

GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 14/2021/ND-CP

Hanoi, March 1, 2021

DECREE

REGULATING PENALTIES FOR ADMINISTRATIVE OFFENCES INVOLVING ANIMAL HUSBANDRY

Pursuant to the Law on Government Organization dated June 19, 2015; the Law on Amending and Supplementing certain Articles of the Law on Government Organization and the Law on Local Government Organization dated November 22, 2019;

Pursuant to the Law on Administrative Penalties dated June 20, 2012;

Pursuant to the Law on Animal Husbandry dated November 19, 2018;

At the request of the Minister of Agriculture and Rural Development;

The Government hereby promulgates the Decree, prescribing penalties for administrative offences involving animal husbandry.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

1. This Decree prescribes types of administrative offences, sanctioning forms, fine amounts and remedies, authority to issue notices of offence and authority to issue sanction decisions for administrative offences involving animal husbandry.
2. Other offences involving animal production that are not covered by this Decree shall be sanctioned under relevant regulations of other Decrees of the Government on sanctioning administrative offences involving state management activities.

Article 2. Subjects of application

1. This Decree shall apply to organizations and individuals committing administrative offences involving animal production activities within the territory of Vietnam.
2. Entities or organizations stated in clause 1 of this Article shall comprise:

- a) Economic organizations established under the Law on Enterprises;
- b) Economic organizations established under regulations of the Law on Cooperatives;
- c) Economic organizations established under regulations of the Law on Investment;
- d) Political-social organizations, social organizations and socio-occupational organizations;
- dd) Public service units and other organizations prescribed by laws.

3. Persons or individuals stated in clause 1 that are not prescribed in clause 2 of this Article.

Article 3. Statute of limitations for imposition of administrative penalties

Statute of limitations for imposition of penalties for administrative offences involving the animal husbandry shall be 01 year, while the statute of limitations for those involving the production, sale, importation and exportation of animal species, animal feed, animal waste treatment products, animal products, products from live animals shall be 02 years.

Article 4. Sanctioning forms and remedies

1. For each act of administrative offences involving the animal husbandry, violating organizations and individuals shall be mainly sanctioned in the form of fine.

2. Depending on the nature and severity of an administrative offence, the violating individual or organization may be sanctioned in one or multiple forms of supplementary penalties as follows:

- a) Temporary forfeiture of the rights to use Certificates of training in artificial insemination and embryo transfer techniques or temporary suspension of business activities;
- b) Seizure of material evidences of administrative violations; confiscation of certificates of eligibility for production of animal feed; certificates of eligibility for animal production, certificates of training in artificial insemination and embryo transfer techniques; animal breed import and export permits on which information has been erased, altered or falsified.

3. Remedies stipulated herein shall be applied as follows:

- a) Compulsory recall of animal breeds, animal breed products, animal feed, and animal waste treatment products;
- b) Compulsory recycling of animal breeds, animal waste treatment products;

- c) Compulsory change of use of animal feed, animal breeds, animal breed products, animal products and animal waste treatment products;
- d) Compulsory re-exportation of animal feed, animal breeds, animal breed products, animal waste treatment products, animal products, animals raised for food;
- dd) Compulsory destruction of banned substances, materials not on the List of ingredients permitted to be used as animal feed, animal feed products, livestock breeds, animals, animal breed products, and animal waste treatment products, animal products;
- e) Compulsory cancellation of results of testing of animal feed and animal waste treatment products; compulsory cancellation of results of testing and inspection of animal strains and breeds;
- g) Compulsory modification of information about batches of animal feed products, animal waste treatment products shown on product labels or attached technical documents;
- h) Cancellation of information about animal feed products that is published on the National Single-Window Portal and the Web Portal of the Ministry of Agriculture and Rural Development;
- i) Compulsory application of remedies for the environmental pollution and mandatory reporting on the results of implementation of remedies for consequences arising from offences according to regulations;
- k) Compulsory rectification of details of animal feed products and livestock waste treatment products on the web portal of the Ministry of Agriculture and Rural Development;
- l) Compulsorily using domesticated animals for right import purposes;
- m) Compelling the disgorgement of illegal gains from commission of administrative offences;
- n) Compulsory return of swiftlets to the wild;
- o) Compulsory application of the prescribed noise reduction methods;
- p) Compelling the relocation of domestic animals and animal farms out of areas not permitted to raise livestock according to regulations;
- q) Compelling the thermal treatment of animals involved in offences in accordance with regulations;

r) Compelling the downsizing of animal production to meet prescribed distancing requirements.

Article 5. Regulations on fine amounts and sanctioning authority

1. The maximum amount of fine imposed for an administrative offence arising from animal production activities shall be subject to laws on handling of administrative violations.
2. The amount of fine stipulated in Chapter II shall be deemed as the amount of fine for the administrative offence committed by an individual. If an organization commits the same offence, the amount of imposed on that organization shall be 02 times greater than that imposed on an individual.
3. Sanctioning authority delegated to officeholders specified in Chapter III herein shall be the same as the authority to sanction an administrative offence committed by individuals. In case of imposition of a fine, authority to impose such fine on a violating entity shall be 02 times higher than that on a violating individual.

Chapter II

TYPES OF ADMINISTRATIVE OFFENCES, SANCTIONING FORMS AND REMEDIES

Section 1. ADMINISTRATIVE OFFENCES AGAINST REGULATIONS ON LIVESTOCK BREEDS

Article 6. Administrative offences against regulations on collection, conservation, use and development of farm animal genetic resources

1. Imposing the fine ranging from 15,000,000 dong to 20,000,000 dong for the act of using genetic resources of farm animals on the List of animal species in need of conservation in contravention of the activities approved by competent state authorities.
2. Imposing the fine ranging from 20,000,000 dong to 25,000,000 dong for the act of using genetic resources of farm animals on the List of animal species in need of conservation without consents from competent state authorities.
3. Imposing the fine ranging from 25,000,000 dong to 30,000,000 dong for killing, buying, selling, destroying, exporting or using genetic resources of newly discovered animal breeds although none of results of verification and assessment conducted by competent state authorities is obtained yet.
4. Imposing the fine ranging from 30,000,000 dong to 40,000,000 dong for the act of destroying and appropriating farm animal genetic resources.

5. Imposing the fine ranging from 40,000,000 dong to 50,000,000 dong for the act of destroying and appropriating genetic resources of rare and precious farm animals.

6. Supplemental penalties

Confiscating exhibits involved in the administrative offences referred to in clause 1, 2, 3, 4 and 5 of this Article.

Article 7. Offences against regulations on precious and rare animal breeds prohibited from importation; exchange of genetic resources of precious and rare animal breeds

1. Imposing the fine ranging from 15,000,000 dong to 20,000,000 dong for the act of exchanging rare and precious animal breeds in contravention of those permitted by the Minister of Agriculture and Rural Development.

2. Imposing the fine ranging from 20,000,000 dong to 30,000,000 dong for the act of exporting or internationally exchanging animal breeds and animal breed products on the List of animal breeds banned from exportation for scientific research, exhibition or advertising purposes in contravention of those permitted by competent state authorities.

3. Imposing the fine ranging from 40,000,000 dong to 50,000,000 dong for one of the following offences:

a) Exchanging genetic resources of rare and precious animal breeds without consents from the Minister of Agriculture and Rural Development;

b) Exporting or internationally exchanging animal breeds and animal breed products on the List of animal breeds banned from exportation for scientific research, exhibition or advertising purposes without consent from competent state authorities.

4. Supplemental penalties

Confiscating exhibits involved in the administrative offences referred to in clause 1, 2 and 3 of this Article.

Article 8. Offences against regulations on importation of animal breeds or animal breed products

1. Imposing the fine ranging from 5,000,000 dong to 10,000,000 dong for the act of importing animal breeds or animal breed products without the certification of their quality, or breeding, reproduction or propagation purposes by competent authorities or organizations accredited by competent authorities of exporting countries.

2. The fine ranging from 10,000,000 dong to 15,000,000 dong shall be imposed for one of the following offences:

a) Importing sperm or embryos produced by the same individual from the second time onwards without prior written notice to the Ministry of Agriculture and Rural Development;

b) Importing male breeders of the same breed from the same producer from the second time onwards without prior written notice to the Ministry of Agriculture and Rural Development.

3. Imposing the fine ranging from 15,000,000 dong to 20,000,000 dong for the act of importing male breeders, sperm or embryos of cattle for the first time into Vietnam without consent from competent state authorities.

4. Remedies

a) Compelling the re-exportation of animal breeds and animal breed products involved in the offences specified in Clause 1 of this Article; in case of impossibility of doing so, change of uses thereof shall be required;

b) Compelling the re-exportation of male breeders, sperm and embryos involved in the offences specified in clause 2 and 3 of this Article; in case of impossibility of doing so, alteration in use of male breeders and destruction of sperm or embryos shall be compelled.

Article 9. Offences against regulations on animal progeny producing and trading requirements

1. The fine ranging from 3,000,000 dong to 5,000,000 dong shall be imposed for the act of trading farm animal progeny without keeping full and updated breed records.

2. The fine ranging from 5,000,000 dong to 7,000,000 dong shall be imposed for one of the following offences:

a) Producing any animal breed without making breed records or keeping full and updated breed records; failing to keep or incompletely keeping breed records as legally required;

b) Facilities rearing parent stocks for breeding pigs, poultry, breeding stocks and producing animal offspring do not hire technical staff trained in one of the specializations, such as animal husbandry, veterinary medicine and biology.

3. Imposing the fine ranging from 7,000,000 dong to 10,000,000 dong for the failure of facilities rearing original breeds in captivity, facilities producing animal lines or breeds to hire technical staff holding at least undergraduate degrees in one of the specializations, such as animal husbandry, veterinary medicine and biology.

4. Imposing the fine ranging from 10,000,000 dong to 15,000,000 for the offences involving the act of producing, trading animal lines and breeds without test results or

results of implementation of ministerial or national scientific and technological tasks recognized or endorsed by competent authorities.

5. Remedies

The remedy in the form of compelling the recall and change of uses of these animal lines or breeds sold on the market shall be applied to the offence prescribed in clause 4 of this Article;

Article 10. Offences against regulations on production and trading of sperm, embryos, fertile eggs and larvae

1. Imposing the fine ranging from 500,000 dong to 1,000,000 dong for the act of using male breeders for commercial direct breeding purposes without breed records; using male breeders that have not yet been tested and appraised.

2. The fine ranging from 1,000,000 dong to 3,000,000 dong shall be imposed for one of the offences against regulations on trading of sperm and embryos as follows:

a) Storage facilities are not separated or are contaminated by using pesticides or hazardous chemicals;

b) Documents or records on the storage and trading of sperm and embryos are not available.

3. The fine ranging from 3,000,000 dong to 5,000,000 dong shall be imposed for one of the offences against regulations on individuals providing artificial insemination or embryo transfer services as follows:

a) Not holding certificates of training in artificial insemination or embryo transfer techniques as legally required;

b) Not providing records and documents used for providing updated information about owners, serial number of male or female breeders, breeding date and times as required by laws.

4. The fine ranging from 5,000,000 dong to 7,000,000 dong shall be imposed for the act of trading fertile eggs and embryos without keeping breed records.

5. The fine ranging from 7,000,000 dong to 10,000,000 dong shall be imposed for one of the offences against regulations on production of sperm, embryos, fertile eggs and larvae as follows:

a) Not keeping any record of sperm quality indicators during the period of testing and use of male breeder's sperm;

- b) Not having dedicated equipment meeting technical requirements used for production, testing, assessment, storage and transport of sperm, embryos, fertile eggs and larvae;
- c) Producing sperm from male breeders although productivity of each breeding individual has not been tested yet;
- d) Breeding eggs that are not produced by parent, equivalent or higher-grade stocks, except for collecting naturally bred eggs.

6. Remedies

Compelling the destruction of sperm or eggs involved in the offences specified in point c and d of clause 5 of this Article.

Article 11. Offences against regulations on quality of animal breeds used for production and trading purposes

1. Imposing the fine ranging from 5,000,000 dong to 10,000,000 dong for the act of producing or trading animal breeds of which every indicator of quality level is lower than the announced standard applied to each shipment of these animal breeds that is worth less than 50,000,000 dong.
2. Imposing the fine ranging from 10,000,000 dong to 15,000,000 dong for the act of producing or trading animal breeds of which every indicator of quality level is lower than the announced standard applied to each shipment of these animal breeds is worth at least 50,000,000 dong.

3. Remedies

The remedy existing in the form of compelling the recall and change of uses of these animal breeds sold on the market shall be applied to the offences prescribed in clause 1 and 2 of this Article.

Article 12. Offences against regulations on testing and inspection of livestock breeds and lines

1. Imposing the fine ranging from 3,000,000 dong to 5,000,000 dong for the act of failing to keep or incompletely keeping records of the process of testing and inspection of animal lines or breeds as legally required.
2. Imposing the fine ranging from 5,000,000 dong to 7,000,000 dong for the act of conducting tests or inspections despite failing to provide required technical facilities.
3. Imposing the fine ranging from 7,000,000 dong to 10,000,000 dong for the act of conducting tests or inspections in the absence of technical staff holding at least

undergraduate degrees in one of the specializations, such as animal husbandry, veterinary medicine and biology.

4. Imposing the fine ranging from 30,000,000 dong to 40,000,000 dong for the act of announcing test or inspection results that are not honest.

5. Supplemental penalties

Temporarily suspending testing facilities from conducting tests or inspections for the period from 01 to 03 months if they are involved in the offences prescribed in clause 2 and 3 of this Article.

6. Remedies

The remedy existing in the form of compelling the cancellation of test or inspection results shall be applied to the offences stipulated in clause 2, 3 and 4 of this Article.

Article 13. Offences against regulations on animal breed management certificates or licenses

1. The fine ranging from 3,000,000 dong to 5,000,000 dong shall be imposed for one of the following offences:

- a) Leasing out certificates of training in artificial insemination or embryo transfer techniques;
- b) Practicing artificial insemination or embryo transfer without holding certificates of training in artificial insemination or embryo transfer techniques.

2. Imposing the fine ranging from 5,000,000 dong to 10,000,000 dong for the act of erasing or falsifying information on the following documents:

- a) Certificates of training in artificial insemination or embryo transfer techniques;
- b) Animal breed import and export permits.

3. Supplemental penalties

- a) The penalty existing in the form of forfeiture of the right to use certificates of training in artificial insemination or embryo transfer techniques over the period of between 03 months and 06 months shall be imposed for the offences referred to in point a of clause 1 of this Article;
- b) The penalty existing in the form of seizure of certificates of training in artificial insemination or embryo transfer techniques, or animal breed export or import permits, shall be imposed for the offences referred to in clause 2 of this Article.

Section 2. OFFENCES AGAINST REGULATIONS ON ANIMAL FEED

Article 14. Offences against regulations regarding eligibility requirements of animal feed production establishments

1. The fine ranging from 3,000,000 dong to 5,000,000 dong shall be imposed for one of the following offences:

- a) Failing to provide manufacturing lines and equipment suitable for animal feed production as legally required;
- b) Failing to take measures to control harmful organisms, impurities or waste causing contamination or adverse impacts on safety and quality of animal feed;
- c) Failing to provide measurement equipment and instruments that are tested or calibrated as legally required;
- d) Failing to analyze animal feed quality during the production process;
- dd) Failing to hire persons in charge of technical work or hiring persons in charge of technical work that have irrelevant professional qualifications;
- e) Failing to apply waste collection and disposal solutions that prevent products from being contaminated;
- g) Failing to design the production area or place equipment according to the single-direction rules under which those used for processing of input ingredients are sited in front of those used for manufacturing of finished products in a single direction, ensuring that production areas are separated from one another to prevent cross-contamination; except if input ingredients and finished products are put in airtight packages, or production areas are separately located;
- h) Failing to take measures to preserve ingredients of animal feeds upon recommendation of suppliers.

2. The fine ranging from 5,000,000 dong to 10,000,000 dong shall be imposed for one of the following offences:

- b) Changing information about organizations or individuals shown in certificates of conformance to regulations on manufacturing of animal feed, but not applying for reissued certificates according to regulations;
- b) Animal feed production facilities producing animal feed containing antibiotics do not take measures to prevent the spread of or cross-contamination between different antibiotics or between animal feed containing antibiotics and those that do not contain antibiotics.

3. Imposing the fine ranging from 10,000,000 dong to 15,000,000 dong for the act of manufacturing any animal feed about which information has not yet been posted on the web portal of the Ministry of Agriculture and Rural Development.

4. Imposing the fine ranging from 15,000,000 dong to 20,000,000 dong for the act of erasing, deleting or falsifying information shown on Certificates of conformance to regulations on manufacturing of animal feed.

5. Imposing the fine ranging from 20,000,000 dong to 25,000,000 dong for the offence involving an animal feed manufacturer whose production zone is located in an area polluted by hazardous wastes or chemicals without taking any precaution against pollution risks.

6. Imposing the fine ranging from 25,000,000 dong to 30,000,000 dong for the act of manufacturing animal feed when being subject to manufacturing suspension decided by competent state authorities.

7. Imposing the fine ranging from 30,000,000 dong to 35,000,000 dong for the act of erasing, deleting or falsifying information shown on Certificates of conformance to regulations on manufacturing of animal feed.

8. Supplemental penalties

a) The penalty existing in the form of seizure of Certificates of conformance to animal feed manufacturing regulations shall be imposed for the offence referred to in Clause 4 of this Article;

b) The penalty existing in the form of termination of animal feed manufacturing for the duration of between 03 and 09 months shall be imposed for the offence referred to in Clause 3 and 5 of this Article.

9. Remedies

The remedy existing in the form of compelling the recall and change of uses of animal feed involved in offences that have been sold on the market shall be available for the offences prescribed in clause 3, 5, 6 and 7 of this Article.

Article 15. Offences against regulations on announcement of product information and obligations of animal feed manufacturers

1. Imposing the fine ranging from 1,000,000 dong to 3,000,000 dong for the act of changing information of product labels that has been posted on the web portal of the Ministry of Agriculture and Rural Development without announcing such change in accordance with regulations.

2. The fine ranging from 3,000,000 dong to 5,000,000 dong shall be imposed for one of the following offences:

- a) Failing to retain test samples, or failing to archive animal feed testing results according to regulations;
- b) Failing to carry out the quality control processes or failing to fully conform to steps in the quality control process;
- c) Failing to update and enter data in manufacturing logbooks in accordance with regulations.

3. The fine ranging from 5,000,000 dong to 7,000,000 dong shall be imposed for one of the following offences:

- a) Deliberately falsifying or erasing contents of documents or records, or making false declarations in applications for announcement of information about specific animal feed products on the Web Portal of the Ministry of Agriculture and Rural Development;
- b) Deliberately falsifying or erasing contents of documents or records, or making false declarations in documentation for self-announcement of information about specific animal feed products on the Web Portal of the Ministry of Agriculture and Rural Development;

4. Imposing the fine ranging from 7,000,000 dong to 10,000,000 dong for the act of hindering the compliance with or failing to comply with requirements for supervisory assessment of ongoing compliance with animal feed manufacturing regulations.

5. Supplemental penalties

The penalty existing in the form of suspension of animal feed manufacturing activities for the duration of between 01 and 03 months shall be imposed for the offence referred to in Clause 4 of this Article.

6. Remedies

- a) The remedy existing in the form of cancellation of information about animal feed products that is published on the Web Portal of the Ministry of Agriculture and Rural Development shall be available for the offence prescribed in point a of clause 3 of this Article;
- b) The remedy existing in the form of rectification of false information that is published on the Web Portal of the Ministry of Agriculture and Rural Development shall be available for the offence prescribed in point b of clause 3 of this Article.

Article 16. Offences against regulations regarding quality of animal feed during the manufacturing process

1. The fine ranging from 3,000,000 dong to 5,000,000 dong shall be imposed for the act of manufacturing any animal feed product in which specific quality indicators regarding contents of ingredients are between 2% and under 5% less than the minimum limits or greater than the maximum limits in comparison with standards announced to apply or on its label; or in which specific safety indicators regarding contents of ingredients are between 2% and under 5% greater than the limits prescribed in the respective technical regulations or standards announced to apply.

2. The fine ranging from 5,000,000 dong to 10,000,000 dong shall be imposed for the act of manufacturing any animal feed product in which specific quality indicators regarding contents of ingredients which do not include the main ingredient are between 5% and under 15% less than the minimum limits or greater than the maximum limits in comparison with standards announced to apply or on its label.

3. The fine ranging from 10,000,000 dong to 15,000,000 dong shall be imposed for one of the offences against regulations on manufacturing of any animal feed product as follows:

a) Specific quality indicators regarding contents of its ingredients which do not include the main ingredient are between 15% and under 30% less than the minimum limits or greater than the maximum limits in comparison with standards announced to apply or on its label;

b) Contents of specific main ingredients are between 5% and under 15% less than the minimum limits or greater than the maximum limits in comparison with standards announced to apply or on its label.

4. The fine ranging from 15,000,000 dong to 20,000,000 dong shall be imposed for one of the offences against regulations on manufacturing of any animal feed product as follows:

a) Specific quality indicators regarding contents of its ingredients which do not include the main ingredient are at least 30% less than the minimum limits or greater than the maximum limits in comparison with standards announced to apply or on its label;

b) Contents of specific main ingredients are between 15% and under 30% less than the minimum limits or greater than the maximum limits in comparison with standards announced to apply or on its label.

5. The fine ranging from 20,000,000 dong to 25,000,000 dong shall be imposed for one of the offences against regulations on manufacturing of any animal feed product as follows:

a) Specific indicators of harmful microorganisms contained in that product exceed the maximum limit prescribed in technical regulations or standards announced to apply;

a) Specific safety indicators regarding contents of its ingredients are at least 5% greater than the maximum limits in comparison with technical regulations or standards announced to apply.

6. Remedies

The remedy existing in the form of compelling the recycling of animal breed products shall be available for the offences specified in Clause 2, 3, 4 and 5 of this Article; in case of impossibility of doing so, change of uses thereof shall be required; in case where such change cannot be made, the destruction thereof shall be required.

Article 17. Offences against regulations regarding animal feed trading and importing establishments

1. The fine ranging from 2,000,000 dong to 3,000,000 dong shall be imposed for one of the offences against regulations on eligibility requirements of animal feed trading establishments as follows:

a) Failing to provide equipment and tools necessary for animal feed storage under the guidance of producers or suppliers;

b) Failing to apply measures to prevent and control harmful organisms.

2. Imposing the fine ranging from 3,000,000 dong to 5,000,000 dong for the offences involving animal feed selling or storage facilities that are not separated or are polluted by pesticides, fertilizers and other poisonous chemicals.

3. Imposing the fine ranging from 5,000,000 dong to 7,000,000 dong upon animal feed import establishments committing one of the following offences:

a) Deliberately falsifying or erasing contents of documents or records, or making false declarations in applications for confirmatory inspection of quality of specific animal feed products on the National Single-Window Portal;

b) Deliberately falsifying or erasing contents of documents or records, or making false declarations in applications for announcement of information about specific animal feed products on the Web Portal of the Ministry of Agriculture and Rural Development;

c) Deliberately falsifying or erasing contents of documents or records, or making false declarations in documentation for self-announcement of information about specific animal feed products on the Web Portal of the Ministry of Agriculture and Rural Development;

d) Failing to possess or hire animal feed storage facilities that meet food quality and safety requirements under laws and recommendation of animal feed suppliers.

4. The fine ranging from 7,000,000 dong to 10,000,000 dong shall be imposed for one of the following offences:

a) Trading any animal feed product of which information has not yet been published on the web portal of the Ministry of Agriculture and Rural Development;

b) Importing animal feed of which information has not yet been declared on the web portal of the Ministry of Agriculture and Rural Development, except for those imported for the purposes of display thereof at fairs, exhibitions, adaptive farming, research, testing, sampling for use at test facilities, manufacturing and processing of exported products.

5. The fine ranging from 10,000,000 dong to 15,000,000 dong shall be imposed for the act of improperly using permits for importation of each animal feed product for the purposes of display at fairs, exhibitions, adaptive farming, research, testing, collection of samples used in laboratories, manufacturing and processing of exported products.

6. Imposing the fine ranging from 15,000,000 dong to 20,000,000 dong for the act of providing incorrect updated information of each imported animal feed shipment exempted from state quality inspection on the National Single-Window Portal of the Ministry of Agriculture and Rural Development.

7. Supplemental penalties

The penalty existing in the form of suspension of animal feed trading or importing activities for the duration of between 01 and 03 months shall be imposed for the offence referred to in Clause 4 of this Article.

8. Remedies

a) The remedy existing in the form of cancellation of information about animal feed products that is published on the National Single-Window Portal or the Web Portal of the Ministry of Agriculture and Rural Development shall be available for the offence prescribed in point b of clause 3 of this Article;

b) The remedy existing in the form of compelling the rectification of false information that is published on the Web Portal of the Ministry of Agriculture and Rural Development shall be available for the offence prescribed in point c of clause 3 of this Article;

c) The remedy existing in the form of compelling change of uses of animal feed shipments shall be available for the offence specified in point a of clause 4 of this Article; in case of impossibility of doing so, the destruction thereof shall be required;

d) The remedy existing in the form of re-exporting animal feed shipments shall be available for the offence specified in point b of clause 4 of this Article; in case of impossibility of doing so, the destruction thereof shall be required;

dd) The remedy existing in the form of destroying animal feed shipments shall be available for the offences specified in clause 5 of this Article.

Article 18. Offences against regulations regarding quality of animal feed during the trading process

1. The fine ranging from 1,000,000 dong to 3,000,000 dong shall be imposed for the act of trading any animal feed product in which specific quality indicators regarding contents of ingredients are between 2% and under 5% less than the minimum limits or greater than the maximum limits in comparison with standards announced to apply or on its label; or in which specific safety indicators regarding contents of ingredients are between 2% and under 5% greater than the limits prescribed in the respective technical regulations or standards announced to apply.

2. The fine ranging from 3,000,000 dong to 5,000,000 dong shall be imposed for the act of trading any animal feed product in which specific quality indicators regarding contents of ingredients which do not include the main ingredient are between 5% and under 15% less than the minimum limits or greater than the maximum limits in comparison with standards announced to apply or on its label.

3. The fine ranging from 5,000,000 dong to 7,000,000 dong shall be imposed for one of the offences against regulations on trading of any animal feed product as follows:

a) Specific quality indicators regarding contents of its ingredients which do not include the main ingredient are between 15% and under 30% less than the minimum limits or greater than the maximum limits in comparison with standards announced to apply or on its label;

b) Contents of specific main ingredients are between 5% and under 15% less than the minimum limits or greater than the maximum limits in comparison with standards announced to apply or on its label.

4. The fine ranging from 7,000,000 dong to 10,000,000 dong shall be imposed for the act of trading any animal feed product in which specific quality indicators regarding contents of ingredients which do not include the main ingredient are at least 30% less than the minimum limits or greater than the maximum limits in comparison with standards announced to apply or on its label.

5. The fine ranging from 10,000,000 dong to 15,000,000 dong shall be imposed for the act of trading any animal feed product in which specific quality indicators regarding contents of specific main ingredients are between 15% and under 30% less than the

minimum limits or greater than the maximum limits in comparison with standards announced to apply or on its label.

6. The fine ranging from 15,000,000 dong to 20,000,000 dong shall be imposed for one of the offences against regulations on trading of any animal feed product as follows:

a) Specific indicators of harmful microorganisms contained in that product exceed the permissible limit prescribed in technical regulations or standards announced to apply;

b) Specific safety indicators regarding contents of its ingredients are at least 5% greater than the maximum limits in comparison with technical regulations or standards announced to apply.

7. Remedies

The remedy existing in the form of compelling the recall and recycling of animal feed products shall be available for the offences specified in Clause 2, 3, 4, 5 and 6 of this Article; in case of impossibility of doing so, change of uses thereof shall be required; in case where such change cannot be made, the destruction thereof shall be required.

Article 19. Offences against regulations regarding quality of imported animal feed

1. The fine ranging from 3,000,000 dong to 5,000,000 dong shall be imposed for the act of importing any animal feed product in which specific quality indicators regarding contents of ingredients are between 2% and under 5% less than the minimum limits or greater than the maximum limits in comparison with standards announced to apply or on its label; or in which specific safety indicators regarding contents of ingredients are between 2% and under 5% greater than the limits prescribed in the respective technical regulations or standards announced to apply.

2. The fine ranging from 5,000,000 dong to 10,000,000 dong shall be imposed for the act of importing any animal feed product in which specific quality indicators regarding contents of ingredients which do not include the main ingredient are between 5% and under 15% less than the minimum limits or greater than the maximum limits in comparison with standards announced to apply or on its label.

3. The fine ranging from 10,000,000 dong to 15,000,000 dong shall be imposed for one of the offences against regulations on importation of any animal feed product as follows:

a) Specific quality indicators regarding contents of its ingredients which do not include the main ingredient are between 15% and under 30% less than the minimum limits or greater than the maximum limits in comparison with standards announced to apply or on its label;

b) Contents of specific main ingredients are between 5% and under 15% less than the minimum limits or greater than the maximum limits in comparison with standards announced to apply or on its label.

4. The fine ranging from 15,000,000 dong to 20,000,000 dong shall be imposed for one of the offences against regulations on importation of any animal feed product as follows:

a) Specific indicators of harmful microorganisms contained in that product exceed the permissible limit prescribed in technical regulations or standards announced to apply;

b) Specific safety indicators regarding contents of its ingredients are between 5% and under 30% greater than the maximum limits in comparison with technical regulations or standards announced to apply;

c) Contents of specific main ingredients are between 15% and under 30% less than the minimum limits or greater than the maximum limits in comparison with standards announced to apply or on its label;

d) Specific quality indicators regarding contents of its ingredients which do not include the main ingredient are at least 30% less than the minimum limits or greater than the maximum limits in comparison with standards announced to apply or on its label.

5. Imposing the fine ranging from 20,000,000 dong to 25,000,000 dong for the act of importing any animal feed product in which specific safety indicators regarding contents of its ingredients are at least 30% greater than the maximum limits in comparison with technical regulations or standards announced to apply.

6. Remedies

a) The remedy existing in the form of compulsory correction of quality information on animal feed product labels or technical documents accompanying animal feed product shipments without affecting animals shall be applicable to the offences specified in Clause 1, 2 and 3 of this Article; in case of impossibility of doing so, it shall be required to recycle these products or change the uses thereof;

b) The remedy existing in the form of compelling the recycling of animal feed products shall be applicable to the offences specified in Clause 4 of this Article; in case of impossibility of doing so, change of uses thereof shall be required; in case where such change cannot be made, the re-exportation or destruction thereof shall be required;

c) The remedy existing in the form of compelling the alteration in uses of animal feed batches shall be applicable to the offences specified in clause 5 of this Article; in case of impossibility of doing so, the re-exportation or destruction thereof shall be required.

Article 20. Offences against regulations regarding purchase, sale and import of expired animal feed, use of expired ingredients during the animal feed manufacturing process

1. The offences involving the purchase, sale or importation of an animal feed product past its expiry date shown on its label or attached documents shall be sanctioned as follows:

- a) Imposing the fine of between 200,000 dong and 400,000 dong if the value of the violating product is less than 1,000,000 dong;
- b) Imposing the fine of between 400,000 dong and 600,000 dong if the value of the violating product is between 1,000,000 dong and under 2,000,000 dong;
- c) Imposing the fine of between 600,000 dong and 1,000,000 dong if the value of the violating product is between 2,000,000 dong and under 3,000,000 dong;
- d) Imposing the fine of between 1,000,000 dong and 2,000,000 dong if the value of the violating product is between 3,000,000 dong and under 5,000,000 dong;
- dd) Imposing the fine of between 2,000,000 dong and 3,000,000 dong if the value of the violating product is between 5,000,000 dong and under 10,000,000 dong;
- e) Imposing the fine of between 3,000,000 dong and 5,000,000 dong if the value of the violating product is between 10,000,000 dong and under 20,000,000 dong;
- e) Imposing the fine of between 5,000,000 dong and 7,000,000 dong if the value of the violating product is between 20,000,000 dong and under 30,000,000 dong;
- h) Imposing the fine of between 7,000,000 dong and 10,000,000 dong if the value of the violating product is between 30,000,000 dong and under 40,000,000 dong;
- i) Imposing the fine of between 10,000,000 dong and 15,000,000 dong if the value of the violating product is between 40,000,000 dong and under 50,000,000 dong;
- k) Imposing the fine of between 15,000,000 dong and 20,000,000 dong if the value of the violating product is between 50,000,000 dong and under 70,000,000 dong;
- l) Imposing the fine of between 20,000,000 dong and 30,000,000 dong if the value of the violating product is between 70,000,000 dong and under 100.000.000 dong;
- m) Imposing the fine of between 30,000,000 dong and 40,000,000 dong if the value of the violating product is at least 100,000,000 dong.

2. Imposing the fine ranging from 5,000,000 dong to 10,000,000 dong for the act of failing to write or incorrectly write manufacturing dates on labels or attached documents during the process of production or importation of an animal feed product.

3. Imposing the fine ranging from 10,000,000 dong to 15,000,000 dong for the act of manufacturing animal feed using any expired ingredient or any expired product.

4. Remedies

a) Compulsory disgorgement of illegal gains from commission of any offence defined in clause 1 of this Article;

b) The remedy existing in the form of compelling the recall and alteration in uses of violating animal feed batches shall be applicable to the offences specified in clause 1 and 3 of this Article; in case of impossibility of such alteration, the re-exportation or destruction thereof shall be required;

c) The remedy existing in the form of correcting information of the violating animal feed batch shall be applicable to the offences specified in clause 2 of this Article.

Article 21. Offences against regulations on animal feed tests

1. The following rates of fine shall be imposed for one of the offences against the regulations on testing of animal feed:

a) Imposing the fine ranging from 5,000,000 dong to 10,000,000 dong for the act of failing to keep or incompletely keeping records of the processes of testing and inspection of animal feed as legally required;

b) Imposing the fine ranging from 10,000,000 dong to 15,000,000 dong for the offences involving test facilities' failure to hire persons in charge of technical tasks who hold a university degree or higher in animal husbandry, veterinary medicine, food technology or postharvest technology;

c) Imposing the fine ranging from 15,000,000 dong to 20,000,000 dong for the offence involving test facilities' failure to provide technical infrastructure and equipment meeting testing requirements suited for each kind of animal feed.

2. Imposing the fine ranging from 20,000,000 dong to 25,000,000 dong for the act of announcing test results dishonestly.

3. Supplemental penalties

Temporarily suspending testing facilities for the duration of between 01 and 03 months if they are involved in the offences prescribed in clause 2 of this Article.

4. Remedies

The remedy existing in the form of compelling the cancellation of test results shall be applicable to the offences specified in point b and c of clause 1 and 2 of this Article.

Article 22. Offences against regulations regarding manufacturing, trading and importation of animal feed containing antibiotics

1. Imposing the fine ranging from 5,000,000 dong to 10,000,000 dong for the act of manufacturing, trading or importing an animal feed product in which the difference between contents of antibiotics and those specified on its label or attached documents is from 10% to under 30%.

2. The fine ranging from 10,000,000 dong to 15,000,000 dong shall be imposed for one of the following offences:

a) Manufacturing, trading or importing an animal feed product containing antibiotics without showing clear name and contents of antibiotics, instructions for use and time to stop using antibiotics on its label or attached documents;

b) Manufacturing, trading or importing an animal feed product in which the difference between contents of antibiotics and those specified in its label or attached documents is at least 30%;

c) Manufacturing and importing an animal feed product containing antibiotics without a prescription or in contravention of the prescription of the holder of the certificate of animal disease prevention and treatment practice in accordance with laws on animal health.

3. The fine ranging from 15,000,000 dong to 20,000,000 dong shall be imposed for one of the following offences:

a) Manufacturing and importing an animal feed product containing antibiotics which is not a total mixed ration for cattle, poultry or raw feed for herbivores according to regulations;

b) Manufacturing, purchasing, selling or importing an animal feed product containing antibiotics for the purpose of preventing animal diseases not at the neonatal stage according to regulations;

c) Manufacturing, buying, selling or importing an animal feed product containing antibiotics for the purpose of stimulating growth.

4. Imposing the fine ranging from 20,000,000 dong to 25,000,000 dong for the act of manufacturing, selling or importing an animal feed product containing antibiotics other than veterinary drugs permitted for sale in Vietnam or not yet permitted by competent authorities if its value is below 200,000,000 dong or the illicit gain obtained from any of these activities is less than 100,000,000 dong.

5. Imposing the fine ranging from 25,000,000 dong to 30,000,000 dong for the act of manufacturing, selling or importing an animal feed product containing antibiotics other

than veterinary drugs permitted for sale in Vietnam or not yet permitted by competent authorities if its value is at least 200,000,000 dong or the illicit gain obtained from any of these activities is at least 100,000,000 dong, and the procedure-conducting authority has the decision not to institute the criminal case, the decision to dismiss the decision to institute the criminal case, the decision to terminate the investigation or to terminate the case.

6. Remedies

a) The remedy existing in the form of compelling the correction of information of the batch of animal feed containing antibiotics about the antibiotic name, antibiotic contents, instructions for use, time to stop using antibiotics on its labels or attached documents shall be applicable to the offences specified at Point a of Clause 2 of this Article;

b) Recycling animal feed batches containing antibiotics during the process of manufacturing or trading animal feed involved in the offences specified in clause 1 and point b of clause 2 of this Article; in case of impossibility of doing so, the destruction thereof shall be required;

c) Compelling the destruction of animal feed batches containing antibiotics during the process of manufacturing or trading animal feed involved in the offences specified in point c of clause 2, 3, 4 and 5 of this Article;

d) Compelling the re-exportation of animal feed batches containing antibiotics during the process of importing animal feed involved in the offences specified in clause 1, point b and c of clause 2, 3, 4 and 5 of this Article; in case of impossibility of doing so, the destruction thereof shall be required.

Article 23. Offences against regulations on use of animal feed ingredients

1. Imposing the fine ranging from VND 10,000,000 to VND 15,000,000 for the act of using an ingredient that is not on the List of ingredients permitted for use as animal feed for manufacturing of an animal feed product if the value is below 200,000,000 dong or the illicit gain obtained from such act is under 100,000,000 dong.

2. Imposing the fine ranging from 15,000,000 dong to 20,000,000 dong for the act of using an ingredient not on the List of ingredients permitted for use as animal feed for the purposes of manufacturing animal feed if the value is at least 200,000,000 dong or the illicit gain obtained from such act is at least 100,000,000 dong, and the procedure-conducting authority has the decision not to institute the criminal case, the decision to dismiss the decision to institute the criminal case, the decision to terminate the investigation or to terminate the case.

3. Remedies

a) Compelling the disgorgement of illegal gains from commission of any offence defined in clause 1 and 2 of this Article;

b) The remedy existing in the form of compelling the alteration in uses of violating batches of ingredients and batches of animal feed products containing ingredients not on the List of ingredients permitted for use as animal feed shall be applicable to the offences specified in clause 1 and 2 of this Article; in case of impossibility of such alteration, the destruction thereof shall be required.

Section 3. OFFENCES AGAINST REGULATIONS ON ANIMAL HUSBANDRY CONDITIONS

Article 24. Offences against regulations on family farming conditions

1. Imposing the fine of between 1,000,000 dong and 2,000,000 dong for the act of making fraudulent declarations for self-serving purposes.

2. Imposing the fine ranging from 2,000,000 dong to 3,000,000 dong for the act of farming animals at unauthorized areas.

3. Remedies

a) Compulsory disgorgement of illegal gains from commission of any offence defined in clause 1 of this Article;

b) The remedy existing in the form of compelling the relocation of animals out of unauthorized areas shall be applicable to the offences specified in Clause 2 of this Article.

Article 25. Offences against regulations on medium- or small-scale farming conditions

1. Imposing the fine ranging from 2,000,000 dong to 3,000,000 dong for one of the following offences:

a) Failing to fully keep updated records of animal production process, use of animal feed, veterinary drugs, vaccines, and other information to ensure traceability;

b) Failing to maintain minimum safety distance between animal farms in accordance with regulations.

2. Offences against regulations on declaration of animal production activities shall be sanctioned as follows:

a) Imposing the fine of between 3,000,000 dong and 5,000,000 dong for the act of failure to make declarations;

b) Imposing the fine of between 5,000,000 dong and 10,000,000 dong for the act of making fraudulent declarations for self-serving purposes.

3. Imposing the fine ranging from 10,000,000 dong to 15,000,000 dong for the act of farming animals at unauthorized areas.

4. Remedies

a) The remedy existing in the form of compelling the downsizing of animal production to meet prescribed distancing requirements shall be applicable to the offence prescribed in point b of clause 1 of this Article;

b) Compulsory disgorgement of illegal gains from commission of the offences defined in point b of clause 2 of this Article;

c) The remedy existing in the form of compelling the relocation of animal farms out of unauthorized areas shall be applicable to the offences specified in Clause 3 of this Article.

Article 26. Offences against regulations on large-scale farming conditions

1. Imposing the fine ranging from 3,000,000 dong to 5,000,000 dong for one of the following offences:

a) Failing to fully keep updated records of animal production process, use of animal feed, veterinary drugs, vaccines, and other information to ensure traceability;

b) Changing information about organizations or individuals shown in certificates of conformance to animal production regulations, but not applying for reissued certificates according to regulations;

c) Failing to maintain minimum safety distance between animal farms in accordance with regulations.

2. Imposing the fine ranging from 5,000,000 dong to 7,000,000 dong for the act of evading, hindering or disobeying requirements for the supervisory assessment of ongoing conformity with animal production conditions.

3. Imposing the fine ranging from 7,000,000 dong to 10,000,000 dong for the act of erasing, deleting or falsifying information shown on Certificates of conformance to animal production regulations.

4. Offences against regulations on declaration of animal production activities shall be sanctioned as follows:

- a) Imposing the fine of between 5,000,000 dong and 10,000,000 dong for the act of failure to make declarations;
 - b) Imposing the fine of between 10,000,000 dong and 15,000,000 dong for the act of making fraudulent declarations for self-serving purposes.
5. Imposing the fine ranging from 15,000,000 dong to 20,000,000 dong for the act of performing animal production activities without holding Certificates of conformance to animal production regulations.
6. Imposing the fine ranging from 20,000,000 dong to 25,000,000 dong for the act of raising animals at unauthorized areas.
7. Supplemental penalties

The penalty existing in the form of seizure of Certificates of conformance to animal production regulations shall be imposed for the offence referred to in Clause 3 of this Article.

8. Remedies

- a) The remedy existing in the form of compelling the downsizing of animal production to meet prescribed distancing requirements shall be applicable to the offence prescribed in point c of clause 1 of this Article;
- b) Compulsory disgorgement of illegal gains from commission of the offences defined in point b of clause 4 of this Article;
- c) The remedy existing in the form of compelling the relocation of animal farms out of unauthorized areas shall be applicable to the offences specified in Clause 6 of this Article.

Article 27. Offences against regulations on swiftlet farming activities

- 1. Imposing the fine ranging from 3,000,000 dong to 5,000,000 dong for the act of using loudspeakers to lure swiftlets in case swiftlet houses are located in residential areas, or swiftlet houses located at the distance of less than 300 m from residential areas operate before the effective date of Decree No. 13/2020/ND-CP.
- 2. The fine ranging from 5,000,000 dong to 10,000,000 dong shall be imposed for one of the following offences:
 - a) Using amplifiers to lure swiftlets with the sound frequency exceeding the permissible maximum noise level as legally prescribed;
 - b) Making sound to lure swiftlets out of the regulated time.

3. Imposing the fine ranging from 10,000,000 dong to 15,000,000 dong for the act of hunting or luring swiftlets to use for purposes other than the purposes of raising swiftlets to harvest bird nests or for scientific research purposes.

4. Other supplementary penalties:

Confiscating exhibits involved in the offences referred to in clause 3 of this Article.

5. Remedies

a) The penalty existing in the form of compelling the application of noise reduction measures according to regulations shall be imposed for the offences specified at Point a, Clause 2 of this Article;

b) The penalty existing in the form of compelling the return of swiftlets into the wild shall be imposed for the offences specified in clause 3 of this Article.

Article 28. Offences against regulations regarding use of banned substances, animal feed containing antibiotics in animal production activities

1. The offences involving the use of animal feed containing antibiotics in contravention of the guidance of producers or suppliers shall be sanctioned as follows:

a) Imposing the fine ranging from 500,000 dong to 1,000,000 dong if such offences arise from small-scale animal farming activities;

b) Imposing the fine ranging from 1,000,000 dong to 3,000,000 dong if such offences arise from medium-scale animal farming activities;

c) Imposing the fine ranging from 3,000,000 dong to 5,000,000 dong if such offences arise from large-scale animal farming activities.

2. Offences arising from failure to make a logbook on the use of animal feed containing antibiotics to serve the purpose of preventing animal diseases at the neonatal stage and curing infected animals shall be sanctioned as follows:

a) Imposing the fine ranging from 1,000,000 dong to 3,000,000 dong if such offences arise from small-scale animal farming activities;

b) Imposing the fine ranging from 3,000,000 dong to 5,000,000 dong if such offences arise from medium-scale animal farming activities;

c) Imposing the fine ranging from 5,000,000 dong to 7,000,000 dong if such offences arise from large-scale animal farming activities.

3. Offences involving the use of animal feed containing antibiotics for the growth stimulation purpose shall be sanctioned as follows:

- a) Imposing the fine ranging from 1,000,000 dong to 3,000,000 dong if such offences arise from family farming activities;
- b) Imposing the fine ranging from 3,000,000 dong to 5,000,000 dong if such offences arise from small-scale animal farming activities;
- c) Imposing the fine ranging from 5,000,000 dong to 7,000,000 dong if such offences arise from medium-scale animal farming activities;
- d) Imposing the fine ranging from 7,000,000 dong to 10,000,000 dong if such offences arise from large-scale animal farming activities.

4. Offences involving the use of prohibited substances in animal production activities shall be sanctioned as follows:

- a) Imposing the fine ranging from 50,000,000 dong to 60,000,000 dong for the offence involving the use of a prohibited substance in animal production activities to the extent that such offence is not subject to criminal prosecution;
- b) Imposing the fine ranging from 70,000,000 dong to 80,000,000 dong for the offence involving the use of a prohibited substance in animal production activities to the extent that such offence is subject to criminal prosecution, but the procedure-conducting authority has the decision not to institute the criminal case, the decision to dismiss the decision to institute the criminal case, the decision to terminate the investigation or to terminate the case.

5. Remedies

- a) The remedy existing in the form of compelling change of uses of animal feed containing antibiotics shall be applicable to the offences specified in clause 3 of this Article; in case of impossibility of doing so, the destruction thereof shall be required;
- b) The remedy existing in the form of compelling the destruction of prohibited substances and domesticated animals already using prohibited substances shall be applicable to the offences specified in clause 4 of this Article.

Article 29. Offences against regulations on animal husbandry, humane treatment for domesticated animals and control of slaughter of terrestrial animals

1. The fine of between 1,000,000 dong and 3,000,000 dong will be imposed for the act of cruelly beating and torturing domesticated animals.

2. The fine ranging from 3,000,000 dong to 5,000,000 dong shall be imposed for one of the following offences:

a) Having none of pre-slaughtered animal storage facilities complying with hygiene regulations;

b) Beating animals before slaughter;

c) Having none of measures to stun animals before slaughter.

3. Imposing the fine ranging from 10,000,000 dong to 15,000,000 dong for obstruction, destruction and invasion of legal animal production activities.

4. Offences arising from introducing foreign bodies, coercively pumping water or other substances into the bodies of terrestrial animals before slaughter shall be sanctioned as follows:

a) Imposing the fine of between 5,000,000 dong and 10,000,000 dong if total weight of animals involved in these offences is less than 100 kg;

b) Imposing the fine of between 10,000,000 dong and 20,000,000 dong if total weight of animals involved in these offences is between 100 kg and under 500 kg;

c) Imposing the fine of between 20,000,000 dong and 30,000,000 dong if total weight of animals involved in these offences is between 500 kg and under 1,000 kg;

d) Imposing the fine of between 30,000,000 dong and 50,000,000 dong if total weight of animals involved in these offences is at least 1,000 kg.

5. Other supplementary penalties:

a) The penalty existing in the form of seizure of exhibits shall be imposed for the offences arising from the act of deteriorating animal production activities as referred to in Clause 3 of this Article;

b) The penalty existing in the form of temporary suspension of business for the duration of between 01 and 06 months shall be imposed for the offences referred to in Clause 4 of this Article.

6. Remedies

Compelling the thermal treatment of animals involved in the offences prescribed in clause 4 of this Article; in case of repeating such offences, the destruction thereof shall be required.

Article 30. Offences against regulations on animal farming waste treatment

1. Offences against regulations on treatment of solid wastes of organic origin shall be subject to the following penalties if such treatment does not conform to national technical regulations:

a) Imposing the fine ranging from 1,000,000 dong to 3,000,000 dong if such offences arise from small-scale animal farming activities;

b) Imposing the fine ranging from 3,000,000 dong to 5,000,000 dong if such offences arise from medium-scale animal farming activities;

c) Imposing the fine ranging from 5,000,000 dong to 7,000,000 dong if such offences arise from large-scale animal farming activities.

2. Offences against regulations on treatment of wastewater from animal farming shall be subject to the following penalties if such treatment fails to conform to the national technical regulations on wastewater from animal farming used for crops:

a) Imposing the fine ranging from 3,000,000 dong to 5,000,000 dong if such offences arise from small-scale animal farming activities;

b) Imposing the fine ranging from 5,000,000 dong to 7,000,000 dong if such offences arise from medium-scale animal farming activities;

c) Imposing the fine ranging from 7,000,000 dong to 10,000,000 dong if such offences arise from large-scale animal farming activities.

3. Offences against regulations on treatment of emissions from animal farming shall be subject to the following penalties if such treatment fails to meet the national technical regulations on emissions from animal farming:

a) Imposing the fine ranging from 3,000,000 dong to 5,000,000 dong if such offences arise from small-scale animal farming activities;

b) Imposing the fine ranging from 5,000,000 dong to 7,000,000 dong if such offences arise from medium-scale animal farming activities;

c) Imposing the fine ranging from 7,000,000 dong to 10,000,000 dong if such offences arise from large-scale animal farming activities.

4. Remedies

The remedies existing in the form of compulsory application of remedies for the environmental pollution and mandatory reporting on the results of implementation of remedies within the time limits prescribed in administrative sanction decisions issued by competent sanctioning persons shall be applicable to the offences stipulated in clause 3 of this Article.

Article 31. Offences against regulations on treatment of solid wastes from family farming activities

1. Imposing the fine ranging from 500,000 dong to 1,000,000 dong for the act of failing to take measures to treat excrement, wastewater from animal farming activities for the purpose of protecting environmental hygiene and avoiding any impact on surrounding people.

2. Remedies

The remedies existing in the form of compulsory application of remedies for the environmental pollution and mandatory reporting on the results of implementation of remedies within the time limits prescribed in administrative sanction decisions issued by competent sanctioning persons shall be applicable to the offences stipulated in clause 1 of this Article.

Article 32. Offences against regulations on trading and importation of animal farming waste treatment products

1. The fine ranging from 5,000,000 dong to 10,000,000 dong shall be imposed for one of the following offences:

a) Trading a product for treatment of solid wastes from animal farming activities of which quality is at least 5% less than the prescribed minimum limit or greater than the prescribed maximum limit in comparison with standards announced to apply;

b) Importing a product for treatment of solid wastes from animal farming activities of which quality is at least 5% less than the prescribed minimum limit or greater than the prescribed maximum limit in comparison with standards announced to apply.

2. The fine ranging from 10,000,000 dong to 15,000,000 dong shall be imposed for one of the following offences:

a) Trading a waste treatment product of which information has not yet been published on the web portal of the Ministry of Agriculture and Rural Development;

b) Importing a waste treatment product of which information has not yet been published on the web portal of the Ministry of Agriculture and Rural Development.

3. The fine ranging from 15,000,000 dong to 20,000,000 dong shall be imposed for one of the following offences:

a) Trading waste treatment products during the period of suspension of trading of animal farming waste treatment products decided by competent state authorities;

b) Importing waste treatment products during the period of suspension of importation of animal farming waste treatment products decided by competent state authorities.

4. Supplemental penalties

The penalty existing in the form of suspension of trading or importation of animal farming waste treatment products for the duration of between 01 and 03 months shall be imposed for the offence referred to in Clause 2 of this Article.

5. Remedies

a) The remedy existing in the form of compelling change of uses of waste treatment products shall be applicable to the offences specified in point a of clause 1, point a of clause 2 and point a of clause 3 of this Article; in case of impossibility of doing so, the destruction thereof shall be required;

b) Compelling re-exportation of waste treatment products involved in the offences specified in point b of clause 1, point b of clause 2 and point b of clause 3 of this Article; in case of impossibility of doing so, the destruction thereof shall be required.

Article 33. Offences against regulations on manufacturers of animal waste treatment products

1. The fine ranging from 3,000,000 dong to 5,000,000 dong shall be imposed for one of the following offences:

a) Failing to hire persons in charge of technical tasks who obtain the undergraduate or higher degrees in animal husbandry, veterinary medicine, chemistry, biological technology or environmental technology;

b) Failing to conduct quality analysis of animal farming waste treatment products during the production process;

c) Failing to operate lines and equipment suited for production activities;

d) Failing to provide measurement devices and instruments used for quality supervision that ensure accuracy as per laws on measurement;

dd) Failing to have product storage facilities;

e) Failing to provide equipment necessary for creating the environment for, storing and culturing microorganisms to ensure human and environmental safety in case they produce microbial biomass to manufacture animal waste treatment products.

2. Imposing the fine ranging from 5,000,000 dong to 10,000,000 dong for the act of deliberately falsifying or erasing contents of documents or records, or making false

declarations in documentation for announcement of information about specific waste treatment products on the Web Portal of the Ministry of Agriculture and Rural Development.

3. Imposing the fine ranging from 10,000,000 dong to 15,000,000 dong for the act of manufacturing a waste treatment product of which quality is at least 5% less than the prescribed minimum limit or greater than the prescribed maximum limit in comparison with standards announced to apply.

4. Imposing the fine ranging from 15,000,000 dong to 20,000,000 dong for the act of manufacturing a waste treatment product about which information has not yet been posted on the web portal of the Ministry of Agriculture and Rural Development.

5. Imposing the fine ranging from 20,000,000 dong to 30,000,000 dong for the act of manufacturing any waste treatment product while being subject to manufacturing suspension decided by competent state authorities.

6. Supplemental penalties

The penalty existing in the form of suspension of manufacturing of animal farming waste treatment products for the duration of between 01 and 03 months shall be imposed for the offences referred to in Clause 4 of this Article.

7. Remedies

a) The remedy existing in the form of compelling the rectification of false information that is published on the Web Portal of the Ministry of Agriculture and Rural Development shall be available for the offences prescribed in clause 2 of this Article;

b) Compelling the recycling of animal waste treatment products involved in the offences specified in Clause 3 of this Article; in case of impossibility of doing so, change of uses thereof shall be required;

c) Compelling change of uses of waste treatment products involved in the offences specified in clause 4 and 5 of this Article; in case of impossibility of doing so, the destruction thereof shall be required.

Article 34. Offences against regulations on testing of animal farming waste treatment products

1. The fine ranging from 10,000,000 dong to 20,000,000 dong shall be imposed for one of the following offences:

a) Failing to have facilities and technical equipment meeting testing requirements suited for each kind of animal farming waste treatment product;

b) Failing to hire persons in charge of technical tasks who obtain the undergraduate or higher degrees in one of the specialities, such as animal husbandry, veterinary medicine, chemistry, biological technology or environmental technology;

c) Failing to provide equipment necessary for raising or keeping microorganisms to serve the testing purposes in case of testing microbiological products used for treatment of wastes from animal farming activities;

d) Failing to keep or incompletely keeping records of results of tests on animal farming waste treatment products as legally required.

2. Imposing the fine ranging from 20,000,000 dong to 25,000,000 dong for the act of announcing test results dishonestly.

3. Supplemental penalties

Temporarily suspending testing facilities for the duration of between 01 and 03 months if they are involved in the offences prescribed in point b of clause 1 and clause 2 of this Article.

4. Remedies

The remedy existing in the form of compelling the cancellation of test results shall be applicable to the offences specified in point b and c of clause 1 and clause 2 of this Article.

Article 35. Offences against regulations on importation of animal products and live animals used for food

1. The fine ranging from 30,000,000 dong to 40,000,000 dong shall be imposed for one of the following offences:

a) Importing live animals used for food but kept for commercial breeding purposes;

b) Importing every animal product that contains banned substances used in animal farming not to the extent that criminal prosecution is needed.

2. Imposing the fine ranging from 40,000,000 dong to 50,000,000 dong for the offences involving the importation of live animals using prohibited substances for food not to the extent that such offences are subject to criminal prosecution.

3. Remedies

a) The remedy existing in the form of compelling the use of farmed animals for the right purposes shall be applicable to the offences specified in point a of clause 1 of this Article;

b) The remedy existing in the form of re-exporting animals or animal products shall be available for the offences specified in point b of clause 1 and 2 of this Article; in case of impossibility of doing so, the destruction thereof shall be required.

Chapter III

AUTHORITY TO ISSUE ADMINISTRATIVE OFFENCE NOTICES AND SANCTION ADMINISTRATIVE OFFENCES

Article 36. Authority to issue administrative offence notices

1. Persons having competence in issuing notices of administrative offences arising from animal production activities, including:

a) Persons accorded authority to sanction administrative offences arising from animal farming activities who are covered by Article 37 through Article 34 herein;

b) Public officers or servants working for entities specified in Article 37, 38, 42 and 43 herein who are assigned the tasks of inspection and examination of administrative offences arising from animal farming activities;

c) Persons of the People's Army and People's Public Security forces under Articles 39, 40 and 41 of this Decree who are assigned the tasks of inspection and examination of administrative offences arising from animal farming activities.

2. Persons accorded authority to make written records under Clause 1 of this Article shall be responsible for issuing sanction decisions under their jurisdiction, or referring the offences to relevant competent authorities stated in Articles 37 through Article 43 of this Decree to issue sanction decisions.

Article 37. Authority to sanction administrative offences of Presidents of all-level People's Committees

1. The Presidents of the commune-level People's Committees shall be accorded the following authority:

a) Imposing the fine of up to 5,000,000 dong for the offences arising in the sectors, such as animal breeds, animal feed and animal farming conditions or requirements;

b) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause;

c) Applying remedies stipulated in point dd and i of clause 3 of Article 4 herein.

2. The Presidents of the district-level People's Committees shall be accorded the following authority:

a) Imposing the fine of up to 25,000,000 dong for the offences arising in animal farming activities; up to 50,000,000 dong for the offences involving animal feed and animal farming conditions or requirements;

b) Temporarily suspending or appropriating the rights to use Certificates of training in artificial insemination and embryo transfer techniques issued by competent authorities or bodies;

c) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause;

d) Applying the remedies stipulated in point a, b, c, dd, g, h, i, k, l, m, n, o, p, q and r of clause 3 of Article 4 herein.

3. The Presidents of the provincial-level People's Committees shall be accorded the following authority:

a) Imposing the fine of up to 50,000,000 dong for the offences involving animal breeds; up to 100,000,000 dong for the offences involving animal feed and animal farming conditions or requirements;

b) Temporarily suspending or appropriating the rights to use Certificates of training in artificial insemination and embryo transfer techniques issued by competent authorities or bodies;

c) Seizing exhibits involved in commission of administrative offences;

d) Applying the remedies stipulated in clause 3 of Article 4 herein.

Article 38. Authority to sanction administrative offences of inspectors

1. Inspectors or persons assigned to carry out specialized inspections while on duty in the animal production and veterinary medicine sectors shall be accorded the following authority:

a) Imposing the fine of up to 500,000 dong for the offences arising in the sectors, such as animal breeds, animal feed and animal farming conditions or requirements;

b) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause.

2. Inspectors or persons assigned to carry out specialized inspections while on duty in the agro-forestry and fishery quality management sectors shall be accorded the following authority:

a) Imposing the fine of up to 500,000 dong for the offences involving animal farming conditions or requirements;

b) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause.

3. Inspectors or persons assigned to carry out specialized inspections while on duty in the plant protection sector shall be accorded with the following authority:

a) Imposing the fine of up to 500,000 dong for the offences involving animal feed;

b) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause.

4. The Chief Inspectors of the Departments of Agriculture and Rural Development, the Directors of the Sub-Departments having competence in managing animal husbandry and veterinary medicine; Heads of the specialized inspection teams of Departments of Livestock Production; Heads of the specialized inspection teams of the Departments of Agriculture and Rural Development; The Head of the Specialized Inspection Teams of the Sub-Departments having competence in managing animal husbandry and veterinary medicine, shall be accorded the following authority:

a) Imposing the fine of up to 25,000,000 dong for the offences arising in animal farming activities; up to 50,000,000 dong for the offences involving animal feed and animal farming conditions or requirements;

b) Temporarily suspending or appropriating the rights to use Certificates of training in artificial insemination and embryo transfer techniques issued by competent authorities or bodies;

c) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause;

d) Applying the remedies stipulated in point a, b, c, d, d, e, g, h, k, l, m, n, o, p, q and r of clause 3 of Article 4 herein.

5. The Directors of the Sub-Departments having competence in managing plant protection; the Head of the specialized inspection team of the Plant Protection Department, shall be accorded the following authority:

a) Imposing the fine of up to 50,000,000 dong for the offences involving animal feed;

b) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause;

c) Applying the remedies stipulated in point a, b, c, d, dd, g, h, k and m of clause 3 of Article 4 herein.

6. The Directors of the Sub-Departments having competence in the quality management of agricultural, forestry and fishery products; the Head of the specialized inspection team of Agro-forestry and Fishery Quality Control Department, shall be accorded the following authority:

a) Imposing the fine of up to 50,000,000 dong for the offences involving animal farming conditions or requirements;

b) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause;

c) Applying the remedies stipulated in point c, d, dd, l and q of clause 3 of Article 4 herein.

7. The Head of the specialized inspection team of the Department of Animal Health shall be accorded the following authority:

a) Imposing the fine of up to 50,000,000 dong for the offences arising in the sectors, such as animal feed and animal farming conditions or requirements;

b) Imposing the penalty in the form of temporary suspension of activities;

c) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause;

d) Applying the remedies stipulated in point a, b, c, d, dd, g, h, k, l, m and q of clause 3 of Article 4 herein.

8. The Head of the animal farming inspection team of the Ministry of Agriculture and Rural Development shall be accorded the following authority:

a) Imposing the fine of up to 35,000,000 dong for the offences arising in animal farming activities; up to 70,000,000 dong for the offences involving animal feed and animal farming conditions or requirements;

b) Temporarily suspending or appropriating the rights to use Certificates of training in artificial insemination and embryo transfer techniques issued by competent authorities or bodies;

c) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause;

d) Applying the remedies stipulated in clause 3 of Article 4 herein.

9. The Chief Inspector of the Ministry of Agriculture and Rural Development, and the Director of the Plant Protection Department shall be accorded the following authority:

- a) Imposing the fine of up to 50,000,000 dong for the offences arising in animal farming activities; up to 100,000,000 dong for the offences involving animal feed and animal farming conditions or requirements;
- b) Temporarily suspending or appropriating the rights to use Certificates of training in artificial insemination and embryo transfer techniques issued by competent authorities or bodies;
- c) Seizing exhibits involved in commission of administrative offences;
- d) Applying the remedies stipulated in clause 3 of Article 4 herein.

10. The Director of the Department of Animal Health shall be accorded the following authority:

- a) Imposing the fine of up to 100,000,000 dong for the offences arising in the sectors, such as animal feed and animal farming conditions or requirements;
- b) Seizing exhibits involved in administrative offences;
- c) Applying the remedies stipulated in point a, b, c, d, dd, g, h, k, l, m and q of clause 3 of Article 4 herein.

11. The Director of the Plant Protection Department shall be accorded the following authority:

- a) Imposing the fine of up to 100,000,000 dong for the offences involving animal feed;
- b) Seizing exhibits involved in administrative offences;
- c) Applying the remedies stipulated in point a, b, c, d, dd, g, h, k and m of clause 3 of Article 4 herein.

12. The Director of the National Agro-Forestry-Fisheries Quality Assurance Department shall be accorded the following authority:

- a) Imposing the fine of up to 100,000,000 dong for the offences involving animal farming conditions or requirements;
- b) Seizing exhibits involved in administrative offences;
- c) Applying the remedies stipulated in point c, d, dd, l and q of clause 3 of Article 4 herein.

Article 39. Authority to sanction administrative offences of the People's Public Security forces

1. People's Police on duty shall be authorized to impose the fine of up to 500,000 dong for the offences arising in the sectors, such as animal breeds, animal feed and animal farming conditions or requirements.

2. Heads of station and team leaders of the persons defined in Clause 1 of this Article shall be authorized to impose the fine of up to 1,500,000 dong for the offences arising from activities related to animal breed, animal feed and animal farming conditions or requirements.

3. Sheriffs of commune-level police units, Commanders of police stations and Heads of police stations at border checkpoints or export processing zones shall be accorded the following authority:

a) Imposing the fine of up to 2,500,000 dong for the offences arising in the sectors, such as animal breeds, animal feed and animal farming conditions or requirements;

b) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause.

4. Sheriffs of district-level police departments, Heads of specialized units of the Traffic Police Department; Heads of provincial Police Departments, including Heads of environmental crime prevention and control police units, Heads of economic security units, shall be accorded the following authority:

a) Imposing the fine of up to 10,000,000 dong for the offences arising animal breed activities; up to 20,000,000 dong for the offences involving animal feed activities and animal farming conditions or requirements;

b) Imposing the penalty in the form of temporary suspension of activities;

c) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause;

d) Applying the remedies stipulated in point c, dd, g, h, i, n, p, q and r of clause 3 of Article 4 herein.

5. Directors of the province-level Police Departments shall be accorded the following authority:

a) Imposing the fine of up to 25,000,000 dong for the offences arising in animal breed activities; up to 50,000,000 dong for the offences involving animal feed activities and animal farming conditions or requirements;

- b) Imposing the penalty in the form of temporary suspension of activities;
- c) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause;
- d) Applying the remedies stipulated in point c, dd, g, h, i, m, n, p, q and r of clause 3 of Article 4 herein.

6. Heads of environmental crime prevention and control police units; Head of the Traffic police Department; the Director of Economic Security Department, shall be accorded the following authority:

- a) Imposing the fine of up to 50,000,000 dong for the offences arising in animal breed activities; up to 100,000,000 dong for the offences involving animal feed activities and animal farming conditions or requirements;
- b) Imposing the penalty in the form of temporary suspension of activities;
- c) Seizing exhibits involved in commission of administrative offences;
- d) Applying the remedies stipulated in point c, dd, g, h, i, m, n, p, q and r of clause 3 of Article 4 herein.

Article 40. Authority to sanction administrative offences of the Vietnam Coast Guard

1. Coast Guardsmen in action shall be accorded authority to impose the fine of up to 1,000,000 dong for the offences arising in animal breed activities; up to 1,500,000 dong for the offences involving animal feed activities and animal farming conditions or requirements.
2. Heads of specialized units of the Coast Guard shall be accorded authority to impose the fine of up to 2,500,000 dong for the offences arising in animal breed activities; up to 5,000,000 dong for the offences involving animal feed activities and animal farming conditions or requirements.
3. Heads of specialized units of the Coast Guard, heads of the Coast Guard stations shall be accorded authority to impose the fine of up to 5,000,000 dong for the offences arising in animal breed activities; up to 10,000,000 dong for the offences involving animal feed activities and animal farming conditions or requirements.
4. Heads of marine groups of the Coast Guard shall be accorded the following authority:
 - a) Imposing the fine of up to 10,000,000 dong for the offences arising in animal breed activities; up to 20,000,000 dong for the offences involving animal feed activities and animal farming conditions or requirements;

b) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause;

c) Applying the remedies stipulated in point c, d, dd and g of clause 3 of Article 4 herein.

5. Heads of naval squadrons of the Coast Guard shall be accorded the following authority:

a) Imposing the fine of up to 15,000,000 dong for the offences arising in animal breed activities; up to 30,000,000 dong for the offences involving animal feed activities and animal farming conditions or requirements;

b) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause;

c) Applying the remedies stipulated in point c, d, dd and g of clause 3 of Article 4 herein.

6. Regional commanders of the Coast Guard shall be accorded the following authority:

a) Imposing the fine of up to 25,000,000 dong for the offences arising in animal breed activities; up to 50,000,000 dong for the offences involving animal feed activities and animal farming conditions or requirements;

b) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause;

c) Applying the remedies stipulated in point c, d, dd and g of clause 3 of Article 4 herein.

7. The Commander of the Vietnam Coast Guard shall have the following authority:

a) Imposing the fine of up to 50,000,000 dong for the offences arising in animal breed activities; up to 100,000,000 dong for the offences involving animal feed activities and animal farming conditions or requirements;

b) Imposing the penalty in the form of temporary suspension of activities;

c) Seizing exhibits involved in commission of administrative offences;

c) Applying the remedies stipulated in point c, d, dd and g of clause 3 of Article 4 herein.

Article 41. Authority to sanction administrative offences of the Border Guard

1. Border Guardsmen on duty shall be accorded authority to impose the fine of up to 500,000 dong for the offences arising from the activities related to animal breeds, animal feed and animal farming conditions or requirements.

2. Heads of stations or groups of the Border Guard shall be accorded authority to impose the fine of up to 2,500,000 dong for the offences arising from the activities related to animal breeds, animal feed and animal farming conditions or requirements.

3. Commanding Officers of Border Guard Posts, Captains of Border Guard Flotillas, Commanders of the Border Guard Commands at port border gates shall have the following authority:

a) Imposing the fine of up to 10,000,000 dong for the offences arising in animal breed activities; up to 20,000,000 dong for the offences involving animal feed activities and animal farming conditions or requirements;

b) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause;

c) Applying the remedies stipulated in point c, dd and g of clause 3 of Article 4 herein.

4. Chief Commanders of the province-level border guards, and Chief Commander of coast guard naval squadrons of the High Command of the Border Guard, shall be accorded the following authority:

a) Imposing the fine of up to 50,000,000 dong for the offences arising in animal breed activities; up to 100,000,000 dong for the offences involving animal feed activities and animal farming conditions or requirements;

b) Imposing the penalty in the form of temporary suspension of activities;

c) Seizing exhibits involved in commission of administrative offences;

d) Applying the remedies stipulated in point c, dd, g and m of clause 3 of Article 4 herein.

Article 42. Authority to sanction administrative offences of customs authorities

1. Customs authorities on duty shall be accorded authority to impose the fine of up to 500,000 dong for the offences arising from the activities related to animal breeds, animal feed and animal farming conditions or requirements.

2. Heads of groups of Customs Sub-departments, Heads of groups of Sub-departments of Post-Clearance Inspection shall be accorded authority to impose the fine of up to 5,000,000 dong for the offences arising from the activities related to animal breeds, animal feed and animal farming conditions or requirements.

3. Directors of Customs Subdepartments, Directors of Post-clearance Inspection Subdepartments, Leaders of Control Teams of provincial, inter-provincial or centrally-affiliated city Customs Departments, Leaders of Smuggling Control Teams, Leaders of

Customers Procedures Teams, Leaders of Maritime Control Teams subordinate to the Smuggling Investigation and Prevention Department affiliated to the General Department of Customs, shall be accorded the following authority:

- a) Imposing the fine of up to 25,000,000 dong for the offences arising from activities related to animal breeds, animal feed and animal farming conditions or requirements;
- b) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause;
- c) Applying the remedies stipulated in point b, c, d, dd, g and m of clause 3 of Article 4 herein.

4. Director of the Smuggling Investigation and Prevention Department, Director of the Post-clearance Inspection Department, a subsidiary of the General Department of Customs, and Directors of the provincial, inter-provincial or centrally-affiliated city Customs Departments, shall be accorded the following authority:

- a) Imposing the fine of up to 50,000,000 dong for the offences arising from activities related to animal breeds, animal feed and animal farming conditions or requirements;
- b) Imposing the penalty in the form of temporary suspension of activities;
- c) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause;
- d) Applying the remedies stipulated in point b, c, d, dd, g and m of clause 3 of Article 4 herein.

5. Director of the General Department of Customs shall be accorded the following authority:

- a) Imposing the fine of up to 50,000,000 dong for the offences arising in animal breed activities; up to 100,000,000 dong for the offences involving animal feed activities and animal farming conditions or requirements;
- b) Imposing the penalty in the form of temporary suspension of activities;
- c) Applying the remedies stipulated in point b, c, d, dd, g and m of clause 3 of Article 4 herein.

Article 43. Authority to sanction administrative offences of the Market Surveillance Agency

1. Customs authorities on duty shall be accorded authority to impose the fine of up to 500,000 dong for the offences arising from the activities related to animal breeds, animal feed and animal farming conditions or requirements.

2. Heads of Market Surveillance Teams shall be accorded the following powers:

a) Imposing the fine of up to 25,000,000 dong for the offences arising from activities related to animal breeds, animal feed and animal farming conditions or requirements;

b) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause;

c) Applying the remedies stipulated in point a, b, c, dd, g and m of clause 3 of Article 4 herein.

3. Directors of provincial-level Market Surveillance Departments and Directors of Departments of Market Surveillance Operations shall be accorded the following authority:

a) Imposing the fine of up to 50,000,000 dong for the offences arising from activities related to animal breeds, animal feed and animal farming conditions or requirements;

b) Imposing the penalty in the form of temporary suspension of activities;

c) Seizing exhibits involved in administrative offences if the value does not exceed the fine amount prescribed in point a of this clause;

d) Applying the remedies stipulated in point a, b, c, d, dd, g and m of clause 3 of Article 4 herein.

4. The General Director of the Vietnam Directorate of Market Surveillance shall be accorded the following authority:

a) Imposing the fine of up to 50,000,000 dong for the offences arising in animal breed activities; up to 100,000,000 dong for the offences involving animal feed activities and animal farming conditions or requirements;

b) Imposing the penalty in the form of temporary suspension of activities;

c) Seizing exhibits involved in commission of administrative offences;

d) Applying the remedies stipulated in point a, b, c, d, dd, g and m of clause 3 of Article 4 herein.

Article 44. Determination of sanctioning competence of Presidents of People's Committees at all levels, inspection agencies, customs authorities, market surveillance agencies, people's police, border guards and coast guards

1. Authority to sanction administrative offences of Presidents of all-level People's Committees:

a) Presidents of the People's Committees of communes shall sanction the administrative offences specified in Clause 1, Article 9; Clauses 1, 2 and 3 of Article 10; Clause 1 of Article 14; Clause 1 and Clause 2 of Article 15; Clause 1 of Article 16; Clauses 1 and 2, Article 17; Clause 1 of Article 18; Point a Clause 1 and Point a Clause 2 Article 25; Points a and b, Clause 1, Article 26; Clause 1 of Article 27; Clause 1, Point a and Point b Clause 2 Article 28; Clauses 1 and 2, Article 29; Point a, Point b Clause 1, Point a Clause 2 and Point a Clause 3 Article 30; Article 31 and Clause 1 Article 33 of this Decree;

b) Presidents of district-level People's Committees shall sanction the administrative offences specified in Clauses 1 and 2, Article 6; Clause 1 of Article 7; Article 8; Article 9; Article 10; Article 11; Article 13; Article 14; Article 15; Article 16; Article 17; Article 18; Article 19; Article 20; Article 22; Article 23; Article 24; Article 25; Article 26; Article 27; Clauses 1, 2 and 3 of Article 28; Article 29; Article 30; Article 31; Article 32; Article 33 and Article 35 of this Decree;

c) Presidents of provincial-level People's Committees shall sanction the administrative offences specified in Article 6; Article 7; Article 8; Article 9; Article 10; Article 11; Article 12; Article 13; Article 14; Article 15; Article 16; Article 17; Article 18; 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 and Article 35 of this Decree.

2. Authority to sanction administrative offences of inspectors:

a) The Chief Inspectors of the Departments of Agriculture and Rural Development, the Directors of the Sub-Departments having competence in managing animal husbandry and veterinary medicine; Head of the specialized inspection team of Department of Livestock Production; Heads of the specialized inspection teams of the Departments of Agriculture and Rural Development; Heads of specialized inspection teams of Sub-Departments having competence in specialized management of animal husbandry and veterinary medicine shall sanction the administrative offences specified in Clauses 1 and 2, Article 6; Clause 1 of Article 7; Article 8; Article 9; Article 10; Article 11; Clauses 1, 2 and 3 of 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; Clauses 1, 2 and 3 of Article 28; Article 29; Article 30; Article 31; Article 32; Article 33 and Article 35 of this Decree;

b) Head of the livestock inspection team of the Ministry of Agriculture and Rural Development shall sanction the administrative offences specified in Clauses 1, 2, 3 and 4,

Article 6; Clauses 1 and 2, 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; Clauses 1, 2 and 3, Point a, Clause 4, Article 28; Article 29; Article 30; Article 31; Article 32; Article 33 and Article 35 of this Decree;

c) The Director of the Plant Protection Department; the Directors of the Sub-Departments having competence in the specialized management of plant protection; Heads of the specialized inspection team of the Plant Protection Department shall sanction the administrative offences specified in Clause 3, Point b, Clause 4, Clause 5 and Clause 6, Article 17; Article 19; Clauses 1 and 2, Article 20; Article 22 of this Decree;

d) The Director of Agro-forestry and Fishery Quality Control Department; the Directors of the Sub-Departments having competence in the specialized management of the quality management of agricultural, forestry and fishery products; the Head of the specialized inspection team of the Agro-forestry and Fishery Quality Control Department shall sanction the administrative offences specified in Clause 4, Article 29 and Article 35 of this Decree;

dd) The Director of the Department of Animal Health; the Head of the specialized inspection team of the Department of Animal Health shall sanction the administrative offences specified in Clause 3, Point b, Clause 4, Clause 5 and Clause 6, Article 17; Article 19; Clauses 1 and 2, Article 20; Article 22; Article 29 and Article 35 of this Decree;

e) The Chief Inspector of the Ministry of Agriculture and Rural Development; the Director of the Department of Livestock Production shall sanction the administrative offences specified in Article 6; Article 7; Article 8; Article 9; Article 10; Article 11; Article 12; Article 13; Article 14; Article 15; Article 16; Article 17; Article 18; 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 and Article 35 of this Decree.

3. Authority to sanction administrative offences of the People's Public Security forces:

a) Heads of communal-level police, heads of police stations, heads of border-gate police stations shall sanction the administrative offences specified at Point a, Clause 1, Article 29 of this Decree;

b) Heads of district-level police, heads of professional units of the Traffic Police Department, heads of provincial-level police departments, including heads of environmental crime prevention and control police, heads of economic security units shall sanction the administrative offences specified in Clause 2, Article 13; Clause 4 of Article 14; Point a, Point b Clause 3, Clause 4 and Clause 5 Article 17; Clause 2 of Article 20; Point c, Clause 3, Article 22; Clause 2 of Article 24; Point b Clause 1, Point a Clause 2 and Clause 3 Article 25; Point c Clause 1, Clause 3, Point a Clause 4 and Clause

5 Article 26; Clause 3 of Article 27; Clause 3 of Article 28; Clause 1, Clause 3 and Point a, Point b Clause 4 Article 29; Article 30; Article 31; Point b Clause 2 and Point b Clause 3 Article 32 of this Decree;

c) Directors of provincial-level police shall sanction the administrative offences specified in Clauses 1 and 2, Article 6; Clause 1 of Article 7; Clause 2 of Article 13; Clauses 4, 5, 6 and 7 of Article 14; Point a, Point b Clause 3, Clause 4 and Clause 5 Article 17; Clauses 1 and 2, Article 20; Point c of Clause 3, Clause 4 and Clause 5 of Article 22; Article 24; Point b of Clause 1, Clause 2 and Clause 3 of Article 25; Point c of Clause 1, Clauses 3, 4, 5 and 6 of Article 26; Clause 3 of Article 27; Clause 3 of Article 28; Clauses 1, 3 and 4 of Article 29; Article 30; Article 31; Point b Clause 2 and Point b Clause 3 Article 32; Clause 5 of Article 33; Point b, Clause 1 and Clause 2, Article 35 of this Decree;

d) Head of Environmental Crime Prevention Police Department; Head of Traffic Police Department; Director of the Economic Security Department shall sanction the administrative offences specified in Article 6; Article 7; Clause 2 of Article 13; Clauses 4, 5, 6 and 7 of Article 14; Point a and Point b Clause 3, Clause 4, Clause 5 of Article 17; Clauses 1 and 2, Article 20; Point c of Clause 3, Clause 4 and Clause 5 of Article 22; Article 24; Point b of Clause 1, Clause 2 and Clause 3 of Article 25; Point c of Clause 1, Clauses 3, 4, 5 and 6 of Article 26; Clause 3 of Article 27; Clauses 3 and 4, Article 28; Clauses 1, 3 and 4 of Article 29; Article 30; Article 31; Point b Clause 2 and Point b Clause 3 Article 32; Clause 5 of Article 33; Point b, Clause 1 and Clause 2, Article 35 of this Decree.

4. Authority to sanction administrative offences of the Vietnam Coast Guard:

a) Heads of marine groups of the Coast Guard shall sanction the administrative offences defined in Clause 1 of Article 8; Point b, Clause 2, Article 13; Point b, Clause 4, Article 17; Clause 2 of Article 20; Point c, Clause 3, Article 22; Point b Clause 2 and Point b Clause 3 Article 32 of this Decree;

b) Heads of naval squadrons of the Coast Guard shall sanction the administrative offences defined in Clauses 1 and 2, Article 8; Point b, Clause 2, Article 13; Point b, Clause 4, Article 17; Clause 2 of Article 20; Point c of Clause 3, Clause 4 and Clause 5 of Article 22; Point b Clause 2 and Point b Clause 3 Article 32 of this Decree;

c) Regional commanders of the Coast Guard shall sanction the administrative offences defined in Article 8; Point b, Clause 2, Article 13; Point b, Clause 4, Article 17; Clause 2 of Article 20; Point c of Clause 3, Clause 4 and Clause 5 of Article 22; Point b Clause 2 and Point b Clause 3 Article 32; Point b, Clause 1 and Clause 2, Article 35 of this Decree;

d) Chief Commander of the Command Committee of the Vietnam Coast Guard shall sanction the administrative offences defined in Clause 2 and Point b Clause 3 Article 7; Article 8; Point b, Clause 2, Article 13; Point b, Clause 4, Article 17; Clause 2 of Article 20; Point c of Clause 3, Clause 4 and Clause 5 of Article 22; Point b Clause 2 and Point b Clause 3 Article 32; Point b, Clause 1 and Clause 2, Article 35 of this Decree.

5. Authority to sanction administrative offences of the Border Guard:

a) Heads of border guard stations, heads of squadrons of the border guard, commanders of command committees of border-gate guards shall sanction the administrative offences specified at Point b, Clause 2, Article 13; Point b, Clause 4, Article 17; Clause 2 of Article 20; Point c, Clause 3, Article 22; Point b Clause 2 and Point b Clause 3 Article 32 of this Decree;

b) Commanders of provincial-level border guards, heads of squadrons of the border guard under the control of the Command Committee of the Border Guard shall sanction the administrative offences specified in Clauses 2 and b, Clause 3, Article 7; Article 8; Point b, Clause 2, Article 13; Point b, Clause 4, Article 17; Clauses 1 and 2, Article 20; Point c of Clause 3, Clause 4 and Clause 5 of Article 22; Point b Clause 2 and Point b Clause 3 Article 32; Point b, Clause 1 and Clause 2, Article 35 of this Decree.

6. Authority to sanction administrative offences of customs authorities:

a) Heads of Customs Sub-Departments, Heads of Sub-Departments of Post-Customs Clearance Inspection, Heads of Control Teams of Customs Departments of provinces, inter-provinces and centrally-run cities, Heads of Smuggling Prevention and Control Teams, Heads of Customs procedure teams, Captains of Border Guard Flotillas under the Anti-Smuggling Investigation Department affiliated to the General Department of Customs shall sanction the administrative offences specified in Article 8; Point b, Clause 2, Article 13; Point b, Clause 4, Article 17; Article 19; Points a, b, c, d, dd, e, g, h, i and k Clause 1, Clause 2 Article 20; Clauses 1, 2, 3 and 4 of Article 22; Point b Clause 1, Point b Clause 2 and Point b Clause 3 Article 32 of this Decree;

b) The Director of the Anti-Smuggling Investigation Department, the Director of the Post-Customs Clearance Inspection Department under the General Department of Customs, and Directors of Customs Departments of provinces, inter-provinces and centrally-run cities shall sanction the administrative offences defined in Clause 2 and Point b Clause 3 Article 7; Article 8; Point b, Clause 2, Article 13; Point b, Clause 4, Article 17; Article 19; Clauses 1 and 2, Article 20; Article 22; Point b Clause 1, Point b Clause 2 and Point b Clause 3 Article 32; Point b, Clause 1 and Clause 2, Article 35 of this Decree;

c) The Director of the General Department of Customs shall sanction the administrative offences specified in Clause 2 and Point b, Clause 3, Article 7; Article 8; Point b, Clause 2, Article 13; Point b, Clause 4, Article 17; Article 19; Clauses 1 and 2, Article 20; Article 22; Point b Clause 1, Point b Clause 2 and Point b Clause 3 Article 32; Point b, Clause 1 and Clause 2, Article 35 of this Decree.

7. Authority to sanction administrative offences of the Market Surveillance Agency:

a) Heads of the Market Management Teams shall sanction the administrative offences specified in Clause 1, Article 7; Clause 4 of Article 9; Clauses 2 and 4, Article 10; Article

11; Clause 1, Clause 2 and Point a Clause 4 Article 17; Article 18; Points a, b, c, d, dd, e, g, h, i and k Clause 1, Clause 2 Article 20; Clause 1, point a and point b clause 2, point b and point c clause 3, clause 4 Article 22; Point a Clause 1, Point a Clause 2 and Point a Clause 3 Article 32 of this Decree;

b) Directors of the provincial Market Surveillance Departments and Director of Department of Market Surveillance Operations affiliated to the General Department of Market Surveillance shall sanction the administrative offences specified in Clause 3, Article 6; Clause 1 and Point a Clause 3 Article 7; Clause 4 of Article 9; Clauses 2 and 4, Article 10; Article 11; Clause 1, Clause 2 and Point a Clause 4 Article 17; Article 18; Clauses 1 and 2, Article 20; Clause 1, point a and point b clause 2, point b and point c clause 3, clause 4, clause 5 Article 22; Point a Clause 1, Point a Clause 2 and Point a Clause 3 Article 32 of this Decree;

c) Director of the General Department of Market Surveillance shall sanction the administrative offences specified in Clause 3 of Article 6; Clause 1 and Point a Clause 3 Article 7; Clause 4 of Article 9; Clauses 2 and 4, Article 10; Article 11; Clause 1, Clause 2 and Point a Clause 4 Article 17; Article 18; Clauses 1 and 2, Article 20; Clause 1, point a and point b clause 2, point b and point c clause 3, clause 4, clause 5 Article 22; Point a Clause 1, Point a Clause 2 and Point a Clause 3 Article 32 of this Decree.

Article 45. Application of injunctive actions to prevent administrative offences and assure the enforcement of administrative sanctions

1. In case where only fines are applied to the violating organizations or individuals, the persons competent to sanction administrative offences arising from animal husbandry shall have the rights to temporarily seize papers related to dedicated means and professional qualifications until the complete execution of sanction decisions. In case where the violating organizations or individuals do not have the above-mentioned papers, the persons competent to sanction administrative offences may request the violating organizations or individuals to move the means to the authority's offices for further actions, or temporarily impound material evidences and means under their authority.

In case of committing administrative offences but, according to this Decree, imposing supplementary penalties existing in the form of confiscation of material evidences, persons competent to sanction animal husbandry offences shall be entitled to request organizations and individuals committing offences to bring the means to the authority's offices for further actions, or temporarily impound material evidences and means under their authority.

2. Authority, processes and procedures for application of injunctive actions to prevent administrative offences and assure the execution of administrative sanctions in the animal farming sector shall be subject to the Law on Handling of Administrative Violations.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 46. Entry into force

1. This Decree shall enter into force as of April 20, 2021.
2. This Decree shall repeal regulations on animal feed and animal breeds in the Government's Decree No. 64/2018/ND-CP dated May 7, 2018 on sanctioning administrative violations in the field of livestock breeds, animal feed and aqua feed; Point b, Clause 7, Article 20 of the Government's Decree No. 90/2017/ND-CP dated July 31, 2017, providing for the sanctioning of administrative violations in the animal health sector.

Article 47. Transitional provisions

1. With respect to any administrative offence arising from animal husbandry activities that occurs prior to the entry into force of this Decree, if it is detected or under consideration for actions, regulations beneficial to the violating persons or entities must be applied.
2. If sanctioned persons or entities or persons subject to administrative actions continue to appeal against administrative sanction decisions already issued or executed completely before the entry into force of this Decree, regulations of the Government's Decree No. 64/2018/ND-CP dated May 7, 2018, providing for penalties for administrative violations against regulations on livestock breeds, animal feeds and aqua feeds shall be applied.
3. With respect to offences involving animal husbandry activities that are discovered after the entry into force of this Decree, if they are categorized as transitional cases as prescribed in the Law on Animal Husbandry and documents providing specific details of implementation of the Law on Animal Husbandry, regulations of the Government's Decree No. 64/2018/ND-CP dated May 7, 2018, providing for penalties for administrative violations against regulations on livestock breeds, animal feeds and aqua feeds shall be applied until expiration of the transitional period.

Article 48. Implementation responsibilities

1. The Minister of Agriculture and Rural Development shall be responsible for monitoring, guiding and leading the implementation of this Decree.
2. Ministers, Heads of Ministry-level agencies, Heads of Governmental bodies, and Presidents of People's Committees of centrally-affiliated cities and provinces, shall be responsible for implementing this Decree./.

PP. GOVERNMENT

PRIME MINISTER

Nguyen Xuan Phuc

*This translation is made by **THƯ VIỆN PHÁP LUẬT**, Ho Chi Minh City, Vietnam and for reference purposes only. Its copyright is owned by **THƯ VIỆN PHÁP LUẬT** and protected under Clause 2, Article 14 of the Law on Intellectual Property. Your comments are always welcomed*