

**DECREE No. 81/2006/ND-CP OF AUGUST 9,
2006, ON SANCTIONING OF ADMINISTRATIVE
VIOLATIONS IN THE DOMAIN OF
ENVIRONMENTAL PROTECTION**

THE GOVERNMENT

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

*Pursuant to the November 29, 2005 Law on
Environmental Protection;*

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

*At the proposal of the Minister of Natural Resources
and Environment,*

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Regulation scope

1. This Decree specifies acts of administrative violation in the domain of environmental protection; sanctioning forms, levels, competence and procedures and remedial measures.

2. Administrative violations in the domain of environmental protection are acts violating the regulations on state management in the domain of environmental protection, intentionally or unintentionally committed by individuals or organizations, which are not crimes and must be administratively handled under the provisions of the Ordinance on Handling of Administrative Violations and this Decree.

3. Administrative violations in the domain of environmental protection specified in this Decree include:

a/ Violation of regulations on realization of environmental protection commitments, environmental impact assessment reports and other regulations on environmental protection;

b/ Violation of regulations on environmental pollution, depletion and incident prevention, combat and remedy.

4. Acts of administrative violation in environmental protection specified in relevant decrees shall be sanctioned according to the provisions of such decrees.

Article 2.- Sanctioned subjects

1. Vietnamese and foreign individuals and organizations (hereinafter collectively referred to as individuals and organizations) that commit acts of administrative violation in the domain of environmental protection shall all be sanctioned according to the provisions of this Decree and relevant decrees.

In case it is otherwise provided for by a treaty to which the Socialist Republic of Vietnam is a contracting party, the provisions of such treaty shall apply.

2. Minors who commit acts of administrative violation in the domain of environmental protection shall be sanctioned according to the provisions of Article 7 of the Ordinance on Handling of Administrative Violations.

3. Cadres and civil servants who, while performing official duties related to environmental protection, commit acts of violation of environmental protection law shall not be administratively sanctioned according to the provisions of this Decree but shall be handled according to the provisions of law on cadres and civil servants.

Article 3.- Sanctioning principles

1. All acts of administrative violation in the domain of environmental protection must be detected and sanctioned in time and immediately stopped.

Sanctioning must be conducted in a swift, fair and thorough manner; all environmental consequences caused by acts of administrative violation must be remedied strictly according to the provisions of law.

2. Individuals and organizations shall be sanctioned for administrative violations in the domain of environmental protection only when they commit acts of violation specified in this Decree and other government decrees providing for the sanctioning of administrative violations related to environment.

3. An act of administrative violation in the domain of environmental protection shall be administratively sanctioned only once.

If many persons or many organizations that jointly commit an act of administrative violation in the domain of environmental protection, each of them shall be sanctioned.

A person or an organization that commits many acts of administrative violation in the domain of environmental protection shall be sanctioned for each of those acts.

4. The sanctioning of administrative violations in the domain of environmental protection shall be based on the nature and severity of violations, personal records of violators as well as the extenuating and aggravating circumstances in order to decide on appropriate handling forms and measures.

5. Sanctions shall not be imposed on administrative violations in the domain of environmental protection which are committed in emergency circumstances or unexpected incidents or on administrative violations committed by individuals who suffer from mental diseases or other ailments which deprive them of the

capacity to cognize or control their acts.

Article 4.- Extenuating circumstances and aggravating circumstances

Extenuating circumstances and aggravating circumstances applicable to the sanctioning of administrative violations specified in Chapter II of this Decree shall comply with the provisions of Articles 8 and 9 of the Ordinance on Handling of Administrative Violations and Article 6 of Decree No. 134/2003/ND-CP of November 14, 2003, detailing the implementation of a number of articles of the Ordinance on Handling of Administrative Violations (hereinafter referred to as Decree No. 134/2003/ND-CP for short).

Article 5.- Statute of limitations for sanctioning administrative violations

1. The statute of limitations for sanctioning an administrative violation in the domain of environmental protection shall be two years counting from the date such act of administrative violation is committed; past this statute of limitations, no sanction shall be imposed, but remedial measures specified at Points a, b, c and d, Clause 3, Article 7 of this Decree shall still be applied.

2. For individuals against whom criminal proceedings are initiated, who are prosecuted or involved in cases already decided to be brought to trial according to criminal procedures and later decisions are issued to suspend the investigation or their cases, but their committed acts show signs of administrative violation related to environmental protection, they shall be sanctioned for such administrative violations; the statute of limitations for sanctioning administrative violations shall be three months counting from the date competent persons receive suspension decisions and dossiers of violation cases.

3. Within the periods specified in Clauses 1 and 2 of this Article, if individuals or organizations commit new administrative violations in the domain of environmental protection or deliberately shirk or obstruct the sanctioning, the statute of limitations for sanctioning specified in Clauses 1 and 2 of this Article shall not apply. The statute of limitations for sanctioning administrative violations in these cases shall be re-counted, starting from the time new administrative violations are committed or the time acts of deliberately shirking or obstructing the sanctioning terminate.

Article 6.- Time limit for being considered not yet having been sanctioned for administrative violations

Individuals and organizations that have been sanctioned for administrative violations in the domain of environmental protection shall be considered not yet having been sanctioned for such administrative violations if they do not relapse into violations past one year counting from the date they completely abide by sanctioning decisions or the date sanctioning decisions expire.

Article 7.- Sanctioning forms and remedial measures

1. For each act of administrative violation in the domain of environmental protection, the violating individual or organization shall only be subject to one of the following principal sanctioning forms:

- a/ Caution;
- b/ Fine.

The maximum fine level for a single act of violation in the domain of environmental protection shall be VND 70,000,000.

2. Depending on the nature and severity of their violations, violating individuals or organizations may be subject to one or more than one of the following additional sanctioning forms:

a/ Deprivation of the right to use environmental standard conformity certificates and permits related to environmental protection (hereinafter collectively referred to as environment permits) for a definite or indefinite term;

b/ Confiscation of material evidences and means used for commission of administrative violations in the domain of environment protection.

3. Apart from the sanctioning forms specified in Clauses 1 and 2 of this Article, individuals and organizations that commit administrative violations in the domain of environmental protection may also be subject to one or more of the following remedial measures:

a/ Forcible application of environmental protection measures within a given time limit according to the provisions of law on environmental protection;

b/ Forcible application of measures to remedy the environmental pollution caused by their administrative violations;

c/ Forcible taking out of the Vietnamese territory or forcible re-export of polluting goods or articles which have been brought into the country;

d/ Forcible destruction of polluting goods or articles.

e/ Other remedial measures specified in Chapter II of this Article.

Chapter II

ACTS OF ADMINISTRATIVE VIOLATION IN THE DOMAIN OF ENVIRONMENTAL PROTECTION, SANCTIONING FORMS AND LEVELS

Article 8.- Violations of regulations on environmental protection commitments

1. Caution or a fine of between VND 100,000 and VND 500,000 shall be imposed for acts of improperly realizing one of contents in a written environmental

protection commitment.

2. A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed for acts of failing to fully realize all contents in a written environmental protection commitment.

3. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed for acts of failing to register environmental protection commitments with a state management agency in charge of environmental protection, for cases where registration of environmental protection commitments is required.

4. Remedial measures:

a/ Forcible realization of registered environmental protection commitments, for violations specified in Clauses 1 and 2 of this Article;

b/ Forcible registration and realization of environmental protection commitments within fifteen working days after the receipt of administrative violation sanctioning decisions, for violations specified in Clause 3 of this Article.

Article 9.- Violations of regulations on environmental impact assessment and strategic environment assessment

1. A fine of between VND 8,000,000 and VND 10,000,000 shall be imposed for acts of improperly realizing one of contents in an approved environmental impact assessment report and other requirements in the decision approving such environmental impact assessment report.

2. A fine of between VND 11,000,000 and VND 15,000,000 shall be imposed for acts of failing to fully realize contents in an approved environmental impact assessment report and other requirements in the decision approving such environmental impact assessment report.

3. A fine of between VND 20,000,000 and VND

30,000,000 shall be imposed for acts of proceeding with the construction of a work or putting a work into operation without any environmental impact assessment report, for cases where environmental impact assessment reports are required.

4. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed for acts of failing to make a strategic environment assessment report, for cases where strategic environment assessment reports are required.

5. Remedial measures:

a/ Forcible realization of contents in approved environmental impact assessment reports and other requirements in decisions approving such environmental impact assessment reports, for violations specified in Clauses 1 and 2 of this Article;

b/ Forcible making of environmental impact assessment reports for submission to a competent state agency for approval within forty five working days after the receipt of administrative violation sanctioning decisions, in case of projects not yet put into official operation, for violations specified in Clause 3 of this Article;

c/ Forcible treatment of environmental elements to attain the set standards within one hundred and eighty working days after the receipt of administrative violation sanctioning decisions, in case of projects already put into official operation, for violations specified in Clause 3 of this Article;

d/ Forcible making of strategic environment reports for submission to a competent state agency for approval, for violations specified in Clause 4 of this Article;

e/ Forcible application of measures to remedy the environmental pollution, for violations specified in Clauses 1, 2 and 3 of this Article.

Article 10.- Violations of regulations on discharge of wastewater

1. Caution or a fine of between VND 100,000 and VND 500,000 shall be imposed for acts of discharging wastewater less than twice in excess of the permitted standards in cases where the discharged water volume is less than 50 m³/day (24 hours).

2. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for acts of discharging wastewater less than twice in excess of the permitted standards in cases where the discharged water volume is between 50 m³/day and under 5,000 m³/day.

3. A fine of between VND 6,000,000 and VND 8,000,000 shall be imposed for acts of discharging wastewater less than twice in excess of the permitted standards in cases where the discharged water volume is 5,000 m³/day or more.

4. A fine of between VND 9,000,000 and VND 11,000,000 shall be imposed for acts of discharging wastewater twice to less than five times in excess of the permitted standards in cases where the discharged water volume is less than 50 m³/day.

5. A fine of between VND 12,000,000 and VND 14,000,000 shall be imposed for acts of discharging wastewater twice to less than five times in excess of the permitted standards in cases where the discharged water volume is between 50 m³/day and under 5,000 m³/day.

6. A fine of between VND 15,000,000 and VND 17,000,000 shall be imposed for acts of discharging wastewater twice to less than five times in excess of the permitted standards in cases where the discharged water volume is 5,000 m³/day or more.

7. A fine of between VND 18,000,000 and VND 20,000,000 shall be imposed for acts of discharging wastewater five times to less than ten times in excess of the permitted standards in cases where the discharged water volume is less than 50 m³/day.

8. A fine of between VND 21,000,000 and VND

23,000,000 shall be imposed for acts of discharging wastewater five times to less than ten times in excess of the permitted standards in cases where the discharged water volume is between 50 m³/day and under 5,000 m³/day.

9. A fine of between VND 24,000,000 and VND 26,000,000 shall be imposed for acts of discharging wastewater five times to less than ten times in excess of the permitted standards in cases where the discharged water volume is 5,000 m³/day or more.

10. A fine of between VND 27,000,000 and VND 30,000,000 shall be imposed for acts of discharging wastewater ten or more times in excess of the permitted standards in cases where the discharged water volume is less than 50 m³/day.

11. A fine of between VND 31,000,000 and VND 33,000,000 shall be imposed for acts of discharging wastewater ten or more times in excess of the permitted standards in cases where the discharged water volume is between 50 m³/day and under 5,000 m³/day.

12. A fine of between VND 34,000,000 and VND 36,000,000 shall be imposed for acts of discharging wastewater ten or more times in excess of the permitted standards in cases where the discharged water volume is 5,000 m³/day or more.

13. A fine of between VND 15,000,000 and VND 18,000,000 shall be imposed for acts of discharging wastewater containing hazardous substances less than twice in excess of the permitted standards in cases where the discharged water volume is less than 50 m³/day.

14. A fine of between VND 19,000,000 and VND 21,000,000 shall be imposed for acts of discharging wastewater containing hazardous substances less than twice in excess of the permitted standards in cases where the discharged water volume is between

50 m³/day and under 5,000 m³/day.

15. A fine of between VND 22,000,000 and VND 24,000,000 shall be imposed for acts of discharging wastewater containing hazardous substances less than twice in excess of the permitted standards in cases where the discharged water volume is 5,000 m³/day or more.

16. A fine of between VND 25,000,000 and VND 27,000,000 shall be imposed for acts of discharging wastewater containing hazardous substances twice to less than three times in excess of the permitted standards in cases where the discharged water volume is less than 50 m³/day.

17. A fine of between VND 28,000,000 and VND 30,000,000 shall be imposed for acts of discharging wastewater containing hazardous substances twice to less than three times in excess of the permitted standards in cases where the discharged water volume is between 50 m³/day and under 5,000 m³/day.

18. A fine of between VND 31,000,000 and VND 33,000,000 shall be imposed for acts of discharging wastewater containing hazardous substances twice to less than three times in excess of the permitted standards in cases where the discharged water volume is 5,000 m³/day or more.

19. A fine of between VND 34,000,000 and VND 36,000,000 shall be imposed for acts of discharging wastewater containing hazardous substances three times to less than five times in excess of the permitted standards in cases where the discharged water volume is less than 50 m³/day.

20. A fine of between VND 37,000,000 and VND 39,000,000 shall be imposed for acts of discharging wastewater containing hazardous substances three times to less than five times in excess of the permitted standards in cases where the discharged water volume is between 50 m³/day and under 5,000 m³/day.

21. A fine of between VND 40,000,000 and VND 42,000,000 shall be imposed for acts of discharging wastewater containing hazardous substances three times to less than five times in excess of the permitted standards in cases where the discharged water volume is 5,000 m³/day or more.

22. A fine of between VND 43,000,000 and VND 45,000,000 shall be imposed for acts of discharging wastewater containing hazardous substances five or more times in excess of the permitted standards in cases where the discharged water volume is less than 50 m³/day.

23. A fine of between VND 46,000,000 and VND 49,000,000 shall be imposed for acts of discharging wastewater containing hazardous substances five or more times in excess of the permitted standards in cases where the discharged water volume is between 50 m³/day and under 5,000 m³/day.

24. A fine of between VND 50,000,000 and VND 55,000,000 shall be imposed for acts of discharging wastewater containing hazardous substances five or more times in excess of the permitted standards in cases where the discharged water volume is 5,000 m³/day or more.

25. A fine of between VND 60,000,000 and VND 70,000,000 shall be imposed for acts of discharging wastewater containing radioactive substances which contaminate the environment by radioactivity in excess of the permitted level.

26. Additional sanctioning forms and remedial measures:

a/ Deprivation of environment permits for between ninety and one hundred and eighty working days, for violations specified in Clauses 1, 2, 3, 4, 5 and 6 of this Article;

Indefinite deprivation of environment permits, for violations specified in Clauses 7, 8, 9, 10, 11, 12, 13,

14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 of this Article;

b/ Suspension of operation until all necessary environmental protection measures are applied, for violations specified in Clauses 7, 8, 9, 19, 20 and 21 of this Article;

c/ Ban from operation or forcible relocation of violating establishments to places far from residential areas and with a suitable environmental loadability, for violations specified in Clauses 10, 11, 12, 22, 23, 24 and 25 of this Article.

d/ Forcible application of measures to remedy the environmental pollution caused by administrative violations specified in this Article.

Article 11.- Violations of regulations on discharging gas and dust

1. Caution or a fine of between VND 100,000 and VND 500,000 shall be imposed for one of the following acts of violation:

a/ Discharging gas and/or dust less than twice in excess of the permitted environmental standards into the environment;

b/ Discharging fetid or bad smell directly into the environment without going through environmental pollution-restricting devices.

2. A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed for acts of violation specified at Point a, Clause 1 of this Article twice to less than five times in excess of the permitted standards in cases where the discharged gas volume is less than 5,000 m³/hour.

3. A fine of between VND 4,000,000 and VND 6,000,000 shall be imposed for acts specified at Point a, Clause 1 of this Article twice to less than five times in excess of the permitted standards in cases where the discharged gas volume is between 5,000 and

under 20,000 m³/hour.

4. A fine of between VND 7,000,000 and VND 10,000,000 shall be imposed for acts specified at Point a, Clause 1 of this Article twice to less than five times in excess of the permitted standards in cases where the discharged gas volume is 20,000 m³/hour or more.

5. A fine of between VND 11,000,000 and VND 13,000,000 shall be imposed for acts specified at Point a, Clause 1 of this Article five times to less than ten times in excess of the permitted standards in cases where the discharged gas volume is less than 5,000 m³/hour.

6. A fine of between VND 14,000,000 and VND 16,000,000 shall be imposed for acts specified at Point a, Clause 1 of this Article five times to less than ten times in excess of the permitted standards in cases where the discharged gas volume is between 5,000 and under 20,000 m³/hour.

7. A fine of between VND 17,000,000 and VND 20,000,000 shall be imposed for acts specified at Point a, Clause 1 of this Article five times to less than ten times in excess of the permitted standards in cases where the discharged gas volume is 20,000 m³/hour or more.

8. A fine of between VND 21,000,000 and VND 23,000,000 shall be imposed for acts specified at Point a, Clause 1 of this Article ten or more times in excess of the permitted standards in cases where the discharged gas volume is less than 5,000 m³/hour.

9. A fine of between VND 24,000,000 and VND 26,000,000 shall be imposed for acts specified at Point a, Clause 1 of this Article ten or more times in excess of the permitted standards in cases where the discharged gas volume is between 5,000 and under 20,000 m³/hour.

10. A fine of between VND 27,000,000 and VND 30,000,000 shall be imposed for acts specified at Point

a, Clause 1 of this Article ten or more times in excess of the permitted standards in cases where the discharged gas volume is 20,000 m³/hour or more.

11. A fine of between VND 15,000,000 and VND 17,000,000 shall be imposed for acts of discharging gas or dust containing hazardous substances less than twice in excess of the permitted standards in cases where the discharged gas volume is less than 5,000 m³/hour.

12. A fine of between VND 18,000,000 and VND 20,000,000 shall be imposed for acts of discharging gas or dust containing hazardous substances less than twice in excess of the permitted standards in cases where the discharged gas volume is between 5,000 m³/hour and under 20,000 m³/hour.

13. A fine of between VND 21,000,000 and VND 24,000,000 shall be imposed for acts of discharging gas or dust containing hazardous substances less than twice in excess of the permitted standards in cases where the discharged gas volume is 20,000 m³/hour or more.

14. A fine of between VND 25,000,000 and VND 27,000,000 shall be imposed for acts of discharging gas or dust containing hazardous substances twice to under three times in excess of the permitted standards in cases where the discharged gas volume is less than 5,000 m³/hour.

15. A fine of between VND 28,000,000 and VND 30,000,000 shall be imposed for acts of discharging gas or dust containing hazardous substances twice to less than three times in excess of the permitted standards in cases where the discharged gas volume is between 5,000 m³/hour and under 20,000 m³/hour.

16. A fine of between VND 31,000,000 and VND 34,000,000 shall be imposed for acts of discharging gas or dust containing hazardous substances twice to less than three times in excess of the permitted

standards in cases where the discharged gas volume is 20,000 m³/hour or more.

17. A fine of between VND 35,000,000 and VND 37,000,000 shall be imposed for acts of discharging gas or dust containing hazardous substances three times to less than five times in excess of the permitted standards in cases where the discharged gas volume is less than 5,000 m³/hour.

18. A fine of between VND 38,000,000 and VND 40,000,000 shall be imposed for acts of discharging gas or dust containing hazardous substances three times to less than five times in excess of the permitted standards in cases where the discharged gas volume is between 5,000 m³/hour and 20,000 m³/hour.

19. A fine of between VND 41,000,000 and VND 44,000,000 shall be imposed for acts of discharging gas or dust containing hazardous substances three times to less than five times in excess of the permitted standards in cases where the discharged gas volume is 20,000 m³/hour or more.

20. A fine of between VND 45,000,000 and VND 47,000,000 shall be imposed for acts of discharging gas or dust containing hazardous substances five or more times in excess of the permitted standards in cases where the discharged gas volume is less than 5,000 m³/hour.

21. A fine of between VND 48,000,000 and VND 50,000,000 shall be imposed for acts of discharging gas or dust containing hazardous substances five or more times in excess of the permitted standards in cases where the discharged gas volume is between 5,000 m³/hour and 20,000 m³/hour.

22. A fine of between VND 51,000,000 and VND 54,000,000 shall be imposed for acts of discharging gas or dust containing hazardous substances five or more times in excess of the permitted standards in cases where the discharged gas volume is 20,000 m³/hour or more.

23. A fine of between VND 55,000,000 and VND 70,000,000 shall be imposed for acts of discharging gas or dust containing radioactive substances which contaminate the environment by radioactivity in excess of the permitted level.

24. Additional sanctioning forms and remedial measures:

a/ Deprivation of environment permits for between ninety and one hundred and eighty working days, for violations specified in Clauses 2, 3, 4, 11, 12 and 13 of this Article;

Indefinite deprivation of environment permits, for violations specified in Clauses 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of this Article;

b/ Suspension of operation until all necessary environmental protection measures are applied, for violations specified in Clauses 5, 6, 7, 17, 18 and 19 of this Article;

c/ Ban from operation or forcible relocation of violating establishments to places far from residential areas and with a suitable environmental loadability, for violations specified in Clauses 8, 9, 10, 20, 21, 22 and 23 of this Article.

d/ Forcible application of measures to remedy the environmental pollution caused by administrative violations specified in this Article.

Article 12.- Violations of regulations on noise

1. A fine of between VND 200,000 and VND 1,000,000 shall be imposed for acts of making noise less than 1.5 times in excess of the permitted environmental standard from 6:00 hrs to 22:00 hrs.

2. A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed for acts of making noise 1.5 or more times in excess of the permitted environmental standard from 6:00 hrs to 22:00 hrs.

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

7,000,000 shall be imposed for acts of making noise less than 1.5 times in excess of the permitted environmental standard from 22:00 hrs of a day to before 6:00 hrs of the following day.

4. A fine of between VND 8,000,000 and VND 12,000,000 shall be imposed for acts of making noise 1.5 or more times in excess of the permitted environmental standard 22:00 hrs of a day to before 6:00 hrs of the following day.

5. Remedial measure:

Forcible remedying of consequences caused by acts of violation specified in this Article.

Article 13.- Violations of regulations on vibration levels

1. Violations of regulations on vibration levels in construction activities

a/ A fine of between VND 500,000 and VND 2,000,000 shall be imposed for acts of causing vibration level in excess of the permitted environmental standard from 7:00 hrs to 19:00 hrs in areas which require a particularly quiet environment, residential areas, hotels, guest houses and administrative offices; or from 6:00 hrs to 22:00 hrs in residential areas intermingled with commercial, service and production areas.

b/ A fine of between VND 5,000,000 and VND 8,000,000 shall be imposed for acts of causing vibration in excess of the permitted environmental standard from 19:00 hrs of a day to 7:00 hrs of the following day in areas which require a particularly quiet environment, residential areas, hotels and guest houses; or from 22:00 hrs of a day to 6:00 hrs of the following day in residential areas intermingled with commercial, service and production areas.

2. Violations of regulations on vibration levels in industrial production activities:

a/ A fine of between VND 500,000 and VND 2,000,000 shall be imposed for acts of causing vibration in excess of the permitted environmental standard from 6:00 hrs to 18:00 hrs in areas which require a particularly quiet environment, residential areas, hotels, guest houses, administrative offices and residential areas intermingled with commercial, services and production areas.

b/ A fine of between VND 5,000,000 and VND 8,000,000 shall be imposed for acts of causing vibration in excess of the permitted environmental standard from 18:00 hrs of a day to 6:00 hrs of the following day in areas which require a particularly quiet environment, residential areas, hotels, guest houses and residential areas intermingled with commercial, service and production areas.

3. Remedial measure:

Forcible remedying of consequences caused by acts of violation specified in this Article.

Article 14.- Violations of regulations on discharging solid wastes

1. Caution or a fine of between VND 100,000 and VND 500,000 shall be imposed for acts of discharging solid wastes in contravention of regulations on environmental protection.

2. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for acts of violation specified in Clause 1 of this Article causing environmental pollution.

3. A fine of between VND 15,000,000 and VND 30,000,000 shall be imposed for acts of violation specified in Clause 2 of this Article in case discharged solid wastes contain hazardous substances in excess of the permitted standard.

4. A fine of between VND 60,000,000 and VND 70,000,000 shall be imposed for acts of violation

specified in Clause 1 of this Article in case discharged solid wastes contain radioactive substances which contaminate the environment by radioactivity in excess of the permitted level, thus affecting humans and organisms.

5. Additional sanctioning forms and remedial measure:

a/ Deprivation of environment permits for between ninety and one hundred and eighty working days, for violations specified in Clause 2 of this Article;

Indefinite deprivation of environment permits, for violations specified in Clauses 3 and 4 of this Article;

b/ Forcible application of measures to remedy the environmental pollution caused by administrative violations specified in this Article.

Article 15.- Violations of regulations on waste management, transportation and treatment

1. A fine of between VND 500,000 and VND 2,000,000 shall be imposed for acts of managing, transporting and treating wastes and environment pollutants in contravention of regulations on environmental protection.

2. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for acts of violation specified in Clause 1 of this Article which cause environmental pollution.

3. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for acts of managing, transporting and treating wastes which are hazardous or contain radioactive substances in contravention of regulations on environmental protection.

4. A fine of between VND 10,000,000 and VND 15,000,000 shall be imposed for act of failing to make dossiers for registration of generation of hazardous wastes in case where such dossiers and registration

with provincial-level specialized environmental protection agencies are required.

5. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for acts of improperly managing, transporting and treating hazardous wastes, thus causing environmental pollution.

6. A fine of between VND 60,000,000 and VND 70,000,000 shall be imposed for acts of managing, transporting and treating wastes which contain radioactive substances which contaminate the environment by radioactivity in excess of the permitted level.

7. Additional sanctioning forms and remedial measures:

a/ Deprivation of environment permits for between ninety and one hundred and eighty working days, for violations specified in Clause 2 of this Article;

Indefinite deprivation of environment permits for violations specified in Clauses 3, 4 and 5 of this Article;

b/ Forcible application of measures to remedy the environmental pollution caused by administrative violations specified in Clauses 2, 3, 4 and 5 of this Article.

Article 16.- Violations of regulations on import of machines, equipment, means of transport, raw materials, fuels, materials or scraps

1. A fine of between VND 15,000,000 and VND 20,000,000 shall be imposed for acts of importing machines, equipment, means of transport, raw materials, fuels, materials or scraps at variance with the provisions of law on environmental protection;

2. A fine of between VND 25,000,000 and VND 40,000,000 shall be imposed for one of the following acts of violation:

a/ Violating the provisions of Clause 1 of this Article, thus causing environmental pollution;

b/ Importing used machines, equipment or means of transport for dismantlement at variance with the provisions of law on environmental protection.

3. A fine of between VND 30,000,000 and VND 35,000,000 shall be imposed for acts of transiting goods, equipment or means which may cause environmental pollution, depletion or incidents through the Vietnamese territory without permission and having not undergone environmental inspection by a state management agency in charge of environmental protection.

4. A fine of between VND 60,000,000 and VND 70,000,000 shall be imposed for one of the following acts of violation:

a/ Importing machines, equipment or means contaminated with radioactive substances, disease germs or other toxins which have not yet been cleaned up or cannot be cleansed;

b/ Importing or transiting wastes in any form;

c/ Importing compounds which may deplete the ozone layer according to the treaties to which the Socialist Republic of Vietnam is a contracting party.

5. Remedial measures:

a/ Forcible re-export or forcible destruction of machines, equipment, means of transport, raw materials, fuels, materials and scraps not up to environmental standard.

b/ Forcible application of measures to remedy the environmental pollution caused by violations specified in this Article.

Article 17.- Violations of regulations on biological safety

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for acts of researching, experimenting, producing, trading, using, importing, exporting, storing and transporting genetically modified

organisms and products thereof without full satisfaction of conditions on biological safety and completion of procedures specified by law.

2. A fine of between VND 15,000,000 and VND 30,000,000 shall be imposed for one of the following acts of violation:

a/ Failing to comply with regulations on management of biological safety for humans and organisms;

b/ Importing or transiting organisms not on the list of permitted organisms.

3. A fine of between VND 60,000,000 and VND 70,000,000 shall be imposed for acts of violation specified in Clauses 1 and 2 of this Article which cause environmental pollution.

4. Additional sanctioning forms and remedial measures:

a/ Deprivation of environment permits for between 60 and 180 working days for violations specified in Clause 1 of this Article;

Indefinite deprivation of environment permits for violations specified in Clauses 2 and 3 of this Article;

b/ Forcible destruction or forcible re-export;

c/ Forcible remedying of consequences caused by acts of violation specified in Clause 3 of this Article.

Article 18.- Violations of regulations on nature conservation

1. Caution or a fine of between VND 100,000 and VND 500,000 shall be imposed for acts of causing bad environmental impacts in nature conservation zones, natural heritages, tourist resorts and sites.

2. A fine of between VND 15,000,000 and VND 25,000,000 shall be imposed for acts of exploiting nature conservation zones at variance with regulations on environmental protection, causing environmental

depletion.

3. A fine of between VND 50,000,000 and VND 60,000,000 shall be imposed for acts of exploiting national parks and natural heritages at variance with regulations on environmental protection, causing environmental depletion.

4. Remedial measure:

Forcible remedying of consequences caused by acts of violation specified in Clauses 2 and 3 of this Article.

Article 19.- Violations of regulations on prevention and combat of environmental incidents in oil and gas prospection, exploration, exploitation, transportation and other oil leakages and spillages

1. A fine of between VND 15,000,000 and VND 20,000,000 shall be imposed for one of the following acts of violation:

a/ Failing to equip devices to prevent and combat oil leakages, fires, explosions or spillages according to regulations of competent state agencies;

b/ Failing to work out plans to prevent and combat oil leakages, fires, explosions or spillages according to regulations of competent state agencies.

2. A fine of between VND 25,000,000 and VND 40,000,000 shall be imposed for acts of causing oil leakages, fires, explosions or spillages.

3. A fine of between VND 60,000,000 and VND 70,000,000 shall be imposed for acts of violation specified in Clause 2 of this Article, causing environmental pollution.

4. Remedial measure:

Forcible remedying of the environmental pollution caused by acts of violation specified in Clauses 2 and 3 of this Article.

Article 20.- Violations of regulations on production, transportation, trading, import, storage and/or use of inflammable or explosive substances

1. A fine of between VND 500,000 and VND 2,000,000 shall be imposed for acts of using firecrackers.

2. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for one of acts of producing, transporting, trading in, storing and using inflammable or explosive substances at variance with the provisions of law on environmental protection.

3. A fine of between VND 6,000,000 and VND 15,000,000 shall be imposed for acts of producing, transporting, storing and using inflammable or explosive substances, thus causing environmental pollution.

4. A fine of between VND 15,000,000 and VND 20,000,000 shall be imposed for acts of using assorted explosives extracted from bombs, mines, grenades or other weapons to produce fireworks.

5. A fine of between VND 20,000,000 and VND 25,000,000 shall be imposed for acts of producing, trading in and transporting firecrackers.

6. A fine of between VND 60,000,000 and VND 70,000,000 shall be imposed for acts of violation specified in Clauses 1, 2 and 3 of this Article which cause environmental incidents.

7. Additional sanctioning forms and remedial measures:

a/ Confiscation of material evidences and means used for commission of administrative violations in the environmental domain;

b/ Forcible remedying of consequences caused by acts of violation specified in Clauses 2, 3, 4 and 5 of this Article.

Article 21.- Violations of regulations on soil pollution

1. Caution or a fine of between VND 100,000 and VND 500,000 shall be imposed for acts of burying or discharging into the soil environmental pollutants in contravention of the provisions of law on environmental protection.

2. A fine of between VND 5,000,000 and VND 15,000,000 shall be imposed for acts of violation specified in Clause 1 of this Article, which cause soil pollution.

3. A fine of between VND 25,000,000 and VND 35,000,000 shall be imposed for acts of violation specified in Clause 2 of this Article in case pollutants contain hazardous wastes in excess of the permitted standards.

4. A fine of between VND 60,000,000 and VND 70,000,000 shall be imposed for acts of violation specified in Clause 2 of this Article in case pollutants contain radioactive substances which contaminate the environment by radioactivity in excess of the permitted level.

5. Remedial measure:

Forcible remedying of consequences caused by acts of violation specified in Clauses 2, 3 and 4 of this Article.

Article 22.- Violations of regulations on water environment pollution

1. Caution or a fine of between VND 100,000 and VND 500,000 shall be imposed for acts of discharging into the water environment pollutants in excess of the permitted standards.

2. A fine of between VND 5,000,000 and VND 15,000,000 shall be imposed for acts of violation specified in Clause 1 of this Article, which cause water

pollution.

3. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for acts of violation specified in Clause 2 of this Article in case pollutants contain hazardous wastes in excess of the permitted environmental standards.

4. A fine of between VND 60,000,000 and VND 70,000,000 shall be imposed for one of the following acts of violation:

a/ Violating the provisions of Clause 2 of this Article in case pollutants contain radioactive substances which contaminate the environment by radioactivity in excess of the permitted level.

b/ Discharging into underground water sources toxic chemicals, hazardous substances, wastes or microorganisms which have not yet been tested and other agents hazardous to humans and organisms;

c/ Dumping wastes in the seas of the Socialist Republic of Vietnam.

5. Remedial measure:

Forcible remedying of consequences caused by acts of violation specified in Clauses 2, 3 and 4 of this Article.

Article 23.- Violation of regulations on air pollution

1. A fine of between VND 5,000,000 and VND 15,000,000 shall be imposed for acts of causing air pollution.

2. A fine of between VND 20,000,000 and VND 35,000,000 shall be imposed for acts of violation specified in Clause 1 of this Article in case pollutants contain hazardous wastes which cause bad consequences to humans and nature.

3. A fine of between VND 60,000,000 and VND 70,000,000 shall be imposed for acts of violation

specified in Clause 1 of this Article in case pollutants contain radioactive substances which contaminate the environment by radioactivity in excess of the permitted level.

4. Remedial measure:

Forcible remedying of consequences caused by acts of violation specified in this Article.

Article 24.- Violations of regulations on environmentally safe distances from residential areas and nature conservation zones

1. A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed on establishments which fail to strictly comply with regulations on environmentally safe distances from residential areas and nature conservation zones.

2. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on the following production establishments or warehouses which are located in residential areas:

a/ Those which have inflammable or explosive substances;

b/ Those which have radioactive substances or substances giving off strong radiation;

c/ Those which have substances hazardous to human and livestock health;

d/ Those which give off smell badly affecting human health;

e/ Those which make noise or give off dust or exhaust in excess of permitted standards;

f/ Newly built hospitals or medical establishments which treat infectious diseases.

3. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed for one of acts of violation specified in Clause 1, and Points d and f, Clause 2 of this Article which causes environmental pollution.

4. A fine of between VND 60,000,000 and VND 70,000,000 shall be imposed for one of acts of violation specified at Points a, b and c, Clause 2 of this Article which causes environmental pollution.

5. Additional sanctioning forms and remedial measures:

a/ Deprivation of environment permits for between sixty and one hundred eighty working days for violations specified in Clauses 1 and 2 of this Article;

Indefinite deprivation of environment permits for violations specified in Clauses 3 and 4 of this Article;

b/ Forcible compliance with the provisions on environmentally safe distances from residential areas and nature conservation zones or forcible relocation of violating establishments from residential areas and nature conservation zones;

c/ Forcible remedying of consequences caused by acts of violation specified in Clauses 3 and 4 of this Article.

Article 25.- Violations of regulations on response to and remedying of consequences of environmental incidents

1. A fine of between VND 200,000 and VND 1,000,000 shall be imposed for one of the following acts:

a/ Failing to promptly report to the nearest state management agencies in charge of environment protection or other competent state agencies on environmental incidents upon detection thereof;

b/ Failing to apply measures under one's own responsibility to promptly remedy environmental incidents;

c/ Failing to abide by or improperly abiding by orders on urgent mobilization of manpower, supplies and means for remedying environmental incidents.

2. A fine of between VND 20,000,000 and VND

40,000,000 shall be imposed for acts of causing environmental incidents.

3. A fine of between VND 60,000,000 and VND 70,000,000 shall be imposed for acts of violation specified in Clause 2 of this Article without remedying environmental incidents.

4. Remedial measure:

Forcible remedying of consequences caused by acts of violation specified in this Article.

Article 26.- Violations of regulations on compulsory recovery of used products and packing materials

1. A fine of between VND 5,000,000 and VND 15,000,000 shall be imposed for acts of failing to recover used products and packing materials in case the recovery of such products or packing materials is compulsory.

2. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed for acts of violation specified in Clause 1 of this Article which cause environmental pollution.

3. Remedial measure:

Forcible remedying of consequences caused by acts of violation specified in this Article.

Article 27.- Violations of regulations on collection, management, exploitation and use of environmental data and information

1. Caution or a fine of between VND 100,000 and VND 500,000 shall be imposed for acts of obstructing the observation, collection, exchange, exploitation and use of environmental data and information already approved by competent state agencies.

2. A fine of between VND 500,000 and VND 1,000,000 shall be imposed for one of the following acts of violation:

a/ Failing to abide by regulations on processing of environmental data and information;

b/ Supplying environmental data and information ultra vires;

c/ Failing to make public environmental data and information.

3. A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed for acts of illegally accessing to the environmental data and information archival system.

4. A fine of between VND 2,000,000 and VND 3,000,000 shall be imposed for acts of submitting insufficient investigation, survey and observation data and other relevant documents to the agencies archiving environmental data and information according to regulations promulgated by competent state agencies.

5. A fine of between VND 3,000,000 and VND 4,000,000 shall be imposed for acts of falsifying or deleting environmental data and information.

6. A fine of between VND 4,000,000 and VND 5,000,000 shall be imposed for acts of supplying untruthful computing data, investigation and survey conclusions to the agencies archiving environmental data and information.

7. A fine of between VND 5,000,000 and VND 7,000,000 shall be imposed for acts of falsifying information which cause bad environmental impacts.

8. Remedial measure:

Forcible remedying of consequences caused by acts of violation specified in Clauses 4, 5, 6 and 7 of this Article.

Article 28.- Violations of regulations on the provision of environmental impact assessment consultancy or appraisal services

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for acts of practicing environmental impact assessment consultancy or appraisal services at variance with practice licenses.

2. A fine of between VND 15,000,000 and VND 25,000,000 shall be imposed for one of the following acts of violation:

a/ Practicing environmental impact assessment consultancy without permits of competent state agencies;

b/ Appraising environmental impact assessments at variance with practice licenses.

3. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed for acts of practicing environmental impact assessment appraisal services without permits of competent state agencies;.

Article 29.- Violations of regulations on assessment of the current environmental status

1. A fine of between VND 500,000 and VND 2,000,000 shall be imposed for acts of inaccurately reporting on the current environmental status to a state management agency in charge of environmental protection.

2. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed for acts of failing to report on the current environmental status according to the provisions of law on environmental protection.

3. Remedial measure:

Forcible reporting at the request of the state management agencies in charge of environmental protection.

Article 30.- Violations of regulations on payment of deposits for environmental improvement or rehabilitation

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed for acts of failing to pay deposits for environmental improvement or rehabilitation in activities of exploiting natural resources.

2. Remedial measure:

Forcible payment of deposits for environmental improvement or rehabilitation according to the provisions of law.

Article 31.- Violations of regulations on purchase of insurance for liability to pay compensations for environmental damage

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on organizations or individuals that conduct activities which are likely to cause heavy damage to the environment but fail to purchase insurance for liability to pay compensations for environmental damage.

2. Remedial measure:

Forcible purchase of insurance for liability to pay compensations for environmental damage.

Article 32.- Acts of obstructing the state management of environmental protection

1. Caution or a fine of between VND 100,000 and VND 500,000 shall be imposed for acts of obstructing the investigation, study, control and assessment of the current environmental status.

2. A fine of between VND 1,000,000 and VND 4,000,000 shall be imposed for acts of obstructing the inspection and examination of environmental protection conducted by competent persons or state management agencies.

3. Remedial measure:

Forcible compliance with requests of state

management agencies in charge of environmental protection.

Chapter III

SANCTIONING COMPETENCE AND PROCEDURES

Article 33.- Competence of presidents of People's Committees at different levels to sanction administrative violations

1. Commune/ward/township People's Committee presidents are competent:

a/ To impose caution;

b/ To impose fines of up to VND 500,000;

c/ To confiscate material evidence and means valued at up to VND 500,000 used for commission of administrative violations in the environmental domain;

d/ To force the application of measures to remedy environmental pollution or depletion caused by acts of violation;

e/ To force the destruction of polluting goods and articles.

2. Presidents of People's Committees of rural districts, urban districts, towns or provincial cities are competent:

a/ To impose caution;

b/ To impose fines of up to VND 20,000,000;

c/ To confiscate material evidence and means used for commission of administrative violations in the environmental domain;

d/ To force the application of measures to remedy environmental pollution caused by acts of violation;

e/ To force the destruction of polluting goods and articles.

3. Provincial/municipal People's Committee presidents are competent:

- a/ To impose caution;
- b/ To impose fines of up to VND 70,000,000;
- c/ To deprive of the right to use environment permits granted by provincial/municipal Services of Natural Resources and Environment;
- d/ To confiscate material evidence and means used for commission of administrative violations in the environmental domain;
- e/ To force the destruction of polluting goods and articles;
- f/ To force the taking out of the Vietnamese territory or the re-export of polluting goods and articles which have been brought into the country;
- g/ To force the application of measures to remedy environmental pollution or depletion caused by acts of violation.

Article 34.- Competence of specialized environmental protection inspectors to sanction administrative violations

1. Specialized natural resources and environment inspectors of provincial/municipal Services of Natural Resources and Environment and of the Ministry of Natural Resources and Environment who are on official duty are competent:

- a/ To impose caution;
- b/ To impose fines of up to VND 200,000;
- c/ To confiscate material evidence and means valued at up to VND 2,000,000 used for commission of administrative violations in the environmental domain;
- d/ To force the destruction of polluting goods and articles;

e/ To force the application of measures to remedy environmental pollution or depletion caused by acts of violation.

2. Chief inspectors of provincial/municipal Services of Natural Resources and Environment are competent:

- a/ To impose caution;
- b/ To impose fines of up to VND 20,000,000;
- c/ To deprive of the right to use environment permits under their authority;
- d/ To confiscate material evidence and means used for commission of administrative violations in the environmental domain;
- e/ To force the destruction of polluting goods and articles;
- f/ To force the application of measures to remedy environmental pollution or depletion caused by acts of violation.

3. The chief inspector of the Ministry of Natural Resources and Environment is competent:

- a/ To impose caution;
- b/ To impose fines of up to VND 70,000,000;
- c/ To deprive of the right to use environment permits under his/her authority;
- d/ To confiscate material evidence and means used for commission of administrative violations in the environmental domain;
- e/ To force the destruction of polluting goods and articles;
- f/ To force the taking out of the Vietnamese territory or the re-export of polluting goods and articles which have been brought into the country;
- g/ To force the application of measures to redress the environmental pollution or degradation caused by

acts of violation.

Article 35.- Competence of state management agencies and specialized state inspectorates to sanction administrative violations in the domain of environmental protection

In addition to the persons with sanctioning competence defined in Articles 33 and 34 of this Decree, persons having sanctioning competence under the provisions of the Ordinance on Handling of Administrative Violations, upon detecting acts of administrative violation specified in this Decree which fall within their respective fields and geographical areas of management, may sanction them in strict compliance with the provisions of law on handling of administrative violations.

Article 36.- Procedures for sanctioning administrative violations

1. Upon detecting acts of administrative violation in the domain of environmental protection, persons having sanctioning competence must order the immediate stoppage of such acts of violation and concurrently make written records on acts of violation, except for case of sanctioning according to simple procedures. Such a written record shall be made according to a form set by law and sanctioning shall be conducted according to the vested competence. In case an act of violation does not fall under the sanctioning competence of the written record maker, such written record must be sent to the person competent to sanction it.

2. The administrative violation-sanctioning order and procedures shall be as follows:

a/ For administrative violations subject to caution or a fine of up to VND 100,000, the persons competent to sanction them shall issue sanctioning decisions on spot.

A sanctioning decision must clearly state the day, month and year of issuance; the full name and address of the violator or the name and address of the violating organization; act of violation; place where the violation is committed; the full name and position of the decision issuer; the applicable clauses and articles of relevant legal documents. One copy of such a decision must be handed to the sanctioned individual or organization.

In case of fines, a decision must clearly state the fine amount; the violating individual or the representative of the violating organization may pay the fine on spot to the person with sanctioning competence; in case of on-spot fine payment, a fine receipt shall be issued.

b/ For administrative violations subject to a fine of over VND 100,000, persons with sanctioning competence must make written records on administrative violations. An administrative violation written record must clearly state the date and place of making the record; the full name and position of the record maker; the full name, address and occupation of the violator or the name and address of the violating organization; the act of violation, measures to prevent administrative violation and ensure the sanctioning (if any); the conditions of temporarily seized goods and/or articles; statements of the violator or the representative of the violating organization; in case of presence of witnesses, victims or representatives of damaged organizations, full names and addresses of victims must be indicated.

3. Fined organizations and individuals must pay fine amounts at the State Treasuries stated in sanctioning decisions and shall be given fine receipts.

In remote or far-flung areas, on a river or the sea, in areas difficult to access or after working hours, the administratively sanctioned individuals and organizations may pay fine amounts to competent sanctioning persons. Competent sanctioning persons shall have to collect fine amounts on spot and remit

them into the State Treasuries as defined in Clause 3, Article 58 of the Ordinance on Handling of Administrative Violations. Sanctioned persons may refuse to pay fine amounts if no fine receipts are given to them.

4. When confiscating polluting goods and/or articles, persons with sanctioning competence must make written records thereon, clearly stating the names, quantities, conditions and quality of the confiscated goods and/or articles, which shall be signed by confiscators, sanctioned persons or representatives of sanctioned organizations and witnesses. In case of necessity to seal off polluting goods and/or articles, such must be conducted in the presence of sanctioned persons or representatives of sanctioned organizations and witnesses.

5. Sanctioned individuals and organizations must abide by sanctioning decisions within 10 days after such sanctioning decisions are handed to them. Past the above-said time limit, if sanctioned individuals and organizations fail to voluntarily abide by sanctioning decisions, they shall be coerced to do so according to the provisions of Article 66 of the Ordinance on Handling of Administrative Violations and the Government's Decree No. 37/2005/ND-CP of March 18, 2005, providing procedures for application of measures to coerce compliance with administrative violation sanctioning decisions.

6. Individuals getting fined VND 500,000 or more may postpone the payment of fines in cases where they meet with particular financial difficulties. The procedures and time limit for postponement of payment of fines shall comply with the provisions of Article 65 of the Ordinance on Handling of Administrative Violations.

Article 37.- Deprivation of the right to use permits

1. Individuals and organizations that are granted assorted environment permits by state management

agencies in charge of environmental protection may all be deprived of the right to use such permits if their administrative violations are directly related to the provisions on use of such permits.

Upon deciding to deprive of the right to use permits, competent persons must make written records thereon, clearly stating reasons for the deprivation of the right to use permits according to the provisions of Article 59 of the Ordinance on Handling of Administrative Violations, and concurrently force the stoppage of violations.

The deprivation of the right to use permits shall be effected only after the written decisions are issued by the competent persons defined in Clause 3, Article 33; Clauses 2 and 3, Article 34 of this Decree. Such decisions must be sent to the sanctioned individuals and organizations, and concurrently notified to agencies which have granted such permits.

Competent persons defined in Clauses 1, 2, 3 of Article 33 of this Decree may propose the environment permit-granting agencies to withdraw such permits.

2. Definite deprivation of the right to use permits shall be applied to first-time violations which can be remedied. Upon the expiry of the duration stated in sanctioning decisions, persons with sanctioning competence must return permits to organizations or individuals that are entitled to use such permits.

3. Indefinite deprivation of the right to use permits shall apply to the following cases:

- a/ Permits have been granted ultra vires;
- b/ Permits have contents contrary to regulations on environmental protection;
- c/ The violation of regulations on environmental protection is so serious that violators' continued operations cannot be permitted.

Article 38.- Provisions on application of other administrative measures

1. Persons with sanctioning competence defined in Articles 33, 34 and 35 of this Decree shall decide to apply remedial measures on the basis of legal provisions and the actual damage caused by acts of administrative violation, and shall bear responsibility before law for their decisions.

2. Individuals and organizations subject to the application of remedial measures must execute such sanctioning forms within 10 days after receiving sanctioning decisions, except otherwise provided for by law. In case of failure to execute them, they shall be forced to do so within the set time limit. Expenses for the forced execution shall be paid by individuals or organizations forced to execute them.

3. Where material evidence and/or means used in environment protection-related administrative violations must be confiscated or destroyed, written records thereon must be made and signed by sanctioning decision makers, sanctioned persons and witnesses, and material evidence of administrative violations shall be handled strictly according to the provisions of Articles 60 and 61 of the Ordinance on Handling of Administrative Violations.

Chapter IV

COMPLAINTS, DENUNCIATIONS, HANDLING OF VIOLATIONS

Article 39.- Complaints and denunciations

1. Individuals and organizations sanctioned for administrative violations in the domain of environmental protection or their lawful representatives may complain about sanctioning decisions of competent persons.

Citizens may denounce to competent state agencies illegal acts concerning administrative sanction in the domain of environmental protection.

2. The procedures for lodging complaints and denunciations and the settlement of complaints and denunciations shall comply with the provisions in Articles 118 of the Ordinance on Handling of Administrative Violations.

3. The initiation of lawsuits against decisions on sanctioning of administrative violations, decisions on application of measures to prevent administrative violations in the domain of environmental protection and ensure the sanctioning thereof shall comply with the provisions of law on procedures for settlement of administrative cases.

Article 40.- Handling of persons competent to sanction administrative violations in the domain of environmental protection

Persons competent to sanction administrative violations in the domain of environmental protection, who harass for bribes, tolerate or cover up violators, fail to sanction, or sanction inappropriately or unpromptly, or sanction beyond their competence, shall, depending on the nature and severity of their violations, be disciplined or examined for penal liability; if causing damage to the State, citizens or organizations, they must pay compensations therefor according to the provisions of law.

Article 41.- Handling of violations committed by persons sanctioned for administrative violations

Persons who are sanctioned for administrative violations in the domain of environmental protection, if committing acts of resisting officials on duty, delaying or shirking the execution of the sanction or committing other acts of violation, shall, depending on the nature and severity of their violations, be handled for administrative violations or examined for penal liability. If damage is caused, they must pay compensations therefor according to the provisions of law.

Chapter V**IMPLEMENTATION PROVISIONS****Article 42.-** Solution of existing problems

Production, business or service establishments which had commenced their operation before the effective date of the 2005 Law on Environmental Protection and have already made registration of conformity with environmental standards certified by competent state agencies but commit acts of violating the provisions of the Law on Environmental Protection and this Decree shall be sanctioned like production or service establishments subject to compulsory registration of environmental protection commitments.

Article 43.- Implementation effect

This Decree shall take effect 15 days after its publication in "CONG BAO."

To annul the Government's Decree No.121/2004/ND-CP of May 12, 2004, on the sanctioning of administrative violations in the domain of environmental protection.

Article 44.- Guidance and implementation responsibilities

The Minister of Natural Resources and Environment shall, within the ambit of his/her functions, tasks and powers, have to guide and organize the implementation of this Decree.

Ministers, heads of ministerial-level agencies, heads of government-attached agencies and presidents of provincial/municipal People's Committees shall have to implement this Decree.

On behalf of the Government

Prime Minister

NGUYEN TAN DUNG