

GOVERNMENT

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

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DECREE

on administrative sanctions in the fisheries activities

Pursuant to the Law on Government Organization on June 19, 2015;

Pursuant to the Law on Handling of Administrative Violations on June 20, 2012;

Pursuant to the Fisheries Law on 21 November, 2017;

According to proposal of the Minister of Agriculture and Rural Development,

The government issued a decree on administrative sanctions in the fisheries activities

CHAPTER I.

GENERAL PROVISIONS

Article 1. Scope

1. This Decree prescribes for acts of administrative violations, the form and level of sanction, remedial measures and competence to make records and competence to sanction administrative violations under each title for each act of administrative violation in the fisheries activities.

2. The acts of administrative violations in the fisheries activities are not specified in this Decree shall apply the provisions sanctioning of administrative violations in the field of related state management.

Article 2. Subjects sanctioned for administrative violations

1. Vietnamese and foreign organizations and individuals (hereinafter referred as organizations and individuals) that commit administrative violation acts prescribed in this Decree.

2. Organizations specified in Clause 1 of this Article include:

a. Economic organizations were founded under the Enterprise Law include: private enterprises, joint-stock companies, limited liability companies and joint-venture companies and dependent units of enterprises (branches, representative office);

b. Economic organizations were founded under the provisions of the Law on Cooperatives include cooperatives and unions of cooperatives;

c. Organizations were established under the Investment Law include domestic investors, foreign investors and foreign-invested economic organizations;

representative offices and branches of foreign traders in Vietnam; representative offices of foreign trade promotion organizations in Vietnam

d. Social organizations, socio-political organizations, socio-professional organizations;

đ. Non-business units and other organizations as prescribed by law.

3. Business households must register their business as prescribed by law; Households carry out administrative violations prescribed in this Decree shall be sanctioned as individuals.

Article 3. The statute of limitations for sanctioning administrative violations

The statute of limitations for sanctioning administrative violations in the fisheries activities shall be one year, except for cases of administrative violations in the production, trading, import and export of fishing vessels, aquatic seeds, aquatic feeds, environmental treatment products in aquaculture; protection of the aquatic resources, the statute of limitations for sanctioning administrative violations shall be two years.

Article 4. Form of sanction, remedial measures

1. For each act of administrative violation in fishery activities, organizations and individuals subject to the principal sanctioning form is a fine.

2. Depending on the nature and level of violation, organizations and individuals committing acts of violation may also be apply one or more of the following additional sanctioning forms:

a) Depriving the right to use licenses, practice certificates for a definite term, suspending operations for a definite term;

b) Confiscating material evidences and means used for commission of administrative violations, including: fishing vessels, fishing gears, electric shocking devices, banned substances, chemicals, banned chemicals, poisons, fisheries and fisheries products, erased and content modified catch certificates, catch statement, licence, written approval, certificates.

3. In addition to the remedial measures stipulated in Clause 1 of Article 28 of the Law on Handling of Administrative Violations, this Decree stipulates the remedial measures as follows

a) Forcing to release alive aquatic species back to their habitats.

b) Forcing to transfer aquatic species on the list of endangered, precious and rare aquatic species which have died for competent agencies to handle;

c) Forcing to supplement the number of endangered, precious and rare aquatic species according to regulations;

d) Forcing to restore the original status of the functional zones in the MPA, habitats of aquatic species, sea area, fishing port's land, water area and facilities;

đ) Forcing to destroy or converse the use purpose of aquatic seed, aquatic species, fisheries products, aquatic feed, environmental treatment products in aquaculture;

- e) Forcing to re-export the imported aquatic seed, aquatic species, aquatic feed, environmental treatment products in aquaculture;
- g) Forcing to recycle aquatic feed, environmental treatment products in aquaculture;
- h) Forcing the fishing vessel owner to pay expenditures to send Vietnamese arrested by foreign competent authorities back to the country;
- i) Forcing dismantlement of fishing vessels prohibited from development; fishing vessels which are newly built and upgraded without written approval of the competent authority;
- k) Forcing to hang the National Flag of the Socialist Republic of Vietnam or the flag of nationality;
- l) Forcing to return the encroached areas;
- m) Forcing to re-export the fishing vessels

Article 5. Provisions on fine level and fine competence in fisheries activities

1. The maximum fine level for an act of administrative violation in fisheries activities applicable to individuals is VND 1,000,000,000.
2. The fine levels prescribed in Chapter II of this Decree apply to acts of administrative violation committed by individuals, except for acts of violating the provisions of Article 40 of this Decree. In cases where organizations have the same violations as an individual, the fine level shall be equal to twice the fine level applicable to individuals.
3. The competence to sanction administrative violations prescribed in Chapter III of this Decree is the competence to sanction individuals. In the case of fines, the competence to impose fines on the organization is twice the sanctioning competence of individuals.

Chapter II

ADMINISTRATIVE VIOLATIONS, SANCTIONS AND REMEDIAL MEASURES

Section 1

VIOLATION OF REGULATIONS ON AQUATIC RESOURCES PROTECTION

Article 6. Violation of regulations on the protection of the habitat of aquatic species

1. Fines for violations of regulations on on protection of habitats of aquatic species, but not serious enough for criminal prosecution as follows:
 - a) A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on acts of failing to create moving corridors for aquatic species when fishing by fixed gears in rivers, lakes and lagoons; Not to create the migration paths or moving corridors for aquatic species when constructing, altering or destroying works or

activities related to migration paths of aquatic species; illegally hindering natural migration paths of aquatic species.

b) A fine of between VND 50,000,000 and 100,000,000 shall be imposed on destroying aquatic resources or aquatic ecosystems, the concentrated breeding area, habitat of small aquatic species; destroying the habitat of aquatic species on the list of endangered and rare aquatic species or the list of endangered and precious species prioritized for protection;

c) A fine of between VND 100,000,000 and 150,000,000 for acts of encroaching upon or damaging the aquatic resource protection zones.

d) A fine of between VND 150,000,000 and VND 200,000,000 shall be imposed on acts of exploring or exploiting natural resources, building or breaking down underwater works or underwater water bodies, thus reducing or losing aquatic resources or affecting the habitat, the concentrated breeding area, habitat of small aquatic species, migration paths of fisheries.

2. Additional sanctions:

Confiscating material evidences and means used in administrative violations, for acts of violation specified in Clause 1 of this Article.

3. Remedial measures:

Forcing to restore the original status for acts specified at Points a, c and d, Clause 1 of this Article..

Article 7. Violation of regulations on on prohibited fishing areas

1. Conducting fishing activities in prohibited fishing areas or prohibited fishing areas for a definite time, not enough for criminal prosecution shall be sanctioned as follows:

a) A fine of between VND 10,000,000 and 15,000,000 shall be imposed on fishing vessels of under 12 m in length for fishing or fishing without fishing vessels;

b) A fine of between VND 20,000,000 and 30,000,000 for fishing vessels of a maximum length of between 12 meters and under 15 meters for fishing;

c) A fine of between VND 30,000,000 and 40,000,000 shall be imposed on fishing vessels of between 15 m and under 24 m in length for fishing;

d) A fine of between VND 40,000,000 and 50,000,000 shall be imposed on fishing vessels beyond 24 meters in length for fishing;

2. For acts of using trawlers and fishing gear in combination with light (except squid hand line fishing), the violations prescribed in Clause 1 of this Article shall be fined twice the prescribed fine levels in Clause 1 of this Article

3. Additional sanctions:

Confiscating fishing gear for violation acts prescribed in Clause 1 and 2 of this Article.

4. Remedial measures:

a) Forcing to release of alive aquatic back their habitats for violation acts prescribed in Clause 1 and 2 of this Article

b) Forcing to transfer number of dead aquatic species of Group I of the list of precious aquatic species to the competent agency for handling, for violation acts prescribed in Clause 1, Clause 2 of this Article.

Article 8. Violation of regulations on management of endangered and rare aquatic species

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed for failing to strictly comply with the contents of written approval or plans on exploitation of endangered and precious aquatic species.

2. Imposing fines on the acts of illegally fishing of aquatic species failing to ensure the conditions of group II of the list of endangered and rare species, but not serious enough for criminal prosecution, as follows:

a) A fine of between VND 3,000,000 and VND 5,000,000 if the weight of aquatic species under 10kg;

b) A fine of between VND 5,000,000 and VND 10,000,000 if the weight of aquatic species from 10kg to under 20kg;

c) A fine of between VND 20,000,000 and VND 30,000,000 if the weight of aquatic species from 20kg to under 50kg;

d) A fine of between VND 30,000,000 and VND 40,000,000 if the weight of aquatic species from 50kg to under 100kg;

đ) A fine of between VND 40,000,000 and VND 50,000,000 if the weight of aquatic species of 100 kg or more.

3. Imposing fines on the acts of illegally fishing of aquatic species of group I of the list of endangered and rare species, but not serious enough for criminal prosecution, as follows:

a) A fine of between VND 30,000,000 and VND 40,000,000 if the weight of aquatic species under 10kg;

b) A fine of between VND 40,000,000 and VND 50,000,000 if weight of aquatic species from 10kg to under 20kg;

c) A fine of between VND 50,000,000 and VND 60,000,000 if the weight of aquatic species from 20kg to under 50kg;

d) A fine of between VND 60,000,000 and VND 70,000,000 if the weight of aquatic species from 50kg to under 100kg;

đ) A fine of between VND 70,000,000 and VND 100,000,000 if the weight of aquatic species of 100 kg or more.

4. A fine of between VND 50,000,000 and VND 100,000,000 shall be imposed on acts of failing to release a sufficient quantity of individuals of endangered, precious and rare aquatic species into natural water within the prescribed time when competent agencies allow to exploit endangered, precious and rare aquatic species for research into creation of breed sources and production of aquatic breeds.

5. Additional sanctions:

Depriving the right to use the fishing license for between 3 and 6 months for acts of violation specified at Point d, and Points đ Clause 2 and Point d, and Point đ Clause 3 of this Article..

6. Remedial measures:

a) Forcing to release the alive aquatic species back to their habitats for the acts specified in Clause 2 and Clause 3 of this Article;

b) Forcing to transfer the dead endangered species to competent agencies for handling for acts specified in Clause 2, 3 of this Article.

c) Forcing to release addition of rare and precious and rare aquatic species under regulations, for acts of violation specified in Clause 4 of this Article.

Article 9. Violations of regulation on management of marine protected areas

1. A fine of between VND 50,000,000 and 70,000,000 shall be imposed on one of the following acts of violations in the buffer zone of the marine protected area, as follows:

a) Dropping illegal floats;

b) Investigating and conducting scientific research without the competent State agencies' approval;

c) Fishing vessels, ships and other waterway vehicles operate illegally;

d) Organizing illegal ecotourism services;

đ) Illegally constructing infrastructure works;

e) Illegal fishing and aquaculture

2. A fine of between VND 70,000,000 and 100,000,000 shall be imposed on one of the following acts of violations specified in Clause 1 of this Article in the administrative service zone.

3. A fine of between VND 100,000,000 and 150,000,000 shall be imposed on one of the following acts of violations in the ecological rehabilitation zone, as follows:

a) Acts of violation specified at points a,b,c and d Clause 1 of this Article;

b) Prohibited acts of violation in the ecological rehabilitation zone.

4. A fine of between VND 150,000,000 and 200,000,000 shall be imposed on one of the following acts of violations in the strictly protected zone:

a) Acts specified at points a, b Clause 1 of this Article;

b) Prohibited acts in the strictly protected zone.

5. Remedial measures:

Forcing to restore the original status, for acts of violation specified at Point đ, Clause 1 of this Article.

Section 2

VIOLATION OF REGULATIONS ON AQUACULTURE SEEDS

Article 10. Violation of regulations on production and nursing, assaying of aquatic seeds

1. A fine of between VND 3,000,000 and 5,000,000 for one of the following acts of violation:

a) Failing to report in the process of producing and nursing aquatic seeds according to regulations;

b) Failure to notify in writing to the provincial fisheries management agency about the use of aquatic broodstocks;

c) Failure to record, keep records in the process of producing and nursing aquatic seeds for traceability.

2. A fine of between VND 20,000,000 and 30,000,000 shall be imposed for one of the following acts of violation:

a) Failing to comply with the regulations on the use duration of broodstocks;

b) Announcing incorrect test results.

3. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed for acts of producing or nursing aquatic seeds without a certificate of eligibility.

4. A fine of between VND 40,000,000 and VND 60,000,000 shall be imposed for acts of producing or nursing broodstocks without a certificate of eligibility.

5. Remedies:

a) Forced transfer of the purpose of using aquatic seeds if the requirements of the conversion purpose are met; in cases where the use purpose cannot be changed, it is forced to destroy seeds and broodstocks, for acts of violation specified at Point a, Clause 2, Clause 3 and Clause 4 of this Article;

b) Forced correction of assaying results, for acts of violation specified at Point b, Clause 2 of this Article.

Article 11. Violation of export of aquatic seeds

1. A fine of between VND 50,000,000 and VND 60,000,000 shall be imposed for acts of exporting aquatic seeds on the list of conditional export aquatic species without satisfying the conditions unless licensed by a competent authority.

2. Remedial measures:

Forcing to release live aquatic seeds back into their habitats, in case they are not eligible for releasing, they shall be destroyed according to regulations, for violations specified in Clause 1 of this Article.

Article 12. Violation of regulations on naming aquatic breeds

1. A fine of between VND 5,000,000 and VND 10,000,000 for acts of naming aquatic seeds not according to regulations.

2. Remedies:

Forced destruction of goods labels and forced re-rectification of aquatic seed names in documents showing name of aquatic seeds, for acts of violation specified in Clause 1 of this Article.

Section 3

VIOLATIONS OF REGULATIONS ON AQUATIC FEED, AQUATIC ENVIRONMENT TREATMENT PRODUCTS IN AQUACULTURE

Article 13. Violation of regulations on sending information on aquatic feed products, aquaculture environment treatment products before circulation on the market

1. Circulating aquatic feed products, aquatic environment treatment products without sending information to the Ministry of Agriculture and Rural Development according to regulations shall be sanctioned as follows:

a) A fine of between VND 5,000,000 and 10,000,000 for acts of not sending information below 3 products;

b) A fine of between VND 10,000,000 and VND 15,000,000 for acts of not sending information from 3 products to under 5 products;

c) A fine of between VND 30,000,000 and 40,000,000 for acts of not sending information from 5 products to under 10 products;

d) A fine of between VND 40,000,000 and 50,000,000 for acts of failing to send information beyond 10 products.

2. Remedies:

Forced recycling of the product if it meets the requirements of recycling or changing the intended use if the product meets the requirements of the conversion purpose, in case it cannot be converted, the product must be destroyed for acts of violations prescribed in Clause 1 of this Article.

Article 14. Violation of regulations on conditions for production, trade and import of aquatic feeds, aquaculture environment treatment products

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on purchasing, trading or importing establishments with one of the following acts of violation:

a) Places for sale and preservation of aquatic feeds and aquaculture environmental treatment products are not isolated from plant protection drugs, fertilizers and toxic chemicals;

b) There are no equipment and tools to preserve aquatic feed and aquaculture environmental treatment products.

2. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed for acts of producing aquatic feeds or aquaculture environment treatment products without certificates of eligibility.

3. Remedies:

Forced transfer of use purpose if meets the requirements of the conversion purpose, in case it cannot change the use purpose, it is forced to destroy the whole product lot, for violations specified in Clause 2 of Article this.

Article 15. Violation of regulations on production, import and trade of aquatic feeds, aquaculture environmental treatment products

1. Failure to record and keep production dossiers according to the production and product quality control and biosafety process shall be sanctioned as follows:

a) A fine of between VND 3,000,000 and 5,000,000 for acts of failing to record or keep dossiers of production of under 5 products;

b) A fine of between VND 5,000,000 and 7,000,000 for acts of failing to record or keep production dossiers from 5 products to under 10 products;

c) A fine of between VND 7,000,000 and VND 10,000,000 for acts of failing to record or keep production dossiers from 10 products to under 15 products;

d) A fine of between VND 10,000,000 and VND 15,000,000 for acts of failing to record or keep dossiers of production beyond 15 products.

2. Using raw materials of unknown origin to produce aquatic feeds, aquaculture treatment products shall be sanctioned as follows:

a) A fine of between VND 5,000,000 and 10,000,000 for acts of using raw materials of unknown origin to produce less than 3 products;

b) A fine of between VND 10,000,000 and VND 15,000,000 for acts of using raw materials of unknown origin to produce from 3 products to under 5 products;

c) A fine of between VND 15,000,000 and 20,000,000 for acts of using raw materials of unknown origin to produce from 5 products to under 10 products;

d) A fine of between VND 20,000,000 and 30,000,000 for acts of using raw materials of unknown origin to produce beyond 10 products.

3. A fine of between VND 40,000,000 and VND 50,000,000 for acts of producing, importing aquatic feeds, aquaculture environment treatment products with ingredients not included in the list of chemicals and probiotic, microorganisms, feed production materials allowed for use in aquaculture in Vietnam.

4. Remedies:

a) Forced recycling if it meets the requirements of the purpose of recycling or changing the purpose of use if it meets the requirements of the purpose of conversion, if it is not possible to change the purpose of use, it is forced to destroy the product to acts of violation specified in Clause 2 of this Article;

b) Forced re-export of imported aquatic feeds, aquaculture environment treatment products, in case it is impossible to re-export, forced destruction of products, for violations specified in Clause 3 of this Article.

Article 16. Violation of regulations on assaying aquatic food and aquaculture environment treatment products

1. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed for acts of announcing improper assay results.

2. Remedies:

Forced correction of assay results, for acts of violation specified in Clause 1 of this Article.

Section 4

VIOLATIONS OF REGULATIONS ON AQUACULTURE

Article 17. Violation of aquaculture conditions

1. A fine from VND 10,000,000 to VND 15,000,000 shall be imposed failing to register cage culture or register key aquaculture species.

2. A fine from VND 10,000,000 to VND 20,000,000 shall be imposed for failing to meet conditions of facilities and technical equipment as prescribed.

3. A fine from VND 20,000,000 to 30,000,000 shall be imposed on marine aquaculture, not licensed by competent state agencies as prescribed.

6. Remedies:

Forced relocation and dismantlement of aquaculture facilities for violations specified in Clause 3 of this Article.

Article 18. Violation of regulations on import and export of live aquatic species

1. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed for acts of importing live aquatic species for use as food, landscape or entertainment, not yet licensed by competent agencies according to regulations.

2. A fine of between VND 40,000,000 and 50,000,000 shall be imposed for exporting live aquatic species on the list of conditional export aquatic species that fail to meet the prescribed conditions, except for cases licensed by competent authority.

3. Additional sanction:

Confiscation of aquatic consignment for violating specified in Clauses 1 and 2 of this Article.

Article 19. Violation of regulations on breeding, growing and artificial propagation of endangered, precious and rare aquatic species not on the Appendix of CITES

1. A fine of between VND 1,000,000 and 2,000,000 for acts of failing to record in the monitoring books of breeding, growing and artificial propagation of endangered and precious aquatic species according to the regulations of law.

2. A fine of between VND 2,000,000 and 5,000,000 for acts of growing, reproducing and artificially cultivating endangered, precious and rare aquatic species **on the Appendix of CITES** not registered for codes of establishments rearing or planting according to law provisions.

3. A fine of between VND 5,000,000 and 10,000,000 for acts of rearing, reproducing or artificially cultivating endangered precious and rare aquatic species of unclear origin according to regulations.

4. Additional sanctions:

Confiscation of unidentified aquatic products of unclear origin for violations specified in Clause 3 of this Article.

Section 5

VIOLATION OF REGULATIONS ON CAPTURE FISHERIES

Article 20. Acts of serious violation in the fishing operations

1. A fine of between VND 300,000,000 and 500,000,000 shall be imposed on one of the following acts:

a) Using fishing vessels of a maximum length of between 15 meters and under 24 meters for fishing in Vietnam's sea areas without fishing license or expired fishing license;

b) Using fishing vessels of a maximum length of 24 m or more for acts of transshipping fisheries, fishery products from fishing vessels without fishing license or expired fishing license or support for fisheries exploration, search, attracting, transporting activities to vessels identified as engaged in illegal fishing activities, except in force majeure;

c) Failing to equip tracking device on fishing vessels of between 15 meters and under 24 meters;

d) Failing to maintain or disable tracking equipment during operations at sea for fishing vessels of a maximum length of 24 meters or more, except for force majeure cases;

đ) Failing to fill fishing logbook and transshipment logbook for vessels of a maximum length of 24 m or more.

e) Providing tracking devices for fishermen which do not meet the technical requirements as prescribed.

2. A fine of between VND 500,000,000 and 700,000,000 shall be imposed on those owners of vessels that commit one of the following acts:

a / Using fishing vessels of a maximum length of between 15 meters and under 24 meters for fishing in Vietnamese waters without fishing license or expired fishing license in case of recidivism or repeated violations;

b) Using fishing vessels with the maximum length of 24 m or more to transship fisheries, fishery products from fishing vessels without fishing license or expired fishing license or support for fisheries exploration, search, attracting, transporting activities to vessels identified as engaged in illegal fishing activities in case of recidivism or repeated violations, except in force majeure;

c) Recidivism or repeated violations for acts of not equipping tracking device on fishing vessels with a length of between 15 meters and under 24 meters or more;

d) Failing to maintain or disable tracking equipment during operations at sea for fishing vessels of the largest length of 24 meters or more, in case of recidivism or repeated violations, except for force majeure cases;

đ) Failing to fill fishing logbook and transshipment logbook for vessels of a maximum length of 24 m or more in case of recidivism or repeated violations;

e) Concealing, forging or destroying evidence against the regulations related to the exploitation and protection of fisheries resources;

g) Failing to fill fishing logbook or inaccurate filling as compared to Regional Fisheries Organization' requirement or seriously misrepresenting the regulations of Regional fisheries organizations when operating in the waters under the jurisdiction of the Regional Fisheries Organization;

h) Exploiting fisheries in excess of the quota allocated by the Regional fisheries organization;

3. A fine of between VND 800,000,000 and 1,000,000,000 shall be imposed on those owners of vessels that commit one of the following acts:

a) Using fishing vessels of a maximum length of 24 meters or more for fishing in Vietnamese waters without fishing license or expired fishing license;

b) Fishing in the waters of another country or territory or waters under the jurisdiction of Regional fisheries organizations without fishing license or expired fishing license or without written approval or expired written approval;

c) Foreign fishing vessels operating in Vietnam's sea areas without fishing license or expired fishing license;

d) Using fishing vessels without nationality or nationality of a non-member country to illegal fishing in waters under the jurisdiction of Regional fisheries organizations;

đ) Using fishing vessels to fish not according to regulations on exploitation and protection of fisheries resources in international waters not under the jurisdiction of Regional fisheries organizations.

e) Using fishing vessels for violating the regulations on management and conservation in international waters under the jurisdiction of Regional fisheries organizations of which Vietnam is a member;

g) Failing to equip tracking device on fishing vessels of a maximum length of 24 meters or more;

h) Recidivism violations, for acts of concealing, forging or destroying evidences of violation of regulations on the exploitation and protection of fisheries resources;

i) Recidivism violations, for acts of exploiting fisheries in excess of the quota allocated by the Regional fisheries organization.

4. Additional sanctions:

a) Confiscation of illegally exploited or transshipped fishery products, for acts of violation defined at Points a, and b Clause 1, Points a, b and h, Clause 2, and Points a, b, c, d,đ and i, Clause 3 of this Article.

b) Confiscation of fishing vessels, for acts of violation specified at Points b, c, d, đ, and e, Clause 3 of this Article.

c) Depriving the right to use diplomas and certificates of captains of Vietnamese fishing vessels for between 6 months and 12 months, for acts of violation specified in Clauses 1, 2 and 3 of this Article;

d) Depriving the right to use fishing license for between 6 and 12 months, for acts of violation specified at Point g, Clause 2, and Point đ, e, and g Clause 3 of this Article.

5. Remedial measures:

Forcing fishing vessel owners to pay all expenses for fishermen being returned by foreign competent agencies and other related expenses, for acts of violation specified at Point b, Clause 3 of this Article.

Article 21. Violation of fishing areas

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on acts of using fishing vessels of a maximum length of under 12 meters fishing illegally in coastal waters of other provinces.

2. A fine of between VND 10,000,000 and 15,000,000 for acts of using fishing vessels of a maximum length of under 12 meters, fishing in inshore or offshore areas.

3. A fine of between VND 15,000,000 and VND 20,000,000 shall be imposed on acts of using fishing vessels of a maximum length of between 12 and under 15 meters fishing in coastal areas or offshore areas.

4. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on acts of using fishing vessels of a maximum length of between 15 and under 24 meters fishing in coastal areas or inshore areas.

5. A fine of between VND 30,000,000 and 40,000,000 shall be imposed on acts of using fishing vessels of a maximum length of 24 meters or more, fishing in coastal or inshore areas.

6. For acts of using trawlers and fishing gear in combination with light (except squid hand line fishing) for fishing in coastal areas prescribed in Clause 3,4,5 of this Article shall be fined twice the prescribed fine levels in Clause 3,4,5 of this Article

7. Additional sanctions:

a) Depriving the right to use fishing license for between 6 and 12 months, for acts of violation specified in Clauses 6 of this Article.

b) Depriving the right to use diplomas and certificates of captains for between 1 and 6 months, for acts of violation specified in Clauses 3, 4, 5 and 6 of this Article.

Article 22. Violation of catch quotas

1. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on acts of fishing in excess of between 10% and under 20% of the allowable catch;

2. A fine of between VND 30,000,000 and 40,000,000 shall be imposed on acts of fishing in excess of between 20% and under 30% of the allowable catch;

3. A fine of between VND 40,000,000 and 50,000,000 shall be imposed on acts of fishing in excess of more than 30% of the allowable catch;

4. Additional sanctions:

a) Confiscating exploited fishery products in excess of quotas for violations prescribed in Clauses 1,2,3 of this Article.

b) Depriving the right to use fishing license for between 6 and 12 months, for acts of violation specified in Clauses 3 of this Article

Article 23. Violation of the fishing license

1. A fine of between VND 20,000,000 and 30,000,000 shall be imposed for one of the following acts:

a) Using fishing vessels of a maximum length of between 6 meters and under 12 meters to fishing in Vietnam's sea areas without fishing license or expired fishing license.

b) Using fishing vessels with the maximum length of less than 15 meters to fish not in accordance with fishing gear stated in the fishing license.

2. A fine of between VND 30,000,000 and 50,000,000 shall be imposed for one of the following acts:

a) Using fishing vessels of a maximum length of between 12 meters and under 15 meters to fishing in Vietnam's sea areas without fishing license or expired fishing license;

b) Using fishing vessels with the maximum length of 15 meters or more to fish not in accordance with fishing gear stated in the fishing license.

3. A fine of between VND 50,000,000 and 70,000,000 shall be imposed for one of the following acts in cases of recidivism violations:

a) Using fishing vessels of a maximum length of between 12 meters and under 15 meters to fishing in Vietnam's sea areas without fishing license or expired fishing license in cases of recidivism violations;

b) Using fishing vessels with the maximum length of 15 meters or more to fish not in accordance with fishing gear stated in the fishing license in cases of recidivism violations.

4. Additional sanctions:

a) Confiscating exploited fishery products for violations prescribed in Clauses 1, 2 and 3 of this Article.

b) Confiscating fishing gears for acts of violation prescribed at point b, Clause 1, Clause 2 and Clauses 3 of this Article.

c) Depriving the right to use diplomas and certificates of fishing vessel captains for between 6 and 12 months, for acts of violation specified in Clauses 2 and 3 of this Article.

Article 24. Violations of the regulations on transshipment or support for illegal fishing vessels

1. A fine of between VND 100,000,000 and 200,000,000 shall be imposed for acts of using vessels of a maximum length of under 24 meters to transship fishery products from illegal fishing vessels or support for fisheries exploration, search, attracting, transporting activities to vessels identified as engaged in illegal fishing activities, except in force majeure;

2. A fine of between VND 200,000,000 and VND 300,000,000 shall be imposed imposed for recidivism for acts of violation specified in Clause 1 of this Article.

3. Additional sanctions:

a) Depriving the right to use fishing license, diplomas and certificates of captains for between 6 and 12 months, for acts of violation specified in Clause 2 of this Article.

b) Confiscating illegally exploited fishery products for violations prescribed in Clause 1, 2 of this Article.

Article 25. Violations of the regulations on catch declaration, fishing logbook, purchase and transshipment logbooks

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for one of the following acts:

a) Failing to submit catch declaration for fishing fishing vessels of a maximum length of between 6 meters and under 12 meters as specified;

b) incorrect or incomplete filling of fishing logbook, purchase and transshipment logbooks for fishing vessels of the maximum length under 24 meters as specified.

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for acts of having no, failing to fill, submit fishing logbooks and purchase and transshipment logbooks for fishing vessels of the maximum length under 24 meters as specified.

3. A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed for acts of failing to fill in fishing logbooks, purchase and transshipment logbooks for fishing vessels of the maximum length of between 15 meters under 24 meters as specified, for cases of recidivism violations.

4. Additional sanctions:

Depriving the right to use fishing license, diplomas and certificates of captains for between 1 and 3 months, for acts of violation specified in Clause 3 of this Article.

Article 26. Violation of regulations on fisheries activities in Vietnam's sea areas by foreign organizations and individuals

1. A fine of between VND 50,000,000 and 100,000,000 shall be imposed on one of the following acts:

a) Failing to notify to Vietnamese competent agencies before sending vessels into Vietnam's sea areas according to regulations;

b) Landing wrong with the registered port in the fishing license, except in cases of force majeure;

c) Failing to bring along all documents as prescribed by Vietnamese law;

d) Having no, failing to submit, failing to fill or incomplete filling of fishing logbooks, transshipment logbooks or failing to implement the report regime on fishing according to regulations;

d) Failing to receive supervisors or returning supervisors not at the places prescribed by competent agencies or failing to ensure working and living conditions for supervisors according to the provisions of Vietnamese law;

2. A fine of between VND 100,000,000 and 200,000,000 shall be imposed on one of the acts of operating not in accordance with fishing areas, gears and kind of operations of vessel specified in the license.

3. A fine of between VND 200,000,000 and 300,000,000 shall be imposed for one of the acts of violation prescribed in Clauses 1 and 2 of this Article in case of recidivism violations.

4. Additional sanctions:

a) Depriving the right to use fishing license for between 3 and 6 months, for acts of violation specified in Clause 1 of this Article.

b) Depriving the right to use fishing license for between 6 and 12 months, for acts of violation specified in Clause 2, 3 of this Article.

Article 27. Violation of regulations on fishing gear

1. A fine of between VND 2,000,000 and 3,000,000 shall be imposed for acts of illegally removing fishing gears into natural water areas.

2. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for acts of failing to mark fishing gears or marking fishing gears in contravention of regulations when fishing.

3. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for using fishing gear to obstruct or cause damage to organizations or individuals that are illegally fishing or or anchoring at places where exist fishing gear of organizations or individuals that are illegally fishing, except for force majeure

4. A fine of between VND 10,000,000 and 20,000,000 for acts of producing, trading, transporting, storing prohibited fishing gear.

5. A fine of between VND 20,000,000 and 30,000,000 for acts of using banned fishing gear, which not serious enough for criminal prosecution.

6. Additional sanctions:

a) Confiscating prohibited fishing gear for acts of violation specified in Clauses 4 and 5 of this Article;

b) Depriving the right to use fishing license for between 3 and 6 months, for acts of violation specified in Clauses 5 of this Article;

Article 28. Violation of regulations on the use of electricity for fishing

1. A fine of between VND 3,000,000 and 5,000,000 shall be imposed on using an electric shocking devices for fishing, for cases of non-use of fishing vessels.

2. A fine of between VND 10,000,000 and 15,000,000 shall be imposed on storing, transporting and trading in electric shock devices for fishing.

3. Fine for acts of using electric shocking devices or directly using electricity from generators on fishing vassels for fishing as follows:

a) A fine of between VND 15,000,000 and 20,000,000 shall be imposed on fishing vessels of under 12 meters in length.

b) A fine of between VND 20,000,000 and 30,000,000 shall be imposed on fishing vessels with the maximum length of between 12 meters and under 15 meters.

c) A fine of between VND 30,000,000 and 40,000,000 shall be imposed on acts of using electricity on fishing vessels of a maximum length of 15 meters or more.

4. A fine of between VND 40,000,000 and 50,000,000 shall be imposed for using an electric current (electricity) for fishing, which not serious enough for criminal prosecution.

5. Additional sanctions:

a) Confiscation of electric shocking devices, generators and fishing gear, for acts of violation specified in Clauses 1, 2, 3, and 4 of this Article;

b) Deprivation of the right to use fishing license for between 3 and 6 months, for acts of violation specified in Clauses 3 and 4 of this Article.

Article 29. Violating the regulations on the use of banned substances, chemicals, toxins for fishing

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on acts of reserving banned substances, chemicals, toxins on fishing vessels.

2. A fine of between VND 50,000,000 and 70,000,000 shall be imposed for using banned substances, chemicals, toxins, other chemicals for fishing, which not serious enough for criminal prosecution.

3. Additional sanctions:

a) Depriving the right to use fishing license from 3 months to 6 months for acts stipulated in Clause 1 and 2 of this Article, for cases of having fishing license.

b) Confiscation of banned substances, chemicals, banned chemicals, toxic substances and fishery products, for acts of violation specified in Clauses 1 and 2 of this Article.

4. Remedial measures:

Forcing to restore the original status, for acts of violation specified in Clause 2 of this Article.

Article 30. Violations of the regulations on hanging of the national flag of the Socialist Republic of Vietnam

1. A fine of between VND 2,000,000 and 4,000,000 shall be imposed on Vietnamese fishing vessels which fail to fly the flag of the Socialist Republic of Vietnam on fishing vessels or hang in contravention of regulations.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on foreign fishing vessels which fail to fly the flag of nationality, the national flag of the Socialist Republic of Vietnam or hang in contravention of regulations for foreign fishing vessels.

3. Remedial measures:

Forcing to fly the Vietnamese flag or national flag according to regulations, for violation acts prescribed in Clause 1 and Clause 2 of this Article.

Section 6

VIOLATION OF REGULATION ON FISHING VESSELS, FISHING PORTS, STORM SHELTERS OF FISHING VESSELS

Article 31. Violation of regulations on building and upgrading fishing vessels

1. A fine of between VND 20,000,000 and 30,000,000 shall be imposed for acts of building or upgrading fishing vessels not according to the approved designs.

2. A fine of between VND 30,000,000 and 50,000,000 shall be imposed for acts of building and upgrading fishing vessels without the approved designs

3. A fine of between VND 80,000,000 and 100,000,000 shall be imposed for acts of building and upgrading fishing vessels without or not in conformity with certificates of qualified establishment.

4. A fine of between VND 100,000,000 and 200,000,000 shall be imposed for acts of building and upgrading fishing vessels without written approval of competent authority.

5. Additional sanctions:

Depriving the right to use certificates of qualified establishment for building, upgrading fishing vessels of between 1 month and 3 months, for acts of violation specified at Clause 1, Clause 2 and Clause 3 of this Article.

6. Remedial measures:

Forcing dismantlement of fishing vessels, for acts of violation specified in Clause 2 and Clause 4 of this Article.

Article 32. Violation of regulations on import of fishing vessels (not applicable to cases where fishing vessels are aided by the foreign Government, organizations, individuals)

1. A fine of between VND 50,000,000 and 70,000,000 shall be imposed for acts of importing fishing vessels with technical characteristics and specifications not compatible with import permits.

2. Remedial measures:

Forcing to re-export fishing vessels, for acts of violation specified in Clause 1 of this Article.

Article 33. Violation of regulations on assurance of technical safety of fishing vessels

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for acts of failing to equip or adequately equipped with equipment to ensure technical

safety of fishing vessels for fishing vessels of maximum length of under 12 meters when fishing.

2. A fine of between VND 10,000,000 and VND 15,000,000 shall be imposed for acts of failing to equip or adequately equipped with equipment to ensure technical safety of fishing vessels for fishing vessels of maximum length of 12 meters or more when fishing.

3. A fine of between VND 15,000,000 and VND 20,000,000 shall be imposed for acts of failing to have certificates or expired certificates of technical safety of fishing vessels for maximum length of 12 meters or more when fishing.

Article 34. Violation of regulations on register of fishing vessels

1. A fine of between VND 5,000,000 and 7,000,000 shall be imposed for acts of inadequately reporting on fishing vessel registry according to regulations.

2. A fine of between VND 7,000,000 and 10,000,000 shall be imposed for acts of failing to report on fishing vessel registry according to regulations.

3. A fine of between VND 10,000,000 and VND 15,000,000 shall be imposed for acts of signing and using seals and professional printed paper when compiling register dossiers for fishing vessels and equipment installed on fishing vessels in contravention of regulations.

4. A fine of between VND 15,000,000 and 20,000,000 shall be imposed for falsifying results of inspection or carrying out improper registry according to the national technical standards on the decentralization and vessel building regulations or registry of fishing vessels without identification.

5. A fine of between VND 30,000,000 and VND 50,000,000 for one of the following acts:

a) Registering fishing vessel without certificates of qualified establishments for register of fishing vessels.

b) Registering fishing vessel is not in accordance with the contents in the certificates of qualified establishments for register of fishing vessels.

c) Conducting fishing vessel registry when the register establishment fails to fully satisfy the prescribed conditions;

6. Additional sanctions:

a) Depriving the right to use the fishing vessel register cards for 3 months to 6 months, for acts of violation specified in Clause 3 of this Article;

b) Depriving the right to use certificates of qualified establishments for register of fishing vessels of between 1 month and 3 months, for acts of violation specified in Clause 4 and points a, b, c Clause 5 of this Article.

Article 35. Violations of the regulations on communication equipment and tracking device on fishing vessels

1. A fine of between VND 3,000,000 and VND 5,000,000 for acts of removing tracking equipment on fishing vessels without the supervision of equipment suppliers.

2. A fine of between VND 20,000,000 and 30,000,000 shall be imposed for one of the following acts:

- a) Failing to equip communication equipment according to regulations;
- b) Failing to maintain or disable tracking equipment during operations at sea for fishing vessels of the largest length from 15 meters to under 24 meters, except for force majeure cases;
- c) Failing to comply with regulations in cases where tracking equipment is damaged, except force majeure cases;
- d) Failing to report or reporting improperly on the installation of tracking equipment to management agencies for inspection according to regulations;
- đ) Failing to seal when installing tracking equipment on fishing vessels as prescribed or failing to notify seal samples to management agencies according to regulations;
- e) Failure to maintain confidentiality of fishing vessel monitoring data in accordance with regulations.

3. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed for acts recidivism of violations specified in Clause 1 and points b, c and d of this Article.

4. Additional sanctions:

Depriving the right to use diplomas and certificates of captains for between 3 and 6 months, for acts of violation specified in point b Clause 2 and Clause 3 of this Article.

Article 36. Violation of regulations on marking fishing vessels

1. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed for acts of failing to mark fishing vessels or marking vessels in contravention of the regulations in cases of using fishing vessels of a maximum length of between 12 meters and under 15 meter for fishing;

2. A fine of between VND 5,000,000 and 7,000,000 shall be imposed for acts of failing to mark fishing vessels or marking vessels in contravention of regulations in cases of using fishing vessels with the maximum length of between 15 meters and under 24 meter for fishing;

3. A fine of between VND 7,000,000 and VND 10,000,000 shall be imposed for acts of failing to mark fishing vessels or marking vessels in contravention of the regulations applicable to fishing vessels of a maximum length beyond 24 meters.

Article 37. Violation of regulations on fishing vessels registration

1. A fine of between VND 2,000,000 and 3,000,000 shall be imposed for acts of failing to write fishing vessel registration numbers or writing fishing vessel registration numbers in contravention of the regulation.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for acts of failing to register fishing vessels or re-register fishing vessels according to the regulation.

Article 38. Violation of the regulations on crew members and persons working on fishing vessels

1. A fine of between VND 300,000 and 500,000 shall be imposed on crew members or persons working on fishing vessels who do not carry personal identification papers.

2. A fine of between VND 1,000,000 and 2,000,000 shall be imposed on crew members on fishing vessels not named in the crew register book of fishing vessel.

3. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for one of the following acts:

- a) Captains or chief engineers do not have diplomas or certificates as prescribed.
- b) Having no crew register book of fishing vessel according to regulations.

4. For acts of failing to buy insurance for fishing crew members, the following sanctions shall be ed:

a) A fine of between VND 5,000,000 and 7,000,000 shall be imposed on fishing vessel owners failing to purchase crew insurance for under 3 crew members working onboard;

b) A fine of between VND 7,000,000 and 10,000,000 shall be imposed on fishing fishing vessel owners failing to purchase crew insurance from 3 to 5 crew members working onboard;

c) A fine of between VND 10,000,000 and 15,000,000 shall be imposed on fishing fishing vessel owners failing to purchase crew insurance from 5 to 10 crew members working onboard;

d) A fine of between VND 15,000,000 and 20,000,000 shall be imposed on fishing fishing vessel owners failing to purchase crew insurance beyond 10 crew members working onboard;

Article 39. Violations of the regulations on operation of fishing ports and anchorage areas and storm shelters of fishing vessels

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed for the following acts:

a) Failing to notify or notify inadequately the prescribed information to the fishing port management organization when enters or leaves the fishing port;

b) Fishing vessels with the maximum length of 15 meters or more not enter the designated fishing ports for loading and unloading fishery products;

c) Failing to comply with the rules and maneuver of the fishing ports management organization and storm shelters.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for acts of controlling fishing vessels and other means which cause damage to works of fishing port.

3. A fine of between VND 10,000,000 and 15,000,000 for acts of destroying, dismantling or altering works and equipment of fishing ports.

4. A fine of between VND 20,000,000 and 30,000,000 shall be imposed for acts of encroaching on land, waters or fishing port facilities.

5. Additional sanctions:

Confiscating material evidences of administrative violations for violations specified in Clauses 3 of this Article.

6. Remedial measures:

a) Forcing to restore the initial status, for acts of violation specified in Clauses 2 and 3 of this Article;

b) Forcing to return the encroached areas, for acts of violation specified in Clause 4 of this Article.

Article 40. Violations of regulation on the management of fishing ports

1. A fine of between VND 3,000,000 and 5,000,000 shall be imposed for one of the following acts:

a) Failing to collect fishing logbooks, transshipping logbooks, catch declaration;

b) Failing to promulgate internal rules of fishing ports and publicly announce at fishing ports;

c) Failing to arrange working places for competent authority to inspect, monitor and control the observance of law provisions at fishing ports;

d) Failing to promptly notify the competent authority to handle illegal fishing vessels.

đ) Failing to supervise loaded and unloaded catch through the fishing port.

e) Fishing ports start operation without announcement to open fishing ports according to regulations.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed for acts of failing to verify catch statement for fishery, fishery products through fishing ports or improperly verify on fishery origin loaded and unloaded at fishing ports.

3. A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed for letting illegal fishing vessels unload fishery at fishing ports.

Section 7

VIOLATION OF REGULATIONS ON COLLECTION, PRELIMINARY PROCESSING, PROCESSING, PRESERVATION AND TRANSPORTATION OF FISHERIES

Article 41. Violation of regulations on collection, trade, storage, preliminary processing, processing, preservation and transportation of fisheries

1. Impose fines for acts of illegally collecting, trading, storing, preliminary processing, processing, preserving and transporting aquatic species listed in Group II of the List of Endangered, Rare and Precious aquatic species not meet the prescribed conditions or fisheries, fisheries products and parts of endangered, precious and rare aquatic species named in the Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora without origin, but not serious enough for criminal prosecution as follows::

a) A fine of between VND 10,000,000 and 15,000,000 if the weight of aquatic species is less than 20 kg;

b) A fine of between VND 15,000,000 and 20,000,000 if the weight of aquatic species is between 20 kg and under 50 kg;

c) A fine of between VND 20,000,000 and 30,000,000 if the weight of aquatic species is between 50 kg and under 100 kg;

d) A fine of between VND 30,000,000 and 40,000,000 if the weight of aquatic species is from 100 kg to less than 200 kg.

đ) A fine of between VND 40,000,000 and 50,000,000 if the weight of aquatic species is between 200 kg and under 500 kg.

e) A fine of between VND 50,000,000 and VND 60,000,000 if the weight of aquatic species is 500 kg or more.

2. Impose fines for acts of illegally collecting, trading, storing, preliminary processing, processing, preserving and transporting fisheries, fisheries products and parts of aquatic species listed in Group I of the List of Endangered, Rare and Precious aquatic species or fisheries, fisheries products and parts of endangered, precious and rare aquatic species named in the Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora without origin, but not serious enough for criminal prosecution as follows::

a) A fine of between VND 30,000,000 and 40,000,000 if the weight of aquatic species is less than 10 kg;

b) A fine of between VND 40,000,000 and 50,000,000 if the weight of aquatic species is between 10 kg and under 20 kg;

c) A fine of between VND 50,000,000 and 60,000,000 if the weight of aquatic species is between 20 kg and under 50 kg;

d) A fine of between VND 60,000,000 and 70,000,000 if the weight of aquatic species is from 50 kg to less than 100 kg.

đ) A fine of between VND 70,000,000 and 80,000,000 if the weight of aquatic species is between 100 kg and under 500 kg.

e) A fine of between VND 80,000,000 and VND 100,000,000 if the weight of aquatic species is 500 kg or more.

3. A fine of between VND 30,000,000 and 40,000,000 shall be imposed for collecting, trading, preliminarily processing, preserving or transporting fisheries without origin according to the provisions of law.

4. Additional sanctions:

Confiscating aquatic species for acts of violations specified in Clauses 1 and 2 of this Article.

Article 42. Violations of the regulations on import, temporary import, re-export, border-gate transfer or transit of fisheries products originating from illegal fishing; export and import of fisheries

1. A fine shall be imposed on acts of violation regarding the import, temporary import, re-export, border-gate transfer or transit of fisheries products originating from illegal fishing as follows:

a) A fine of 50,000,000 VND to 100,000,000 VND for consignments less than 100kg.

b) A fine of between VND 100,000,000 and 300,000,000 shall be imposed for consignments of between 100kg and under 500kg.

c) A fine of between VND 300,000,000 and 500,000,000 shall be imposed on consignments of between 500 kg and under 1,000 kg.

d) A fine of between VND 500,000,000 and 800,000,000,000 shall be imposed on consignments of between 1,000 kg and under 2,000 kg.

đ) A fine of between VND 800,000,000 and 1,000,000,000 for consignments of 2,000 kg or more.

2. Fine for acts of illegally exporting aquatic species that fail to meet the conditions in the List of conditional export aquatic species:

a) A fine of 50,000,000 VND to 100,000,000 VND for consignments less than 100kg.

b) A fine of between VND 100,000,000 and 300,000,000 shall be imposed for consignments of between 100kg and under 500kg.

c) A fine of between VND 300,000,000 and 500,000,000 shall be imposed on consignments of between 500 kg and under 1,000 kg.

d) A fine of between VND 500,000,000 and 800,000,000,000 shall be imposed on consignments of between 1,000 kg and under 2,000 kg.

đ) A fine of between VND 800,000,000 and 1,000,000,000 for consignments of 2,000 kg or more.

3. A fine of between VND 50,000,000 and 60,000,000 shall be imposed for illegally importing aquatic species not on the list of aquatic species permitted to be traded in Vietnam but not serious enough for criminal prosecution.

4. Additional sanction:

Confiscating consignments, for acts prescribed in Clause 1, 2, and 3 of this Article.

5. Remedial measures:

Forcing to re-export aquatic species or conversion of use purposes in cases of meeting the conditions for conversion or destruction in case it is impossible to re-export or change the use purposes, for acts of violation specified in Clause 3 of this Article.

SECTION 8

OBSTRUCTING STATE MANAGEMENT ACTIVITIES ON FISHERIES

Article 43. Violations of obstructing state management activities on fisheries

1. A fine of between VND 5,000,000 and 10,000,000 for acts of obstructing the work of investigation and exploration of fisheries resources; protection of aquatic resources; data collection on fisheries activities of competent state management agencies.

2. Failing to abide by the inspection, monitoring and supervision by competent state agencies sanctioned as follows:

a) A fine of between VND 3,000,000 and 5,000,000 shall be imposed for failing to abide by the inspection, monitoring and supervision by competent authority in the field of aquaculture;

b) A fine of between VND 15,000,000 and 20,000,000 shall be imposed for failing to abide by the inspection, monitoring and supervision by competent authority in the field of capture fisheries and aquatic resource protection.

Article 44. Violation of regulations on catch certificates, catch statement, license, written approval, certificates granted and other violations in the field of fisheries

1. A fine of between VND 20,000,000 and 30,000,000 shall be imposed for one of the acts of intentionally erasing or modifying, falsifying contents of catch certificates, catch statement, license, written approval and certificates issued in the field of fisheries.

2. A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed for one of the following acts of violation:

a) Taking advantage of the investigation and assessment of aquatic resources, affecting the legitimate rights and interests of other organizations and individuals;

b) Supplying, exploiting information, using information and data on aquatic resources in contravention of law provisions;

2. Additional sanction:

Confiscating certificates, license, written approval and certificates for violation acts prescribed in Clause 1 of this Article .

Chapter III

COMPETENCE OF ADMINISTRATIVE SANCTIONS AND REMEDIAL MEASURES IN FISHERIES ACTIVITIES

Article 45. Competence to make records on administrative violations

1. Competent persons to sanction administrative defined in Articles 46, 47, 48, 49, 50, 51, 52 and 53 of this Decree.

2. Persons belonging to the People's Army and the people's security forces in the agencies are defined in Clause 47, 48 and 49 of this Decree, officials, officers, staffs are performing their duties and tasks on the management in the field of fisheries.

Article 46. Competence of the Chairmans of the People's Committees

1. Chairmans of commune-level People's Committees shall have the power to:

- a) Imposing fines of up to 5,000,000 VND;
- b) Confiscating material evidences and means used for commission of administrative violations with a value not exceeding the fine level specified at Point a of this Clause;
- c) Applying remedial measures specified at Points a, b, c and d, Clause 1, Article 28 of the Law on Handling of Administrative Violations.

2. Chairmans of District-level People's Committees shall have the power to:

- a) Impose fines of up to 50,000,000 VND;
- b) Suspend operation for a definite term or deprivation of the right to use for a definite time the license, certificate and professional practice certificate granted by a competent agency or organization;
- c) Confiscate material evidences and/or means of administrative violations with a value not exceeding the fine level prescribed at Point a of this Clause;
- d) Applying remedial measures specified at Points a, b, c, d, e, h, and i of Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points a, b, c, d, d, e, g, k, l and m of Clause 3, Article 4 of this Decree.

3. Chairmans of Provincial-level People's Committees shall have the power to:

- a) Impose fines of up to VND 1,000,000,000;
- b) Suspend operation for a definite term or depriving of the right to use licenses, certificates or professional practice certificates granted by competent agencies or organizations for a definite period of time;
- c) Confiscate material evidences and/or means of administrative violations;

d) Applying remedial measures specified at Clause 1, Article 28 of the Law on Handling of Administrative Violations and Clause 3, Article 4 of this Decree.

Article 47. Competence of the People's Public Security Force

1. Personnel of the People's Public Security Force on duty have the right to:

Fine up to 500,000 VND.

2. Heads of Public Security stations, Team leaders of the personnel prescribed in clause 1 this Article shall have the right to:

Fine up to 1,500,000 VND.

3. Chiefs of commune - level Public Security offices, Heads of Public Security posts, Heads of Public Security stations at border checkpoints, export-processing zones shall have the right to:

a) Impose fines of up to 2,500,000 VND;

b) Confiscate material evidences and / or means of administrative violations with a value not exceeding the fine level prescribed at Point a of this Clause;

c) Applying remedial measures specified at points a, c and đ, Clause 1, Article 28 of the Law on Handling of Administrative Violations.

4. Chiefs of district-level Public Security offices have the right to:

a) Impose fines of up to VND 25,000,000;

b) Suspend operation for a definite term or depriving of the right to use licenses, certificates or professional practice certificates granted by competent agencies or organizations for a definite term;

c) Confiscate material evidences and / or means of administrative violations with a value not exceeding the fine level specified at Point a of this Clause;

d) Applying remedies specified at Points a, c, đ, and k, Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points a, b, c, d, đ, e, g, k, l and m, Clause 3, Article 4 of this Decree.

5. Directors of provincial – level Public Security Departments have the right to:

a) Impose fines of up to VND 50,000,000;

b) Suspend operation for a definite term or depriving of the right to use licenses, certificates or professional practice certificates granted by competent agencies or organizations for a definite period of time;

c) Confiscate material evidences and / or means of administrative violations with a value not exceeding the fine level specified at Point a of this Clause;

d) Apply remedial measures specified in Points a, c, đ, i, and k Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points a, b, c, d, đ, e, g, i, k, l and m, Clause 3, Article 4 of this Decree.

6. Directors of the Departments of Traffic Police have the power to:

- a) Impose fines of up to VND 1,000,000,000;
- b) Suspend the operation for a definite term or deprive the right to use permits, certificates, professional practice certificates issued by the competent authorities for a definite term;
- c) Confiscate material evidences and / or means of administrative violations;
- d) Apply remedial measures specified at Points a, c, đ and i, Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points a, b, and d Clause 3, Article 4 of this Decree.

Article 48. Competence of Border Guard

1. Border guard soldiers on duty have the power to:
Fine up to VND 500,000.
2. Heads of Border Guard stations, Team leaders of the soldiers defined in Clause 1 of this Article shall have the right to:
Fine up to VND 2,500,000.
3. Commanding officers of Border Guard posts, Commanders of Border Guard flotillas, Commanders of Border Guard sub-zones, Commanders of Port border guards shall have the right to:
 - a) Impose fines of up to VND 25,000,000;
 - b) Confiscate material evidences and / or means of administrative violations with a value not exceeding the fine level prescribed at Point a of this Clause;
 - c) Apply remedial measures specified at Points a, c, and đ Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points a, b, d and k Clause 3, Article 4 of this Decree.
4. Chiefs of the provincial-level BorderGuard Commands, Chiefs of Border Guard fleets of Border Guard High Commandare shall have the right to:
 - a) A fine of VND 1,000,000,000;
 - b) Suspend the operation for a definite term or deprive the right to use permits, certificates, professional practice certificates issued by the competent authorities for a definite term;
 - c) Confiscate material evidences and / or means of administrative violations;
 - d) Apply remedial measures specified at Points a, b, c, d and i, Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points a, b, d, h, k and l Clause 3, Article 4 of this Decree.

Article 49. Competence of the Coast Guard

1. Coast Guard soldiers on duty have the power to:
Fine up to VND 1,500,000.
2. Coast Guard team leaders have the power to:

a) Imposing fines of up to VND 5,000,000 VND

3. Coast Guard squad leaders and Captains of Coast Guard stations shall have the right:

a) Imposing fines of up to VND 10,000,000;

b) Applying remedial measures specified at Points a, b, đ Clause 1, Article 28 of the Law on Handling of Administrative Violations.

4. Commanders of Coast Guard platoons shall have the right to:

a) Impose fines of up to VND 25,000,000;

b) Confiscate material evidences and/or means of administrative violations with a value not exceeding the fine level prescribed at Point a of this Clause;

c) Applying remedial measures specified at Points a, c, d and đ Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points a, b, d, k and l Clause 3, Article 4 of this Decree.

5. Commanders of Coast Guard fleets shall have the right to:

a) Impose fines of up to VND 50,000,000;

b) Confiscate material evidences and/or means of administrative violations with a value not exceeding the fine level prescribed at Point a of this Clause;

c) Applying remedial measures specified at Points a, c, d, đ Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points a, b, d, k and l Clause 3, Article 4 of this Decree.

6. Commanders of Regional Coast Guard command centers have the right to:

a) Impose fines of up to VND 100,000,000;

b) Confiscate material evidences and/or means of administrative violations with a value not exceeding the fine level prescribed at Point a of this Clause;

c) Apply remedial measures specified at Points a, c, d and đ Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points a, b, d, k and l Clause 3, Article 4 of this Decree.

7. Commanders of Coast Guard Headquarters has the right to:

a) Impose fines of up to VND 1,000,000,000;

b) Suspend operation for a definite term or depriving of the right to use licenses, certificates or professional practice certificates granted by competent agencies or organizations for a definite period of time;

c) Confiscate material evidences and / or means of administrative violations;

d) Apply remedial measures specified at Points a, b, c, d and đ Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points a, b, d, h, k and l Clause 3, Article 4 of this Decree.

Article 50. Competence of the Customs

1. Customs officials on duty have the right to:

Fine up to VND 500,000.

2. Team leaders of Customs Sub-Departments, Team leaders of Post clearance audit sub-departments shall have the right to:

Fine up to VND 5,000,000.

3. Heads of Customs sub-departments, Heads of Post clearance auditsub-departments, Leaders of Control teams under Customs departments of provinces, inter-provinces and centrally run cities, Leaders of Anti-smuggling control teams, Leaders of Customs formalities team, Heads of Marine control flotillasandLeaders of Intellectual property right control and protection teams subordinate to The Anti-smuggling and investigation department, a subsidiary of the General Department of Customs shall have the rights to:

a) Impose fines of up to VND 25,000,000;

b) Confiscate material evidences and /or means of administrative violation with a value not exceeding the fine level prescribed at Point a of this Clause;

c) Apply remedial measures specified at Points d, đ, g and i Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points đ, e, g and m Clause 3, Article 4 of this Decree.

4. Director General ofthe Anti-smuggling and investigation Department, Director-General of the Post clearance audit departmentof General Department of Vietnam Customs, Directors of Customs Departments of provinces, inter-provinces and centrally run cities shall have the right to:

a) Impose fines of up to VND 50,000,000;

b) Confiscate material evidences and / or means of administrative violations with a value not exceeding the fine level prescribed at Point a of this Clause;

c) Deprive the right to use licenses, certificates or professional practice certificates for a definite period of time or suspend operation for a definite term

d) Applying remedial measures specified at Points d, đ, g, i Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points đ, e, g and m Clause 3, Article 4 of this Decree.

5. The Chairman of the Customs Directorate has the power to:

a) Impose fines of up to VND 1000,000,000;

b) Confiscate material evidences and / or means of administrative violations;

c) Apply remedial measures specified at Points d, đ, g, i Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points đ, e, g and m Clause 3, Article 4 of this Decree.

Article 51. Competence of market management

1. Market controllers on duty have the right to:

Fine up to VND 500,000.

2. Heads of Market Management Teams have the power to:

- a) Impose fines of up to VND 25,000,000;
- b) Confiscate material evidences and / or means of administrative violation with a value not exceeding the fine level prescribed at Point a of this Clause;
- c) Applying remedial measures specified at Points a, đ, e, g and i Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points đ, e and g Clause 3, Article 4 of this Decree.

3. Heads of provincial Market Management Departments shall have the right to:

- a) Impose fines of up to VND 50,000,000;
- b) Suspend operation for a definite term or deprive the right to use licenses, certificates or professional practice certificates granted by competent agencies or organizations for a definite period of time;
- c) Confiscate material evidences and / or means of administrative violations with a value not exceeding the fine level prescribed at Point a of this Clause;
- d) Apply remedial measures specified at Points a, c, d, đ, e, g, h and i Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points đ, e and g Clause 3, Article 4 of this Decree.

4. The Director General of the Market Management General Department has the power to:

- a) Impose fines of up to VND 1000,000,000;
- b) Suspend operation for a definite term or deprive the right to use licenses, certificates or professional practice certificates granted by competent agencies or organizations for a definite period of time;
- c) Confiscate material evidences and / or means of administrative violations;
- d) Apply remedial measures specified at Points a, c, d, đ, e, g, h and i Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points đ, e and g Clause 3, Article 4 of this Decree.

Article 52. Competence of Inspection

1. Inspectors specialized in the agriculture and rural development sector, persons assigned to perform the fisheries inspection, quality control of agro-forestry and fisheries products on duty shall have the power to:

- a) Impose fines of up to VND 500,000;
- b) Confiscate material evidences and/or means used for administrative violations, with a value not exceeding the fine level specified at Point a of this Clause;

2. Chief inspectors of Department of Agriculture and Rural Development and Directors of Sub-Departments of Fisheries with the function of fisheries management and quality control of agricultural, forestry and fisheries products; the head of the specialized inspection team of Directorate of Fisheries, The National Agro-Forestry-Fisheries Quality Assurance Department; Head of specialized inspection teams of

Department of Agriculture and Rural Development; Heads of inspection teams of Sub-Departments in charge of fisheries, quality management of agro-forestry and fishery products shall have the power to:

- a) Impose fines of up to VND 50,000,000;
- b) Suspend operation for a definite term or deprive the right to use licenses, certificates or professional practice certificates granted by competent agencies or organizations for a definite period of time;
- c) Confiscate material evidences and/or means used for administrative violations, with a value not exceeding the fine level specified at Point a of this Clause;
- d) Applying remedial measures specified at Clause 1, Article 28 of the Law on Handling of Administrative Violations and Clause 3, Article 4 of this Decree.

3. The head of the fisheries specialized inspection team of the Ministry of Agriculture and Rural Development shall have the power to:

- a) Impose fines of up to VND 250,000,000;
- b) Suspend operation for a definite term or deprive the right to use licenses, certificates or professional practice certificates granted by competent agencies or organizations for a definite period of time;
- c) Confiscating material evidences and/or means used for administrative violations, with a value not exceeding the fine level specified at Point a of this Clause;
- d) Apply remedial measures specified at Clause 1, Article 28 of the Law on Handling of Administrative Violations and Clause 3, Article 4 of this Decree.

4. The Chief Inspector of the Ministry of Agriculture and Rural Development, the Director General of Directorate of Fisheries, the Director of Animal Health Department, the Director of the National Agro-Forestry-Fisheries Quality Assurance Department shall have the power to:

- a) Impose fines of up to VND 1,000,000,000;
- b) Suspend operation for a definite term or deprive the right to use licenses, certificates or professional practice certificates granted by competent agencies or organizations for a definite period of time;
- c) Confiscate material evidences and means means of administrative violations;
- d) Apply remedial measures specified at Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points a, b, c, d, đ, e, g, i, k, l and m Clause 3, Article 4 of this Decree.

Article 53. The competence of the Fisheries Resources Surveillance

1. Fisheries resources surveillance staff on duty shall have the power to:

- a) Impose fines of up to VND 500,000;

b) Confiscate material evidences and/or means used for administrative violations, with a value not exceeding the fine level specified at Point a of this Clause;

2. Heads of Surveillance station under Regional Sub-Departments of Fisheries Resources Surveillance shall have the right:

a) Imposing fines of up to VND 10,000,000;

b) Confiscating of material evidences and / or means used for administrative violations, with a value not exceeding the fine level specified at Point a of this Clause;

d) Applying remedial measures specified at Points a, b and i Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points a, b, d, k and l Clause 3, Article 4 of this Decree.

3. Director of Regional Sub-Departments of Fisheries Resources Surveillance shall have the right:

a) Imposing fines of up to VND 100,000,000;

b) Confiscating of material evidences and / or means used for administrative violations, with a value not exceeding the fine level specified at Point a of this Clause;

d) Applying remedial measures specified at Points a, b, d and i Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points a, b, d, k and l Clause 3, Article 4 of this Decree.

3. Director of the Department of Fisheries Resources Surveillance has the right:

a) A fine of VND 1,000,000,000;

b) Suspend operation for a definite term or deprive the right to use licenses, certificates or professional practice certificates granted by competent agencies or organizations for a definite period of time;

c) Confiscate material evidences and/or means of administrative violations, with a value not exceeding the fine level specified at Point a of this Clause;

d) Apply remedial measures specified at Points a, b, and i Clause 1, Article 28 of the Law on Handling of Administrative Violations and Points a, b, d, k and l Clause 3, Article 4 of this Decree.

Article 54. Determination of the sanctioning competence

1. The Director General of Directorate of Fisheries and Chairman of the Provincial People's Committees shall impose administrative sanctions for acts of administrative violation prescribed in Articles 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, Article 19, Article 20, Article 21, Article 22, Article 23, Article 24, Article 25, Article 26, Article 27, Article 28, Article 29, Article 30, Article 31, Article 32, Article 33, Article 34, Article 35, Article 36, Article 37,

Article 38, Article 39, Article 40, Article 41, Article 42, Article 43, Article 44 of this Decree.

2. Competence of the commune- and district-level People's Committee presidents to sanction administrative violations:

a) The chairman of commune-level People's Committee shall sanction acts of administrative violation specified in Clauses 1 and 2, Article 19; Clause 1 of Article 27; Clause 1 of Article 28; Clause 1 of Article 30; Clause 1 of Article 35; Clause 1 of Article 36; Clause 1 of Article 37; Clauses 1 and 2, Article 38; Clause 1 of Article 39; Clause 1, Article 40 and Point a, Clause 2, Article 43 of this Decree;

b) The chairmans of the district-level People's Committees shall sanction acts of administrative violation specified in Clause 1 of Article 6; Clause 1 of Article 7; Clause 1, Clause 2 and Points a, b Clause 3 of Article 8; Article 12; Article 13; Article 14; Article 15; Article 16; Article 17; Article 18; Article 19; Article 21; Clauses 1 and 2 of Article 23; Article 25; Article 27; Article 28; Clauses 1 of Article 29; Article 30; Article 33; Article 35; Article 36; Article 37; Article 38; Article 39; Article 40; Points a, b, c, d and đ, Clause 1 and Points a, b Clause 2, Clause 3 of Article 41; Article 43 and Article 44 of this Decree.

3. Competence of the People's Public Security Force to administrative violation sanction:

a) Personnel of the People's Public Security Force are entitled to impose penalties for administrative violations prescribed in clause 1, Article 38 of this Decree.

b) Heads of Public Security stations, Team leaders of prescribed personnel of the People's Public Security Force are entitled to impose penalties for administrative violations prescribed in clause 1, 2 Article 38 of this Decree.

c) Chiefs of commune - level Public Security offices, Heads of Public Security posts are entitled to impose penalties for administrative violations prescribed in clause 1, 2 Article 19; clause 1 Article 37 and clause 1, 2 Article 38 of this Decree.

d) Chiefs of District-level Public Security shall sanction administrative violation acts prescribed in Point a Clause 1 of Article 6; Points a and b Clause 1 of Article 7; Clause 1 and Points a, b and c, Clause 2 of Article 8; Clause 1 and Clause 2 of Article 10; Article 12; Article 13; Clause 1 Article 14; Clauses 1 and 2 Article 15; Article 17; Article 19; Clause 1,2,3,4 Article 21; Clauses 1 Article 23; Clause 1,2 Article 25; Article 27; Clause 1, 2 and Points a, b Clause 3 Article 28; Clauses 1 of Article 29; Article 30; Article 33; Clause 1, 2 Article 35; Article 36; Article 37; Article 38; Article 39; Clause 1, 2 Article 40; Points a, b, c, Clause 1 Article 41; Article 43 and Clause 1 Article 44 of this Decree.

đ) Head of provincial Environmental Police Department shall sanction administrative violations prescribed at Point a, Clause 1, Article 6 of this Decree;

e) Directors of provincial-level Public Security offices shall sanction acts of administrative violation specified in point a Clause 1 of Article 6; Clause 1 of Article 7; Clause 1, 2 Points a, b Clauses 3 of Article 8; Article 10; Article 12; Article 13; Article 14; Article 15, Article 16; Article 17; Article 18; Article 19; Clause 1,2,3,4,5

Article 21; Clauses 1 and 2 of Article 23, Article 25, Article 27; Article 28; Clauses 1 Article 29; Article 30; Article 33; Article 35; Article 36; Article 37; Article 38; Article 39; Article 40; Points a, b, c, d, đ Clauses 1 and Points a, b, Clauses 2 Article 41; Article 43; Article 44 of this Decree.

g) The Traffic Police Department shall sanction acts of administrative violation specified in Article 6; point a Clause 1 of Article 7; Clauses 1 Article 21; Clause 1 of Article 23; Article 28; Article 29; Clause 1, Article 33; Article 41; Article 43; Clause 1 Article 44 of this Decree.

4. Competence of the Border Guard to administrative violation sanction:

a) Border Guard soldiers are entitled to impose penalties for administrative violations prescribed in clause 1 Article 38 of this Decree;

b) Heads of stations, Team leaders of prescribed soldiers are entitled to impose penalties for administrative violations prescribed in clause 1 Article 27, clause 1 Article 37; clause 1, 2 Article 38 of this Decree;

c) Commanding officers of Border Guard posts, commanders of Border Guard flotillas, Commanders of Border Guard sub-zones are entitled to impose penalties for administrative violations prescribed in point a clause 1 Article 6; point a, b clause 1 Article 7; points a, b, c clause 2 Article 8; clauses 1, 2, 3 and 4 Article 21; clause 1 Article 23; Article 27; clause 1, 2 and points a, b Clause 3 Article 28; Clause 1 Article 29, Article 30; Article 33; clause 1, 2, 3 Article 35; Article 36; Article 37; Article 38; Article 43, Clause 1 Article 44 of this Decree;

d) Chiefs of the provincial-level Border Guard Commands, Chiefs of Border Guard fleets of Border Guard High Command are entitled to impose penalties for administrative violations prescribed in Article 6, Article 7, Article 8, Article 21; Article 23; Article 24; Article 25; Article 26; Article 27; Article 28; Article 29; Article 30; Article 33; Article 35; Article 36; Article 37; Article 38; clause 1 and point b Clause 2 Article 43 and Clause 1 Article 44 of this Decree.

5. Competence of the Coast Guard to administrative violation sanction:

a) Coast Guard soldiers are entitled to impose penalties for administrative violations prescribed in clause 1, 2 Article 38 of this Decree;

b) Coast Guard team leaders are entitled to impose penalties for administrative violations prescribed in clause 1 Article 27; clause 1 Article 30; clause 1 Article 37; clause 1, 2 Article 38 of this Decree;

c) Coast Guard squad leaders and Head of Coast Guard stations are entitled to impose penalties for administrative violations prescribed in point a, clause 1 Article 6; point a, b clause 2 Article 8; clause 1 Article 21; clause 1 Article 25; clause 1, 2, 3 Article 27; clause 1 Article 28; Article 30; clause 1 Article 33; clause 1 Article 35; Article 36; Article 37; clause 1, 2, 3 and point a, b clause 4 Article 38 and clause 1 Article 43 of this Decree;

d) Commanders of Coast Guard platoons are entitled to impose penalties for administrative violations prescribed in point a, clause 1 Article 6; point a, b clause 1 Article 7; clause 1, point a, b, c clause 2 Article 8; clause 1, 2 Article 25; Article 27; clause 1, 2 and point a, b clause 3 Article 28; clause 1 Article 29; Article 30; Article

33; clause 1, 2 Article 35; Article 36; Article 37; Article 38; point a,b clause 1 Article 41; clause 1 and point b clause 2 Article 43; clause 1 Article 44 of this Decree;

đ) Commanders of Coast Guard fleets are entitled to impose penalties for administrative violations prescribed in point a, clause 1 Article 6; clause 1 Article 7; clause 1, 2, point a,b clause 3 Article 8; clause 1, 2,3,4,5 Article 21; clause 1, 2 Article 23; Article 25; Article 27; Article 28; clause 1 Article 29; Article 30; Article 33; Article 35; Article 36; Article 37; Article 38; point a,b clause 1 Article 41; clause 1 and point b clause 2 Article 43; clause 1 Article 44 of this Decree;

e) Commanders of regional Coast Guard command centers are entitled to impose penalties for administrative violations prescribed in points a, b clause 1 Article 6; Article 7, Article 8; clause 1 Article 9; Article 21; Article 23; Article 25; Clause 1 Article 26; Article 27; Article 28; Article 29; Article 30; Article 33; Article 35; Article 36; Article 37; Article 38; Article 39; Article 41; clause 1 and point b clause 2 Article 43; clause 1 Article 44 of this Decree;

g) Commanders of Coast Guard Headquarters are entitled to impose penalties for administrative violations prescribed in Article 6; Article 7; Article 8; Article 9; Article 21; Article 23; Article 24; Article 25; Article 26; Article 27; Article 28; Article 29; Article 30; Article 33; Article 35; Article 36; Article 37; Article 38; Article 39; Article 41; clause 1 and point b clause 2 Article 43; clause 1 Article 44 of this Decree;

6. Competence of the Customs to sanction administrative violations:

a) Heads of Customs sub-departments, Heads of Post clearance auditsub-departments, Director of Customs departments of provinces, inter-provinces/municipalities, Leaders of Anti-smuggling control teams, Leaders of Customs formalities team, Heads of Marine control flotillas and Leaders of Intellectual property right control and protection teams subordinate to The Anti-smuggling and investigation department, a subsidiary of the General Department of Customs are shall sanction administrative violations defined in clause 1 Article 44 of this Decree;

b) Director General of the Anti-smuggling and investigation Department, Director-General of the Post clearance audit departmentof General Department of Vietnam Customs, Directors of Customs Departments of provinces, inter-provinces/municipalities shall sanction acts of violation administrative agencies defined in Clause 3 of Article 15; Article 18; clause 1 Article 44 of this Decree;

đ) The Chairman of the Customs Directorate shall sanction acts of administrative violation specified in Article 11; Clause 3 of Article 15; Article 18; Article 32; Article 42; clause 1 Article 44 of this Decree.

7. Competence to to sanction administrative violations of market management:

a) The head of the Market Management Team shall sanction acts of administrative violation specified in Article 12; Article 13; Clause 1 of Article 14; Clause 3 of Article 19; Points a, b and c, Clause 1, Article 41 and Clause 1 Article 44 of this Decree;

b) Director of the Provincial Market Management Department and Director of the Market Management Department under the General Department of Market Management shall sanction administrative violations defined in Article 11; Clause 1 of Article 14; Clause 2 of Article 15; Clause 1 of Article 18; Clause 3, Article 19 and Clause 1, Article 44 of this Decree;

c) The director general of the Market Management General Department shall sanction acts of administrative violation specified in Article 11; Clause 1 of Article 14; Clauses 2 and 3, Article 15; Article 18; Clause 3 of Article 19; Article 32; Article 41; Article 42 and Clause 1 Article 44 of this Decree.

8. Competence to sanction administrative violations of inspection:

a) Specialized inspectors of the agriculture and rural development sector, persons assigned to perform the specialized fishery inspection shall sanction acts of administrative violation Clause 1 of Article 38.

b) Chief inspectors of Department of Agriculture and Rural Development; Head of specialized inspection teams of Department of Agriculture and Rural Development; Directors of Sub-Departments of Fisheries with the function of fisheries management; Heads of inspection teams of Sub-Departments in charge of fisheries; the head of the specialized inspection team of Directorate of Fisheries shall sanction administrative violation acts prescribed in Clause 1 of Article 6; Clause 1 of Article 7; Clauses 1 and 2, Points a and b, Clause 3, Article 8; Article 10; Article 12; Article 13; Article 14, Article 15, Article 16; Article 17; Article 18; Article 19; Clauses 1, 2, 3, 4 and 5 Article 21; Article 22; Clauses 1 and 2, Article 23; Article 25; Article 27; Article 28; Clause 1 of Article 29, Article 30; Clauses 1, 2, Article 31, Article 33, Article 34; Article 35; Article 36; Article 37; Article 38; Article 39; Article 40; Points a, b, c, d and đ, Clause 1, Points a and b, Clause 2, 3 Article 41; Article 43 and Article 44 of this Decree.

c) The director of the Sub- Department of The National Agro-Forestry-Fisheries Quality Assurance; The head of the specialized inspection team of the Department of The National Agro-Forestry-Fisheries Quality Assurance; The heads of the specialized inspection team of the Sub-Departments having the function of specialized management on the quality of agro-forestry and fishery products shall sanction acts of administrative violation specified at Points a, b, c, d and đ, Clause 1 and Points a and b, Clause 2, Article 41 and Clause 1, Article 44 of this Decree;

d) The head of the fishery specialized inspectorate of the Ministry of Agriculture and Rural Development shall sanction administrative violations defined in Article 8; Article 10; Article 11; Article 12; Article 13; Article 14; Article 15; Article 16; Article 17; Article 18; Article 19; Article 31; Article 32; Article 33; Article 34; Article 35; Article 36; Article 37; Article 38; Article 39; Article 40; Article 41; Points a and b, Clause 1, Points a and b, Clause 2, 3 Article 42; Article 43 and Article 44 of this Decree;

đ) Chief inspectors of the Ministry of Agriculture and Rural Development shall sanction administrative violations defined in Article 8; Article 10; Article 11; Article 12; Article 13; Article 14; Article 15; Article 16; Article 17; Article 18; Article 19; Article 21; Article 22; Article 23; Article 32; Article 33; Article 34; Article 35;

Article 36; Article 37; Article 38; Article 39; Article 40; Article 41; Article 42; Article 43 and Article 44 of this Decree;

e) The director of the Agro-Forestry-Fisheries Quality Assurance Department shall sanction acts of administrative violation specified in Article 41; Article 42 and Clause 1 Article 44 of this Decree;

g) The Director of Animal Health Department shall sanction administrative violations prescribed in Article 42 and Clause 1, Article 44 of this Decree.

9. Competence of the Fisheries Resources Surveillance:

a) Fisheries Resources Surveillance officer shall sanction acts of administrative violation specified in Clause 1, Article 38;

b) Head of Fisheries Resources Surveillance Station under the Regional Fisheries Resources Surveillance Sub-Department shall sanction administrative violations prescribed at Point a, Clause 1, Article 6; Points a and b, Clause 2, Article 8; Clause 1 of Article 21; Clause 1 of Article 25; Clauses 1, 2 and 3 of Article 27; Clause 1 of Article 28; Clauses 1 and 2, Article 30; Clause 1 of Article 33; Clause 1 of Article 35; Article 36; Article 37; Clauses 1, 2 and 3 and points a and b, Clause 4, Article 38; Clauses 1 and 2, Article 39; Clauses 1 and 2, Article 40 and Clause 1 and Point a, Clause 2, Article 43 of this Decree;

c) Director of the Regional Fisheries Resources Surveillance Sub-Department has the right to sanction administrative violations prescribed at Points a and b, Clause 1, Article 6; Article 7; Article 8; Clauses 1 and 2, Article 9; Article 21; Article 23; Article 25; Clause 1 of Article 26; Article 27; Article 28; Article 29; Article 30; Article 33; Article 35; Article 36; Article 37; Article 38; Article 39; Article 40; Article 41; Clause 1, Point a, Clause 2, Article 43 and Clause 1, Article 44 of this Decree;

d) The director of the Fisheries Resources Surveillance Department shall sanction acts of administrative violation specified in Article 6; Article 7; Article 8; Article 9; Article 21; Article 23; Article 24; Article 25; Article 26; Article 27; Article 28; Article 29; Article 30; Article 33; Article 35; Article 36; Article 37; Article 38; Article 39; Article 41; Clause 1 and Point b, Clause 2, Article 43 and Clause 1, Article 44 of this Decree.

Article 55. Implementing measures to prevent administrative violations and ensure the sanctioning of administrative violations

1. In cases where only fines are imposed on violating individuals or organizations, the competent persons to sanction administrative violations in fishery activities may temporarily keep papers related to the means, the professional certificate until the individual or organization completes the sanctioning decision. If the violating individuals or organizations do not have the above-said papers, the competent persons to sanction administrative violations may request the violating organizations or individuals to bring their means to the land or offices of the agencies for settlement or temporarily keep material evidences and means according to their competence.

In case of violation which, according to this Decree, provides for the additional sanction of confiscation of material evidences and means of violation, the competent persons to sanction administrative violations in fishery activities may request organizations or individuals to take their means to the land or offices for settle or temporarily keep material evidences and means according to their competence.

2. The competence, order and procedures for implementation of measures to prevent administrative violations and ensure the sanctioning of administrative violations in the field of fisheries activities shall comply with the provisions of the Law on Handling of of Administrative Violations.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 56. Effect

1. This Decree shall take effect from 05 July 2019, replacing Decree No. 103/2013/ND-CP of the Government on sanctioning of administrative violations in fisheries activities;

2. Add the phrase "cultured aquatic species" to Point a, Clause 6 of Article 17, Clause 5 of Article 18, Clause 6 of Article 19 and Clause 9 of Article 20 of Decree No. 119/2017 / ND-CP of November 1, 2017. of the Government on sanctioning of administrative violations in the field of standardization, measurement and quality of goods and products.

3. This Decree shall be annulled:

a) The provisions on aquatic breeds, aquatic feeds and products for environmental treatment in aquaculture in Decree No. 64/2018 / ND-CP of May 7, 2018 of the Government stipulating sanctions for the administrative violations in the field of livestock breeds, animal feeds and aquatic resources;

b) Regulations on fisheries activities in the Government's Decree No. 41/2017 / ND-CP of April 5, 2017 of the Government on amending and supplementing a number of articles of the decrees on sanctioning of administrative violations in fisheries activities; animal health, animal seeds, animal feed; forest management, forest development, forest protection and forest product management.

Article 57. Transitional provisions

1. The provisions on administrative sanction in fisheries activities specified in this Decree benefit individuals and organizations which violate before the effective date of this Decree, then are detected or are in consideration.

2. For decisions on sanctioning of administrative violations which have been promulgated or have been completed before the effective date of this Decree, individuals or organizations sanctioned for administrative violations or individuals implementing administrative sanction still have complaints, it shall be handled by provisions of Decree No. 103/2013/ND-CP and Decree No. 41/2017 / ND-CP of April 5, 2017 amending and supplementing a number of articles of the decrees on sanctioning of administrative violations in fisheries activities; animal health, animal breeds, animal feed; forest management, forest development, forest protection and forest product management; Decree No. 64/2018/ND-CP of May 7, 2015 of the Government

stipulating the sanctioning of administrative violations in the field of livestock seeds and aquatic feed and animal feed.

3. For violations of conditions in fishery activities detected after this Decree takes effect, it is the transitional case at the Fisheries Law and bylaw documents guiding the implementation of the Fisheries Law, shall apply the provisions of Decree No. 103/2013/ND-CP of the Government on sanctioning of administrative violations in fisheries activities; Decree No. 41/2017/ND-CP of April 5, 2017 amending and supplementing a number of articles of the decrees on sanctioning of administrative violations in fisheries activities; animal health, animal breeds, animal feed; forest management, forest development, forest protection and forest product management; Decree No. 64/2018/ND-CP of May 7, 2015 of the Government stipulating the sanctioning of administrative violations in the field of livestock seeds and aquatic feed and animal feed.

Article 58. Responsibility for guiding implementation

1. The Minister of Ministry of Agriculture and Rural Development has the responsibility to guide, organize and supervise the implementation of this Decree.

2. Ministers, Heads of ministerial-level agencies, Heads of Governmental agencies, Chairmen of People's Committees of central-affiliated provinces and cities are responsible for implementing this Decree./.

Received by:

- The Secretariat of the Central Committee Communist Party;
- Prime Minister, Deputy Prime Ministers;
- Ministries, Ministerial-level agencies, Governmental agencies;
- People's Council, people's Committees of central-affiliated cities and provinces;
- Central Office and Departments of Communist Party;
- Office of the General Secretary;
- Office of the President;
- Ethnic Council and Committees of National Assembly;
- Office of National Assembly;
- The Supreme People's Court;
- The Supreme People's Procuracy;
- National financial supervision commission;
- State Audit office;
- Vietnam Bank for Social policies;
- Vietnam Development Bank;
- Vietnam Fatherland Front;
- Central bodies of unions;
- Government office, BTCN, PCN, Assistants TTCP, Web portal, Departments, affiliated units, Official Gazette;
- Storage: Administrative Division, KTN (3 copies).

**FOR THE GOVERNMENT
PRIME MINISTER**

Nguyen Xuan Phuc

