clause 1 of this Article. In case the victims cannot be identified, the illegal revenues shall be submitted to the state budget.”.

37. Amendments to Article 32:

**“Article 32. Violation of regulations on Lists of equipment and appliances to which mandatory energy labeling and minimum energy efficiency standards are applied and roadmap to their implementation**

1. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed on violation of minimum energy efficiency in manufacturing, import, sale, or distribution of energy-consuming equipment and appliances under the List of equipment and appliances to which mandatory energy labeling is applied.

2. A fine ranging from VND 50.000.000 to VND 60.000.000 shall be imposed on manufacturing or importing energy-consuming equipment or appliances under the List of equipment and appliances to be disposed.

3. Additional penalties:

Confiscation of exhibits, appliances, and equipment of violation for violations under Clause 1 and Clause 2 of this Article.

4. Remedial measures:

a) Mandated re-export of imported appliances and equipment for violations under Clause 2 of this Article;

b) Mandated disposal of imported equipment and appliances for violations under Clause 2 of this Article if mandated re-export measure under Point b of this Clause cannot be implemented.”.

38. Amendments to Chapter III:

**“Chapter III**

**ENTITLEMENT TO ISSUE OFFENCE NOTICE AND IMPOSE PENALTIES FOR ADMINISTRATIVE VIOLATIONS**

**Article 33. Entitlement to produce offence notice**

1. Individuals entitled to impose penalties specified under Articles 34 through 37 hereof.

2. Individuals affiliated to the people’s armed forces, the people’s public security, public officials, and public employees in specialized agencies exercising state management in electricity, effective and efficient use of energy in the performance of their duty.

**Article 34. Entitlement of Chairpersons of People’s Committees of all levels to impose penalties**

Chairpersons of People’s Committees of all levels are entitled to impose penalties for administrative violations which occur within their administrative divisions, to be specific:

1. Chairpersons of People's Committees of communes hold the right to impose penalties for violations under Clause 1 Article 6; Clause 1 through Clause 3 Article 11; Clause 1, Clause 2 Article 12; Clause 1 Article 15 hereof;

a) Impose warnings;

b) Impose a fine of up to VND 5.000.000 on individual offenders and up to VND 10.000.000 on organization offenders;

2. Chairpersons of People's Committees of districts hold the right to impose penalties for violations under Clause 1 Article 6; Clause 1, 2 Article 9; from Clause 1 through Clause 7 Article 11; Clause 1 through Clause 6 and Clause 8 Article 12; Clause 1 through Clause 4 Article 15; Clause 1, Clause 2 Article 16; Article 18; Clause 1, Clause 2 Article 19; Clause 1, Clause 2 Article 20; Article 21; Article 22; Article 24; Article 25; Clause 1 through Clause 3 Article 26; Article 27; Article 28; Article 29; Clauses 1, 4, and 5 Article 30 and Article 31 hereof:

a) Impose warnings;

b) Impose a fine of up to VND 50.000.000 on individual offenders and up to VND 100.000.000 on organization offenders;

c) Confiscate exhibits and instrument of administrative violations;

d) Temporarily suspend certificates;

dd) Temporarily suspend energy labeling activity;

e) Adopt remedial measures for violations within their entitlement to impose penalties.

3. Chairpersons of People's Committees of provinces hold the right to impose penalties for violations under Article 5; Article 6; Clause 1, 2, 3 Article 9; Clause 1 Article 10; Article 11; Article 12 and Articles 15 through 32 hereof:

a) Impose warnings;

b) Impose a fine of up to VND 100.000.000 on individual offenders and up to VND 200.000.000 on organization offenders;

c) Confiscate exhibits and instrument of administrative violations;

d) Temporarily suspend certificates;

dd) Temporarily suspend electricity-related activities; temporarily suspend energy labeling activity;

e) Adopt remedial measures for violations within their entitlement to impose penalties.

### **Article 35. Entitlement of Inspectors to impose penalties for administration violations**

1. Inspectors and individuals assigned to conduct field-specific inspection in electricity, effective and efficient use of energy in the performance of their duty hold the right to impose warnings for violations under Clause 1 Article 19, Clause 1 Article 29, and Point a Clause 1 Article 30 hereof.

2. Chief Inspectors of Departments of Industry and Trade, Chiefs of field-specific provincial-level Inspectorates, Chiefs of field-specific Inspectorates of state management authorities assigned to conduct field-specific inspection regarding electricity, effective and efficient use of energy hold the right to impose penalties for violations under Clause 1 through Clause 3 Article 5; Clause 1, Clause 2 Article 6; Clause 1 through Clause 5 Article 9; Clause 1 through Clause 7 Article 11; Clause 1 through Clause 6 and Clause 8 Article 12; Clause 1 through Clause 4 Article 15; Clause 1, Clause 2 Article 16; Clause 1 through Clause 3 Article 17; Article 18; Clause 1, Clause 2 Article 19; Clause 1, Clause 2 Article 20; Article 21; Article 22; Article 24; Article 25; Clause 1 through Clause 3 Article 26; Article 27; Article 28; Article 29; Clause 1 through Clause 5 Article 30; Article 31; Clause 1 Article 32 hereof:

a) Impose warnings;

b) Impose a fine of up to VND 50.000.000 on individual offenders and up to VND 100.000.000 on organization offenders;

c) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 100.000.000;

d) Temporarily suspend certificates;

dd) Temporarily suspend energy labeling activity;

e) Adopt remedial measures for violations within their entitlement to impose penalties.

3. Chief Inspectors of Departments of Construction hold the right to impose penalties for violations under Point d and Point e Clause 2, Point d Clause 3 Article 15, Article 24, Article 25 hereof within their management:

a) Impose a fine of up to VND 50.000.000 on individual offenders and up to VND 100.000.000 on organization offenders;

b) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 100.000.000;

e) Adopt remedial measures for violations within their entitlement to impose penalties.

4. Chief Inspectors of Departments of Transport hold the right to impose penalties for violations under Article 26 hereof within their management:

a) Impose a fine of up to VND 50.000.000 on individual offenders and up to VND 100.000.000 on organization offenders;

b) Adopt remedial measures for violations within their entitlement to impose penalties.

5. Chief of field-specific ministerial-level Inspectorates of state management authorities regarding electricity, effective and efficient use of energy hold the right to impose penalties for violations under Clause 1 through Clause 4 Article 5; Clause 1 through Clause 4 Article 6; Clause 1, Clause 2 Article 7; Clause 1 through Clause 3 Article 8; Article 9; Clause 1, Clause 2 Article 10; Clause 1 through Clause 7 Article 11; Clause 1 through Clause 8 Article 12; Clause 1 through Clause 4 Article 13; Clause 1 through Clause 7 Article 14; Clause 1 through Clause 5 Article 15; Clause 1 through Clause 3 Article 16; Article 17 through Article 22; Clause 1 Article 23; Article 24; Article 25; Clause 1 through Clause 3 Article 26; Article 27 through Article 32 hereof:

a) Impose warnings;

b) Impose a fine of up to VND 70.000.000 on individual offenders and up to VND 140.000.000 on organization offenders;

c) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 140.000.000;

d) Temporarily suspend certificates;

dd) Temporarily suspend energy labeling activity;

e) Adopt remedial measures for violations within their entitlement to impose penalties.

6. Chief Inspector of Ministry of Industry and Trade is entitled to impose penalties for administrative violations on a nationwide scale:

a) Impose warnings;

b) Impose a fine of up to VND 100.000.000 on individual offenders and up to VND 200.000.000 on organization offenders;

c) Confiscate exhibits and instrument of administrative violations;

d) Temporarily suspend certificates; temporarily suspend electricity-related activities; temporarily suspend energy labeling activity;

dd) Adopt remedial measures for violations within their entitlement to impose penalties.



7. Chief Inspector of Ministry of Construction is entitled to impose penalties for violations under Point d and Point e Clause 3, Point d Clause 4 Article 15; Article 24; Article 25 hereof within their management:

- a) Impose a fine of up to VND 100.000.000 on individual offenders and up to VND 200.000.000 on organization offenders;
- b) Confiscation of exhibits and instrument of administrative violations;
- c) Adopt remedial measures for violations within their entitlement to impose penalties.

8. Chief Inspector of Ministry of Transport is entitled to impose penalties for violations under Article 26 hereof within their management:

- a) Impose a fine of up to VND 100.000.000 on individual offenders and up to VND 200.000.000 on organization offenders;
- b) Adopt remedial measures for violations within their entitlement to impose penalties.

9. Director of Electricity Regulatory Authority is entitled to impose penalties for violations under Article 5 and Article 7 through Article 14 hereof on a nationwide scale:

- a) Impose a fine of up to VND 100.000.000 on individual offenders and up to VND 200.000.000 on organization offenders;
- b) Confiscation of exhibits and instrument of administrative violations;
- c) Adopt remedial measures for violations within their entitlement to impose penalties.

10. Director of Industrial Safety Techniques and Environment Agency is entitled to impose penalties for violations under Article 15 through Article 18 hereof on a nationwide scale:

- a) Impose a fine of up to VND 100.000.000 on individual offenders and up to VND 200.000.000 on organization offenders;
- b) Confiscation of exhibits and instrument of administrative violations;
- c) Temporarily suspend electricity-related activities;
- d) Adopt remedial measures for violations within their entitlement to impose penalties.

### **Article 36. Entitlement of the People's Public Security to impose penalties**

The following individuals, upon discovering violations under this Decree within their management, shall impose penalties as follows:

1. Chiefs of district police authorities are entitled to impose penalties for violations under Clause 1 Article 6; Clause 3 Article 11; Clause 1 Article 12; Clause 1, Point a and Point d Clause 2; Point a, Point b, Point dd and Point m Clause 3 Article 15 hereof:

- a) Impose a fine of up to VND 20.000.000 on individual offenders and up to VND 40.000.000 on organization offenders;
- b) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 40.000.000;
- c) Adopt remedial measures for violations within their entitlement to impose penalties.

2. Directors of provincial police authorities are entitled to impose penalties for violations under Clause 1 Article 6, Clause 3 Article 11; Clause 1 Article 12; Clause 1, Point a and Point d Clause 2, Point a, Point b, Point dd and Point m Clause 3, Point a and Point c Clause 4 Article 15; Article 18 hereof:

- a) Impose a fine of up to VND 50.000.000 on individual offenders and up to VND 100.000.000 on organization offenders;
- b) Confiscation of exhibits and instrument of administrative violations;
- c) Adopt remedial measures for violations within their entitlement to impose penalties.

3. Director of Economic Security Department, Director of Police Department on Administrative Management of Social Order are entitled to impose penalties for violations under Article 18 hereof on a nationwide scale:

- a) Impose a fine of up to VND 100.000.000 on individual offenders and up to VND 200.000.000 on organization offenders;
- b) Confiscation of exhibits and instrument of administrative violations.

### **Article 37. Entitlement of Market surveillance authority to impose penalties**

1. Market control employees, during the performance of their duty, are entitled to impose warnings for violations under Point a Clause 1 Article 30 hereof.

2. Leaders of Market Surveillance Teams and Heads of Professional Divisions affiliated to the Departments of Market Surveillance Operations are entitled to impose penalties for violations under Clause 1 through Clause 3 Article 30 and Clause 1 Article 32 hereof:

- a) Impose warnings;
- b) Impose a fine of up to VND 25.000.000 on individual offenders and up to VND 50.000.000 on organization offenders;

c) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 50.000.000;

d) Adopt remedial measures for violations within their entitlement to impose penalties.

3. Directors of provincial Departments of Market Surveillance, Director of Departments of Market Surveillance Operations are entitled to impose penalties for violations under Clause 1 through Clause 5 Article 30 and Clause 1 Article 32 hereof:

a) Impose warnings;

b) Impose a fine of up to VND 50.000.000 on individual offenders and up to VND 100.000.000 on organization offenders;

c) Confiscate exhibits and instrument of administrative violations;

d) Temporarily suspend energy labeling activity;

dd) Adopt remedial measures for violations within their entitlement to impose penalties.

4. General Director of Directorate of Market Surveillance is entitled to impose penalties for violations under Article 30 and Article 32 hereof:

a) Impose warnings;

b) Impose a fine of up to VND 100.000.000 on individual offenders and up to VND 200.000.000 on organization offenders;

c) Confiscate exhibits and instrument of administrative violations;

d) Temporarily suspend energy labeling activity;

dd) Adopt remedial measures for violations within their entitlement to impose penalties.

### **Article 38. Informing relevant agencies and organizations about results of actions against administrative violations**

1. Competent individuals entitled to impose penalties are responsible for informing agencies that issue Electrical permit in writing to consider revocation of Electrical permit in accordance with Article 37 and Article 38 of Law on Electricity when imposing penalties for administrative violations under Point c Clause 4 and Point a Clause 5 Article 5 hereof.

2. Competent individuals entitled to impose penalties are responsible for informing the electricity seller in order to cease or reduce electricity supply in accordance with regulation and law on electricity immediately after producing offence notice for violations under Clause 8 and Clause 9 Article 12 hereof.

3. Competent individuals entitled to impose penalties are responsible for informing agencies that accredit laboratories in writing to remove name of violating laboratories from the List of laboratories qualified for conducting energy efficiency tests when imposing penalties for violations under Clause 1 Article 31 hereof.

4. Competent individuals entitled to impose penalties are responsible for informing agencies, organizations which have transferred offence notice and offence dossiers in writing about results of actions against violations.”.

39. Amendments to title of Article 46: **“Article 39. Entry into force”**

40. Change from Article 47 to Article 40:

**“Article 40. Responsibilities for implementation**

1. Ministry of Industry and Trade is responsible for:

a) organizing implementation of this Decree;

b) regulating methods of determining stolen yield of electricity and illegal revenues generated by electricity theft in order to return to the victims and methods of organizing, implementing penalties and remedial measures for electricity theft.

2. Ministers, heads of ministerial agencies, heads of Governmental agencies, Chairpersons of People’s Committees of provinces and central-affiliated cities are responsible for implementation of this Decree.”.

**Article 3. Amendments to Article No. 98/2020/ND-CP dated August 26, 2020 of the Government**

1. Amendment, addition, and annulment of some clauses of Article 4:

a) Insert Point l following Point k Clause 3:

“l) Mandated submission of fabricated or otherwise altered license to operate to competent agencies and individuals which have issued the license.”

b) Amend Clause 4:

“a) Maximum fine in commercial sector shall be VND 100.000.000 for individual offenders and VND 200.000.000 for organization offenders; maximum fine for manufacturing and trading of counterfeits or prohibited goods and consumer’s right protection shall be VND 200.000.000 for individual offenders and VND 400.000.000 for organization offenders;

b) Fines mentioned under Chapter II hereof apply to administrative violations committed by individual offenders, except for administrative violations under Article 33, Article 35, Article 68,

Article 70, Clauses 6, 7, 8, and 9 Article 73, Clauses 6, 7, and 8 Article 77 hereof. Organization offenders shall be met with twice the fines applicable to individual offenders.”.

c) Insert Clause 5 following Clause 4:

“5. Maximum fine imposed by entities under Chapter III hereof apply to one administrative violation committed by an individual offender; maximum fine imposed on an organization offender shall equal twice that applicable to an individual offender.”.

2. Addition of Article 4a and Article 4b after Article 4:

**“Article 4a. Regulations on concluded administrative violations, ongoing administrative violations, and penalties for repetitive administrative violations**

1. Concluded violations and ongoing violations shall be identified in accordance with Decree No. 118/2021/ND-CP dated December 23, 2021 of the Government elaborating to the Law Imposing Penalties for Administrative Violations.

2. Penalties for repetitive administrative violations:

a) Organizations and individuals which commit repetitive administrative violations shall be met with aggravating circumstances which will then be used by competent individuals entitled to impose penalties when issuing decisions imposing penalties for administrative violations, except for cases under Point b of this Clause;

b) Organizations and individuals which commit repetitive administrative violations which will be subject to penalties depending on value, quantity, amount, or type of exhibits or instruments of violations according to this Decree shall be met with penalties for each violation and competent individuals entitled to impose penalties for administrative violations shall not adopt multiple aggravating circumstances when issuing decisions imposing penalties for each administrative violation.

**Article 4b. Execution of penalties, remedial measures, and determination of profits illegally generated by the administrative violations**

1. Implementation of decisions imposing penalties for administrative violations shall conform to Section 2 of Chapter III of the Second Part of the Law on Imposing Penalties for Administrative Violations and Decree No. 118/2021/ND-CP dated December 23, 2021 of the Government elaborating to the Law on Imposing Penalties for Administrative Violations.

2. Other notices, documents, records, or instruments recording execution of penalties and/or remedial measures must be included in the dossiers on imposing penalties for administrative violations in accordance with Article 57 of the Law on Imposing Penalties for Administrative Violations.

3. Profits illegally generated by the administrative violations according to this Decree mean instrument, money, objects, or other assets gained from the administrative violations committed by the offenders and are determined as follows:

a) Illegal monetary profit means the money generated by the offenders from the administrative violations and equals the money generated from illegal transfer or consumption of commodities, provision of services after deducting direct costs of commodities and services based on dossiers and documents proving legitimacy of those costs provided by the offenders; illegal monetary profit generated from consumption of prohibited commodities, counterfeits, illegally imported commodities, or conditionally provided services means all money generated from transfer or consumption of commodities or provision of services;

b) Illegal instrument profit means all valuable instruments that the offenders gain from the administrative violations. If valuable instruments have been transferred, the illegal profit shall equal the money gained at the time of transfer; if valuable instruments have been dispersed or disposed, the illegal profit shall equal book value of institutions that issue the valuable instruments at the time of dispersal or disposal;

c) Illegal profits that are objects or other assets gained by the offenders from the administrative violations mean other assets according to the Civil Code.

In case objects or other assets are not prohibited commodities, counterfeits, or illegally imported commodities and have been transferred, sold, or disposed, the illegal profits shall equal the monetary equivalence of market value of the same assets or book value of the assets (if market value is not available) or monetary value of the assets written on the export declarations, import declarations (in case of exports, imports) of the offenders after deducting direct costs of commodities based on documents proving legitimacy of the costs.

In case other objects or assets are prohibited commodities, counterfeits, or illegally imported commodities and have been transferred or sold, the illegal profits shall equal total money received by the offenders when they make the transfer.”.

3. Amendment, addition, and annulment of some clauses of Article 6:

a) Annul Clause 6.

b) Amend Clause 7:

“7. Remedial measures:

a) Mandated submission of fabricated or otherwise altered license to operate to competent agencies and individuals that issue the license for violations under Point a Clause 1 of this Article;

b) Mandated submission of illegal revenues generated by the violations under Point b Clause 1, Clause 2, Clause 3, and Clause 4 of this Article.

4. Amendments to Clause 11 Article 8:

a) Amend Point c:

“c) Confiscation of transport used for carrying prohibited goods for violations under this Article in case quantity, weight, value, or illegal revenues of prohibited goods are among those specified under Clause 6, Clause 7, or Clause 8 of this Article;”;

b) Annul Point d.

5. Amendments to Point b Clause 3 Article 9:

“b) Suspension of professional license or permit for 3 to 6 months for violations under Point e Clause 1 of this Article.”.

6. Amendments to Clause 3 Article 10:

a) Amend Point c:

“c) Suspension of professional license or permit or production activities for 12 to 24 months for violations under Point e Clause 1 of this Article.”;

b) Annul Point d.

7. Amendments to Point b Clause 3 Article 11:

“b) Suspension of professional license or permit for 1 to 3 months for violations under Point e Clause 1 of this Article.”.

8. Amendments to Clause 3 Article 12:

a) Amend Point c:

“c) Suspension of professional license or permit or production activities for 03 to 06 months for violations under Point e Clause 1 of this Article.”;

b) Annul Point d.

9. Amendments to Point b Clause 3 Article 13:

“b) Suspension of professional license or permit for 1 to 3 months for violations under Point h Clause 1 of this Article.”.

10. Amendments to Clause 3 Article 14:

a) Amend Point c:

“c) Suspension of professional license or permit or production activities for 3 to 6 months for violations under Point h Clause 1 of this Article.”;

b) Annul Point d.

11. Amendments to Point b Clause 4 Article 15:

“b) Confiscation of transports of violations for violations under this Decree in case value of exhibits ranges up to VND 200.000.000.”.

12. Annulment of Point b Clause 3 Article 18.

13. Amendments to Point b Clause 3 Article 19:

“b) Suspension of license to sell tobacco for 1 to 3 months for violations under Point d and Point dd Clause 2 of this Article.”.

14. Amendments to Point b Clause 2 Article 20:

“b) Suspension of license to sell tobacco for 3 to 6 months for violations under Point dd through Point k Clause 1 of this Article.”.

15. Amendments to Clause 3 Article 21:

“3. Additional penalties:

Suspension of license to sell tobacco for 1 to 3 months for violations under Point h and Point o Clause 2 of this Article.”.

16. Amendments to Point b Clause 2 Article 22:

“b) Suspension of license to sell tobacco for 1 to 3 months for violations under Point c, Point d, and Point dd Clause 1 of this Article.”.

17. Annulment of Clause 1, Point a Clause 2 and Clause 2 Article 23.

18. Amendments to Clause 3 Article 26:

“3. Additional penalties:

Suspension of license to sell liquor for 1 to 3 months for violations under Point b Clause 1 of this Article.”.

19. Amendments to Clause 3 Article 27:

“3. Additional penalties:



Suspension of license to sell liquor for 1 to 3 months for violations under Point 1 Clause 1 of this Article.”.

20. Amendments to Clause 3 Article 28:

“3. Additional penalties:

Suspension of license to sell liquor for 1 to 3 months for violations under Clause 1 and Clause 2 of this Article in case value of commodities that violate the law ranges up to VND 50.000.000.”.

21. Amendments to Article 30:

**“Article 30. Other violations regarding sale of alcoholic beverages**

1. A fine ranging from VND 1.000.000 to VND 3.000.000 shall be imposed on failing to adequately report production and sale of liquor with alcohol by volume of 5,5% to the authorities that issue the license.

2. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed on:

a) Selling alcoholic beverages by vending machines;

b) Employing individuals below 18 years of age to produce or sell alcoholic beverages.

3. Other violations in accordance with regulations on alcoholic beverage harm control and prevention regarding discount, sale, or supply of alcoholic beverages shall be met with penalties in accordance with Decree of the Government imposing penalties for administrative violations in medical sector.

4. Additional penalties:

Confiscation of exhibits and instruments of violations for violations under Point a Clause 2 of this Article.

5. Remedial measures:

Mandatory return of revenues illegally generated by the violations under Point a Clause 2 of this Article.”.

22. Amendments to Clause 6 Article 31:

“6. Additional penalties:

a) Confiscation of exhibits for violations under this Article;

b) Suspension of certificate of eligibility for selling, license to sell, certificate of operation or suspension of sale of violating goods for 6 to 12 months for violations under this Article.”.

23. Amendments to Point b Clause 4 Article 32:

“b) Suspension of professional license or permit for 3 to 6 months for violations under Clause 3 of this Article.”.

24. Amendment, addition, and annulment of some clauses of Article 33:

a) Insert Clause 1a and Clause 1b before Clause 1:

“1a. A fine ranging from VND 1.000.000 to VND 3.000.000 shall be imposed on submitting reports on results of sale promotion program to competent authorities within 30 days from the report deadline.

1b. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed on submitting reports on results of sale promotion program to competent authorities after 30 days or later from the report deadline. ;

b) Amend Point d Clause 1 as follows:

“d) Failing to inform competent authorities about time and location where proof of prize-winning is attached to goods before issuing proof of prize-winning or failing to produce records of attachment of proof of prize winning to goods when implementing provisional games of chance where proof of prize-winning is attached to goods;”;

c) Insert Point I Clause 1:

“i) Organize competitions or prizes that are not open to the public or not witnessed by customers’ representatives or without informing Departments of Industry and Trade where competitions and prizes are organized before said competitions and prizes take place when implementing sale promotional programs in form of selling goods or providing services together with entry form for customers in order to choose the winner according to predetermined methods and disclosed prizes where total prize pool ranges up to VND 100.000.000.”;

d) Amend Point c and Point d Clause 2:

“c) Failing to notify, notify changes (hereinafter referred to as “notify”) or register, register changes (hereinafter referred to as “register”) to competent authorities when implementing sale promotion or failing to truthfully notify or register;

d) Failing to notify or report sale promotion results or failing to notify or report (except for cases under Clause 1a of this Article) or failing to accurately notify or report;”;

dd) Annul Point c Clause 3, Clause 4, and Point b Clause 6.

25. Amendment, addition, and annulment of some clauses of Article 35:

a) Amend Clause 1:

“1. A fine ranging from VND 1.000.000 to VND 5.000.000 shall be imposed on:

a) Failing to truthfully declare contents of the application when applying for organization of fairs or commercial exhibits;

b) Submitting reports on results of fairs or commercial exhibits to competent authorities within less than 30 days after the deadline.”;

b) Amend Point c and insert Points d, dd, and e under Clause 2:

“c) Failing to disclose and guarantee rights of traders participating in fairs or commercial exhibits when said fairs or commercial exhibits must be closed;

d) Failing to adequately provide traders engaging in fairs and commercial exhibits with information relating participation in fairs, commercial exhibits, and exhibits therein;

dd) Failing to adequately provide organizers of fairs and commercial exhibits with information on goods on display;

e) Submitting reports on results of fairs or commercial exhibits to competent authorities 30 days or later after the deadline.”;

c) Annul Point Clause 3.

d) Insert Point k Clause 4:

“k) Failing to satisfy requirements and regulations on booths and services when organizing fairs or commercial exhibits in Vietnam.”;

dd) Amend Point g Clause 5:

“g) Using name or theme of fairs or commercial exhibits in Vietnam in a manner that contradicts tradition, ethics, or customs of Vietnam.”.

26. Amendments to Clause 4 Article 38:

“4. Remedial measures:

Mandated submission of fabricated or otherwise altered import permit, export permit to competent agencies and individuals that issue the permit for violations under Clause 1 of this Article.”.

27. Addition of Point c following Point b Clause 7 Article 40 as follows:

“c) Mandated submission of fabricated or otherwise altered temporary import and re-export permit, temporary export and re-import permit to competent agencies and individuals that issue the permit for violations under Clause 1 of this Article.”.

28. Amendment, addition, and annulment of some clauses of Article 41:

a) Annul Point b Clause 6 Article 41;

b) Amend Clause 7:

“7. Remedial measures:

a) Mandated submission of fabricated or otherwise altered goods transit permit to competent agencies or individuals that have issued the permit for violations under Clause 1 of this Article;

b) Mandated re-export or removal goods from territory of the Socialist Republic of Vietnam for violations under Clause 4 and Clause 5 of this Article.

29. Amendments to Point b Clause 6 Article 43:

“b) Suspension of certificate of eligibility for operating duty free shops for 1 to 3 months for violations under Clause 4 and Clause 4 of this Article.”.

30. Amendments to Clause 6 Article 44:

“6. Remedial measures:

a) Mandated submission of illegal revenues generated by the violations under Point a and Point b Clause 3, Clause 4 of this Article;

b) Mandated submission of fabricated or otherwise altered Certificate of origin or make-out certificate of origin to competent agencies and individuals which have issued Certificate of origin or make-out certificate of origin for violations under Clause 1 of this Article.”.

31. Amendments to Clause 4 Article 47:

“4. Additional penalties:

Suspension of professional license or permit for 1 to 3 months for violations under Clause 3 of this Article.”.

32. Annulment of Clause 7 Article 61.

33. Amendment, addition, and annulment of some clauses of Article 62:

a) Amend Point a Clause 1:

“a) Failing to add notification documents relating to e-commerce shopping websites that facilitate online ordering (hereinafter referred to as “e-commerce shopping websites”) or shopping applications on mobile platform that facilitate online ordering (hereinafter referred to as “shopping applications”);”;

b) Amend Point dd Clause 1:

“dd) Failing to adequately and accurately disclose information on owners of the shopping websites or applications; information on goods and services; information on number of certificate of eligibility for conducting business in case of goods and services that are required by the law to have certificate of eligibility for conducting business; information on prices; information on transport and delivery; information on general transaction conditions; and information on payment methods on the websites or applications;”;

c) Insert Point g to Clause 1:

“g) Failing to provide information on business situations and produce statistical reports on operation of the shopping websites or shopping applications within the time limit or at request of competent authorities.”.

d) Amend Point a Clause 3:

“a) Failing to notify shopping websites or shopping applications to competent authorities prior to selling goods or providing services for customers;”;

dd) Amend Clause 5:

“5. Additional penalties:

Suspension of e-commerce operations for 6 to 12 months for violations under Points c and d Clause 3; Points d, dd, e, and g Clause 4 of this Article.”.

34. Amendment, addition, and annulment of some clauses of Article 63:

a) Amend Point a Clause 1:

“a) Failing to implement a way to allow customers to read and present consensus on general transaction conditions prior to sending request for concluding contract for using online order functions on shopping websites or shopping applications;”;

b) Insert Point c to Clause 2:

“c) Providing information on selling goods, providing services without being eligible for doing so or failing to satisfy regulations and law on selling the goods, providing services on the internet.”;

c) Amend Point dd Clause 3:

“dd) Failing to store information on transactions or data on each payment made via the shopping website according to accounting laws;”.

35. Amendment, addition, and annulment of some clauses of Article 64:

a) Amend Point c Clause 1:

“a) Failing to publicize procedures for receiving and responsibilities for handling customers’ complaints and methods of settling disputes relating to contracts concluded via shopping websites or shopping applications on the shopping websites or applications;”;

b) Insert Point dd to Clause 1:

“dd) Failing to display name of foreign sellers in Vietnamese or Latin transcription on shopping websites or applications.”;

c) Insert Point dd to Clause 2:

“dd) Failing to provide accurate information in the application for establishment of shopping websites or shopping applications submitted to competent authorities.”;

d) Insert Point g and Point h to Clause 3:

“g) Providing e-commerce shopping services that are not consistent with the application for establishment of shopping websites or shopping applications approved by competent authorities;

h) Failing to adhere to procedures under the application for establishment of shopping websites or shopping applications approved by competent authorities.”.

dd) Amend Point d Clause 5 as follows:

“b) Failing to assist competent authorities in investigating, taking actions against violations of the law, and settling disputes and complaints on the shopping websites or shopping applications;”;

36. Amendments to Article 65:

a) Amend Point a and Point b Clause 1:

“a) Develop consumer privacy policies in a manner not conforming to regulations and law;

b) Failing to develop or publicly display consumer privacy policies on homepage of the shopping websites or shopping applications.”;

b) Amend Point a Clause 2:

“a) Failing to clearly display consumer privacy policies or the link to consumer privacy policies at the time in which consumers' information is collected;”;

c) Amend Point c Clause 3:

“c) Failing to disclose policies regarding security for payment information of customers on the shopping websites or shopping applications that facilitate online payment.”;

d) Amend Clause 5:

“5. Additional penalties:

Suspension of e-commerce activities for 3 to 6 months for violations under Clause 4 of this Article.”.

37. Amendment, addition, and annulment of some clauses of Article 66:

a) Amend Point c Clause 3:

“a) Failing to provide e-commerce assessment, supervision, or authentication service in a manner adhering to the application;”;

b) Insert Point c to Clause 3:

“c) Failing to disclose regulations which are compliant with the application for provision of e-commerce authentication service verified by the authorities.”;

c) Amend Point a Clause 4:

“a) Providing e-commerce assessment, supervision, or authentication service without obtaining verification for the application as per the law;”;

d) Amend Point d Clause 4:

“d) Failing to provide e-commerce authentication service in a manner adhering to operation schemes under the application for provision of electronic contract authentication service verified by the authorities;”

dd) Amend Point a Clause 6 as follows:

“a) Suspension of e-commerce authentication service for 6 to 12 months for violations under Point b Clause 4 and Point a Clause 5 of this Article;”

38. Amendment, addition, and annulment of some clauses of Article 67:

a) Annul Point a Clause 5;

b) Amend Clause 6:

“6. Remedial measures:

a) Mandated submission of license to establish representative offices which has been fabricated or otherwise altered to competent agencies and individuals which previously issued the license for violations under Point dd Clause 2 of this Article;

b) Mandatory return of illegal revenues generated by the violations under Point e Clause 3 of this Article.”.

39. Amendments to Article 68:

**“Article 68. Violations regarding establishment and operation of representative offices of foreign trade promotion organizations in Vietnam (hereinafter referred to as “representative offices”)**

1. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed on submitting reports on representative office operation to competent authorities less than 30 days past the deadline.

2. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed on submitting reports on representative office operation to competent authorities 30 days or more past the deadline.

3. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed on:

a) Failing to truthfully and accurately declare information in the application for issuance, revision, re-issuance, or extension of license to establish representative offices;

b) Failing to publicly disclose operation of representative offices in Vietnam once the license to establish representative offices has been issued, re-issued, revised, or extended as per the law;

c) Failing to adopt procedures for revising license to establish representative offices within the time limit when changing heads of the representative offices; changing location of representative offices; changing name or operation of licensed representative offices; changing head office location of foreign trade promotion organizations; changing name or registration country or operation of foreign trade promotion organizations;



- d) Fabricating or otherwise altering the license to establish representative office;
- dd) Failing to ensure consistency between actual address of the representative office and the address written in the license to establish representative office;
- e) Subletting representative offices or representing other foreign trade promotion organizations.

4. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed on:

- a) Failing to produce reports within the time limit or provide documents or provide explanation for issues relating to operation of representative office at request of competent authorities;
- b) Failing to adhere to license to establish representative office in operation;
- c) Allowing head of a representative office to act as head of another representative office of other foreign trader or organization in Vietnam;
- d) Proceeding with operation after having the license to establish representative office revoked or suspended by competent authorities or expired and not yet extended;
- dd) Proceeding with operation when the foreign trade promotion organization has ceased to operation.

5. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed on:

- a) Establishing representative office affiliated to another representative office of a foreign trade promotion organization in Vietnam;
- b) Conducting activities relating to trade promotion in Vietnam without establishing representative office in Vietnam;
- c) Establishing representative office without adhering to Vietnamese regulations and law;
- d) Directly conducting activities in order to generate revenues in Vietnam.

6. Remedial measures:

- a) Mandated submission of license to establish representative offices which has been fabricated or otherwise altered to competent agencies and individuals which previously issued the license for violations under Point d Clause 3 of this Article;
- b) Mandatory submission of illegal revenues generated by the violations under Point e Clause 3 and Point d Clause 5 of this Article.”.

40. Amendment, addition, and annulment of some clauses of Article 69:

a) Annul Point a Clause 5;

b) Amend Clause 6:

“6. Remedial measures:

a) Mandated submission of license to establish representative office which has been fabricated or otherwise altered to competent agencies and individuals which previously issued the license for violations under Point dd Clause 2 of this Article;

b) Mandatory submission of illegal revenues generated by the violations under Point dd Clause 3 and Clause 4 of this Article.”.

41. Amendment, addition, and annulment of some clauses of Article 73:

a) Amend Point b Clause 3:

“b) Providing false information regarding benefits of multi-level marketing, operation of the enterprise, functions, benefits of goods, or providing information on foodstuffs by using images, equipment, outfits, name, newsletter of medical entities, medical facilities, doctors, pharmacists, medical personnel, thank-you notes, articles of doctors, pharmacists, medical personnel, or providing information on foodstuffs that include uploaded, excerpted, cited, quoted patients’ feedback describing treatment properties of the foodstuffs;”;

b) Replace the phrase “trader” with “enterprise” under Point i Clause 6; Point c, Point d, Point dd, Point n, and Point p Clause 7; Point d and Point e Clause 8;

c) Insert Point t to Clause 7:

“t) Failing to ensure that at least 20% of the MLM revenues generated in a financial year come from customers rather than MLM personnel of an enterprise;”;

d) Replace the phrase “trader” with “enterprise” under Point i Clause 6; Point c, Point d, Point dd, Point n, and Point p Clause 7; Point d and Point e Clause 8;

dd) Amend Point e Clause 9 as follows:

“e) Providing false information, or causing confusion regarding functions, benefits of goods or operation of enterprises, or providing information on foodstuffs by using images, equipment, outfits, name, newsletter of medical entities, medical facilities, doctors, pharmacists, medical personnel, thank-you notes, articles of doctors, pharmacists, medical personnel, or providing information on foodstuffs that include uploaded, excerpted, cited, quoted patients’ feedback describing treatment properties of the foodstuffs;”;

42. Amendments to Point b Clause 5 Article 74:

“b) Suspension of operation for 1 to 3 months for violations under Clause 4 of this Article.”.

43. Amendments to Clause 2 Article 80:

“2. Individuals affiliated to the People’s Army, the People’s Public Security, public officials, and employees affiliated to agencies under Articles 81, 82, 83, 84, 85, 86, 87, and 87a hereof in the performance of their duty.”.

44. Amendments to Article 81:

**“Article 81. Entitlement of Chairpersons of People’s Committees of all levels to impose penalties**

1. Chairpersons of People’s Committees of communes have the power to:

- a) Impose warnings;
- b) Impose a fine up to VND 5.000.000;
- c) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 10.000.000;
- d) Adopt remedial measures under Point b Clause 3 Article 4 hereof.

2. Chairpersons of People’s Committees of districts have the power to:

- a) Impose warnings;
- b) Impose a fine of up to VND 100.000.000 for violations under Section 2 and Section 9 Chapter II hereof; impose a fine of up to VND 50.000.000 for other violations under this Decree;
- c) Suspend the license of operation temporarily or suspend the operation temporarily;
- d) Confiscate exhibits and instrument of administrative violations;
- dd) Adopt remedial measures under Points b, c, dd, e, g, h, i, k, and l Clause 3 Article 4 hereof.

3. Chairpersons of People’s Committees of provinces have the power to:

- a) Impose warnings;
- b) Impose a fine up to the maximum amount prescribed by this Decree;
- c) Suspend the license of operation temporarily or suspend the operation temporarily;
- d) Confiscate exhibits and instrument of administrative violations;

dd) Adopt remedial measures under this Decree.”.

45. Amendments to Article 82:

**“Article 82. Entitlement of market surveillance entities to impose penalties**

1. Market surveillance personnel, while on duty, have the power to:

a) Impose warnings;

b) Impose a fine up to VND 500.000.

2. 1. Heads of Professional Divisions affiliated to the Departments of Market Surveillance Operations have the power to:

a) Impose warnings;

b) Impose a fine up to VND 25.000.000;

c) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 50.000.000;

d) Adopt remedial measures under this Decree, except for those under Point a Clause 3 Article 4 hereof.

3. Directors of Departments of Market Surveillance of provinces and Directors of Departments of Market Surveillance Professional Affairs affiliated to the Vietnam Directorate of Market Surveillance have the power to:

a) Impose warnings;

b) Impose a fine up to VND 50.000.000;

c) Confiscate exhibits and instrument of administrative violations;

d) Revoke the license of operation temporarily or suspend the operation temporarily;

dd) Adopt remedial measures under this Decree.

4. Director of Vietnam Directorate of Market Surveillance has the power to:

a) Impose warnings;

b) Impose a fine up to the maximum amount prescribed by this Decree;

c) Confiscate exhibits and instrument of administrative violations;

- d) Revoke the license of operation temporarily or suspend the operation temporarily;
- dd) Adopt remedial measures under this Decree.”.

46. Amendments to Article 83:

**“Article 83. Entitlement of the People’s Public Security to impose penalties**

1. People’s Public Security officers while on duty have the power to:

- a) Impose warnings;
- b) Impose a fine up to VND 500.000.

2. Heads of Mobile Police companies, heads of stations, and commanders of individuals under Clause 1 of this Article have the power to:

- a) Impose warnings;
- b) Impose a fine up to VND 1.500.000.

3. Heads of police authorities of communes, heads of police stations, heads of border police posts, export-processing zone police posts, heads of border police authorities of international airports, commanding officers of mobile police battalions, commanding officers of naval forces:

- a) Impose warnings;
- b) Impose a fine up to VND 2.500.000;
- c) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 5.000.000;

d) Adopt remedial measures under Point b Clause 3 Article 4 hereof.

4. Chiefs of police authorities of districts; Head of Professional Department Affair affiliated to the Internal Political Security Department; Head of Professional Affair Department affiliated to the Police Department for Administrative Management of Social Order; Head of Professional Affair Department affiliated to the Traffic Police Department; Head of Professional Affair Department affiliated to The Police Department of Fire Prevention and Fighting and Rescue; Head of Professional Affair Department affiliated to the Department of Cyber Security and Hi-tech Crime Prevention; Head of Professional Affair Department affiliated to the Vietnam Immigration Department; Directors of the following entities affiliated to provincial police authority: Director of Internal Political Security Department, Director of Police Department for Administrative Management of Social Order, Director of Investigation Police Department on Social Order Crimes, Director of Investigation Police Department on Corruption, Economic, and Smuggling Crimes, Director of Investigation Police Department on Drug-related Crimes,

Director of Traffic Police Department, Director of the Road-Railway Traffic Police Division, Director of the Road Traffic Police Division, Director of the Waterway Traffic Police Division, Director of the Mobile Police Department, Director of Security Guard Department, Director of Criminal Judgment Execution and Judicial Assistance Division, Chief of Police Division for Prevention and Control of Environmental Crimes, Chief of Firefighting, Prevention and Rescue Police Division, Director of Cybersecurity, Hi-Tech Crime Prevention and Control Division, Director of Immigration Division, Director of Economic Security Division, Director of External Security Division, Commanding Officer of Mobile Police Regiment, Captain of Squadron have the power to:

- a) Impose warnings;
- b) Impose a fine of up to VND 25.000.000 for violations under Section 2 and Section 9 Chapter II hereof; impose a fine of up to VND 20.000.000 for other violations under this Decree;
- c) Suspend the license of operation temporarily or suspend the operation temporarily;
- d) Confiscate exhibits and instruments of administrative violations whose value does not exceed VND 50.000.000 for violations under Section 2 and Section 9 Chapter II hereof; does not exceed VND 40.000.000 for other violations under this Decree;
- dd) Adopt remedial measures under Points b, h, i, k, and l Clause 3 Article 4 hereof.

5. Directors of provincial police authorities have the power to:

- a) Impose warnings;
- b) Impose a fine of up to VND 100.000.000 for violations under Section 2 and Section 9 Chapter II hereof; impose a fine of up to VND 50.000.000 for other violations under this Decree;
- c) Suspend the license of operation temporarily or suspend the operation temporarily;
- d) Confiscate exhibits and instrument of administrative violations;
- dd) Adopt remedial measures under Points b, e, h, i, k, and l Clause 3 Article 4 hereof.

6. Directors of Internal Political Security Department, Economic Security Department, Police Department for Administrative Management of Social Order, Police Department for Investigation into Corruption, Economy and Smuggling-related Crimes, Police Department for Investigation into Drug-related Crimes, Traffic Police Department, Environment Crime Prevention and Fighting Police Department, Department of Cybersecurity and Hi-tech Crime Prevention and Control, Director of Department of Homeland Security, Mobile Police Command and Immigration Department have the power to:

- a) Impose warnings;

- b) Impose a fine up to the maximum amount prescribed by this Decree;
- c) Suspend the license of operation temporarily or suspend the operation temporarily;
- d) Confiscate exhibits and instrument of administrative violations;
- dd) Adopt remedial measures under Points b, e, h, i, k, and l Clause 3 Article 4 hereof.”

47. Amendments to Article 84:

**“Article 84. Entitlement of customs to impose penalties**

1. Customs officials, while on duty, have the right to:

- a) Impose warnings;
- b) Impose a fine up to VND 500.000.

2. Captains and leaders affiliated to Customs Sub-departments; leaders of control teams affiliated to Customs Sub-departments of provinces and central-affiliated cities; captains affiliated to Post-clearance Inspection Sub-department have the right to:

- a) Impose warnings;
- b) Impose a fine up to VND 5.000.000.

3. Directors of Customs Sub-departments, Directors of Post-clearance Inspection Sub-departments, Captains of Control Teams affiliated to Customs Departments of provinces and central affiliated cities, Captains of Criminal Investigation Teams, Captains of Smuggling Control Teams, Captains of Control Squadrons and Captains of Anti-counterfeit Smuggling and Intellectual Property Protection Teams affiliated to Anti-smuggling Department; Directors of Post-clearance Inspection Sub-departments affiliated to Post-clearance Inspection Department have the right to:

- a) Impose warnings;
- b) Impose a fine up to VND 25.000.000;
- c) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 50.000.000;
- d) Adopt remedial measures under Points a, b, d, e, and l Clause 3 Article 4 hereof.

4. Director of Anti-smuggling Department, Director of Post-clearance Inspection Department affiliated to General Department of Customs, Directors of Customs Departments of provinces and central-affiliated cities have the right to:

- a) Impose warnings;
- b) Impose a fine up to VND 50.000.000;
- c) Suspend the license of operation temporarily or suspend the operation temporarily;
- d) Confiscate exhibits and instrument of administrative violations;
- dd) Adopt remedial measures under Points a, b, d, e, and l Clause 3 Article 4 hereof.

5. General Director of General Department of Customs has the right to:

- a) Impose warnings;
- b) Impose a fine up to the maximum amount prescribed by this Decree;
- c) Confiscate exhibits and instrument of administrative violations;
- d) Adopt remedial measures under Points a, b, d, e, and l Clause 3 Article 4 hereof.”.

48. Amendments to Article 85:

**“Article 85. Entitlement of Border Guard to impose penalties**

1. Border Guard soldiers while on duty have the power to:

- a) Impose warnings;
- b) Impose a fine up to VND 500.000.

2. Heads of posts and Commanding Officers of individuals under Clause 1 of this Article have the power to:

- a) Impose warnings;
- b) Impose a fine up to VND 2.500.000.

3. Leaders of Task Force Teams for drug and crime prevention and control affiliated Task Force Commissions for drug and crime prevention and control have the right to:

- a) Impose warnings;
- b) Impose a fine up to VND 10.000.000;
- c) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 20.000.000;



d) Adopt remedial measures under Point b Clause 3 Article 4 hereof.

4. Commanding Officers of Border Guard Posts, Captains of Naval Border Guard Flotillas, Commanders of the Border Guard Commands at port border gates have power to:

a) Impose warnings;

b) Impose a fine of up to VND 25.000.000 for violations under Section 2 and Section 9 Chapter II hereof; impose a fine of up to VND 20.000.000 for other violations under this Decree;

c) Confiscate exhibits and instruments of administrative violations whose value does not exceed VND 50.000.000 for violations under Section 2 Chapter II hereof; does not exceed VND 40.000.000 for other violations under this Decree;

d) Adopt remedial measures under Points a, b, and l Clause 3 Article 4 hereof.

5. Leaders of Task Force Teams for drug and crime prevention and control affiliated to the Department of Drug and Crime Prevention and Control under the control of the Command of Border Guards have the right to:

a) Impose warnings;

b) Impose a fine of up to VND 100.000.000 for violations under Section 2 and Section 9 Chapter II hereof; impose a fine of up to VND 50.000.000 for other violations under this Decree;

c) Confiscate exhibits and instruments of administrative violations whose value does not exceed VND 200.000.000 for violations under Section 2 Chapter II hereof; does not exceed VND 100.000.000 for other violations under this Decree;

d) Adopt remedial measures under Points a, b, e, and l Clause 3 Article 4 hereof.

6. Chief Commanders of provincial Border Guards; Captains of Naval Border Guard Squadrons, and Director of the Department of Drug and Crime Prevention and Control affiliated to the Command of Border Guards shall have the power to:

a) Impose warnings;

b) Impose a fine up to the maximum amount prescribed by this Decree;

c) Suspend the license of operation temporarily or suspend the operation temporarily;

d) Confiscate exhibits and instrument of administrative violations;

dd) Adopt remedial measures under Points a, b, e, and l Clause 3 Article 4 hereof.”.

49. Amendments to Article 86:

**“Article 86. Entitlement of Vietnam Coast Guard to impose penalties**

1. Members of the Vietnam Coast Guard while on duty have the power to:

- a) Impose warnings;
- b) Impose a fine up to VND 1.500.000.

2. Director of Professional Affair Department of Vietnam Coast Guard has the power to:

- a) Impose warnings;
- b) Impose a fine up to VND 5.000.000.

3. Leaders of Professional Affair Teams of the Vietnam Coast Guard and Chiefs of Vietnam Coast Guard posts have the power to:

- a) Impose warnings;
- b) Impose a fine up to VND 10.000.000;
- c) Adopt remedial measures under Point b Clause 3 Article 4 hereof.

4. Captain of Coast Guard Flotilla has the power to:

- a) Impose warnings;
- b) Impose a fine of up to VND 25.000.000 for violations under Section 2 and Section 9 Chapter II hereof; impose a fine of up to VND 20.000.000 for other violations under this Decree;
- c) Confiscate exhibits and instruments of administrative violations whose value does not exceed VND 50.000.000 for violations under Section 2 Chapter II hereof; does not exceed VND 40.000.000 for other violations under this Decree;
- d) Adopt remedial measures under Points a and b Clause 3 Article 4 hereof.

5. Captains of Naval Border Guard Squadrons; Heads of Reconnaissance Commissions; Heads of Task Force Commissions for Drug Crime Prevention and Control affiliated to the Command of Coast Guard of Vietnam have the power to:

- a) Impose warnings;
- b) Impose a fine of up to VND 50.000.000 for violations under Section 2 and Section 9 Chapter II hereof; impose a fine of up to VND 30.000.000 for other violations under this Decree;

c) Confiscate exhibits and instruments of administrative violations whose value does not exceed VND 100.000.000 for violations under Section 2 Chapter II hereof; does not exceed VND 60.000.000 for other violations under this Decree;

d) Adopt remedial measures under Points a and b Clause 3 Article 4 hereof.

6. Regional Commands of Coast Guard and Director of the Department of Operations and Legislation under the control of the Command of Coast Guard of Vietnam have the power to:

a) Impose warnings;

b) Impose a fine of up to VND 100.000.000 for violations under Section 2 and Section 9 Chapter II hereof; impose a fine of up to VND 50.000.000 for other violations under this Decree;

c) Temporarily suspend license of operation;

d) Confiscate exhibits and instrument of administrative violations;

dd) Adopt remedial measures under Points a and b Clause 3 Article 4 hereof.

7. The Commander of Coast Guard of Vietnam have the power to:

a) Impose warnings;

b) Impose a fine up to the maximum amount prescribed by this Decree;

c) Suspend the license of operation temporarily or suspend the operation temporarily;

d) Confiscate exhibits and instrument of administrative violations;

dd) Adopt remedial measures under Points a and b Clause 3 Article 4 hereof.”.

50. Amendments to Article 87:

**“Article 87. Entitlement of inspectors to impose penalties**

1. Inspectors, persons assigned to perform field-specific inspection regarding land, while on a duty, have the power to:

a) Impose warnings;

b) Impose a fine up to VND 500.000;

c) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 1.000.000;

d) Adopt remedial measures under Point b Clause 3 Article 4 hereof.

2. Chief Inspectors of Departments; heads of Regional Animal Health Offices, heads of Regional Animal Inspection Offices affiliated to Department of Animal Health; heads of Regional Plant Inspection Offices affiliated to Department of Plant Protection; Director of Central region Agro - Forestry - Fisheries Quality Assurance Sub-department, Director of Southern region Agro - Forestry - Fisheries Quality Assurance Sub-department affiliated to the National Agro - Forestry - Fisheries Quality Assurance Department; Directors of Food Safety Sub-departments affiliated to Departments of Health; heads of Offices regarding plant production and protection, livestock production and health, fisheries, and agro-fisheries quality assurance, irrigation, embankment, natural disaster prevention, forestry, and rural development affiliated to Departments of Agriculture and Rural Development; Head of Department of Standards Metrology and Quality affiliated to Department of Science and Technology; Directors of Sub-department for Management of Goods and Product Quality in the Central Region, Directors of Sub-department for Management of Goods and Product Quality in the Southern Region affiliated to Department for Management of Goods and Product Quality; and equivalent titles of agencies assigned to conduct field-specific inspections and entitled to impose penalties by the Government have the power to:

a) Impose warnings;

b) Impose a fine up to VND 50.000.000;

c) Suspend the license of operation temporarily or suspend the operation temporarily;

d) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 100.000.000;

dd) Adopt remedial measures under this Decree.

3. Director of Department for Management of Goods and Product Quality affiliated to the Directorate for Standards, Metrology, and Quality and equivalent titles of agencies assigned to conduct field-specific inspections and entitled to impose penalties by the Government have the power to:

a) Impose warnings;

b) Impose a fine of up to VND 140.000.000 for violations under Section 2 and Section 9 Chapter II hereof; impose a fine of up to VND 70.000.000 for other violations under this Decree;

c) Suspend the license of operation temporarily or suspend the operation temporarily;

d) Confiscate exhibits and instruments of administrative violations whose value does not exceed VND 280.000.000 for violations under Section 2 Chapter II hereof; does not exceed VND 140.000.000 for other violations under this Decree;

dd) Adopt remedial measures under this Decree.

4. Chief Inspectorates of Ministries, ministerial agencies, General Director of the Directorate for Standards, Metrology, and Quality, General Director of Vietnam Administration of Forestry, General Director of Vietnam Directorate of Fisheries, General Director of General Department of Geology and Minerals of Vietnam, General Director of Vietnam Environment Administration, Director of Vietnam Chemicals Agency, Director of Industrial Safety Techniques and Environment Agency, Director of Electricity Regulatory Authority, Director of Vietnam Trade Promotion Agency, Director of Vietnam E-commerce and Digital Economy Agency, Director of Vietnam Railway Authority, Director of Vietnam Inland Waterway Administration, Director of Vietnam Maritime Administration, Director of Civil Aviation Authority of Vietnam, Director of Department of Animal Health, Director of Plant Protection Department, Director of Department of Plant Production, Director of Department of Livestock Production, Director of Agro - Forestry - Fisheries Quality Assurance Department, Director of Department of Cooperatives and Rural Development, Director of Authority of Radio Frequency Management, Director of Vietnam Telecommunications Authority, Director of Authority of Broadcasting and Electronic Information, Director of Press Authority, Director of Department of Publishing, Printing and Issuing, Director of Drug Administration of Vietnam, Department of Medical Service Administration, Director of Health Environment Management Agency, Director of General Department of Preventive Medicine, Director of Vietnam Food Administration; equivalent titles of agencies assigned to conduct field-specific inspection and entitled to impose penalties by the Government have the power to:

a) Impose warnings;

b) Impose a fine up to the maximum amount according to this Decree;

c) Revoke the license of operation temporarily or suspend the operation temporarily;

d) Confiscate exhibits and instrument of administrative violations;

dd) Adopt rectification measures specified in Clause 3 Article 5 of this Decree.

5. Heads of field-specific ministerial inspectorates have the power to impose penalties in accordance with Clause 3 of this Article.

Heads of field-specific inspectorates of departments and heads of field-specific inspectorates of agencies assigned to conduct field-specific inspections have the power to impose penalties in accordance with Clause 2 of this Article.”.

51. Addition of Article 87a following Article 87:

**“Article 87a. Entitlement of National Competition Committee**

Chairperson of the National Competition Committee has the power to:

1. Impose warnings.
2. Impose a fine up to the maximum amount according to this Decree.
3. Revoke the license of operation temporarily or suspend the operation temporarily.
4. Confiscation of exhibits and instrument of administrative violations.
5. Adopt rectification measures specified in Clause 3 Article 5 of this Decree.”.

52. Insert Clause 6a after Clause 6 Article 88 as follows:

“6a. Chairperson of National Competition Committee has the power to impose administrative penalties and adopt remedial measures for violations under Section 9 Chapter II and Article 73 hereof within the entitlement under Article 87a hereof and their tasks, functions, and powers.”.

**Article 4. Amendments to Decree No. 99/2020/ND-CP dated August 26, 2020 of the Government imposing penalties for administrative violations in petroleum and oil, gas trade**

1. Addition of Point g to Clause 3 Article 4:

“g) Mandated submission of Petrol and oil trading license or Trading license which has been fabricated or otherwise altered to competent agencies and individuals which previously issued the license.”.

2. Addition of Article 4a and Article 4b following Article 4:

**“Article 4a. Concluded administrative violations, ongoing administrative violations, and penalties for repetitive administrative violations**

1. Concluded violations and ongoing violations shall be identified in accordance with Decree No. 118/2021/ND-CP dated December 23, 2021 of the Government elaborating to the Law Imposing Penalties for Administrative Violations.

2. Penalties for repetitive administrative violations:

a) Organizations and individuals which commit repetitive administrative violations shall be met with aggravating circumstances which will then be used by competent individuals entitled to impose penalties when issuing decisions imposing penalties for administrative violations, except for cases under Point b of this Clause;

b) Organizations and individuals which commit repetitive administrative violations which will be subject to penalties depending on value, quantity, amount, or type of exhibits or instruments of violations according to this Decree shall be met with penalties for each violation and competent individuals entitled to impose penalties for administrative violations shall not adopt multiple

aggravating circumstances when issuing decisions imposing penalties for each administrative violation.

**Article 4b. Execution of penalties, remedial measures, and determination of profits illegally generated by the administrative violations**

1. Implementation of decisions imposing penalties for administrative violations shall conform to Section 2 of Chapter III of the Second Part of the Law on Imposing Penalties for Administrative Violations and Decree No. 118/2021/ND-CP dated December 23, 2021 of the Government elaborating to the Law on Imposing Penalties for Administrative Violations.

2. Other notices, documents, records, or instruments recording execution of penalties and/or remedial measures must be included in the dossiers on imposing penalties for administrative violations in accordance with Article 57 of the Law on Imposing Penalties for Administrative Violations.

3. Profits illegally generated by the administrative violations according to this Decree mean instrument, money, objects, or other assets gained from the administrative violations committed by the offenders and are determined as follows:

a) Illegal monetary profit means the money generated by the offenders from the administrative violations and equals the money generated from illegal transfer or consumption of commodities, provision of services after deducting direct costs of commodities and services based on dossiers and documents proving legitimacy of those costs provided by the offenders; illegal monetary profit generated from consumption of prohibited commodities, counterfeits, illegally imported commodities, or conditionally provided services means all money generated from transfer or consumption of commodities or provision of services;

b) Illegal instrument profit means all valuable instruments that the offenders gain from the administrative violations. If valuable instruments have been transferred, the illegal profit shall equal the money gained at the time of transfer; if valuable instruments have been dispersed or disposed, the illegal profit shall equal book value of institutions that issue the valuable instruments at the time of dispersal or disposal;

c) Illegal profits that are objects or other assets gained by the offenders from the administrative violations mean other assets according to the Civil Code.

In case objects or other assets are not prohibited commodities, counterfeits, or illegally imported commodities and have been transferred, sold, or disposed, the illegal profits shall equal the monetary equivalence of market value of the same assets or book value of the assets (if market value is not available) or monetary value of the assets written on the export declarations, import declarations (in case of exports, imports) of the offenders after deducting direct costs of commodities based on documents proving legitimacy of the costs.

In case other objects or assets are prohibited commodities, counterfeits, or illegally imported commodities and have been transferred or sold, the illegal profits shall equal total money received by the offenders when they make the transfer.”.

3. Amendment, addition, and annulment of some clauses of Article 20:

a) Annul Point a Clause 6;

b) Amend Clause 7:

“7. Remedial measures:

a) Mandated submission of Petrol and oil trading license which has been fabricated or otherwise altered to competent agencies and individuals which previously issued the license for violations under Clause 1 of this Article;

b) Mandated submission of illegal revenues generated by the violations under Point a Clause 2, Clause 3, and Clause 4 of this Article.”.

4. Annulment of Clause 5 Article 21.

5. Addition of Point c to Clause 3 Article 24 as follows:

“c) Signing petrol and oil retail franchise contracts with an ineligible franchisee as per the law.”.

6. Amendment, addition, and annulment of some clauses of Article 36:

a) Annul Point a Clause 5;

b) Add Point d to Clause 6:

“d) Mandated submission of Trading license which has been fabricated or otherwise altered to competent agencies and individuals which previously issued the license for violations under Point b Clause 4 of this Article.”.

7. Amendment, addition, and annulment of some clauses of Article 38:

a) Annul Point a Clause 5;

b) Add Point c to Clause 6:

“c) Mandated submission of Trading license which has been fabricated or otherwise altered to competent agencies and individuals which previously issued the license for violations under Point b Clause 2 of this Article.”.

8. Amendment, addition, and annulment of some clauses of Article 39:



a) Annul Point a Clause 3;

b) Amend Clause 4:

“4. Remedial measures:

a) Mandatory submission of illegal revenues generated by the violations under Clause 2 of this Article;

b) Mandated submission of Trading license which has been fabricated or otherwise altered to competent agencies and individuals which previously issued the license for violations under Point b Clause 2 of this Article.”.

9. Amendment, addition, and annulment of some clauses of Article 40:

a) Annul Point a Clause 5;

b) Amend Clause 6:

“6. Remedial measures:

a) Mandated submission of illegal revenues generated by the violations under Clause 2, Clause 3, and Clause 4 of this Article;

b) Mandated submission of Trading license which has been fabricated or otherwise altered to competent agencies and individuals which previously issued the license for violations under Point a Clause 2 of this Article.”.

10. Amendment, addition, and annulment of some clauses of Article 42:

a) Annul Point a Clause 4;

b) Amend Clause 5:

“5. Remedial measures:

a) Mandated submission of illegal revenues generated by the violations under Point b and Point c Clause 2, Clause 3 of this Article;

b) Mandated submission of Trading license which has been fabricated or otherwise altered to competent agencies and individuals which previously issued the license for violations under Point b Clause 2 of this Article.”.

11. Amendment, addition, and annulment of some clauses of Article 43:

a) Amend Point a Clause 3:

“a) Confiscation of exhibits of violations for violations under Point a Clause 1 and Clause 2 of this Article;”;

b) Amend Clause 4:

“4. Remedial measures:

a) Mandated submission of illegal revenues generated by the violations under Point dd Clause 1 and Clause 2 of this Article;

b) Mandated submission of Trading license which has been fabricated or otherwise altered to competent agencies and individuals which previously issued the license for violations under Point d Clause 1 of this Article.”.

12. Annulment of Point b Clause 5 Article 44, Point b Clause 4 Article 45, Point b Clause 4 Article 46, Point a Clause 5 Article 52, and Point b Clause 4 Article 53.

13. Amendments to Article 56:

**“Article 56. Entitlements of Chairpersons of People’s Committees of all levels to impose penalties**

1. Chairpersons of People’s Committees of communes have the power to:

a) Impose a fine ranging up to VND 5.000.000 on individual offenders and up to VND 10.000.000 on organization offenders;

b) Confiscate exhibits and instrument of administrative violations whose values do not exceed VND 10.000.000;

c) Adopt remedial measures under Point a Clause 3 Article 4 hereof.

2. Chairpersons of People’s Committees of districts have the power to:

a) Impose a fine ranging up to VND 100.000.000 on individual offenders and up to VND 200.000.000 on organization offenders for violations under Chapter II hereof; a fine ranging up to VND 50.000.000 on individual offenders and up to VND 100.000.000 on organization offenders for other violations under this Decree;

b) Suspend Petrol and oil trading license temporarily or suspend operation temporarily;

c) Confiscate exhibits and instrument of administrative violations;

d) Adopt remedial measures under Points a, c, d, dd, e, and g Clause 3 Article 4 hereof.

3. Chairpersons of People’s Committees of provinces have the power to:

- a) Impose a fine up to the maximum amount according to this Decree;
- b) Suspend Petrol and oil trading license or Gas trading license temporarily or suspend operation temporarily;
- c) Confiscate exhibits and instrument of administrative violations;
- d) Adopt remedial measures under this Decree.”.

14. Amendments to Article 57:

**“Article 56. Entitlement of People’s Public Security to impose penalties**

1. People’s Public Security officers, while on duty, have the power to impose a fine ranging up to VND 500.000 on individual offenders and up to VND 1.000.000 on organization offenders.

2. Heads of Mobile Police companies, heads of stations, and commanders of individuals under Clause 1 of this Article have the power to impose a fine ranging up to VND 1.500.000 on individual offenders and up to VND 3.000.000 on organization offenders.

3. Heads of police authorities of communes, heads of police stations, heads of border police posts, export-processing zone police posts, heads of border police authorities of international airports, commanding officers of mobile police battalions, commanding officers of naval forces:

a) Impose a fine ranging up to VND 2.500.000 on individual offenders and up to VND 5.000.000 on organization offenders;

b) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 5.000.000;

c) Adopt remedial measures under Point a Clause 3 Article 4 hereof.

4. Chiefs of police authorities of districts; Head of Professional Department Affair affiliated to the Internal Political Security Department; Head of Professional Affair Department affiliated to the Police Department for Administrative Management of Social Order; Head of Professional Affair Department affiliated to the Traffic Police Department; Head of Professional Affair Department affiliated to The Police Department of Fire Prevention and Fighting and Rescue; Head of Professional Affair Department affiliated to the Department of Cyber Security and Hi-tech Crime Prevention; Head of Professional Affair Department affiliated to the Vietnam Immigration Department; Directors of the following entities affiliated to provincial police authority: Director of Internal Political Security Department, Director of Police Department for Administrative Management of Social Order, Director of Investigation Police Department on Social Order Crimes, Director of Investigation Police Department on Corruption, Economic, and Smuggling Crimes, Director of Investigation Police Department on Drug-related Crimes, Director of Traffic Police Department, Director of the Road-Railway Traffic Police Division, Director of the Road Traffic Police Division, Director of the Waterway Traffic Police Division,

Director of the Mobile Police Department, Director of Security Guard Department, Director of Criminal Judgment Execution and Judicial Assistance Division, Chief of Police Division for Prevention and Control of Environmental Crimes, Chief of Firefighting, Prevention and Rescue Police Division, Director of Cybersecurity, Hi-Tech Crime Prevention and Control Division, Director of Immigration Division, Director of Economic Security Division, Director of External Security Division, Commanding Officer of Mobile Police Regiment, Captain of Squadron have the power to:

- a) Impose a fine ranging up to VND 25.000.000 on individual offenders and up to VND 50.000.000 on organization offenders for violations under Chapter II hereof; a fine ranging up to VND 20.000.000 on individual offenders and up to VND 40.000.000 on organization offenders for other violations under this Decree;
- b) Suspend Petrol and oil trading license or Gas trading license temporarily or suspend operation temporarily;
- c) Confiscate exhibits and instruments of administrative violations whose values do not exceed VND 50.000.000 for violations under Chapter II hereof and not exceed VND 40.000.000 for other violations under this Decree;
- d) Adopt remedial measures under Points a, dd, e, and g Clause 3 Article 4 hereof.

5. Directors of provincial police authorities have the power to:

- a) Impose a fine ranging up to VND 100.000.000 on individual offenders and up to VND 200.000.000 on organization offenders for violations under Chapter II hereof; a fine ranging up to VND 50.000.000 on individual offenders and up to VND 100.000.000 on organization offenders for other violations under this Decree;
- b) Suspend Petrol and oil trading license or Gas trading license temporarily or suspend operation temporarily;
- c) Confiscate exhibits and instrument of administrative violations;
- d) Decide to adopt expulsion penalty;
- dd) Adopt remedial measures under Points a, d, dd, e, and g Clause 3 Article 4 hereof.

6. Director of the Internal Political Security Department; Director of the Economic Security Department; Director of the Police Department for Social Order Administration; Director of the Investigation Police Department for Social Order Crimes; Director of the Investigation Police Department for Corruption, Economic and Smuggling Crimes; Director of the Investigation Police Department for Drug Crimes; Director of the Traffic Police Department; Director of the Firefighting, Prevention and Rescue Police Department; Director of the Police Department for Prevention and Control of Environmental Crimes; Director of the Cybersecurity, Hi-tech Crimes

Prevention and Control Department; Director of the Internal Security Department; Director of Department of Homeland Security, and Mobile Police Command have the power to:

- a) Impose a fine up to the maximum amount according to this Decree;
- b) Suspend Petrol and oil trading license, Gas trading license temporarily or suspend operation temporarily;
- c) Confiscate exhibits and instrument of administrative violations;
- d) Adopt remedial measures under Points a, d, dd, e, and g Clause 3 Article 4 hereof.

7. Director of Immigration Department has the power to impose penalties in accordance with Clause 6 of this Article and impose expulsion penalty.”.

15. Amendments to Article 58:

**“Article 58. Entitlement of Border Guard to impose penalties**

1. Border Guard officers, in the performance of their duty, have the power to impose a fine ranging up to VND 500.000 for individual offenders and up to VND 1.000.000 for organization offenders.

2. Heads of posts and Commanding Officers of individuals under Clause 1 of this Article have the power to impose a fine ranging up to VND 2.500.000 on individual offenders and up to VND 5.000.000 for organization offenders.

3. Leaders of Task Force Teams for drug and crime prevention and control affiliated Task Force Commissions for drug and crime prevention and control have the power to:

a) Impose a fine ranging up to VND 10.000.000 on individual offenders and up to VND 20.000.000 on organization offenders;

b) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 20.000.000;

c) Adopt remedial measures under Points a Clause 3 Article 4 hereof.

4. Commanding Officers of Border Guard Posts, Captains of Naval Border Guard Flotillas, Commanders of the Border Guard Commands at port border gates have power to:

a) Impose a fine ranging up to VND 25.000.000 on individual offenders and up to VND 50.000.000 on organization offenders for violations under Chapter II hereof; a fine ranging up to VND 20.000.000 on individual offenders and up to VND 40.000.000 on organization offenders for other violations under this Decree;

b) Confiscate exhibits and instruments of administrative violations whose values do not exceed VND 50.000.000 for violations under Chapter II hereof and not exceed VND 40.000.000 for other violations under this Decree;

c) Adopt remedial measures under Points a, b, e, and g Clause 3 Article 4 hereof.

5. Leaders of Task Force Teams for drug and crime prevention and control affiliated to the Department of Drug and Crime Prevention and Control under the control of the Command of Border Guards have the power to:

a) Impose a fine ranging up to VND 100.000.000 on individual offenders and up to VND 200.000.000 on organization offenders for violations under Chapter II hereof; a fine ranging up to VND 50.000.000 on individual offenders and up to VND 100.000.000 on organization offenders for other violations under this Decree;

b) Confiscate exhibits and instruments of administrative violations whose values do not exceed VND 200.000.000 for violations under Chapter II hereof and not exceed VND 100.000.000 for other violations under this Decree;

c) Adopt remedial measures under Points a, b, d, e, and g Clause 3 Article 4 hereof.

6. Chief Commanders of provincial Border Guards; Captains of Naval Border Guard Squadrons, and Director of the Department of Drug and Crime Prevention and Control affiliated to the Command of Border Guards shall have the power to:

a) Impose a fine up to the maximum amount according to this Decree;

b) Suspend Petrol and oil trading license, Gas trading license temporarily or suspend operation temporarily;

c) Confiscate exhibits and instrument of administrative violations;

d) Adopt remedial measures under Points a, b, d, e, and g Clause 3 Article 4 hereof.”.

16. Amendments to Article 59:

**“Article 59. Entitlement of Vietnam Coast Guard to impose penalties**

1. Vietnam Coast Guard officers, in the performance of their duty, have the power to impose penalty for VND 1.500.000 on individual offenders and up to VND 3.000.000 on organization offenders.

2. Director of Professional Affair Department of Vietnam Coast Guard has the power to impose a fine ranging up to VND 5.000.000 on individual offenders and up to VND 10.000.000 on organization offenders.

3. Leaders of Professional Affair Teams of the Vietnam Coast Guard and Chiefs of Vietnam Coast Guard have the power to impose penalties ranging up to VND 10.000.000 on individual offenders and up to VND 20.000.000 on organization offenders.

4. Captain of Coast Guard Flotilla has the power to:

a) Impose a fine ranging up to VND 25.000.000 on individual offenders and up to VND 50.000.000 on organization offenders for violations under Chapter II hereof; a fine ranging up to VND 20.000.000 on individual offenders and up to VND 40.000.000 on organization offenders for other violations under this Decree;

b) Confiscate exhibits and instruments of administrative violations whose values do not exceed VND 50.000.000 for violations under Chapter II hereof and not exceed VND 40.000.000 for other violations under this Decree;

c) Adopt remedial measures under Points a, b, e, and g Clause 3 Article 4 hereof.

5. Captains of Naval Border Guard Squadrons; Heads of Reconnaissance Commissions; Heads of Task Force Commissions for Drug Crime Prevention and Control affiliated to the Command of Coast Guard of Vietnam have the power to:

a) Impose a fine ranging up to VND 50.000.000 on individual offenders and up to VND 100.000.000 on organization offenders for violations under Chapter II hereof; a fine ranging up to VND 30.000.000 on individual offenders and up to VND 60.000.000 on organization offenders for other violations under this Decree;

b) Confiscate exhibits and instruments of administrative violations whose values do not exceed VND 100.000.000 for violations under Chapter II hereof and not exceed VND 60.000.000 for other violations under this Decree;

c) Adopt remedial measures under Points a, b, e, and g Clause 3 Article 4 hereof.

6. Regional Commands of Coast Guard and Director of the Department of Operations and Legislation under the control of the Command of Coast Guard of Vietnam have the power to:

a) Impose a fine ranging up to VND 100.000.000 on individual offenders and up to VND 200.000.000 on organization offenders for violations under Chapter II hereof; a fine ranging up to VND 50.000.000 on individual offenders and up to VND 100.000.000 on organization offenders for other violations under this Decree;

b) Suspend Petrol and oil trading license, Gas trading license temporarily;

c) Confiscate exhibits and instrument of administrative violations;

d) Adopt remedial measures under Points a, b, e, and g Clause 3 Article 4 hereof.

7. The Commander of Coast Guard of Vietnam has the power to:

- a) Impose a fine up to the maximum amount according to this Decree;
- b) Suspend Petrol and oil trading license, Gas trading license temporarily or suspend operation temporarily;
- c) Confiscate exhibits and instrument of administrative violations;
- d) Adopt remedial measures under Points a, b, e, and g Clause 3 Article 4 hereof.”.

17. Amendments to Article 60:

**“Article 60. Entitlement of customs to impose penalties**

1. Customs officials, in the performance of their duty, have the power to impose a fine ranging up to VND 500.000 on individual offenders and VND 1.000.000 on organization offenders.

2. Captains and leaders affiliated to Customs Sub-departments; leaders of control teams affiliated to Customs Sub-departments of provinces and central-affiliated cities; captains affiliated to Post-clearance Inspection Sub-departments have the power to impose a fine ranging up to VND 5.000.000 on individual offenders and up to VND 10.000.000 on organization offenders.

3. Directors of Customs Sub-departments, Directors of Post-clearance Inspection Sub-departments, Captains of Control Teams affiliated to Customs Departments of provinces and central affiliated cities, Captains of Criminal Investigation Teams, Captains of Smuggling Control Teams, Captains of Control Squadrons and Captains of Anti-counterfeit Smuggling and Intellectual Property Protection Teams affiliated to Anti-smuggling Department; Directors of Post-clearance Inspection Sub-departments affiliated to Post-clearance Inspection Department have the right to:

a) Impose a fine ranging up to VND 25.000.000 on individual offenders and up to VND 50.000.000 on organization offenders;

b) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 50.000.000;

c) Adopt remedial measures under Points a, b, d, dd, e, and g Clause 3 Article 4 hereof.

4. Director of Anti-smuggling Department, Director of Post-clearance Inspection Department affiliated to General Department of Customs, Directors of Customs Departments of provinces and central-affiliated cities have the right to:

a) Impose a fine ranging up to VND 50.000.000 on individual offenders and up to VND 100.000.000 on organization offenders;



b) Suspend Petrol and oil trading license, Gas trading license temporarily or suspend operation temporarily;

c) Confiscate exhibits and instrument of administrative violations;

d) Adopt remedial measures under Points a, b, d, dd, e, and g Clause 3 Article 4 hereof.

5. General Director of General Department of Customs has the right to:

a) Impose a fine up to the maximum amount according to this Decree;

b) Confiscation of exhibits and instrument of administrative violations;

c) Adopt remedial measures under Points b, d, dd, e, and g Clause 3 Article 4 hereof.”.

18. Amendments to Article 61:

**“Article 61. Entitlement of market surveillance entities to impose penalties**

1. Market surveillance personnel, in the performance of their duty, have the power to impose a fine ranging up to VND 500.000 on individual offenders and up to VND 1.000.000 on organization offenders.

2. Chiefs of Market surveillance teams, Heads of Professional Affair Departments affiliated to Department of Market Surveillance have the power to:

a) Impose a fine ranging up to VND 25.000.000 on individual offenders and up to VND 50.000.000 on organization offenders;

b) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 50.000.000;

c) Adopt remedial measures under Points a, c, d, dd, e, and g Clause 3 Article 4 hereof.

3. Directors of Departments of Market Surveillance of provinces and Directors of Departments of Market Surveillance Professional Affairs affiliated to the Vietnam Directorate of Market Surveillance have the power to:

a) Impose a fine ranging up to VND 50.000.000 on individual offenders and up to VND 100.000.000 on organization offenders;

b) Suspend Petrol and oil trading license, Gas trading license temporarily or suspend operation temporarily;

c) Confiscate exhibits and instrument of administrative violations;

d) Adopt remedial measures under this Decree.

4. Director of Vietnam Directorate of Market Surveillance has the power to:

a) Impose a fine up to the maximum amount according to this Decree;

b) Suspend Petrol and oil trading license, Gas trading license temporarily or suspend operation temporarily;

c) Confiscate exhibits and instrument of administrative violations;

d) Adopt remedial measures under this Decree.”.

19. Amendments to Article 62:

**“Article 62. Entitlement of inspectors to impose penalties**

1. Inspectors, persons assigned to perform specialized inspection regarding land, while on a duty, have the power to:

a) Impose a fine ranging up to VND 500.000 on individual offenders and up to VND 1.000.000 on organization offenders;

b) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 1.000.000;

c) Adopt remedial measures under Point a Clause 3 Article 4 hereof.

2. Chief Inspectors of Departments of Industry and Trade, Chief Inspectors of Departments of Science and Technology, Chief Inspectors of Departments of Natural Resources and Environment; Heads of Sub-departments of Standards Metrology and Quality affiliated to Departments of Science and Technology; Directors of Sub-department for Management of Goods and Product Quality in the Central Region, Directors of Sub-department for Management of Goods and Product Quality in the Southern Region affiliated to Department for Management of Goods and Product Quality and equivalent titles of agencies assigned to conduct field-specific inspections and entitled to impose penalties have the power to:

a) Impose a fine ranging up to VND 50.000.000 on individual offenders and up to VND 100.000.000 on organization offenders;

b) Suspend Petrol and oil trading license, Gas trading license temporarily or suspend operation temporarily;

c) Confiscate exhibits and instrument of administrative violation whose values do not exceed VND 100.000.000;

d) Adopt remedial measures under this Decree.

3. Director of Department for Management of Goods and Product Quality affiliated to the Directorate for Standards, Metrology, and Quality and equivalent titles of agencies assigned to conduct specialized inspections and entitled to impose penalties by the Government have the power to:

a) Impose a fine ranging up to VND 250.000.000 on individual offenders and up to VND 500.000.000 on organization offenders for violations under Chapter II hereof; a fine ranging up to VND 70.000.000 on individual offenders and up to VND 140.000.000 on organization offenders for other violations under this Decree;

b) Suspend Petrol and oil trading license, Gas trading license temporarily or suspend operation temporarily;

c) Confiscate exhibits and instruments of administrative violations whose values do not exceed VND 500.000.000 for violations under Chapter II hereof and not exceed VND 140.000.000 for other violations under this Decree;

d) Adopt remedial measures under this Decree.

4. Chief Inspector of Ministry of Industry and Trade, Chief Inspector of Ministry of Science and Technology, Inspector of Ministry of Natural Resources and Environment; General Director of Directorate for Standards, Metrology and Quality of Viet Nam, General Director of General Department of Geology and Minerals of Vietnam, General Director of Vietnam Environment Administration, Director of Vietnam Chemicals Agency, Director of Industrial Safety Techniques and Environment Agency, and equivalent titles of agencies assigned to conduct field-specific inspections and entitled to impose penalties by the Government have the power to:

a) Impose a fine up to the maximum amount according to this Decree;

b) Suspend Petrol and oil trading license, Gas trading license temporarily or suspend operation temporarily;

c) Confiscate exhibits and instrument of administrative violations;

d) Adopt remedial measures under this Decree.

5. Heads of field-specific ministerial inspectorates have the power to impose penalties in accordance with Clause 3 of this Article.

Heads of field-specific inspectorates of departments and heads of field-specific inspectorates of agencies assigned to conduct field-specific inspections have the power to impose penalties in accordance with Clause 2 of this Article.”.

20. Amendments to Article 63:

**“Article 63. Distinctions between entitlements to impose penalties of Chairpersons of People’s Committees, People’s Public Security, Border Guard, Vietnam Coast Guard, Market Surveillance, and Inspectors**

1. Distinctions between entitlements to impose penalties of Chairpersons of People’s Committees of all levels:

a) Chairpersons of People’s Committees of communes have the power to impose penalties for administrative violations and adopt remedial measures for administrative violations under Clause 1 Article 21; Point a Clause 1 Article 31; Clause 1 Article 33; Clauses 1 and 3 Article 35; Clause 1 Article 46, Clauses 1, 2, 3, and 4 Article 54 hereof within the entitlement under Clause 1 Article 56 hereof and assigned powers, functions, and tasks;

b) Chairpersons of People’s Committees of districts have the power to impose penalties and adopt remedial measures for administrative violations under Clause 1 Article 7; Clauses 1 and 2 Article 9; Article 11; Article 12; Article 13; Article 14; Article 15; Article 16; Article 17; Article 18; Article 19; Clauses 1, 2, 3, and 4 Article 20; Clause 5 Article 20 (except cases where the offenders commit violations under Clauses 3 and 4 Article 20); Clauses 1, 2, and 3 Article 21; Article 22; Article 23; Article 24; Article 25; Clause 1 Article 26; Clause 1 Article 27; Article 28; Article 29; Article 31; Article 33; Article 34; Article 35; Clauses 1 and 2 Article 36; Article 37; Clauses 1, 2, and 3 Article 38; Article 39; Clauses 1, 2, and 3 Article 40; Article 41; Article 42; Article 43; Clauses 1, 2, and 3 Article 44; Article 45; Article 46; Article 47; Article 48; Article 49; Article 50; Article 51; Clauses 1 and 2 Article 52; Article 53 and Article 54 hereof within the entitlement under Clause 2 Article 56 hereof and assigned powers, functions, and tasks;

c) Chairpersons of People’s Committees of provinces have the power to impose penalties and adopt remedial measures for administrative violations under this Decree (except for cases where foreigners commit violations under Clauses 4, 5, and 6 Article 6 and Clauses 5 and 6 Article 7) within the entitlement under Clause 3 Article 56 hereof and assigned powers, functions, and tasks.

2. Distinctions between entitlements to impose penalties of People’s Public Security forces:

a) People’s Public Security officers, in the performance of their duty, have the power to impose penalties and adopt remedial measures for administrative violations under Point b Clause 1 Article 54 hereof within the entitlement under Clause 1 Article 57 hereof and assigned powers, tasks, and functions;

b) Heads of mobile police companies, chiefs of stations, team captains of individuals mentioned under Point a of this Clause are entitled to impose penalties and adopt remedial measures for administrative violations under Clause 1 Article 35 and Point b Clause 1, Clause 2 Article 54 hereof within the entitlement under Clause 2 Article 57 hereof and assigned powers, functions, and tasks;

c) Heads of police authorities of communes, heads of police stations, heads of border police posts, export-processing zone police posts, heads of border police authorities of international airports, commanding officers of mobile police battalions, commanding officers of naval forces have the power to impose penalties and adopt remedial measures for administrative violations under Clause 1 Article 35 and Clauses 1, 2, and 3 Article 54 hereof within the entitlement under Clause 3 Article 57 hereof and assigned powers, functions, and tasks;

Chiefs of police authorities of districts; Head of Professional Department Affair affiliated to the Internal Political Security Department; Head of Professional Affair Department affiliated to the Police Department for Administrative Management of Social Order; Head of Professional Affair Department affiliated to the Traffic Police Department; Head of Professional Affair Department affiliated to The Police Department of Fire Prevention and Fighting and Rescue; Head of Professional Affair Department affiliated to the Department of Cyber Security and Hi-tech Crime Prevention; Head of Professional Affair Department affiliated to the Vietnam Immigration Department; Directors of the following entities affiliated to provincial police authority: Director of Internal Political Security Department, Director of Police Department for Administrative Management of Social Order, Director of Investigation Police Department on Social Order Crimes, Director of Investigation Police Department on Corruption, Economic, and Smuggling Crimes, Director of Investigation Police Department on Drug-related Crimes, Director of Traffic Police Department, Director of the Road-Railway Traffic Police Division, Director of the Road Traffic Police Division, Director of the Waterway Traffic Police Division, Director of the Mobile Police Department, Director of Security Guard Department, Director of Criminal Judgment Execution and Judicial Assistance Division, Chief of Police Division for Prevention and Control of Environmental Crimes, Chief of Firefighting, Prevention and Rescue Police Division, Director of Cybersecurity, Hi-Tech Crime Prevention and Control Division, Director of Immigration Division, Director of Economic Security Division, Director of External Security Division, Commanding Officer of Mobile Police Regiment, Captain of Squadron are entitled to impose penalties and adopt remedial measures for administrative violations under Clause 1 Article 7; Clause 1 Article 11; Article 12; Clause 1 Article 14; Clause 1 Article 15; Clause 1 Article 16; Clause 1 Article 17; Clause 1 Article 19; Clause 1, Point b Clause 2 Article 20; Clause 5 Article 20 (except cases where the offenders commit violations under Clauses 2, 3, and 4 Article 20); Clause 1 Article 21; Clause 1 Article 22; Article 25; Clause 1 Article 26; Clauses 1 and 2 Article 29; Points a, b, and c Clause 1 Article 31; Clauses 1, 2, and 3, Point a Clause 7, Clause 8 Article 33; Clauses 1 and 2 Article 34; Clauses 1, 3, and 4 Article 35; Clause 1 Article 39; Clause 1 Article 42; Points a, b, c, and d Clause 1 Article 43; Clause 1 Article 44; Clause 1 Article 45; Clause 1, Points a, b, d, and dd Clause 2, Point c Clause 3 Article 46; Clause 1, Points a and c Clause 2 Article 47; Clauses 1 and 2 Article 48; Clause 1 Article 49; Clauses 1 and 2 Article 50; Clause 1 Article 51; Clause 1 Article 52; Clause 1 Article 53 and Clauses 1, 2, 3, and 4, Points a and b Clause 5 Article 54 hereof within the entitlement under Clause 4 Article 57 hereof and assigned powers, functions, and tasks;

dd) Directors of Police authorities of districts are entitled to impose penalties and adopt remedial measures for administrative violations under Clause 1 Article 7; Clauses 1 and 2 Article 9; Article 11; Article 12; Article 13; Article 14; Article 15; Article 16; Article 17; Article 18; Article 19; Clauses 1, 2, 3, and 4 Article 20; Clause 5 Article 20 (except cases where the offenders commit violations under Clauses 3 and 4 Article 20); Clauses 1, 2, and 3 Article 21;

Article 22; Article 23; Article 24; Article 25; Clause 1 Article 26; Clause 1 Article 27; Article 28; Article 29; Article 31; Article 33; Article 34; Article 35; Point b Clause 1, Clause 2 Article 36; Article 37; Points a and c Clause 1, Clauses 2 and 3 Article 38; Article 39; Clauses 1, 2, and 3 Article 40; Article 42; Article 43; Clauses 1, 2, and 3 Article 44; Article 45; Clause 1, Points a, b, d, and dd Clause 2, Points b and c Clause 3 Article 46; Article 47; Article 48; Article 49; Article 50; Article 51; Clauses 1 and 2 Article 52; Clause 1, Point c Clause 2, Clause 3 Article 53 and Article 54 hereof within the entitlement under Clause 5 Article 57 hereof and assigned powers, functions, and tasks;

e) Directors of Internal Political Security Department, Economic Security Department, Police Department for Administrative Management of Social Order, Police Department for Investigation into Corruption, Economy and Smuggling-related Crimes, Police Department for Investigation into Drug-related Crimes, Traffic Police Department, Environment Crime Prevention and Fighting Police Department, Department of Cybersecurity and Hi-tech Crime Prevention and Control, Director of Department of Homeland Security, Mobile Police Command are entitled to impose penalties and adopt remedial measures for administrative violations under this Decree except for those under Clause 2 Article 27; Point a Clause 1, Point a Clause 4 Article 36; Point b Clause 1 Article 38; Article 41; Point c Clause 2, Point a Clause 3 Article 46; Points a and b Clause 2 Article 53 and except for cases where foreigners commit violations under Clauses 4, 5, and 6 Article 6; Clauses 5 and 6 Article 7 hereof within the entitlement under Clause 6 Article 57 hereof and assigned powers, tasks, and functions;

g) Director of Immigration Department is entitled to impose penalties and adopt remedial measures for administrative violations under this Decree (except for violations under Clause 2 Article 27; Point a Clause 1, Point a Clause 4 Article 36; Point b Clause 1 Article 38; Article 41; Point c Clause 2, Point a Clause 3 Article 46; Points a and b Clause 2 Article 53) within the entitlement under Clause 7 Article 57 hereof and assigned powers, tasks, and functions.

### 3. Distinctions between entitlements of Border Guard to impose penalties:

a) Border Guard officers, in the performance of their duty, are entitled to impose penalties for administrative violations under Point b Clause 1 Article 54 hereof within the entitlement under Clause 1 Article 58 hereof and assigned tasks, functions, and powers;

b) Heads of posts and Commanding Officers of individuals under Point a of this Clause are entitled to impose penalties for administrative violations under Clause 1 Article 35; Point b Clauses 1, 2, and 3 Article 54 hereof within the entitlement under Clause 2 Article 58 hereof and assigned functions, tasks, and powers;

c) Leaders of Task Force Teams for drug and crime prevention and control affiliated Task Force Commissions for drug and crime prevention and control are entitled to impose penalties and adopt remedial measures for administrative violations under Point c Clause 1 Article 14; Points a and b Clause 1 Article 31, Clauses 1 and 2 Article 33; Clauses 1, 3, and 4 Article 35; Clauses 1, 2, 3, and 4, Points a and b Clause 5 Article 54 hereof;

d) Heads of Border Guard Posts, Captains of Naval Border Guard Flotillas and Commanders of Border Guard Commands at port border gates are entitled to impose penalties and adopt remedial measures for administrative violations under Clause 1 Article 11; Point c Clause 1 Article 14; Clause 1 Article 15; Clause 1 Article 16; Clause 1 Article 17; Clause 1 Article 19; Clause 1, Point b Clause 2 Article 20; Clause 5 Article 20 (except cases where the offenders commit violations under Clauses 2, 3, and 4 Article 20); Article 25; Clause 1 Article 26; Points a, b, and c Clause 1 Article 31; Clauses 1, 2, and 3, Point a Clauses 7 and 8 Article 33; Clauses 1, 3, and 4 Article 35; Clause 1 Article 52 and Clauses 1, 2, 3, and 4, Points a and b Clause 5 Article 54 within the entitlement under Clause 3 Article 58 hereof and assigned tasks, functions, and powers;

dd) Leaders of Task Force Teams for drug and crime prevention and control affiliated to the Department of Drug and Crime Prevention and Control under the control of the Command of Border Guards are entitled to impose penalties and adopt remedial measures for administrative violations under Clause 1, Points a, c, and d Clause 2 Article 9; Clause 1, Points c and d Clause 2 Article 11; Article 13; Point c Clause 1, Clause 2 Article 14; Clause 1 Article 15; Clause 1 Article 16; Clause 1 Article 17; Point a Clause 1 Article 18; Clause 1 Article 19; Clause 1, Point b Clause 2, Clause 3, Clause 4, Clause 5 Article 20; Clause 3, Clause 4 Article 22; Point a Clause 2 and Point b Clause 3 Article 24; Article 25; Clause 1 Article 26; Clause 1 Article 27; Clause 1, Clause 3 Article 28; Article 31; Article 33; Article 35; Clauses 1 and 2 Article 52; Article 54 hereof;

e) Chief Commanders of provincial Border Guards; Captains of Naval Border Guard Squadrons, and Director of the Department of Drug and Crime Prevention and Control affiliated to the Command of Border Guards are entitled to impose penalties and adopt remedial measures for administrative violations under Clauses 2, 3, 4, 5, and 6 Article 6 (except for cases where foreigners commit violations under Clauses 4, 5, and 6 Article 6); Clauses 4, 5, and 6 Article 7 (except for cases where foreigners commit violations under Clauses 5 and 6 Article 7); Clause 2 Article 8; Clause 1, Points a, c, and d Clause 2, Clause 3 Article 9; Clause 1, Point c and d Clause 2 Article 11; Article 13; Article 14; Article 15; Article 16; Article 17; Article 18; Article 19; Article 20; Clauses 3 and 4 Article 22; Point a Clause 2 and Point b Clause 3 Article 24; Article 25; Article 26; Clause 1, 2 Article 27; Clauses 1 and 3 Article 28; Article 31; Article 33; Article 35; Article 52 and Article 54 hereof within the entitlement under Clause 4 Article 58 hereof and assigned tasks, functions, and powers.

#### 4. Distinctions between entitlements of Vietnam Coast Guard to impose penalties:

a) Director of Professional Affair Department of Vietnam Coast Guard is entitled to impose penalties and adopt remedial measures for administrative violations under Clause 1 Article 21 hereof within the entitlement under Clause 1 Article 59 hereof and assigned functions, tasks, and powers;

b) Leaders of Professional Affair Teams of the Vietnam Coast Guard and Chiefs of Vietnam Coast Guard posts are entitled to impose penalties and adopt remedial measures for administrative violations under Point c Clause 1 Article 14; Clause 1 Article 21; Point a Clause 7 Article 33; Clause 1 Article 34; Clauses 1 and 4 Article 35 and Point b Clause 1 Article 47

hereof within the entitlement under Clause 2 Article 59 hereof and assigned tasks, powers, and functions;

c) Captain of Coast Guard Flotilla is entitled to impose penalties and adopt remedial measures for administrative violations under Point d Clause 1 Article 11; Point c Clause 1 Article 14; Clause 1 Article 15; Clause 1 Article 16; Clause 1 Article 17; Clause 1 Article 19; Clause 1, Point b Clause 2 Article 20; Clause 5 Article 20 (except for cases where the offenders commit violations under Clauses 2, 3, and 4 Article 20); Clause 1 Article 21; Article 25; Points a, b, and c Clause 1 Article 31; Clauses 1, 2, and 3, Point a Clause 7, Clause 8 Article 33; Clause 1 Article 34; Clauses 1 and 4 Article 35; Point b Clause 1 Article 47 and Clause 1 Article 52 hereof within the entitlement under Clause 3 Article 59 hereof and assigned tasks, functions, and powers;

d) Captains of Naval Border Guard Squadrons; Heads of Reconnaissance Commissions; Heads of Task Force Commissions for Drug Crime Prevention and Control affiliated to the Command of Coast Guard of Vietnam are entitled to impose penalties and adopt remedial measures for violations under Point b Clause 1 Article 9; Point d Clause 1 Article 11; Article 13; Point c Clause 1 Article 14; Article 15; Article 16; Article 17; Clause 1 Article 19; Clause 1, Point b Clause 2 Article 20; Clause 5 Article 20 (except for cases where the offenders commit violations under Clauses 2, 3, and 4 Article 20); Clause 1 Article 21; Article 25; Clause 1 Article 26; Clause 1 Article 28; Points a, b, c, and d Clause 1 Article 31; Clauses 1, 2, 3, and 4, Point a Clause 7, Clause 8 Article 33; Clause 1 Article 34; Clauses 1 and 4 Article 35; Point b Clause 1 Article 47 and Clause 1 Article 52 hereof within the entitlement under Clause 4 Article 59 hereof and assigned functions, tasks, and powers;

dd) Regional Commands of Coast Guard and Director of the Department of Operations and Legislation under the control of the Command of Coast Guard of Vietnam are entitled to impose penalties and adopt remedial measures for administrative violations under Point b Clause 1, Points a, c, and d Clause 2 Article 9; Point d Clause 1 Article 11; Article 13; Clause 1 Article 14; Clause 1 Article 15; Clause 1 Article 16; Clause 1 Article 17; Article 18; Clause 1 Article 19; Clause 1, Point b Clause 2 Article 20; Clause 5 Article 20 (except for cases where the offenders commit violations under Point a Clause 2, Clauses 3 and 4 Article 20); Clauses 1 and 3 Article 21; Article 25; Clause 1 Article 26; Clauses 1 and 3 Article 28; Article 31; Clauses 1, 2, 3, 4, 5, and 6, Point a Clause 7, Clause 8 Article 33; Clause 1 Article 34; Clauses 1 and 4 Article 35; Points a and b Clause 1 Article 47 and Clause 1 Article 52 hereof within the entitlement under Clause 5 Article 59 hereof and assigned tasks, functions, and powers;

e) The Command of Coast Guard of Vietnam is entitled to impose penalties and adopt remedial measures for administrative violations under Clause 1 Article 6; Clauses 2 and 3, Point a Clause 4, Clause 6 Article 7 (except for cases where foreigners commit violations under Clause 6 Article 7); Clause 2 Article 8; Point b Clause 1, Clause 2, Clause 3 Article 9; Point d Clause 1 Article 11; Article 13; Clause 1 Article 14; Article 15; Article 16; Article 17; Article 18; Article 19; Clause 1, Point b Clause 2, Clause 5 Article 20 (except for cases where the offenders commit violations under Point a Clause 2, Clause 3, Clause 4 Article 20); Clauses 1, 3, and 4 Article 21; Article 25; Clause 1, Point b Clause 2 Article 26; Clause 3 Article 27; Article 28; Article 31; Clauses 1, 2, 3, 4, 5, and 6, Point a Clause 7, Clause 8 Article 33; Clause 1 Article 34; Clause 1, 4 Article 35; Point b Clause 1, Clauses 2 and 3 Article 36; Points a and c Clause 1, Clauses 3 and



4 Article 38; Point b Clause 2, Point c Clause 3 Article 46; Point b Clause 1, Point a Clause 2 Article 47; Clause 1 and 4 Article 52 hereof within the entitlement under Clause 6 Article 59 hereof and assigned tasks, functions, and powers.

5. Distinctions in entitlements of Customs to impose penalties:

a) Directors of Customs Sub-departments, Directors of Post-clearance Inspection Sub-departments, Captains of Control Teams affiliated to Customs Departments of provinces and central affiliated cities, Captains of Criminal Investigation Teams, Captains of Smuggling Control Teams, Captains of Control Squadrons and Captains of Anti-counterfeit Smuggling and Intellectual Property Protection Teams affiliated to Anti-smuggling Department; Directors of Post-clearance Inspection Sub-departments affiliated to Post-clearance Inspection Department are entitled to impose penalties and adopt remedial measures for administrative violations related to import, export, temporary import and re-export, temporary export and re-import, transshipment of goods under Clause 1, Point b Clause 2 Article 20; Clause 5 Article 20 (except for cases where the offenders commit violations under Clauses 2, 3, and 4 Article 20); Article 25; Clause 1 Article 26; Points a, b, and c Clause 1 Article 31 and Clauses 1, 2, 3, 7, and 8 Article 33 hereof within the entitlement under Clause 1 Article 60 hereof and assigned functions, tasks, and powers;

b) Director of Anti-smuggling Department, Director of Post-clearance Inspection Department affiliated to General Department of Customs, Directors of Customs Departments of provinces and central-affiliated cities are entitled to impose penalties and adopt remedial measures for administrative violations related to import, export, temporary import and re-export, temporary export and re-import, transshipment of goods under Article 18; Clauses 1, 2, 3, and 4 Article 20; Clause 5 Article 20 (except for cases where the offenders commit violations under Clauses 3 and 4 Article 20); Article 25; Clause 1 Article 26; Clause 1 Article 27; Article 31 and Article 33 hereof within the entitlement under Clause 2 Article 60 hereof and assigned functions, tasks, and powers;

c) General Director of General Department of Customs is entitled to impose penalties and adopt remedial measures for administrative violations related to import, export, temporary import and re-export, temporary export and re-import, transshipment of goods under Clause 1, Point b Clause 2, Clauses 3, 4, and 5 Article 20; Article 25; Article 26; Article 27; Article 31; Article 33, Points a and b Clause 4 Article 36 hereof within the entitlement under Clause 3 Article 60 hereof and assigned tasks, functions, and powers.

6. Distinctions between entitlements of market surveillance entities to impose penalties:

a) Market surveillance personnel, in the performance of their duty, are entitled to impose penalties and adopt remedial measures for administrative violations under Point b Clause 1 Article 54 hereof within the entitlement under Clause 1 Article 61 hereof and assigned powers, tasks, and functions;

b) Captains of Market Surveillance Teams, directors of professional affair departments affiliated to Department of Market Surveillance Practices are entitled to impose penalties and adopt

remedial measures for administrative violations under Point c Clause 1, Clause 2 Article 14; Clause 1 Article 15; Clause 1 Article 16; Clause 1 Article 17; Clause 1 Article 19; Clause 1, Point b Clause 2 Article 20; Clause 5 Article 20 (except for cases where the offenders commit violations under Clauses 2, 3, and 4 Article 20); Clauses 1 and 2 Article 21; Clause 1 Article 22; Clause 1 Article 23; Clause 1 Article 24; Article 25; Clause 1 Article 26; Clauses 1 and 2 Article 29; Points a, b and c Clause 1 Article 31; Clauses 1, 2, 3, 7, and 8 Article 33; Clauses 1 and 2 Article 34; Article 35; Points a and b Clause 2 Article 39; Article 41; Clause 1 Article 42; Points a and d Clause 1 Article 43; Clause 1 Article 44; Clause 1 Article 45; Clause 1 Article 46; Clause 2 Article 46; Clause 1, Points b and c Clause 2 Article 47; Clauses 1 and 2 Article 48; Clause 1 Article 49; Clauses 1 and 2 Article 50; Clause 1 Article 51; Clause 1 Article 52; Clause 1 Article 53 and Article 54 hereof within the entitlement under Clause 2 Article 61 and assigned functions, tasks, and powers;

c) Directors of Departments of Market Surveillance of provinces and Directors of Departments of Market Surveillance Professional Affairs affiliated to the Vietnam Directorate of Market Surveillance are entitled to impose penalties and adopt remedial measures for administrative violations under Article 14; Article 15; Article 16; Article 17; Article 18; Article 19; Clauses 1, 2, 3, and 4 Article 20; Clause 5 Article 20 (except for cases where the offenders commit violations under Clauses 3 and 4 Article 20); Clauses 1, 2, and 3 Article 21; Article 22; Article 23; Article 24; Article 25; Clause 1 Article 26; Clause 1 Article 27; Article 28; Article 29; Article 31; Article 33; Article 34; Article 35; Clauses 1 and 2 Article 36; Article 37; Clauses 1, 2, and 3 Article 38; Article 39; Clauses 1, 2, and 3 Article 40; Article 41; Article 42; Article 43; Clauses 1, 2, and 3 Article 44; Article 45; Article 46; Article 47; Article 48; Article 49; Article 50; Article 51; Clauses 1 and 2 Article 52; Article 53 and Article 54 hereof within the entitlement under Clause 3 Article 61 hereof and assigned functions, tasks, and powers;

d) General Director of Directorate of Market Surveillance is entitled to impose penalties and adopt remedial measures for administrative violations under Chapter III and Chapter IV hereof within the entitlement under Clause 4 Article 61 hereof and assigned functions, tasks, and powers.

7. Competent individuals of Inspectorates specializing in industry and trade, price, natural resources and environment, science and technology are entitled to impose penalties and adopt remedial measures for administrative violations under this Decree within the entitlement under Article 62 hereof and assigned tasks, functions, and powers.”.

#### **Article 5. Transition clauses**

In case of administrative violations in chemicals and industrial explosive materials; electricity, effective and efficient use of energy; commercial activities, production, trading of counterfeits, prohibited goods, and consumer’s right protection; gas activities, trading of petrol and oil and gas which occur prior to the effective date hereof and are discovered after the effective date hereof, adopt this Decree in order to impose penalties for administrative violations if this Decree does not prescribe legal liability or prescribes less severe legal liability for offenders.

#### **Article 6. Entry into force and responsibilities for implementation**

1. This Decree comes into force from the day of signing.
2. Ministers, heads of ministerial agencies, heads of Governmental agencies, Chairpersons of People's Committees of provinces and central-affiliated cities within their tasks and functions are responsible for the implementation of this Decree.

**ON BEHALF OF GOVERNMENT  
PP. PRIME MINISTER  
DEPUTY PRIME MINISTER**

**Le Van Thanh**

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