

*Pursuant to the July 2, 2002 Ordinance on
Handling of Administrative Violations;*

At the proposal of the Aquatic Resources Minister,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Regulation scope

1. This Decree prescribes acts of administrative violation in the aquatic resource domain, the sanctioning forms, levels, competence and procedures as well as measures to overcome the consequences.

2. Administrative violations in the aquatic resource domain are acts of violating the regulations on State management in the aquatic resource domain, which are intentionally or unintentionally committed by organizations and/or individuals, but are not crimes and, according to the provisions of the Ordinance on Handling of Administrative Violations and this Decree, must be administratively sanctioned.

3. The administrative violations in the aquatic resource domain, prescribed in this Decree, include:

- a) Violation of regulations on aquatic resource protection;
- b) Violation of regulations on aquatic resource exploitation and fishing ship management;
- c) Violation of regulations on aquaculture;
- d) Violation of regulations on aquatic-product processing;
- e) Violation of regulations on aquatic resource service business lines and aquatic goods labels.

Article 2.- Subjects to be sanctioned

1. Vietnamese organizations and individuals as well as foreign organizations and individuals, that commit acts of administrative violation in the aquatic resource domain, shall all be sanctioned under the provisions of this Decree, except otherwise provided for by relevant international treaties which Vietnam

DECREE No. 70/2003/ND-CP OF JUNE 17, 2003 STIPULATING THE SANCTIONING OF ADMINISTRATIVE VIOLATIONS IN THE AQUATIC RESOURCE DOMAIN

THE GOVERNMENT

*Pursuant to the December 25, 2001 Law on
Organization of the Government;*

*Pursuant to the April 25, 1989 Ordinance on
Aquatic Resources Protection and Development;*

has signed or acceded to.

Particularly the sanction against foreign people and means committing acts of encroaching upon Vietnam's sea areas for research, aquatic product exploration and exploitation, or committing acts of violating the regulations on management of fishing activities in sea areas of Vietnam shall comply with the provisions at Point e, Clause 2, Article 14 of the Ordinance on Handling of Administrative Violations and other relevant law provisions.

2. The sanction against minors who commit administrative violations in the aquatic resource domain shall comply with the provisions in Clause 1, Article 7 of the Ordinance on Handling of Administrative Violations.

Article 3.- Sanctioning principles.

The principles for sanctioning administrative violations in the aquatic resource domain shall comply with the provisions in Article 3 of the Ordinance on Handling of Administrative Violations.

Article 4.- Extenuating circumstances, aggravating circumstances

The extenuating circumstances and the aggravating circumstances to be applied in sanctioning acts of violation prescribed in Chapter II of this Decree shall comply with the provisions in Articles 8 and 9 of the Ordinance on Handling of Administrative Violations.

Article 5.- The statute of limitations for sanctioning administrative violations

1. The statute of limitation for sanctioning of an administrative violation in the aquatic resource domain shall be one year, counting from the date the administrative violation is committed; particularly for administrative violations related to the protection of living habitat of aquatic species, the export and import of aquatic goods, production of or trading in fake goods, such statute of limitation shall be two years.

If the above-mentioned time limits have passed by, sanctions shall not be imposed, but consequence-overcoming measures prescribed in this Decree shall

still be applied.

2. If the persons with sanctioning competence are at fault in letting the statute of limitation for sanctioning administrative violations pass by, they shall be handled according to the provisions in Article 121 of the Ordinance on Handling of Administrative Violations.

Article 6.- Time limits for being considered not yet being sanctioned for administrative violations

If organizations and individuals, that are sanctioned for administrative violations, do not relapse into violations within one year as from the date of completely serving the sanctioning decisions or the date when the statute of limitation for executing the sanctioning decisions expires; they shall be considered as not yet being sanctioned for administrative violations.

Article 7.- Principal forms of sanctioning administrative violations and consequence-overcoming measures.

1. For each act of administrative violation, the violating organizations or individuals shall be subject to one of the following sanctioning forms:

- a) Caution.
- b) Fines.

2. In addition to the principal sanctioning forms, depending on the nature and seriousness of violations, organizations and individuals committing administrative violations in the aquatic resource domain may also be subject to the application of one of the following additional sanctioning forms:

- a) Deprivation of the right to use license, practicing certificates for a definite or indefinite time;
- b) Confiscation of material evidences, means used for committing administrative violations.

3. Apart from the principal sanctioning forms and the additional sanctioning forms, prescribed in Clauses 1 and 2 of this Article, the violating organizations and individuals may also be subject to the application of one or many of the following consequence-overcoming measures:

- a) Forced restoration of the original state already

altered due to administrative violations;

b) Forced application of measures to overcome the environmental pollution, epidemic spreads due to the violations;

c) Forced taking out of Vietnam or forced re-export of goods, articles, means;

d) Forced destruction of articles, reared animals and/or cultivation plants which cause harm to human health, to aquatic animals and/or plants and cause environmental pollution.

The violating individuals and organizations shall have to bear all expenses for the application of the above-mentioned measures.

Chapter II

ACTS OF ADMINISTRATIVE VIOLATION IN THE AQUATIC RESOURCE DOMAIN, SANCTIONING FORMS AND LEVELS

Section A. VIOLATION OF REGULATIONS ON AQUATIC RESOURCE PROTECTION

Article 8.- Violation of regulations on protection of habitats of aquatic species

1. A fine of between VND 1,000,000 and 3,000,000 for acts of pouring or discharging oils, greases, toxic chemicals, poisonous plants or other wastes, thus polluting the habitats of aquatic species.

2. A fine of between VND 2,000,000 and 4,000,000 for acts of dismantling or building floating works or underwater works in water areas, thus altering the dwelling, growing and spawning sites of aquatic species, without permits of competent agencies or in contravention of the regulations inscribed in the permits.

3. A fine of between VND 2,000,000 and 5,000,000 for acts of destroying reefs, coral reefs, submerged forests, underwater flora fields, except for *force majeure* cases where fishing ships must be anchored or moored.

4. The sanctioning of acts of violating the regulations on conservation zones related to the aquatic resource domain shall comply with the

Government's Decree No.26/CP of April 26, 1996 prescribing the sanctioning of administrative violations in the field of environmental protection.

5. Additional sanctioning forms and consequence-overcoming measures:

a) Forced application of measures to overcome the environmental pollution, for acts prescribed in Clause 1 of this Article;

b) Forced restoration of the original state, for acts prescribed in Clause 2 of this Article;

c) Confiscation of material evidences and violating means (except fishing ships), for acts prescribed in Clauses 2 and 3 of this Article.

Article 9.- Violation of regulations on protection of aquatic species

1. The fine levels for acts of exploiting aquatic resources if the volume of aquatic resources which are of sizes smaller than the sizes permitted for mixed exploitation shall be as follows:

a) A fine of between VND 500,000 and under 1,500,000 if the volume exceeds the permitted level of mixed exploitation by under 100 kg;

b) A fine of between VND 1,500,000 and under 3,000,000 if the volume exceeds the permitted level of mixed exploitation by from 100 kg to under 500 kg;

c) A fine of between VND 3,000,000 and under 5,000,000 if the volume exceeds the permitted level of mixed exploitation by from 500 kg to under 1,000 kg;

d) A fine of between VND 5,000,000 and 10,000,000 if the volume exceeds the permitted level of mixed exploitation by over 1,000 kg.

2. The fine levels for acts of exploiting aquatic resources in areas prohibited from exploitation or being in the period of exploitation ban shall be as follows:

a) A fine of between VND 1,000,000 and under 3,000,000 if the aquatic resource volume is under 100 kg;

b) A fine of between VND 3,000,000 and under 5,000,000 if the aquatic resource volume ranges from

100 kg to under 500 kg;

c) A fine of between VND 5,000,000 and under 10,000,000 if the aquatic resource volume ranges from 500 kg to under 1,000 kg;

d) A fine of between VND 10,000,000 and 15,000,000 if the aquatic resource volume exceeds 1,000 kg.

3. The fine levels for acts of exploiting aquatic species on the list of those banned from exploitation under the provisions of law shall be as follows:

a) A fine of between VND 5,000,000 and under 8,000,000 if the aquatic resource volume is under 50 kg;

b) A fine of between VND 8,000,000 and under 12,000,000 if the aquatic resource volume ranges from 50 kg to under 100 kg;

c) A fine of between VND 12,000,000 and under 15,000,000 if the aquatic resource volume ranges from 100 kg to under 300 kg;

d) A fine of between VND 15,000,000 and under 20,000,000 if the aquatic resource volume ranges from 300 kg to under 500 kg;

e) A fine of between VND 20,000,000 and 30,000,000 if the aquatic resource volume exceeds 500 kg.

4. Additional sanctioning forms and consequence-overcoming measures:

a) Confiscation of illegally exploited aquatic resource volume and forced release of alive aquatic resources back into their habitats, for acts prescribed in Clauses 1, 2 and 3 of this Article.

b) Confiscation of material evidences, violating means (except fishing ships) and deprivation of the right to use permits for 6 months, for acts prescribed in Clauses 2 and 3 of this Article in case of causing serious consequences.

Section B. VIOLATION OF REGULATIONS ON AQUATIC RESOURCE EXPLOITATION AND FISHING SHIP MANAGEMENT

Article 10.- Violation of regulations on aquatic

resource exploitation

1. Caution or a fine of between VND 50,000 and 100,000 for placing fishing gears in contravention of regulations or without permission.

2. Caution or a fine of between VND 100,000 and 300,000 for one of the following acts:

a) Using searchlights to exploit aquatic resources with the total output exceeding the prescribed level or failing to comply with the Aquatic Resources Ministry's regulations on the distance between the locations where searchlights are placed and other fishing gears;

b) Using fishing nets with meshes being smaller than the prescribed sizes to exploit aquatic resources;

c) Using hand-carried electric shock-generating devices to exploit aquatic resources;

d) Using expired permits to exploit aquatic resources;

e) Having no aquatic resource exploitation diaries, failing to write up the aquatic resource exploitation diaries or failing to observe the regime of reporting on aquatic resource exploitation according to the regulations of the Aquatic Resources Ministry.

3. A fine of between VND 200,000 and 400,000 for acts of operating in contravention of the contents inscribed in the aquatic resource exploitation permits.

4. A fine of between VND 500,000 and 1,500,000 for acts of exploiting aquatic resources without permits (for fishing trades which require permits).

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

a) Using forged permits or erased, modified permits;

b) Using electric shocks by fishing ships or boats to exploit aquatic resources.

6. A fine of between VND 2,000,000 and 4,000,000 for acts of using toxic chemicals or poisonous plants to exploit aquatic resources.

7. A fine of between VND 5,000,000 and 7,000,000 for acts of using explosives to exploit aquatic resources.

8. Additional sanctioning forms and consequence-overcoming measures:

a) Forced re-planting of fishing gears strictly according to regulations, for acts prescribed in Clause 1 of this Article;

b) Confiscation of the number of electric bulbs corresponding to the output exceeding the prescribed levels, for acts prescribed at Point a, Clause 2 of this Article;

c) Confiscation of fishing nets with meshes being smaller than the prescribed sizes, for acts prescribed at Point b, Clause 2 of this Article;

d) Confiscation of exploited aquatic resources, for acts prescribed in Clause 1, Points b, c and d of Clause 2, Clause 3, Clause 4, Clause 5 and Clause 7 of this Article;

e) Confiscation of forged papers, erased or modified papers, for acts prescribed at Point d, Clause 2, Point a of Clause 5, of this Article;

f) Forced destruction of electric shock-generating devices, for acts prescribed at Point c of Clause 2 and Point b of Clause 5, of this Article;

g) Forced destruction of the exploited aquatic resources as well as toxic chemicals and poisonous plants, for acts prescribed in Clause 6 of this Article.

Article 11.- Violation of regulations on management of fishing ships

1. Caution or a fine of between VND 50,000 and 100,000 for one of the following acts:

a) Failing to observe the Aquatic Resources Ministry's regulations on conditions to ensure food hygiene and safety on fishing ships;

b) Failing to provide adequate equipment or failing to ensure the quality of equipment and facilities for ensuring safety for people and means as provided for;

c) Failing to have adequate prescribed papers by aquatic resource exploitation practitioners when they are onboard the ships or boats;

d) Failing to inscribe the granted registration numbers on fishing ships or inscribing them thereon not according to regulations or letting the registration

numbers be dim;

e) Having no crew members' books, for fishing ships which require books of crew members;

2. A fine of between VND 100,000 and 300,000 for one of the following acts:

a) Failing to observe or observing not fully the regulations when operating ships or boats in and out of navigation channels or when anchoring or mooring at ports or wharves;

b) Failing to observe or observing not fully the regulations on signal equipment and facilities and the use of signals when ships or boats are exploiting aquatic resources or are being on their journeys.

3. A fine of between VND 300,000 and 700,000 for one of the following acts:

a) Failing to acquire the prescribed professional diplomas by ship, boat or engine operators;

b) Using fishing ships with books of certification of their operating capacity having already expired, or been erased, modified.

4. A fine of between VND 500,000 and 1,500,000, for acts of using unregistered and uninspected ships or boats in fishing operations.

5. A fine of between VND 1,000,000 and 3,000,000, for acts of using forged papers on fishing ship registration and inspection.

6. A fine of between VND 1,000,000 and 2,000,000 on means owners for transforming fishing ships without design dossiers approved by competent agencies (for fishing ships with sizes and types requiring designs as provided for by the Aquatic Resources Ministry).

7. A fine of between VND 2,000,000 and 4,000,000 on means owners for building their new fishing ships without design dossiers approved by competent agencies (for fishing ships with sizes and types requiring designs as provided for by the Aquatic Resources Ministry).

8. Additional sanctioning forms and consequence-overcoming measures:

a) Confiscation of forged papers, erased, modified or expired papers, for acts prescribed at Point b of

Clause 3, and Clause 5 of this Article;

b) Forced observation of regulations of the Aquatic Resources Ministry, for acts prescribed in Clause 1, Point b of Clause 2; regulations on transformation and building of fishing ships as prescribed by the Aquatic Resources Ministry, for acts prescribed in Clause 6, Clause 7 of this Article.

Section C. VIOLATION OF REGULATIONS ON AQUACULTURE

Article 12.- Violation of regulations on producing, selling aquatic breeds

1. A fine of between VND 500,000 and 1,500,000 on breed-producing and selling establishments for one of the following acts:

a) Failing to ensure the standards on veterinary hygiene and environmental protection for ponds, tanks, equipment and devices used in production, water supply systems, waste water treatment systems under the regulations of the Aquatic Resources Ministry;

b) Having no managerial officials or technical workers with professional qualifications as provided for by the Aquatic Resources Ministry;

c) Failing to publicize the quality of breeds;

d) Selling breeds which fail to meet the publicized quality standards or fail to meet the standards promulgated by the Aquatic Resources Ministry;

e) Failing to quarantine breeds before they are sold.

2. A fine of between VND 2,000,000 and 4,000,000 for one of the following acts:

a) Transporting aquatic breeds without quarantine certificates or with volumes exceeding those inscribed in the quarantine certificates.

b) Using feeds, chemicals, antibiotics, aquatic veterinary drugs, which are on the list of those restricted from use, not in accordance with the regulations of the Aquatic Resources Ministry, or using those on the ban list.

3. A fine of between VND 3,000,000 and 5,000,000

for acts of using forged, erased or modified quarantine certificates.

4. A fine of between VND 5,000,000 and 7,000,000 for the following acts:

a) Producing, selling or transporting aquatic breeds not on the list of those permitted for ordinary use, prescribed by the Aquatic Resources Ministry;

b) Producing, selling or transporting aquatic breeds on the ban list prescribed by the Aquatic Resources Ministry.

5. A fine of between VND 20,000,000 and 30,000,000 for one of the following acts:

a) Importing into Vietnam aquatic breeds outside the list of those permitted for ordinary use (if not approved by the Aquatic Resources Ministry) or on the ban list prescribed by the Aquatic Resources Ministry;

b) Exporting aquatic breeds on the list of those banned from export (if not approved by the Aquatic Resources Ministry).

6. Additional sanctioning forms and consequence-overcoming measures:

a) Forced implementation of the regulations on veterinary hygiene, environmental protection or quality assurance, for acts prescribed in Clause 1 of this Article;

b) Forced quarantine, for acts prescribed at Point e of Clause 1, Point a of Clause 2 of this Article;

c) Forced destruction of aquatic feeds, chemicals, aquatic veterinary drugs, which are on the ban lists, for acts prescribed at Point b, Clause 2 of this Article;

d) Forced destruction of aquatic breeds, for acts prescribed in Clause 4 of this Article;

e) Confiscation of aquatic breeds and forced destruction of aquatic species banned from use, for acts prescribed at Point a, Clause 5 of this Article;

f) Confiscation of aquatic breeds and forced release of alive aquatic animals back into their habitats, for acts prescribed at Point b, Clause 5 of this Article.

Article 13.- Violation of regulations on aquaculture

1. A fine of between VND 500,000 and 1,500,000 for one of the following acts:

a) Failing to observe the Aquatic Resources Ministry's regulations on management of the environment of the concentrated rearing areas;

b) Failing to observe the Aquatic Resources Ministry's regulations on inspection and recognition of aquatic production and/or business establishments which meet the food hygiene standards;

c) Using feeds, chemicals and/or aquatic veterinary drugs on the lists of those restricted from use in contravention of the Aquatic Resources Ministry's regulations;

d) Failing to observe the Aquatic Resources Ministry's regulations on control of toxin residues in aquatic animals and the products of reared aquatic animals.

2. A fine of between VND 2,000,000 and 4,000,000 for acts of using aquatic feeds, chemicals, antibiotics, aquatic veterinary drugs, which are on the lists of those banned from use.

3. Consequence-overcoming measures:

a) Forced observance of the regulations on management of aquaculture areas, for acts prescribed in Clause 1 of this Article;

b) Forced destruction of aquatic feeds, chemicals, aquatic veterinary drugs, which are on the lists of those banned from use, for acts prescribed in Clause 2 of this Article.

Article 14.- Violation of the regulations on aquatic epidemic prevention

1. A fine of between VND 500,000 and 1,500,000 for acts of failing to apply compulsory epidemic-preventing measures under the Aquatic Resources Ministry's regulations.

2. A fine of between VND 2,000,000 and 4,000,000 for one of the following acts:

a) Failing to apply measures to prevent and combat aquatic epidemics when there are decisions to declare the epidemics;

b) Taking aquatic resources out of areas hit by aquatic epidemics when there are no decisions to cancel the decisions on declaration of epidemics;

c) Pouring or discharging aquatic drugs, chemicals or feeds already expired or banned from use; bodies, water used for cleaning diseased aquatic animals into natural water areas, aquaculture water areas;

d) Discharging water or wastes, which have not yet been treated or have been treated below the prescribed standards into aquaculture water areas.

3. A fine of between VND 5,000,000 and 7,000,000 for acts of failing to observe the regulations on quarantine when importing, temporarily importing for re-exporting or transiting aquatic species through Vietnamese territory.

4. Consequence-overcoming measures:

a) Forced application of measures to prevent epidemics, for acts prescribed in Clause 1; Points a, c and d, Clause 2, of this Article;

b) Forced destruction of diseased aquatic resources, for acts prescribed at Point b, Clause 2 of this Article.

c) Forced observation of regulations on quarantine of aquatic species, for acts prescribed in Clause 3 of this Article.

Section D. VIOLATION OF REGULATIONS ON AQUATIC RESOURCE PROCESSING

Article 15.- Violation of regulations on aquatic resource processing

1. A fine of between VND 500,000 and 1,500,000 on small-sized aquatic resource-processing establishments operating mainly by manual methods for one of the following acts:

a) Failing to observe or observing not fully the regulations of the Aquatic Resources Ministry and the Health Ministry on conditions to ensure food hygiene and safety;

b) Failing to observe the Aquatic Resources Ministry's regulations on inspection and recognition

of aquatic resource production and business establishments meeting food hygiene and safety standards.

2. A fine of between VND 3,000,000 and 5,000,000 on aquatic resource-processing establishments for one of the following acts:

a) Failing to publicize the goods quality standards as prescribed for establishments which are compelled to publicize them;

b) Failing to ensure the goods quality standards as publicized by the establishments;

c) Processing aquatic species exploited in the period of exploitation ban.

3. A fine of between VND 5,000,000 and 7,000,000 on aquatic resource-processing establishments operating by industrial mode for one of the following acts:

a) Failing to observe the Aquatic Resources Ministry's regulations on inspection and recognition of aquatic resource production and/or business establishments meeting the food hygiene and safety standards;

b) Having no technical officials or technical workers with professional qualifications prescribed by the Aquatic Resources Ministry;

c) Failing to apply the quality control systems as provided for by the Aquatic Resources Ministry.

4. A fine of between VND 8,000,000 and 12,000,000 for acts of processing aquatic species on the list of those banned from exploitation.

5. A fine of between VND 15,000,000 and 20,000,000 for one of the following acts:

a) Using banned additives, chemicals, disinfectants;

b) Using additives, chemicals, disinfectants not on the lists of those permitted for use, prescribed by the Aquatic Resources Ministry;

c) Processing aquatic resources containing impurities;

d) Processing aquatic resources with origin from regions banned from harvesting;

e) Processing aquatic resources containing natural toxins which cause harms to human health.

6. Additional sanctioning forms and consequence-overcoming measures:

a) Forced observance of regulations on food hygiene and safety, quality control, for acts prescribed in Clause 1, Points a and b of Clause 2, and Clause 3, of this Article;

b) Forced destruction of additives, chemicals, disinfectants, for acts prescribed at Points a and b, Clause 5 of this Article;

c) Confiscation of aquatic resources, for acts prescribed at Point c of Clause 2; Clause 4; Point c, Clause 5, of this Article.

d) Forced destruction of aquatic resources, for acts prescribed at Points d and e, Clause 5 of this Article.

Section E. VIOLATION OF REGULATIONS ON PRACTICING AQUATIC SERVICE BUSINESS AND AQUATIC GOODS LABELS

Article 16.- Violation of regulations on producing and/or selling chemicals, aquatic veterinary drugs, aquatic feeds.

1. A fine of between VND 200,000 and 400,000 on managers, technical officials and direct salespersons of the aquatic veterinary drug-producing and/or-selling establishments for having no professional practice certificates granted by competent agencies.

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

a) Producing aquatic veterinary drugs other than those already registered for production;

b) Having no certificates of registration for aquatic veterinary drug productions, granted by competent agencies, for aquatic veterinary drug production establishments;

c) Having no certificates of full satisfaction of conditions for trading in aquatic veterinary drugs or aquatic feeds, granted by competent agencies, for establishments selling aquatic veterinary drugs or

aquatic feeds;

d) Using forged papers or modifying certificates of registration for aquatic veterinary drug production, certificates of full satisfaction of conditions for trading in aquatic veterinary drugs or aquatic feeds, or certificates of professional practice of aquatic veterinary drug production and/or business.

3. A fine of between VND 5,000,000 and 7,000,000, for one of the following acts:

a) Failing to publicize goods quality standards according to regulations by establishments producing and/or trading in chemicals, aquatic veterinary drugs or aquatic feeds;

b) Failing to ensure the goods quality under the publicized standards by establishments producing or selling chemicals, aquatic veterinary drugs or aquatic feeds;

c) Selling chemicals, aquatic veterinary drugs or aquatic feeds with use duration expiry.

4. A fine of between VND 10,000,000 and 15,000,000 for one of the acts of producing, selling the following additives, chemicals, aquatic feeds, aquatic veterinary drugs:

a) Being not on the lists of those permitted for ordinary use under the regulations of the Aquatic Resources Ministry;

b) Containing substances banned from use under the regulations of the Aquatic Resources Ministry.

5. Additional sanctioning forms and consequence-overcoming measures:

a) Confiscation of forged, modified or erased papers, for acts prescribed at Point d, Clause 2 of this Article;

b) Confiscation of goods, for acts prescribed in Clause 2, Points a and b, Clause 3 of this Article;

c) Forced destruction of goods, for acts prescribed at Point c, Clause 3 and Clause 4 of this Article.

Article 17.- Violation of regulations on aquatic veterinary services

1. A fine of between VND 200,000 and 400,000

on practitioners of aquatic veterinary service business for having no professional practice certificates granted by competent agencies;

2. A fine of between VND 1,000,000 and 3,000,000 for acts of using forged, modified or erased certificates of professional practice.

3. Additional sanctioning forms:

Confiscation of forged, modified or erased papers, for acts prescribed in Clause 2 of this Article.

Article 18.- Violation of regulations on collection, preservation and transportation of fresh or processed aquatic resources

1. A fine of between VND 500,000 and 1,500,000 for acts of collecting, preserving and transporting fresh or processed aquatic resources not in compliance with the Aquatic Resources Ministry's regulations on conditions to ensure food hygiene and safety

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

a) Collecting, preserving and/or transporting aquatic resources exploited in the exploitation ban period or exploited by using explosives or electric shocks;

b) Collecting, preserving, transporting and/or consuming aquatic resources with origin from regions banned from harvesting.

3. A fine of between VND 8,000,000 and 12,000,000 for acts of collecting, preserving and/or transporting aquatic resources on the list of those banned from exploitation.

4. A fine of between VND 15,000,000 and 20,000,000 for one of the following acts:

a) Using banned additives, chemicals or disinfectants to preserve aquatic resources;

b) Using additives, chemicals, disinfectants not on the lists of those permitted for use to preserve aquatic resources;

c) Putting impurities into processed raw materials aquatic resources;

d) Collecting, preserving, transporting and/or

consuming aquatic resources or aquatic products containing natural toxins which cause harms to human health.

5. Additional sanctioning forms and consequence-overcoming measures:

a) Confiscation of aquatic resources and release of alive aquatic resources back into their habitats, for acts prescribed at Clauses 2 and 3 and Point c of Clause 4 of this Article;

b) Forced destruction of additives, chemicals, disinfectants, for acts prescribed at Points a and b, Clause 4 of this Article;

c) Forced destruction of aquatic resources, for acts prescribed at Point d, Clause 4 of this Article.

Article 19. - Violation of regulations on producing and selling life equipment and devices

1. A fine of between VND 2,000,000 and 4,000,000 for the following acts:

a) Producing life equipment and devices, which fail to meet the quality under the publicized standards;

b) Selling life equipment and devices, which have not yet been inspected and registered.

2. Additional sanctioning forms and consequence-overcoming measures:

a) Confiscation of goods, for acts prescribed at Point a, Clause 1 of this Article;

b) Forced inspection and registration, for acts prescribed at Point b, Clause 1 of this Article.

Article 20. - Violation of regulations on operation of fish ports

1. A fine of between VND 200,000 and 400,000, for acts of throwing or dumping rubbish or other objects from fishing ships into water areas of anchorage or wharves.

2. A fine of between VND 1,000,000 and 3,000,000 on fish ports for failing to comply with the Aquatic Resources Ministry's regulations on inspection and recognition of fish ports meeting the food hygiene and safety standards.

3. Consequence-overcoming measures:

a) Forced application of measures to overcome the consequences, for acts prescribed in Clause 1 of this Article;

b) Forced application of measures to ensure food hygiene and safety of fish ports, for acts prescribed in Clause 2 of this Article.

Article 21. - Violation of regulations on aquatic goods labels

The handling of administrative violations on goods labels in the aquatic resource domain shall comply with the Government's Decree prescribing the sanctioning of administrative violations in the commercial field.

Chapter III

SANCTIONING COMPETENCE AND PROCEDURES, EXECUTION OF DECISIONS ON SANCTIONING ADMINISTRATIVE VIOLATIONS IN THE AQUATIC RESOURCE DOMAIN

Article 22. - Competence of the People's Committees at different levels

The presidents of the People's Committees at different levels shall have the right to sanction administrative violations in the aquatic resource domain as provided for in Articles 28, 29 and 30 of the Ordinance on Handling of Administrative Violations.

Article 23. - Competence of aquatic resource specialized inspectorate

1. Aquatic resource specialized inspectors at all levels on official duties shall have the right:

a) To impose caution;

b) To impose fines of up to VND 200,000;

c) To confiscate material evidences, means used in the administrative violations, which are valued at up to VND 2,000,000;

d) To apply consequence-overcoming measures prescribed at Points a, b and d, Clause 3, Article 7 of

this Decree.

2. The chief inspectors of the provincial/municipal Services of Aquatic Resources (or Services of Agriculture and Rural Development which manage aquatic resources) shall have the right:

- a) To impose caution;
- b) To impose fines of up to VND 20,000,000;
- c) To strip off the right to use permits and professional practice certificates falling under their competence;
- d) To confiscate material evidences, means used for administrative violations;
- e) To apply consequence-overcoming measures prescribed at Points a, b and d, Clause 3, Article 7 of this Decree.

3. The chief inspector of the Aquatic Resources Ministry shall have the right:

- a) To impose caution;
- b) To impose fines of up to VND 30,000,000;
- c) To strip off the right to use permits, professional practice certificates falling under his/her jurisdiction;
- d) To confiscate material evidences, means used for administrative violations;
- e) To apply consequence-overcoming measures prescribed at Points a, b and d, Clause 3, Article 7 of this Decree.

Article 24.- Competence of the People's Police offices, Border Guards, Coast Guards, Customs, Tax Offices, Market Management Agencies, directors of Maritime Port Authorities, directors of Inland Water Port Authorities

1. Competent persons of the agencies of the People's Police, Coast Guard, Border Guard, Customs, Market Management, Tax, directors of Maritime Port Authorities, directors of Inland Water Port Authorities, defined in Articles 31, 32, 33, 34, 36, 37, 38 and 39 of the Ordinance on Handling of Administrative Violations are entitled to sanction administrative violations in the aquatic resource domain according to this Decree for acts of

administrative violations related to the domains under their respective management.

2. The principles for determining the competence to sanction administrative violations in the aquatic resource domain shall comply with the provisions in Article 42 of the Ordinance on Handling of Administrative Violations.

Article 25.- Procedures for sanctioning administrative violations

1. When sanctioning administrative violations, the persons with sanctioning competence must comply with the procedures prescribed in Articles from 53 to 63 of the Ordinance on Handling of Administrative Violations.

2. For confiscated material evidences of administrative violations, which are prone to cause fires or explosion like explosives, detonators, fuse..., the persons with sanctioning competence must carry out procedures to transfer them as soon as possible to the police offices or local military commands for management under the Government's regulations on management of weapons, explosive materials and support devices. When transferring them, the records thereon must be made with the signatures of the persons having the sanctioning competence and the representative of the receiving party; the records must be made at least in two copies.

Article 26.- Sending decisions on sanctioning of administrative violations for execution

1. In cases where individuals or organizations commit administrative violations in one locality but reside or headquarter in other localities and have no conditions to abide by the administratively sanctioning decisions in localities where they are sanctioned, the sanctioning decisions shall be sent to the agencies competent to sanction administrative violations of the same level in the localities where such individuals reside or such organizations are headquartered for execution. In cases where there exist no agencies competent to sanction administrative violations of the same level in localities where such individuals resides

or such organizations are headquartered, the sanctioning decisions shall be sent to the district-level People's Committees for organization of the execution thereof. The dossiers on sanctioning of administrative violations shall be kept by the agencies which sign the sanctioning decisions.

2. Agencies which receive the administratively sanctioning decisions shall have to hand them to the sanctioned individuals and organizations and organize the execution thereof under the provisions in Article 64 of the Ordinance on Handling of Administrative Violations, then notify the results to the agencies which sent the decisions.

3. The sending of administratively sanctioning decisions shall apply to collect fines. The additional sanctioning forms and/or consequence-overcoming measures (if any) must be effected immediately at the places where violations are committed. In cases where subjects fail to voluntarily execute or have no conditions to execute consequence-overcoming measures (if any), the expenses for the execution thereof shall be clearly inscribed in the sanctioning decisions for sending the sanctioning decisions.

Article 27.- Application of measures to prevent administrative violations and ensure the sanctioning of administrative violations

1. The measures to prevent administrative violations and ensure the sanctioning of administrative violations and the application of such measures are prescribed in Article 43 of the Ordinance on Handling of Administrative Violations.

2. The competence, order and procedures for application of measures to prevent administrative violations and ensure the sanctioning of administrative violations in the aquatic resource domain shall comply with the provisions in Articles 44, 45, 46, 47, 48 and 49 of the Ordinance on Handling of Administrative Violations.

Article 28.- Handling of violations committed by persons competent to handle administrative violations

The handling of violations committed by persons competent to handle administrative violations shall

comply with the provisions in Article 121 of the Ordinance on Handling of Administrative Violations.

Article 29.- Complaints, denunciations

The rights of organizations and individuals to complain about decisions to sanction administrative violations and/or decisions to apply measures to prevent administrative violations and ensure the handling thereof; the citizens' right to denounce illegal acts in handling administrative violations; the competence, procedures and time limits for settling complaints and denunciations shall comply with the provisions in Article 118 of the Ordinance on Handling of Administrative Violations.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 30.- Effect of the Decree

1. This Decree takes effect 15 days after its publication in the Official Gazette.

2. This Decree replaces the Government's Decree No. 48/CP of August 12, 1996 prescribing the sanctioning of administrative violations in the field of aquatic resource protection.

3. Other regulations on sanctioning administrative violations in the aquatic resource domain, which are contrary to this Decree, are all hereby annulled.

Article 31.- Responsibility to guide and implement the Decree

The Aquatic Resources Minister shall have the responsibility to guide and inspect the implementation of this Decree.

The ministers, the heads of the ministerial-level agencies, the heads of the agencies attached to the Government, and the presidents of the People's Committees of the provinces or centrally-run cities shall have to implement this Decree.

On behalf of the Government

Prime Minister
PHAN VAN KHAI