

## **THE GOVERNMENT**

### **DECREE No. 159/2007/ND-CP OF OCTOBER 30, 2007, ON SANCTIONING ADMINISTRATIVE VIOLATIONS IN THE DOMAIN OF FOREST MANAGEMENT, FOREST PROTECTION AND FOREST PRODUCT MANAGEMENT**

## **THE GOVERNMENT**

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

*Pursuant to the December 3, 2004 Law on Forest Protection and Development;*

*Pursuant to July 2, 2002 Ordinance No. 44/2002/PL-UBTVQH10 on the Handling of Administrative Violations;*

*At the proposal of the Minister of Agriculture and Rural Development,*

## **DECREES:**

### *Chapter I*

## **GENERAL PROVISIONS**

**Article 1.-** Scope of regulation and subjects of application

### 1. Scope of regulation

This Decree provides for the sanctioning of administrative violations in the domain of forest management, forest protection and forest product management in the territory of the Socialist Republic of Vietnam.

This Decree does not apply to timber and other forest products lawfully imported into Vietnam (including lawfully imported timber lots with volume or quantitative differences upon measurement or

counting).

Importing timber in violation of current state regulations and abusing import dossiers to illegally exploit, trade, transport or store domestic natural forest timber shall be sanctioned under the provisions of this Decree.

### 2. Subjects of application

This Decree provides for administrative sanctions against domestic and foreign individuals and organizations (below collectively referred to as violators) for their intentional or unintentional acts in violation of state regulations on forest management, forest protection and forest product management, regardless of causing damage to forests, forest products or forest environment or not, which are not so severe enough to be examined for penal liability.

In case an international agreement to which the Socialist Republic of Vietnam is a contracting party contains different provisions, the provisions of the international treaty will be applied.

### **Article 2.-** Terms used in the Decree

1. Forest product is a product exploited from a forest plant, animal or organism or its parts,

Timber mentioned in this Decree includes log, sawn timber and square-edged cut timber

2. Endangered, precious and rare forest plants of groups IA and IIA; and endangered, precious and rare forest animals of groups IB and IIB are endangered, precious and rare forest plant and animal species stipulated by the Government.

3. Material evidences and means in administrative violations include:

a/ Material evidences that are forest products infringed upon by violators.

h/ Means that are articles, tools and vehicles used by violators for committing acts of administrative violation.

Vehicles used for illegal transportation of forest products may include road motor vehicles, motorcycles, bicycles, rudimentary vehicles and

animal carts; vessels, motor boats, rafts, boats and other crafts used in waterway traffic.

4. Means illegally appropriated by administrative violators are means of lawful owners which the violators have stolen, robbed, taken by force, openly appropriated from their lawful owners who are unable to stop the open appropriation or committed other illegal acts to deprive lawful owners of the rights to possession, management and use of these means.

5. Material evidences and means are regarded as illegally used by violators in one of the following cases:

a/ The lawful owner of a means leases or lends it to another person or organization or hires another person to operate the means for lawful use purposes, but the person who is leased or lent or hired to operate the means has used it of his/her own choice to illegally transport forest products.

b/ The lawful owner of a means or an individual or organization that is lawfully managing a means hired from another individual or organization assigns the means to his/her/its employee for management, operation or use for lawful production and business purposes but such employees has uses the means of his/her own choice to illegally transport forest products.

6. Violation in an organized manner is the case in which two or more persons closely connive with each other in intentionally committing an act of violation.

7. Repeated violation is the case in which a person who committed an act of administrative violation in the domain of forest management, forest protection and forest product management and has not yet been sanctioned continues committing acts of administrative violation in this domain when the statute of limitations for sanctioning has not yet expired.

8. Recidivism is the case in which a person who committed an act of administrative violation in the domain of forest management, forest protection and forest product management and has been sanctioned for such act continues committing acts of

administrative violation in this domain when the time limit past of which a person will be considered having not been administratively sanctioned has not yet expired.

9. In this Decree, a fine of VND 30,000,0000 is the highest level of administrative sanction for an act of violation in the domain of forest management, forest protection and forest product management under July 2, 2002 Ordinance No. 44/2002/PL-UBTVQH10 on the Handling of Administrative Violations of the National Assembly Standing Committee (below referred to as the Ordinance on the Handling of Administrative Violations for short). When the 2002 Ordinance on the Handling of Administrative Violations is amended or the State promulgates new relevant regulations, the highest fine level will naturally comply with regulations in force.

### Article 3.- Principles for sanctioning

1. All acts of administrative violation in the domain of forest management, forest protection and forest product management must be promptly detected and immediately stopped. Sanctioning must be carried out in a quick, just and lawful manner; all consequences caused by acts of administrative violation must be remedied by violators or their guardians in accordance with law.

Individuals and organizations may be administratively sanctioned in the domain of forest management, forest protection and forest protection management only when they commit acts of administrative violation prescribed in this Decree.

2. Before issuing a decision on sanctioning an administrative violation, the person with sanctioning competence shall take into consideration the personal history of the violator, the nature and severity of the violation as well as extenuating or aggravating circumstances prescribed in Articles 8 and 9 of the Ordinance on the Handling of Administrative Violations so as to decide on the sanctioning form and level and remedies.

3. For a person committing an administrative violation involving neither aggravating nor

extenuating circumstances, the imposed fine is the average of the fine bracket prescribed for the act. If the violation involves an extenuating circumstance(s), the fine level may be reduced but must not be lower than the minimum level of the fine bracket; if the violation involves an aggravating circumstance(s), the fine level may be raised but must not be higher than the maximum level of the fine bracket prescribed for such act.

4. One act of administrative violation shall be sanctioned only once.

5. A person that commits many acts of administrative violation shall be imposed sanctions for each of these acts, which shall then be aggregated into a general sanction.

6. If several persons jointly commit one act of administrative violation, each shall be sanctioned for such act. Division of the common damage to each violator for sanctioning is strictly prohibited.

Many members of a household committing an administrative violation is not regarded as violation in an organized manner and shall be sanctioned as in the case of single violator.

7. Persons aged between full 14 years and under 16 years are subject to caution for committing administrative violations in an intentional manner; those aged between full 16 years and under 18 years are subject to administrative sanction for committing any acts of administrative violation. A fine imposed on them must not exceed half of the fine level imposed on adults; if they have no money to pay a fine, their parents or guardians shall pay it on their behalf.

8. The following acts of violation are subject to penal liability examination but not administrative sanction:

a/ Acts involving material evidences that are endangered, precious and rare forest plants and animals of groups IA and IB on the list of endangered, precious and rare forest plants and animals prescribed in the Government's Decree No. 32/2006/ND-CP of March 30, 2006, on management of endangered, precious and rare forest plants and animals (except

for acts of raising forest animals of group IB prescribed in Clause 4, Article 20 of this Decree).

b/ Acts causing consequences in excess of the maximum level subject to administrative sanction defined in Article 11, 12, 18 or 19 of this Decree.

c/ Illegally transporting or trading in timber in excess of the maximum volume subject to administrative sanction defined at Point d, Clause 1; in Clause 3, Article 21; and Article 22 of this Decree.

d/ Infringing upon more than one type of forest: special-use forest, protection forest and production forest, or illegally exploiting, transporting or trading in two or more types of timber, subject to an aggregate fine exceeding VND 30,000,000, though the area of each type of forest or the volume of each type of timber does not yet exceed the maximum level subject to administrative sanction.

e/ Recidivism, for acts specified in Articles 175 and 189 of the 1999 Penal Code.

9. Acts of administrative violation which cause damage higher than the maximum level subject to administrative sanction in the domain of forest management, forest protection and forest product management but are not regarded under the Penal Code as crimes shall be administratively sanctioned with the highest fine level in the domain of forest management, forest protection and forest product management.

10. Material evidences in administrative violations which are forest plants or animals included in Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) but not on the list of endangered, precious and rare forest plants and animals prescribed in the Government's Decree No. 32/2006/ND-CP of March 30, 2006, on management of endangered, precious and rare forest plants and animals, shall be disposed of as follows:

a/ Material evidences that are species in Appendix I shall be disposed of like endangered, precious and rare forest plants and animals of groups IA and IB.

b/ Material evidences that are species in Appendix

It shall be disposed of like endangered, precious and rare forest plants and animals of groups IIA and IIB in accordance with this Decree.

11. When a criminal case was instituted against but then terminated and an administrative sanction is imposed on the violator, the highest fine will be imposed for his/her act of violation.

In the above case, material evidences that are endangered, precious and rare forest plants and animals of group IA or IB shall be disposed of like endangered, precious and rare forest plants and animals of groups IIA and IIB.

**Article 4.-** Statute of limitations for sanctioning administrative violations

1. The statute of limitations for sanctioning administrative violations in the domain of forest management, forest protection and forest product management is one year counting from the date acts of administrative violation are committed. Past this period, violators are not administratively sanctioned but are still forced to take remedies specified in Article 6 of this Decree.

For acts of illegally storing forest products, the statute of limitations for sanctioning is counted from the time they are detected.

2. For a violator against whom a criminal case had been instituted, who had been prosecuted, or against whom a decision to bring his/her criminal case to trial had been issued according to criminal procedures, if a decision on terminating criminal proceedings was later issued and the dossier is transferred for administrative sanctioning, the statute of limitations for sanctioning the administrative violation is three months, counting from the date the person with sanctioning competence receives the decision on termination of the criminal case and the dossier of the case of violation.

**Article 5.-** Sanctioning forms

1. A violator is subject to one of the following principal sanctioning forms: caution or fine, under the provisions of Chapter II of this Decree..

2. Depending on the nature and severity of violation, violating individuals or organizations may be subject to one or more of additional sanctioning forms, such as deprivation of the right to use a license or practice certificate and confiscation of material evidences and means used in administrative violations.

3. Foreign violators may be expelled. Expulsion may be applied as a principal or additional sanctioning form on a case-by-case basis.

**Article 6.-** Remedies

In addition to the sanctioning forms stipulated in Article 5 of this Decree, violators may also be subject to one or more of the following remedies:

1. Forced reforestation or payment of reforestation expenses according to investment ratios applied in localities at the time of commission of administrative violations.

2. Forced dismantlement of illegally constructed structures; forced remedy of or payment for expenses for remedying consequences caused by administrative violations on dug or excavated areas.

3. Forced payment of expenses for forest fire extinguishment; forced remedy of or payment of expenses for remedying environmental pollution.

4. Forced payment of expenses for rescue or destruction of wounded or killed wild animals, expenses for releasing wild animals into their natural habitats.

5. Forced transportation of passengers to coach stations or payment of expenses for such transportation, in case of using vehicles carrying passengers for illegally transporting forest products.

**Article 7.-** Identification of forest and forest product damage

1. Units of calculation used for damage identification

a/ Square meter (m<sup>2</sup>) for forest area.

b/ Cubic meter (m<sup>3</sup>) for timber volume converted into log. Sawn timber and square-edged cut timber

are converted into log by multiplying by 1.6.

c/ For stumps, roots and timber of unusual shape (excluding post-processing scraps) of endangered, precious and rare species which cannot be measured and calculated in cubic meter, they shall be determined in weight, with 1,000 kg equivalent to 1 cubic meter of log; if they are not of endangered, precious and rare species, their weight shall be calculated in the unit stere as fuelwood.

d/ Stere, for fuelwood.

e/ Vietnamese currency, with *dong* as the monetary unit, for other forest products.

## 2. Methods of damage identification

a/ Identification of damaged forest areas on the field.

b/ Identification of the actual volume of damaged timber or fuelwood according to current regulations.

c/ The value of damaged forest products or the value of means used in administrative violations shall be determined according to market prices at the time of occurrence of administrative violations.

## Chapter II

### ACTS OF ADMINISTRATIVE VIOLATION, SANCTIONING FORMS AND LEVELS

**Article 8.-** Violations of the State's general regulations on forest protection

Those who commit acts of violating the State's general regulations on forest protection shall be sanctioned as follows:

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

a/ Taking pulling animals and manual tools into forests for illegally hunting birds and animals or exploiting forest products;

b/ Illegally raising, planting and releasing alien animal and plant species into national parks or nature reserves.

c/ Taking inflammables or explosives into or building fires in forests where smoking and throwing or discharging of glowing ashes into forests are banned.

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

a/ Organizing illegal scientific researches in special-use forests; illegally collecting specimens in forests.

b/ Illegally taking mechanical equipment and tools into forests for exploiting and processing forest products.

c/ Advertising illegal trade in wild forest plants and animals and their parts.

3. Those who commit acts of violation specified in this Article, causing damage to forests or forest products, shall be sanctioned under Article 18 or 19 of this Decree.

**Article 9.-** Violations of regulations on timber exploitation designs

Those who violate regulations on timber exploitation designs shall be sanctioned as follows:

1. A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed on violators in one of the following cases:

a/ Total volume of timber actually logged from designed and marked-for-cutting trees in a forest lot is higher by between more than 15% and 20% than the volume indicated in the logging design dossiers.

b/ Appending to-be-cut tree marks on improper trees or on trees in areas in violation of logging designs.

2. A fine of between VND 4,000,000 and VND 10,000,000 shall be imposed on violators committing the following acts of violation:

a/ Conducting field designing in wrong locations compared with those already identified on the map or with wrong logging areas of more than 15%.

b/ Total volume of timber actually logged from designed and marked-for-cutting trees in a forest lot is higher by more than 20% than the volume indicated in its logging design dossier.

**Article 10.-** Violations of regulations on timber logging

These violations are acts of logging timber not according to the designed order, procedures and technical requirements.

Violators of regulations on timber logging shall be sanctioned as follows:

1. A fine of between VND 2,000,000 and VND 3,000,000 shall be imposed on those who commit one of the following acts of violation:

a/ Failing to carry out procedures for delivering and receiving logging dossiers and sites according to current regulations of the State.

b/ Failing to clear up creepers before logging; failing to clean forests after logging, failing to mend stumps of cut trees capable of regenerating shoots, leaving stumps higher than the level prescribed for natural forests according to the selective logging method.

2. A fine of between VND 4,000,000 and VND 6,000,000 shall be imposed on those who commit one of the following acts:

a/ Failing to cut all twisted and diseased trees already marked for cutting.

b/ Opening paths and creating timber yards at wrong locations compared with the design. In case of causing damage to forests or forest products, this act shall be sanctioned under Article 18 of this Decree.

3. Those who log timber in wrong forest lots compared with the design or cut trees not marked for cutting shall be fined under Article 19 of this Decree.

**Article 11.-** Violations related to deforestation for farming purposes

Those who commit acts of illegal deforestation for farming purposes shall be sanctioned as follows:

1. For production forests:

a/ A fine of between VND 1,000/m<sup>2</sup> and VND 2,000/m<sup>2</sup>, if causing damage to up to 7,000 m<sup>2</sup>.

b/ A fine of between VND 1,500/m<sup>2</sup> and VND 2,500/m<sup>2</sup>, if causing damage to between more than

7,000 m<sup>2</sup> and 15,000 m<sup>2</sup>.

2. For protection forests:

a/ A fine of between VND 1,400/m<sup>2</sup> and VND 3,000/m<sup>2</sup>, if causing damage to up to 5,000 m<sup>2</sup>.

b/ A fine of between VND 2,000/m<sup>2</sup> and VND 4,000/m<sup>2</sup>, if causing damage to between more than 5,000 m<sup>2</sup> and 10,000 m<sup>2</sup>.

3. For special-use forests:

a/ A fine of between VND 2,000/m<sup>2</sup> and VND 4,000/m<sup>2</sup>, if causing damage to up to 3,500 m<sup>2</sup>.

b/ A fine of between VND 3,000/m<sup>2</sup> and VND 5,000/m<sup>2</sup>, if causing damage to between more than 3,500 m<sup>2</sup> and 7,500 m<sup>2</sup>.

4. Confiscation of material evidences and means used in administrative violations specified in this Article.

5. Those who commit acts of violation specified in this Article shall also be forced to conduct reforestation or pay expenses for reforestation.

**Article 12.-** Violations of regulations on forest fire prevention and fighting

Those who violate regulations on forest fire prevention and fighting shall be sanctioned as follows:

1. A fine of between VND 200,000 and VND 2,000,000 shall be imposed for one of the following acts:

a/ Lighting or using a fire in violation of state regulations in strictly protected protection forest zones or extremely important protection forests.

b/ Lighting or using a fire in forests prone to fire or on dry vegetational cover during the dry season.

c/ Lighting or using a fire near timber warehouses or yards with a forest fire forecast grade from III to V.

d/ Lighting or using a fire for hunting forest animals, felling forest trees and lighting a fire for charcoal in forests, for honey or war scraps.

e/ Illegally practicing slash-and-burn cultivation in or at the edge of a forest.

f/ Failing to ensure safety for forest fire prevention and fighting purposes when permitted to use fire or

heat sources, fire- or heat-generating equipment and tools or when preserving and using inflammables in or at the edge of a forest.

g/ Other acts directly causing risks of forest fire.

2. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed on forest owners who commit one of the following acts of violation:

a/ Failing to make fire prevention and fighting plans and arrange fire prevention and fighting facilities for consolidated forests.

b/ Draining water reserved for fire prevention and fighting during the dry season.

c/ Failing to organize forest patrols and guards to prevent natural forests from catching fire during the dry season.

3. A fine of between VND 2,000/m<sup>2</sup> and VND 4,000/m<sup>2</sup>, if causing a fire to production forests that are natural forests of up to 10,000 m<sup>2</sup>.

4. A fine of between VND 3,000/m<sup>2</sup> and VND 5,000/m<sup>2</sup>, if causing a fire to protection forests of up to 7,500 m<sup>2</sup>.

5. A fine of between VND 5,000/m<sup>2</sup> and VND 7,000/m<sup>2</sup>, if causing a fire to special-use forests of up to 5,000m<sup>2</sup>.

6. For forest plantations

a/ Forest plantations that are production forests:

- A fine of between VND 500/m<sup>2</sup> and VND 1,000/m<sup>2</sup>, if causing damage to up to 40,000 m<sup>2</sup> with planted trees aged up to 3 years;

- A fine of between VND 800/m<sup>2</sup> and VND 1,200/m<sup>2</sup>, if causing damage to up to 30,000 m<sup>2</sup> of forest plantations aged between more than 3 years and 7 years;

- A fine of between VND 1,000/m<sup>2</sup> and VND 2,000/m<sup>2</sup>, if causing damage to up to 20,000 m<sup>2</sup> of forest plantations aged more than 7 years.

b/ Forest plantations that are protection forests:

- A fine of between VND 800/m<sup>2</sup> and VND 1,200/m<sup>2</sup>, if causing damage to up to 30,000 m<sup>2</sup> with planted trees aged up to 3 years;

- A fine of between VND 1,000/m<sup>2</sup> and VND

2,000/m<sup>2</sup>, if causing damage to up to 20,000 m<sup>2</sup> of forest plantations aged between more than 3 years and 7 years;

- A fine of between VND 2,000/m<sup>2</sup> and VND 4,000/m<sup>2</sup>, if causing damage to up to 10,000 m<sup>2</sup> of forest plantations aged more than 7 years.

c/ Forest plantations that are special-use forests:

- A fine of between VND 1,000/m<sup>2</sup> and VND 2,000/m<sup>2</sup>, if causing damage to up to 20,000 m<sup>2</sup> with planted trees aged up to 3 years;

- A fine of between VND 1,600/m<sup>2</sup> and VND 3,400/m<sup>2</sup>, if causing damage to up to 12,000 m<sup>2</sup> of forest plantations aged between more than 3 years and 7 years;

- A fine of between VND 5,000/m<sup>2</sup> and VND 7,000/m<sup>2</sup>, if causing damage to up to 5,000 m<sup>2</sup> of forest plantations aged more than 7 years.

7. Those who commit acts of violations specified in this Article shall be also forced to take either of the following remedies:

a/ Reforesting or paying expenses for reforestation.

b/ Paying forest fire extinguishment expenses.

**Article 13.-** Grazing of cattle in forests in which cattle grazing is banned

Those who graze cattle in forests in which cattle grazing is banned shall be sanctioned as follows:

1. Caution or a fine of between VND 5,000 and VND 100,000 shall be imposed for the following acts:

a/ Grazing cattle in strictly protected zones in special-use forests.

b/ Grazing cattle in forest plantations of saplings or trees aged under 3 years or in forests zoned off for regeneration in which cattle grazing is banned (except for the case specified in Clause 2 of this Article).

2. A fine of between VND 4,000/tree and VND 6,000/tree shall be imposed if cattle have caused damage to more than 25 planted saplings or trees aged under 3 years, but not exceeding VND 30,000,000.

3. Those who commit acts of violation specified in this Article may be also forced to reforest or pay

expenses for reforestation.

**Article 14.-** Violations of regulations on forest pest prevention and control

1. Caution or a fine of between VND 5,000 and VND 500,000 shall be imposed on forest owners who fail to take one of forest pest prevention and control measures prescribed by the law on plant protection.

2. A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed for using forest pesticides not permitted for use in Vietnam or failing to observe quarantine regulations.

3. A fine of between more than VND 2,000,000 and VND 10,000,000 shall be imposed on forest owners with forests hit by an epidemic in 3 or more hectares due to their failure to promptly report to plant protection and quarantine agencies or animal quarantine agencies for pest control and disease treatment instructions and support.

4. Confiscation of illegally used plant protection drugs.

5. Those who commit acts of violation specified in this Article are also forced to remedy consequences or pay expenses for remedying consequences caused by pests or diseases.

**Article 15.-** Illegal encroachment or occupation of forests.

Illegally encroachment or occupation of forests is acts of displacing boundary marks to illegally occupy forest areas of other individuals or organizations.

Those who commit acts of illegally encroaching or occupying forests shall be sanctioned as follows:

1. A fine of between VND 1,200/m<sup>2</sup> and VND 1,800/m<sup>2</sup> for illegally encroaching or occupying up to 5,000 m<sup>2</sup> of special-use forest or important protection forest, or up to 7,500 m<sup>2</sup> of production forest.

2. A fine of between VND 2,000/m<sup>2</sup> and VND 4,000/m<sup>2</sup> for illegally encroaching or occupying more than 5,000 m<sup>2</sup> of extremely important protection forest or special-use forest, or more than 7,500 m<sup>2</sup> of production forest.

3. Those who commit acts of violation specified in Clause 1 or 2 of this Article will, apart from paying a fine, have the illegally encroached or occupied forest area recovered.

Illegally encroaching or occupying and destroying a forest shall be sanctioned under Article 18 of this Decree; illegally encroaching or occupying and exploiting forests shall be sanctioned under Article 19 of this Decree.

4. Those who commit acts of violation specified in this Article shall also be forced to dismantle or pay expenses for dismantling structures illegally constructed on illegally encroached or occupied forest areas.

**Article 16.-** Destruction of facilities used for forest protection and development

Destruction of facilities used for forest protection and development is acts causing damage to facilities used for protection and development (such as fire watch houses or towers, signboards, forest protection rules boards, water tanks and reservoirs used for forest fire extinguishment, all types of tools and equipment used for forest protection and development), altering the state of these facilities or rendering them out of order.

Those who commit acts of destroying facilities used for forest protection and development shall be sanctioned as follows:

1. A fine of between VND 200,000 and VND 500,000 shall be imposed for acts of: scrawling or drawing on signboards or forest protection rules boards; deleting information and images on these boards.

2. A fine of between VND 500,000 and VND 2,000,000 shall be imposed for acts of: draining water reserved for forest fire extinguishment, displacing forest protection signboards.

3. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for acts of: destroying roads in forests, obstructing forest protection patrols and pursuit of illegal loggers, destroying firebreaks.

4. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for acts of: destroying

forest protection rules boards, destroying watch towers, working houses, property and other equipment used in forest protection patrol.

5. Violators shall also be forced to pay expenses for remedying consequences caused by their acts of violation.

If causing consequences which are serious enough for penal liability examination, dossiers shall be transferred to investigative agencies for handling in accordance with the Penal Code.

**Article 17.-** Illegal exploitation of landscape, environment and forestry services

Illegally exploitation of landscape, environment and forestry services is acts of using forest landscape and environment and forestry services for producing, providing services and conducting business or building graveyards without permission of competent state agencies or not in accordance with granted licenses.

Those who commit acts of illegally exploiting landscape and environment and forestry services shall be sanctioned as follows:

1. A fine of between VND 200,000 and VND 500,000 shall be imposed on persons conducting illegal business.

2. A fine of between VND 500,000 and VND 2,000,000 shall be imposed on persons illegally organizing sightseeing spots.

3. A fine of between VND 2,000,000 and VND 3,000,000 shall be imposed on persons illegally building establishments producing and raising aquatic resources, cattle or poultry.

4. Violators shall also be forced to restore the original state or pay expenses for remedying consequences caused by their acts of violation.

**Article 18.-** Illegal deforestation

Illegal deforestation is acts of cutting forest trees (not governed in Article 11 of this Decree), intentionally burning forest trees (not governed in Article 12 of this Decree), excavating, leveling,

exploding mines, digging and building tidal water banks, discharging toxics and other acts that cause damage to forests for whatever purposes without permission of competent state agencies or not in accordance with granted permits.

Those who commit acts of illegal deforestation shall be sanctioned as follows:

1. For production forests that are natural forests:

a/ A fine of between VND 1,000/m<sup>2</sup> and VND 3,000/m<sup>2</sup>, if causing damage to up to 2,500 m<sup>2</sup>.

b/ A fine of between VND 2,000/m<sup>2</sup> and VND 4,000/m<sup>2</sup>, if causing damage to between more than 2,500 m<sup>2</sup> and 5,000 m<sup>2</sup>.

c/ A fine of between VND 3,000/m<sup>2</sup> and VND 4,500/m<sup>2</sup>, if causing damage to between more than 5,000 m<sup>2</sup> and 8,000 m<sup>2</sup>.

2. For protection forests that are natural forests:

a/ A fine of between VND 2,000/m<sup>2</sup> and VND 4,000/m<sup>2</sup>, if causing damage to up to 2,000 m<sup>2</sup>.

b/ A fine of between VND 3,000/m<sup>2</sup> and VND 5,000/m<sup>2</sup>, if causing damage to between more than 2,000 m<sup>2</sup> and 4,000 m<sup>2</sup>.

c/ A fine of between VND 4,000/m<sup>2</sup> and VND 6,000/m<sup>2</sup>, if causing damage to between more than 4,000 m<sup>2</sup> and 6,000 m<sup>2</sup>.

3. For special-use forests that are natural forests; submerged forests, seed forests, experimental research forests:

a/ A fine of between VND 3,000/m<sup>2</sup> and VND 5,000/m<sup>2</sup>, if causing damage to up to 1,500 m<sup>2</sup>.

b/ A fine of between VND 4,000/m<sup>2</sup> and VND 6,000/m<sup>2</sup>, if causing damage to between more than 1,500 m<sup>2</sup> and 2,500 m<sup>2</sup>.

c/ A fine of between VND 5,000/m<sup>2</sup> and VND 10,000/m<sup>2</sup>, if causing damage to between more than 2,500 m<sup>2</sup> and 4,000 m<sup>2</sup>.

4. For forest plantations:

a/ Production forests that are forest plantations:

- A fine of between VND 500/m<sup>2</sup> and VND 1,100/m<sup>2</sup>, if causing damage to up to 37,500 m<sup>2</sup> with planted

trees aged up to 3 years;

- A fine of between VND 900/m<sup>2</sup> and VND 1,500/m<sup>2</sup>, if causing damage to up to 25,000 m<sup>2</sup> of forest plantations aged between more than 3 years to 7 years;

- A fine of between VND 1,000/m<sup>2</sup> and VND 2,200/m<sup>2</sup>, if causing damage to up to 18,750 m<sup>2</sup> of forest plantations aged more than 7 years.

b/ Protection forests that are forest plantations:

- A fine of between VND 900/m<sup>2</sup> and VND 1,500/m<sup>2</sup>, if causing damage to up to 25,000 m<sup>2</sup> with planted trees aged up to 3 years;

- A fine of between VND 1,000/m<sup>2</sup> and VND 2,200/m<sup>2</sup>, if causing damage to up to 18,750 m<sup>2</sup> of forest plantations aged between more than 3 years to 7 years;

- A fine of between VND 3,000/m<sup>2</sup> and VND 4,500/m<sup>2</sup>, if causing damage to up to 8,000 m<sup>2</sup> of forest plantations aged more than 7 years.

c/ Forest plantation that are special-use forests:

- A fine of between VND 1,000/m<sup>2</sup> and VND 2,200/m<sup>2</sup>, if causing damage to up to 18,750 m<sup>2</sup> with planted trees aged up to 3 years;

- A fine of between VND 2,000/m<sup>2</sup> and VND 4,000/m<sup>2</sup>, if causing damage up to 10,000 m<sup>2</sup> of forest plantations aged between more than 3 years to 7 years;

- A fine of between VND 5,000/m<sup>2</sup> and VND 10,000/m<sup>2</sup>, if causing damage up to 4,000 m<sup>2</sup> of forest plantations aged more than 7 years.

5. Those who commit acts of clearing scenes of violation, soil preparation, cultivation or production in forest areas which have been recently deforested shall be fined up to VND 5,000,000, if they are hired employees, they shall be fined up to VND 2,000,000; those who commit acts of collecting forest products on deforested areas shall be sanctioned under Article 19 of this Decree.

6. Those who commit acts of violation specified in this Article are also subject to confiscation of forest products, reforestation or payment of reforestation expenses.

7. Forest owners who are allocated by the State natural forests or forest plantations and state budget

or non-refundable funds for managing, protecting and using these forests for silviculture purposes, shall also be sanctioned under this Article if their forests are destroyed due to their irresponsibility.

#### **Article 19.-** Illegal exploitation of forests

Illegally exploitation of forests is individuals' and organizations' acts of collecting forest products in forests without permission of competent state agencies (if such exploitation is subjected by law to licensing) or not in accordance with granted licenses.

Those who illegally exploit forests shall be sanctioned as follows:

##### 1. Illegally exploiting production forests

a/ For timber not of endangered, precious and rare species of groups IV to VIII:

- A fine of between VND 500,000/m<sup>3</sup> and VND 700,000/m<sup>3</sup>, if illegally logging timber of up to 6 m<sup>3</sup>;

- A fine of between VND 700,000/m<sup>3</sup> and VND 1,000,000/m<sup>3</sup>, if illegally logging timber of between more than 6 m<sup>3</sup> and 15 m<sup>3</sup>;

- A fine of between VND 1,000,000/m<sup>3</sup> and VND 2,000,000/m<sup>3</sup>, if illegally logging timber of between more than 15 m<sup>3</sup> and 20 m<sup>3</sup>.

b/ For timber not of endangered, precious and rare species of groups I to III:

- A fine of between VND 700,000/m<sup>3</sup> and VND 1,000,000/m<sup>3</sup>, if illegally logging timber of up to 4 m<sup>3</sup>;

- A fine of between VND 1,000,000/m<sup>3</sup> and VND 1,500,000/m<sup>3</sup>, if illegally logging timber of between more than 4 m<sup>3</sup> and 10 m<sup>3</sup>;

- A fine of between VND 1,500,000/m<sup>3</sup> and VND 2,500,000/m<sup>3</sup>, if illegally logging timber of between more than 10 m<sup>3</sup> and 15 m<sup>3</sup>.

c/ For timber of endangered, precious and rare species of group IIA:

- A fine of between VND 1,500,000/m<sup>3</sup> and VND 2,000,000/m<sup>3</sup>, if illegally logging timber of up to 3 m<sup>3</sup>;

- A fine of between VND 2,000,000/m<sup>3</sup> and VND

2,500,000/m<sup>3</sup>, if illegally logging timber of between more than 3 m<sup>3</sup> and 6 m<sup>3</sup>;

- A fine of between VND 2,500,000/m<sup>3</sup> and VND 3,500,000/m<sup>3</sup>, if illegally logging timber of between more than 6 m<sup>3</sup> and 10 m<sup>3</sup>.

d/ For fuelwood:

- A fine of between VND 100,000/stere and VND 200,000/stere, if illegally logging fuelwood of up to 20 steres;

- A fine of between VND 200,000/stere and VND 500,000/stere, if illegally logging fuelwood of between more than 20 steres and 30 steres;

- A fine of between VND 500,000/stere and VND 700,000/stere, if illegally logging fuelwood of between more than 30 steres and 50 steres.

e/ For forest plants and their parts other than timber and fuelwood:

- A fine of between 0.8 time and 1.2 times the value of illegally exploited forest products, if such forest products are not of endangered, precious and rare species and are valued up to VND 30,000,000;

- A fine of between 1.2 times and 1.8 times the value of illegally exploited forest products, if such forest products are of endangered, precious and rare species of group IIA and are valued up to VND 20,000,000.

2. Illegally exploiting protection forests:

a/ For timber not of endangered, precious and rare species of groups IV to VIII:

- A fine of between VND 700,000/m<sup>3</sup> to VND 1,000,000/m<sup>3</sup>, if illegally logging timber of up to 5 m<sup>3</sup>;

- A fine of between VND 1,000,000/m<sup>3</sup> and VND 1,500,000/m<sup>3</sup>, if illegally logging timber of between more than 5 m<sup>3</sup> and 10 m<sup>3</sup>;

- A fine of between VND 1,500,000/m<sup>3</sup> and VND 2,500,000/m<sup>3</sup>, if illegally logging timber of between more than 10 m<sup>3</sup> and 15 m<sup>3</sup>;

b/ For timber not of endangered, precious and rare species of groups I to III:

- A fine of between VND 1,000,000/m<sup>3</sup> and VND 1,500,000/m<sup>3</sup>, if illegally logging timber of up to 3 m<sup>3</sup>;

- A fine of between VND 1,500,000/m<sup>3</sup> and VND 2,000,000/m<sup>3</sup>, if illegally logging timber of between more than 3 m<sup>3</sup> and 7 m<sup>3</sup>;

- A fine of between VND 2,000,000/m<sup>3</sup> and VND 4,000,000/m<sup>3</sup>, if illegally logging timber of between more than 7 m<sup>3</sup> and 10 m<sup>3</sup>.

c/ For timber of endangered, precious and rare species of group IIA:

- A fine of between VND 2,000,000/m<sup>3</sup> to VND 3,000,000/m<sup>3</sup>, if illegally logging timber of up to 2 m<sup>3</sup>;

- A fine of between VND 3,000,000/m<sup>3</sup> and VND 3,500,000/m<sup>3</sup>, if illegally logging timber of between more than 2 m<sup>3</sup> and 4 m<sup>3</sup>;

- A fine of between VND 3,500,000/m<sup>3</sup> and VND 4,500,000/m<sup>3</sup>, if illegally logging timber of between more than 4 m<sup>3</sup> and 7.5 m<sup>3</sup>.

d/ For fuelwood:

- A fine of between VND 200,000/stere and VND 300,000/stere, if illegally logging fuelwood of up to 15 steres;

- A fine of between VND 300,000/stere and VND 500,000/stere, if illegally logging fuelwood of between more than 15 steres and 25 steres;

- A fine of between VND 500,000/stere and VND 1,000,000/stere, if illegally logging fuelwood of between more than 25 steres and 40 steres;

e/ For forest plants and their parts other than timber and fuelwood:

- A fine of between 1 time and 1.4 times the value of illegally exploited forest products, if such forest products are not of endangered, precious and rare species and are valued up to VND 25,000,000;

- A fine of between 1.5 times and 2.5 times the value of illegally exploited forest products, if such forest products are of endangered, precious and rare species of group IIA and are valued up to VND 15,000,000.

3. Illegally exploiting special-use forests:

a/ For timber not of endangered, precious and rare species of groups IV to VIII:

- A fine of between VND 1,000,000/m<sup>3</sup> to VND

1,500,000/m<sup>3</sup>, if illegally logging timber of up to 3 m<sup>3</sup>;

- A fine of between VND 1,500,000/m<sup>3</sup> and VND 2,000,000/m<sup>3</sup>, if illegally logging timber of between more than 3 m<sup>3</sup> and 7 m<sup>3</sup>;

- A fine of between VND 2,000,000/m<sup>3</sup> and VND 4,000,000/m<sup>3</sup>, if illegally logging timber of between more than 7 m<sup>3</sup> and 10 m<sup>3</sup>;

h/ For timber not of endangered, precious and rare species of groups I to III:

- A fine of between VND 2,000,000/m<sup>3</sup> and VND 3,000,000/m<sup>3</sup>, if illegally logging timber of up to 2 m<sup>3</sup>;

- A fine of between VND 3,000,000/m<sup>3</sup> and VND 3,500,000/m<sup>3</sup>, if illegally logging timber of between more than 2 m<sup>3</sup> and 4 m<sup>3</sup>;

- A fine of between VND 3,500,000/m<sup>3</sup> and VND 4,500,000/m<sup>3</sup>, if illegally logging timber of between more than 4 m<sup>3</sup> and 7.5 m<sup>3</sup>.

c/ For timber of endangered, precious and rare species of group IIA:

- A fine of between VND 3,000,000/m<sup>3</sup> to VND 4,000,000/m<sup>3</sup>, if illegally logging timber of up to 1.5 m<sup>3</sup>;

- A fine of between VND 4,000,000/m<sup>3</sup> and VND 5,000,000/m<sup>3</sup>, if illegally logging timber of between more than 1.5 m<sup>3</sup> and 3 m<sup>3</sup>;

- A fine of between VND 5,000,000/m<sup>3</sup> and VND 7,000,000/m<sup>3</sup>, if illegally logging timber of between more than 3 m<sup>3</sup> and 5 m<sup>3</sup>.

d/ For fuelwood:

- A fine of between VND 300,000/stere and VND 400,000/stere, if illegally logging fuelwood of up to 10 steres;

- A fine of between VND 400,000/stere and VND 800,000/stere, if illegally logging fuelwood of between more than 10 steres and 20 steres;

- A fine of between VND 800,000/stere and VND 1,200,000/stere, if illegally logging fuelwood of between more than 20 steres and 30 steres.

e/ For forest plants and their parts other than timber and fuelwood:

- A fine of between 1.2 times and 1.8 times the

value of illegally exploited forest products, if such forest products are not of endangered, precious and rare species and are valued up to VND 20,000,000;

- A fine of between 2 times and 4 times the value of illegally exploited forest products, if such forest products are of endangered, precious and rare species of group IIA and are valued up to VND 10,000,000.

4. In case of illegally logging young forest trees which cannot be measured in weight, the logged forest area shall be measured as the basis for fining under Article 18 of this Decree; if logging is scattered, making it impossible to measure the logged area, it shall be fined under Clause 2, Article 13 of this Decree.

5. In case of illegally logging planted trees in scattered areas or planted trees within an area which are ineligible for classification as timber, it shall be fined under Point d, Clause 1 of this Article.

6. In case of illegally exploiting timber lying scattered in rice fields or illegally conducting salvage exploitation of timber on agricultural land or salvage exploitation of lying timber, it shall be fined under Clause 1 of this Article.

7. Those who commit acts of violation specified in this Article are also subject to one of the following additional sanctioning forms:

a/ Confiscation of material evidences and means used in administrative violations.

b/ Deprivation of the right to use logging permits.

8. Those who commit acts of violation specified in this Article shall also be forced to replant or pay expenses for replanting exploited forests.

9. Forest owners who are allocated by the State natural forests or forest plantations and state budget or non-refundable funds for managing, protecting and using these forests for silviculture purposes shall also be sanctioned under this Article if their forests are illegally exploited due to their irresponsibility.

**Article 20.-** Violations of regulations on forest animal management and protection

These violations are acts of hunting, shooting, catching; raising, slaughtering forest animals without

permission of competent state agencies or not in accordance with the provisions of granted permits.

Those who violate regulations on forest animal management and protection shall be sanctioned as follows:

1. Caution or a fine of between VND 5,000 and VND 100,000 shall be imposed for one of the following acts:

a/ Hunting and catching forest animals in reproductive seasons.

b/ Using banned hunting and catching methods and tools.

c/ Hunting and catching forest animals in no-hunting places.

2. For forest animals not of endangered, precious and rare species:

a/ A fine of between 1 time and 1.5 times the value of material evidences that are forest animals or their parts valued at up to VND 2,000,000.

b/ A fine of between 1.6 times and 2 times the value of material evidences that are forest animals or their parts valued at between more than VND 2,000,000 and VND 5,000,000.

c/ A fine of between 2.1 times and 2.5 times the value of material evidences that are forest animals or their parts valued at more than VND 5,000,000. The maximum fine must not exceed VND 30,000,000.

3. For forest animals of endangered, precious and rare species of group IIB:

a/ A fine of between 1.6 times and 2 times the value of material evidences that are forest animals or their parts valued at up to VND 1,000,000.

b/ A fine of between 2.1 times and 2.5 times the value of material evidences that are forest animals or their parts valued at between more than VND 1,000,000 and VND 2,000,000.

c/ A fine of between 2.6 times and 3 times the value of material evidences that are forest animals or their parts valued at more than VND 2,000,000. The maximum fine must not exceed VND 30,000,000.

4. A fine of between 1 time and 2 times the value

of raised animals shall be imposed on persons who illegally raise forest animals of endangered, precious and rare species of group IB. The maximum fine must not exceed VND 30,000,000.

5. Those who commit acts of violation specified in this Article may, in addition to payment of a fine and confiscation of material evidences and means used in administrative violations, also be subject to deprivation of hunting gun use permits or certificates of registration of raising breeding animals for 1 year, or of restaurant, hotel, fine art or souvenir shop operation licenses for 2 years.

6. Those who commit acts of violation specified in this Article shall also be forced to pay expenses for remedying environmental pollution caused by their administrative violations.

#### **Article 21.-** Illegal transportation of forest products

Illegal transportation of forest products is acts of vehicle operators, vehicle owners or forest product owners using vehicles or labor in transporting forest products without lawful papers or with lawful papers which are inconsistent with transported forest products.

Those who commit acts of illegally transporting forest products shall be sanctioned as follows:

1. For vehicle operators:

a/ Caution or a fine of between VND 5,000 and VND 500,000 shall be imposed on those who personally carry forest products illegally (without using any vehicle), or use rudimentary vehicles, bicycles or pulling animals for transporting forest products illegally.

b/ A fine of between VND 500,000 and VND 2,500,000 shall be imposed on those who operate motorcycles, mopeds or pedicabs for transporting forest products illegally.

c/ Those who operate vehicles for transporting forest products illegally not governed at Points a and b, Clause 1 of this Article shall be sanctioned as follows:

- For forest animals not of endangered, precious and rare species:

+ A fine of between 0.5 time and 0.7 time the value

of material evidences that are forest animals or their parts valued at up to VND 2,000,000.

+ A fine of between 0.8 time and 1 time the value of material evidences that are forest animals or their parts valued at between more than VND 2,000,000 and VND 5,000,000.

+ A fine of between 1 time and 1.2 times the value of material evidences that are forest animals or their parts valued at more than VND 5,000,000. The maximum fine must not exceed VND 30,000,000.

- For forest animals of endangered, precious and rare species of group IIB:

+ A fine of between 0.8 time and 1 time the value of material evidences that are forest animals or their parts valued at up to VND 1,000,000.

+ A fine of between 1 time and 1.2 times the value of material evidences that are forest animals or their parts valued at between more than VND 1,000,000 and VND 2,000,000.

+ A fine of between 1.3 times and 1.5 times the value of material evidences that are forest animals or their parts valued at more than VND 2,000,000. The maximum fine must not exceed VND 30,000,000.

- For timber not of endangered, precious and rare species of groups IV to VIII:

+ A fine of between VND 250,000/m<sup>3</sup> and VND 350,000/m<sup>3</sup>, if involving up to 6 m<sup>3</sup>;

- A fine of between VND 350,000/m<sup>3</sup> and VND 550,000/m<sup>3</sup>, if involving between more than 6 m<sup>3</sup> and 15 m<sup>3</sup>;

- A fine of between VND 500,000/m<sup>3</sup> and VND 1,000,000/m<sup>3</sup>, if involving more than 15 m<sup>3</sup>. The maximum fine must not exceed VND 30,000,000.

- For timber not of endangered, precious and rare species of groups I to III:

+ A fine of between VND 300,000/m<sup>3</sup> and VND 500,000/m<sup>3</sup>, if involving up to 4 m<sup>3</sup>;

+ A fine of between VND 500,000/m<sup>3</sup> and VND 700,000/m<sup>3</sup>, if involving between more than 4 m<sup>3</sup> and 10 m<sup>3</sup>;

+ A fine of between VND 700,000/m<sup>3</sup> and VND

1,300,000/m<sup>3</sup>, if involving more than 10 m<sup>3</sup>. The maximum fine must not exceed VND 30,000,000.

- For timber of endangered, precious and rare species of group IIA:

+ A fine of between VND 700,000/m<sup>3</sup> to VND 1,000,000/m<sup>3</sup>, if involving up to 3 m<sup>3</sup>;

+ A fine of between VND 1,000,000/m<sup>3</sup> and VND 1,400,000/m<sup>3</sup>, if involving between more than 3 m<sup>3</sup> and 6 m<sup>3</sup>;

+ A fine of between VND 1,200,000/m<sup>3</sup> and VND 1,800,000/m<sup>3</sup>, if involving more than 6 m<sup>3</sup>. The maximum fine must not exceed VND 30,000,000.

- For non-timber forest plants and their parts of endangered, precious and rare species of group IIA, a fine of between 1 time and 2 times the value of material evidences shall be imposed. The maximum fine must not exceed VND 30,000,000.

d/ Operators of vehicles illegally transporting forest products who are also owners of these forest products or who are unable to prove that these forest products are not their own shall be sanctioned under Point a, b or c of this Clause, and Clause 3 of this Article.

## 2. For vehicle owners

Vehicle owners shall be sanctioned under Clause 1 of this Article (except owners of vehicles which are appropriated or illegally used).

## 3. For owners of forest products:

a/ Owners of forest products which are transported without papers proving their lawfulness shall be sanctioned as follows:

- For forest animals and their parts not of endangered, precious and rare species, their owners shall be sanctioned under Clause 2, Article 20 of this Decree;

- For forest animals and their parts of endangered, precious and rare species of group IIB, their owners shall be sanctioned under Clause 3, Article 20 of this Article;

- For timber not of endangered, precious and rare species of groups IV to VIII, their owners shall be sanctioned under Clause 1, Article 22 of this Article;

- For timber not of endangered, precious and rare species of groups I to III, their owners shall be sanctioned under Clause 2, Article 22 of this Article;

- For timber of endangered, precious and rare species of group IIA, their owners shall be sanctioned under Clause 3, Article 22 of this Article;

- For non-timber forest plants and their parts of endangered, precious and rare species of group IIA, their owners shall be imposed a fine of between 1.5 times and 2.5 times the value of material evidences; the maximum fine must not exceed VND 30,000,000.

b/ In case of transporting timber with valid papers proving its lawful origin but with a volume exceeding the allowable error limit, a fine shall be imposed on the portion in excess of the allowable error limit under Clause 1 of this Article.

c/ Owners who transport their forest products of lawful origin but fail to observe the State's current regulations on the management order and procedures shall be sanctioned under Article 23 of this Decree.

4. Those who commit acts of violation specified in Clauses 1, 2 and 3 of this Article may also face one of the following additional sanctioning forms:

a/ Deprivation of the right to use permit, CITES certificate and special transportation permit; deprivation of the right to use driving license for six months.

b/ Confiscation of material evidences, for acts of violation specified in Clause 1, and at Points a and b, Clause 3 of this Article.

c/ Confiscation of vehicles illegally transporting forest products (except those which are appropriated or illegally used) in one of the following cases:

- Violation in an organized manner;
- Repeated violation or recidivism;
- Violators resisting officials on duty;
- Using vehicles with double compartment, double bottom or double roof, vehicles without registration papers granted by competent state agencies, displaying forged number plates or vehicles transformed from small cars for illegally transporting forest products.

- Consequences of acts of violation shall be

calculated in volume or the value of forest products in cash as follows:

+ For timber not of endangered, precious and rare species of groups IV to VIII, from 1.5 m<sup>3</sup> or more; of groups I to III, from 1 m<sup>3</sup> or more;

+ For timber of endangered, precious and rare species of group IIA, from 0.5 m<sup>3</sup> or more; of group IA (applicable to cases in which criminal cases have been instituted but dossiers are then returned for administrative sanction), from 0.3 m<sup>3</sup> or more;

+ For forest plants and their parts (non timber) of endangered, precious and rare species of groups IIA, valued at VND 15,000,000 or more; of group IA, at VND 10,000,000 or more;

+ For forest animals not of endangered precious and rare species or their parts, valued at VND 2,000,000 or more; of endangered, precious and rare species of group IIB or their parts, at VND 1,500,000 or more; of endangered, precious and rare species of group IB or their parts (applicable to cases in which criminal cases have been instituted but dossiers are then transferred for administrative sanction), at VND 1,000,000 or more;

5. Those who commit acts of violation specified in this Article may also face one of the following remedies:

a/ Forced payment of expenses for rescue or destruction of wild animals which are wounded or killed, or expenses for releasing wild animals into their natural habitats.

b/ Forced transportation of passengers to a coach station or payment of expenses therefor, if using cars with passengers onboard to illegally transport forest products.

**Article 22.-** Illegal purchase, sale, concealment, processing and trading of forest products

Acts of illegal purchase, sale, concealment, processing and trading of forest products are these acts performed without lawful papers or not in accordance with contents of their lawful papers or without permits in cases in which permits are required by law.

Those who commit acts of illegal purchase, sale, concealment, processing and trading of forest products shall be sanctioned as follows:

1. For acts of purchase, sale, concealment, processing and trading of timber not of endangered, precious and rare species of groups IV to VIII:

a/ A fine of between VND 500,000/m<sup>3</sup> and VND 700,000/m<sup>3</sup>, if involving up to 6 m<sup>3</sup>;

b/ A fine of between VND 700,000/m<sup>3</sup> and VND 1,000,000/m<sup>3</sup>, if involving between more than 6 m<sup>3</sup> and 15 m<sup>3</sup>;

c/ A fine of between VND 1,000,000/m<sup>3</sup> and VND 2,000,000/m<sup>3</sup>, if involving between more than 15 m<sup>3</sup> and 20 m<sup>3</sup>.

2. For acts of purchase, sale, concealment, processing and trading of timber not of endangered, precious and rare species of groups I to III:

a/ A fine of between VND 700,000/m<sup>3</sup> and VND 1,000,000/m<sup>3</sup>, if involving up to 4 m<sup>3</sup>;

b/ A fine of between VND 1,000,000/m<sup>3</sup> and VND 1,500,000/m<sup>3</sup>, if involving between more than 4 m<sup>3</sup> and 10 m<sup>3</sup>;

c/ A fine of between VND 1,500,000/m<sup>3</sup> and VND 2,500,000/m<sup>3</sup>, if involving between more than 10 m<sup>3</sup> and 15 m<sup>3</sup>.

3. For acts of purchase, sale, concealment, processing and trading of timber of endangered, precious and rare species of group IIA:

a/ A fine of between VND 1,500,000/m<sup>3</sup> and VND 2,000,000/m<sup>3</sup>, if involving up to 3 m<sup>3</sup>;

b/ A fine of between VND 2,000,000/m<sup>3</sup> and VND 2,500,000/m<sup>3</sup>, if involving between more than 3 m<sup>3</sup> and 6 m<sup>3</sup>;

c/ A fine of between VND 2,500,000/m<sup>3</sup> and VND 3,500,000/m<sup>3</sup>, if involving between more than 6 m<sup>3</sup> and 10 m<sup>3</sup>.

4. For acts of purchase, sale, concealment, processing and trading of forest products and their parts, sanctions shall be imposed under Article 20 of this Decree.

5. In addition to paying a fine, violators under this

Article will also have forest products confiscated.

**Article 23.-** Violations of administrative procedures in purchase, sale, transportation, processing, trading and storage of forest products

1. A fine of between VND 500,000 and VND 2,000,000 shall be imposed on owners of forest product processing, trading, purchase and sale establishments who fail to make entries in the forest product storage and delivery register.

2. A fine of between VND 100,000/m<sup>3</sup> and VND 200,000/m<sup>3</sup>, but not exceeding VND 10,000,000, shall be imposed on owners who transport, purchase, sell or store natural forest timber of lawful origin but fail to observe the State's current regulations on the management order and procedures.

A fine of between VND 30,000/m<sup>3</sup> and VND 50,000/m<sup>3</sup>, but not exceeding VND 5,000,000, shall be imposed on owners who transport, purchase, sell or store forest plantation and garden timber of lawful origin but fail to observe the State's current regulations on the management order and procedures.

3. A fine of between 0.1 time and 0.2 time the value of forest products, but not exceeding VND 5,000,000, shall be imposed on owners who process, trade in, transport, purchase or sell forest products and their parts (non-timber) of endangered, precious and rare species of group IIA; forest animals and their parts, which are raised, of lawful origin but fail to observe the State's current regulations on the management order and procedures.

### Chapter III

#### COMPETENCE TO SANCTION ADMINISTRATIVE VIOLATIONS

**Article 24.-** Competence of forest protection officers to sanction administrative violations

1. Forest protection officers on duty have the competence to issue cautions or impose fines of up to VND 100,000.

2. Heads of forest protection stations have the

competence to issue cautions or impose fines of up to VND 2,000,000; confiscate material evidences and means used in administrative violations which are valued at up to VND 10,000,000.

3. Heads of district-level forest protection sections, special-use forest protection sections and protection-forest protection sections and leaders of mobile forest protection and forest fire prevention and fighting teams have the competence to issue cautions or impose fines of up to VND 10,000,000; confiscate material evidences and means used in administrative violations which are valued at up to VND 20,000,000; and apply remedies specified in Clauses 2 and 5, Article 6 of this Decree.

4. Directors of provincial-level forest protection departments and leaders of task-force forest protection teams have the competence to issue cautions or impose fines of up to VND 20,000,000; deprive the right to use permits specified at Point b, Clause 7, Article 19; in Clause 5, Article 20; at Point a, Clause 4, Article 21 of this Decree; confiscate material evidences and means used in administrative violations; and apply remedies specified in Article 6 of this Decree.

5. The director of the Forest Protection Department has the competence to issue cautions or impose fines of up to VND 30,000,000; deprive of the right to use permits specified at Point b, Clause 7, Article 19; in Clause 5, Article 20; at Point a, Clause 4, Article 21 of this Decree; confiscate material evidences and means used in administrative violations; and apply remedies specified in Article 6 of this Decree.

**Article 25.-** Competence of presidents of People's Committees at all levels to sanction administrative violations

1. Commune-level People's Committee presidents have the competence to issue cautions or impose fines of up to VND 500,000; confiscate material evidences and means used in administrative violations which are valued at up to VND 500,000; and apply remedies specified in Clause 2, Article 6 of this Decree.

2. District-level People's Committee presidents have the competence to issue cautions or impose fines

of up to VND 20,000,000; deprive of the right to use permits specified at Point b, Clause 7, Article 19; in Clause 5, Article 20; at Point a, Clause 4, Article 21 of this Decree; confiscate material evidences and means used in administrative violations; and apply remedies specified in Article 6 of this Decree.

3. Provincial-level People's Committee presidents have the competence to issue cautions or impose fines of up to VND 30,000,000; deprive of the right to use permits specified at Point b, Clause 7, Article 19; in Clause 5, Article 20; at Point a, Clause 4, Article 21 of this Decree; confiscate material evidences and means used in administrative violations; and apply remedies.

4. Local forest protection agencies at all levels shall give advice to People's Committees of the same level on sanctioning administrative violations according to their competence specified in this Article.

**Article 26.-** Authorization of the competence to sanction administrative violations

1. When a person with administrative violation-sanctioning competence specified in Clause 3, 4 or 5, Article 24, or Article 25 of this Decree is absent, he/she may authorize his/her deputy. The authorized person shall exercise the competence of his/her head and take responsibility before law for his/her sanctioning of administrative violations.

2. Authorization must be made in writing either on a case-by-case basis or for a specified period of time.

**Article 27.-** Determination of the competence to sanction administrative violations

1. The competence to sanction administrative violations specified in Article 24 or 25 of this Decree is applicable to one act of administrative violation.

2. The competence to impose fines shall be determined based on the maximum level of the fine bracket prescribed for each act of administrative violation.

3. In case of sanctioning a person who commits more than one act of administrative violation, the competence to sanction this person is determined on the following principle:

a/ If the sanctioning forms and levels for each of these acts of violation fall within the sanctioning competence of a title holder, the competence to sanction these acts rests with this title holder.

b/ If the sanctioning form and level for one of these acts of violation fall beyond the sanctioning competence of the sanctioning person, this person shall transfer the dossier of the violation case to the level with sanctioning competence.

c/ If these acts of violation fall within the sanctioning competence of persons in different branches the competence to sanction these acts rests with the competent People's Committee of the place where the violation takes place.

4. Functional agencies, such as police, border guard, customs, tax, market control and inspection, shall closely coordinate with forest protection agencies in examining, inspecting and stopping acts of administrative violation in the domain of forest management, forest protection and forest product management. When detecting any act of administrative violation, a written record thereof must be made according to regulations, and within 5 days from the date of making of such written record, the relevant dossier, material evidences and means used in the administrative violation must be transferred to the forest protection agency of the same level for sanctioning. If the case of violation does not fall within its sanctioning competence, the forest protection agency shall, upon receiving its dossier, transfer the dossier to the authority with sanctioning competence defined in Articles 24 and 25 of this Decree. In provinces and districts without a forest protection agency, cases of violation arrested by functional agencies shall be transferred to the offices of provincial-level or district-level People's Committees to advise the presidents of these provincial-level or district-level People's Committees on sanctioning these cases according to their competence. The violation-handling agency shall pay reasonable expenses arising in the course of arrest and preservation of material evidences to the dossier-transferring agency.

**Article 28.-** Settlement of cases falling beyond the competence to sanction administrative violations

1. When a fine to be imposed in a case of violation or the value of material evidences and means in a case of violation falls beyond the sanctioning competence of his/her level, the person who has received the dossier of the case shall transfer the whole dossier to a competent authority for sanctioning within the time limit specified in Article 37 of this Decree. The dossier of a case of violation shall be transferred as follows:

a/ If the case of violation falls beyond the sanctioning competence of a forest protection officer, its dossier shall be transferred to his/her immediate supervisor.

b/ If the case of violation falls beyond the sanctioning competence of the head of a forest protection station or the president of a commune-level People's Committee, its dossier shall be transferred to the director of the district-level forest protection section or the director of the special-use forest protection section or protection-forest protection section in charge of the locality concerned (below generally referred to as forest protection section).

c/ If the case of violation falls beyond the sanctioning competence of the director of a forest protection section, its dossier shall be transferred to the director of the provincial-level forest protection department or the president of the district-level People's Committee of the locality where the violation takes place for handling.

d/ If the case of violation falls beyond the sanctioning competence of the leader of the mobile forest protection and forest fire prevention and fighting team, its dossier shall be transferred to the director of the provincial-level forest protection department for sanctioning.

e/ If the case of violation falls beyond the sanctioning competence of the president of a district-level People's Committee or the director of a forest protection section, its dossier shall be transferred to the president of the provincial-level People's

Committees for sanctioning.

f/ When finding it necessary, the immediate supervisor within the system of forest protection agencies may pick up a case of administrative violation falling within the sanctioning competence of its subordinate for handling.

2. The transfer of dossiers of cases of violation to authorities with sanctioning competence shall be carried out through the system of forest protection agencies. Pending the issuance of sanctioning decisions by competent agencies, temporarily seized forest products and means in these cases shall be preserved by agencies which have decided on the temporary seizure at temporary seizure places. After sanctioning decisions are issued, forest protection agencies shall comply with these decisions.

#### *Chapter IV*

### **APPLICATION OF PREVENTIVE MEASURES**

**Article 29.-** Body search, detention of persons according to administrative procedures

1. Body search according to administrative procedures shall be carried out under the provisions of Article 47 of the Ordinance on the Handling of Administrative Violations.

2. Detention of persons according to administrative procedures shall be carried out under the provisions of Articles 44 and 45 of the Ordinance on the Handling of Administrative Violations and the Government's Decree No 162/2004/ND-CP of September 7, 2004, promulgating the Regulation on detention of persons according to administrative procedures.

**Article 30.-** Search of vehicles and articles

When having grounds to believe that vehicles, bags and containers contain illegal forest products, leaders of task-force forest protection teams, directors of district-level forest protection sections, special-use forest protection sections or protection-forest protection sections, leaders of mobile forest protection

and forest fire prevention and fighting teams or forest protection officers that are performing forest product examination and control shall use signal flags, signal boards, whistles or torches (at dark) to order operators of road or waterway vehicles to stop their vehicles for forest product control. Vehicle and article searches shall be carried out under the provisions of Article 48 of the Ordinance on the Handling of Administrative Violations.

**Article 31.-** Search of places for concealed material evidences and means involved in administrative violations

Persons defined in Article 45 of the Ordinance on the Handling of Administrative Violations who work in the forest protection force or other functional agencies defined in Clause 4, Article 27 of this Decree, when conducting inspection and examination in the domain of forest management, forest protection and forest product management, are entitled to make decision to search forests or sites where forest products and means involved in administrative violations are concealed under the provisions of Article 49 of the Ordinance on the Handling of Administrative Violations.

When searching residences for material evidences and means involved in administrative violations, search decisions are subject to prior written consent of the president of the district-level People's Committee before the search is carried out. Residence mentioned in this Article is a place of habitual residence of an individual or household with permanent residence or temporary residence registration papers; or a place where the vehicle is registered, for vehicles used as habitual residences of individuals or households.

**Article 32.-** Temporary seizure of material evidences and means involved in administrative violations

1. Leaders of task-force forest protection teams, directors of district-level forest protection sections, special-use forest protection sections or protection-forest protection sections, leaders of mobile forest

protection and forest fire prevention and fighting teams and other persons defined in Articles 45 and 46 of the Ordinance on the Handling of Administrative Violations have the competence to temporarily seize material evidences and means involved in administrative violations.

Seizure of material evidences and means involved in administrative violations shall be carried out under the provisions of Article 46 of the Ordinance on the Handling of Administrative Violations.

2. The duration of temporary seizure of vehicles involved in administrative violations is as follows:

a/ For simple cases with apparent acts of violation requiring no further verification, vehicles involved in administrative violations may be temporarily seized for not more than 10 days.

b/ For complex cases requiring verification, vehicles involved in administrative violations may be temporarily seized for a longer period not exceeding 60 days, counting from the date they are temporarily seized.

The time of temporary seizure of vehicles involved in administrative violations specified at Points a and b, Clause 2 of this Article is counted in working days, excluding holidays as prescribed by law.

### Chapter V

#### PROCEDURES FOR SANCTIONING ADMINISTRATIVE VIOLATIONS AND EXECUTION OF SANCTIONING DECISIONS

**Article 33.-** Termination of acts of administrative violation

When detecting individuals' or organizations' acts of administrative violation specified in Articles 8 through 23 of this Decree or activities at risk of causing forest fires or damaging forests, persons with sanctioning competence shall take measures to stop these acts or activities. A termination measure may be a written or oral decision, a whistle, a signal or in other forms depending on each specific case of

violation. Immediately after stopping activities harmful to forests, forest protection officers shall report thereon to their immediate supervisors.

**Article 34.-** Sanctioning of administrative violations according to simplified procedures

It is the case in which a person with sanctioning competence does not make a written record of a violation but issue a sanctioning decision on spot.

1. Cases in which administrative violations may be sanctioned according to simplified procedures:

a/ Acts of administrative violation subject to caution or a fine of up to VND 100,000.

b/ Multiple acts of violation committed by a person each of which is subject to caution or a fine of up to VND 100,000.

2. An administrative violation-sanctioning decision according to simplified procedures must be made in writing according to a set form. Sanctioned individuals or organizations may pay fines on spot to persons with sanctioning competence for which they will be given a receipt issued by the Ministry of Finance.

**Article 35.-** Making of written records of administrative violations

1. Persons with administrative violation-sanctioning competence shall, when detecting illegal acts, promptly make written records of administrative violations under the provisions of Article 55 of the Ordinance on the Handling of Administrative Violations, except for violations sanctioned according to simplified procedures under the provisions of Article 54 of the Ordinance on the Handling of Administrative Violations. If the written record-making person does not have the sanctioning competence, his/her superior, who has sanctioning competence, shall sign the written record or, if finding it necessary, conduct verification before signing the written record.

2. Functional agencies mentioned in Clause 4, Article 27 of this Decree shall, when detecting acts of administrative violation in the domain of forest

management, forest protection and forest product management, make written records thereof, temporarily seize material evidences and means involved in these administrative violations and transfer them to forest protection agencies according to regulations. Written records made by and transferred from functional agencies serve as the basis for sanctioning administrative violations.

3. When catching individuals or organizations red-handed, committing acts of administrative violations in the forests under their management, forest owners may detain, make written records of violations caught red-handed, escort the violators, and deliver them together with the violation dossiers to forest protection agencies or People's Committees of communes, wards or townships where the violations take place. Written records of violations caught red-handed made by forest owners serve as the basis for competent agencies to make written records of administrative violations.

4. If detecting derelict material evidences and means involved in violations, persons mentioned in Clauses 1 and 2 of this Article shall make written records of examination and temporary seizure and conduct investigation to identify violators and handle them according to law.

Forest owners shall coordinate with forest protection agencies in making written records of and examining derelict material evidences and means found in their forests. Derelict forest products found by forest owners shall be disposed of under Article 43 of this Decree.

**Article 36.-** Administrative violation-sanctioning decisions

1. After determining acts of violation and their severity, the person with sanctioning competence shall base himself/herself on the factors specified in Article 3 of this Decree to consider and decide on the sanctioning form and level applicable to each act of violation.

2. Methods of determining fine levels

a/ A specific fine imposed for an act of administrative violation involving no aggravating or

extenuating circumstances is the average of the fine bracket prescribed for such act. The average of a fine bracket is half of the sum of the minimum fine and the maximum fine of the fine bracket. If a fine is based on the number of times of the value of forest products, it shall be determined based on half of the sum of the minimum number of times and the maximum number of times of the fine bracket.

b/ For administrative violations subject to a fine prescribed in square meter, cubic meter, tree or value of forest product, the average fine shall be calculated according to Point a, Clause 2 of this Article, then multiplied by the area, volume or number of trees or value of forest products involved in the violation.

c/ For violators with extenuating or aggravating circumstances, it is necessary to calculate the average fine according to Points a and b, Clause 2 of this Article, which may, as the case may be, be reduced, but not lower than the minimum level of the relevant fine bracket, and multiplied by the area volume, number of trees or value of forest products involved in the violation, or be increased, but not higher than the maximum level of the relevant fine bracket, and multiplied by the area, volume or number of trees or value of forest products involved in the violation, but not exceeding VND 30,000,000.

3. An administrative violation-sanctioning decision must be issued according to proper competence, order and procedures and in the proper form as prescribed. It must contain full contents as specified in Article 56 of the Ordinance on the Handling of Administrative Violations. When the provisions of Clause 4, Article 45 of this Decree are applied, this application must be stated in sanctioning decisions

**Article 37.-** Time limit for issuing sanctioning decisions

1. Time limit for issuing sanctioning decisions

a/ For simple cases involving apparent acts of violation and requiring no further verification, sanctioning decisions must be issued within 10 working days from the date written records of administrative violations are made.

b/ For complex cases in which material evidences and means need assessment, violators need to be identified or other complex circumstances are involved, the time limit for issuing sanctioning decisions is 30 working days from the date written records of administrative violations are made.

When more time is needed for verification and collection of evidences, at least 10 days before the end of the time limit for sanctioning, persons with sanctioning competence shall report it in writing to their immediate supervisors for extension permission; extension must not exceed 30 days.

c/ The time limit for issuing sanctioning decisions is counted in working days, excluding holidays prescribed by law.

2. The order of extension of the time limit for issuing a sanctioning decision is as follows:

a/ Directors of district-level forest protection sections may grant extension for cases of violation falling within the sanctioning competence of heads of attached forest protection stations.

b/ Directors of provincial-level forest protection departments may grant extension for cases of violation falling within the sanctioning competence of leaders of mobile forest protection and forest fire prevention and fighting teams, directors of district-level forest protection sections, directors of special-use forest protection sections and directors of protection-forest protection sections.

c/ Presidents of district-level People's Committees may grant extension for cases of violation falling within the sanctioning competence of presidents of commune-level People's Committees.

d/ Presidents of provincial-level People's Committees may grant extension for cases of violation falling within the sanctioning competence of directors of provincial-level forest protection departments and presidents of district-level People's Committees.

e/ The director of the Forest Protection Department may grant extension for cases of violation falling within the sanctioning competence of task-force forest

protection teams and cases of violation falling within his/her sanctioning competence.

3. Competent persons may not issue sanctioning decisions in the following cases:

a/ The time limit stated at Point a, Clause 1 of this Article has expired;

b/ The time limit for issuing sanctioning decisions specified at Point b, Clause 1 of this Article has expired and no extension has been requested or the extension request is not approved by competent authorities;

c/ The extended period approved by competent authorities has expired.

4. If not issuing sanctioning decisions, competent persons may still issue decisions on the application of remedies specified in Article 6 of this Decree, and confiscate forest products which are material evidences involved in administrative violations.

**Article 38.-** Decision on forced application of remedies, confiscation of material evidences involved in administrative violations in case of non-issuance of administrative violation-sanctioning decisions

1. After the expiry of the statute of limitations for sanctioning specified in Article 4 of this Decree or the time limit for issuing administrative violation-sanctioning decisions specified in Clause 3, Article 37 of this Decree, persons with sanctioning competence may not issue sanctioning decisions but can still decide on the application of remedies as applicable to acts of violation specified in Chapter II of this Decree.

Decisions on forced application of remedies must be issued in writing according to a set form.

2. If unable to issue a sanctioning decision as the sanctioning time limit has expired, the person with sanctioning competence can still issue a decision to confiscate forest products that are material evidences involved in the administrative violation.

After the expiry of the sanctioning time limit, decisions to confiscate forest products that are material evidences involved in administrative violations must be issued in writing according to a set form.

**Article 39.-** Valuation of material evidences and means involved in administrative violations

1. After temporarily seizing material evidences and means involved in administrative violations, if finding it necessary to confiscate them, the person who has issued the temporary seizure decision shall invite a representative from the finance agency of the same level to examine and value these material evidences and means. If it is difficult to value these material evidences and means or the person who has issued the temporary seizure decision and the representative of the finance agency cannot reach agreement, the person who has issued the temporary seizure decision shall set up a valuation board with the participation of the provincial-level auction service center and representatives of concerned agencies to conduct the valuation.

For material evidences that are forest products with prices already determined by provincial-level People's Committees, they shall be valued according to the prescribed prices.

3. The value of material evidences and means involved in administrative violations determined under the provisions of Clause 1 of this Article serves as the basis for determining the competence to confiscate material evidences and means involved in administrative violations.

**Article 40.-** Signing and sealing of administrative violation-sanctioning decisions

1. A administrative violation-sanctioning decision must be signed by the person with sanctioning competence or his/her authorized person; no other persons are allowed to sign such decision on behalf or for these persons.

2. Sealing of administrative violation-sanctioning decisions

a/ Persons with administrative violation-sanctioning competence and persons authorized to sanction administrative violations may use the seal of the agency of the person competent to sanction such violations. A seal shall be appended onto the left one-third of the signature.

b/ For a sanctioning decision issued by a person with sanctioning competence but without the right to appendix a seal thereon, the seal of the agency of the person with sanctioning competence shall be appended on the top left corner of the sanctioning decision, at which the name of the sanctioning agency and the decision number and code are displayed.

**Article 41.-** Collection and payment of fines

1. Collection of fines

a/ State treasuries shall collect fines for administrative violations, ensuring convenience for fine payers. Fines for administrative violations must be collected according to administrative violation-sanctioning decisions issued by persons with sanctioning competence in accordance with the Ordinance on the Handling of Administrative Violations.

b/ Persons with sanctioning competence may collect fines on spot in the following cases:

- Fines of between VND 5,000 and VND 100,000;
- Fines imposed after working hours;
- Fines imposed in remote and isolated places, on river and sea or in areas with difficult travel conditions.

c/ Violating individuals or organizations that are unable to pay fines on spot shall pay fines at state treasuries according to regulations. Persons with sanctioning competence shall give administrative violation-sanctioning decisions to sanctioned individuals or organizations and send these decisions within 3 working days from the date of their issuance to state treasuries designated to collect fines.

2. Time limit for fine payment

a/ Individuals and organizations that collect on spot fines for acts of administrative violation shall remit collected fines within 2 working days from the date of collection thereof to state treasuries accurately and fully according to the total of fines indicated in fine receipts and administrative violation-sanctioning decisions issued by competent authorities.

b/ When administrative violations are sanctioned in remote and isolated places or areas with difficult

travel conditions, persons with sanctioning competence may collect fines on spot and shall remit collected fines to state treasuries within 7 working days from the date of collection thereof; violators who are unable to pay fines on spot shall comply with the provisions of Clause 3 of this Article.

c/ When administrative violations are sanctioned on river or sea, persons with sanctioning competence may collect fines on spot and shall remit collected fines to state treasuries within 2 working days from the date of getting ashore. Sanctioned individuals or organizations that are unable to pay fines on spot shall pay fines to state treasuries within 2 working days from the date of getting ashore.

3. If not paying a fine on spot (excluding the case specified at Point c, Clause 2 of this Article), the sanctioned individual or organization shall fully pay the fine at the state treasury indicated in the sanctioning decision within 10 days from the date of receipt of the sanctioning decision.

State treasuries that collect fines shall promptly notify cases in which sanctioned individuals or organizations fail to comply with administrative violation sanctioning decisions after the fine payment time limit to organizations of the issuers of the sanctioning decisions for enforcement of these decisions in accordance with law.

4. Management and use of fines collected for administrative violations

a/ Fines collected for administrative violations must be fully remitted into the state budget via state treasury accounts.

b/ Use of fines for administrative violations which have been remitted into the state budget as funding support for agencies and organizations in charge of handling administrative violations must comply with the provisions of law on state budget.

**Article 42.-** Deprivation of the right to use permits and practice certificates

1. Deprivation of the right to use permits and practice certificates is an additional sanctioning form applied in addition to the principal sanctioning form

in the following cases:

a/ Acts of violation specified in Article 19 of this Decree and subject to an average fine of more than VND 10,000,000.

b/ Acts of violation specified in Articles 20 and 21 of this Decree and subject to an average fine of more than VND 5,000,000.

2. Persons with administrative violation-sanctioning competence may deprive violators of the right to use permits and practice certificates. Within 3 days from the date of issuance of an administrative violation-sanctioning decision, the issuer shall notify the permit- and practice certificate-granting agency of the application of the sanctioning form of deprivation of the right to use permits and practice certificates.

3. Procedures for deprivation of the right to use permits and practice certificates comply with the provisions of Article 59 of the Ordinance on the Handling of Administrative Violations.

**Article 43.-** Handling of cases of violation with written records made by forest owners

1. Persons committing acts of illegally exploiting forests shall be handled under the provisions of Article 19 of this Decree.

2. Confiscated forest products shall be returned to forest owners in the following cases:

a/ Forest owners catch violators red-handed in their forests.

b/ Forest owners do not catch violators re-handed but have sufficient grounds to prove that forest products concerned belong to their planted, tended and protected forest plantations or regenerated forests.

**Article 44.-** Disposal of material evidences and means involved in administrative violations

1. Seized material evidences and means involved in administrative violations:

For material evidences that are fresh and live articles, weak and wounded forest animals not of group IB or other fresh forest products not of group

IA, persons with sanctioning competence shall make written records and promptly organize the sale thereof at the prices prescribed by provincial-level People's Committees. The proceeds shall be deposited in state treasury accounts. If the material evidences are later confiscated under decisions of competent persons, these proceeds shall be paid into the state budget after subtracting related expenses according to the provisions of law. If these material evidences are not confiscated, the proceeds shall be returned to their lawful owners, managers or users.

2. For confiscated material evidences and means involved in administrative violations:

a/ The Ministry of Agriculture and Rural Development shall provide guidance on disposal of confiscated material evidences that are forest animals.

b/ If a violator voluntarily pays a cash amount equal to the value of confiscated forest products (at the prices prescribed by provincial-level People's Committees), the person with sanctioning competence shall collect the cash amount, remit it to a state treasury and return the confiscated forest products, excluding those of endangered, precious and rare species of groups IA and IB and forest products to be handled under Point a, Clause 2 of this Article.

c/ For confiscated means of poor quality or with an expired use period as prescribed by law, provincial-level forest protection departments shall, in coordination with the finance agency of the same level and concerned agencies, make written records and organize the sale thereof as scraps or the destruction thereof.

d/ For confiscated material evidences and means involved in administrative violations other than those prescribed in Clause 1 or at Points a and b, Clause 2 of this Article, they shall be disposed of as follows:

- Within 5 working days from the date of confiscation into state coffers of material evidences and means involved in administrative violations, the agency that has issued the confiscation decision shall send this decision to the finance agency of the same level;

- Within 10 working days from the date of issuance of a decision to confiscate material evidences and

means involved in an administrative violation, the provincial-level forest protection department shall, in coordination with the finance agency of the same level and concerned agencies, organize an auction within a month. Past this period, if none or only some of the invited coordinating agencies participate in organizing the auction, the provincial-level forest protection department shall organize the auction on its own, remit the proceeds in a state treasury, then notify the finance agency of the same level thereof.

e/ For provinces and districts without a forest protection agency, confiscated forest products shall be transferred to the finance agency of the same level for sale according to current regulations.

**Article 45.-** Compliance with administrative violation-sanctioning decisions

1. After issuing a sanctioning decision the person with sanctioning competence shall deliver it to the sanctioned person or notify such person to come to receive it. Past one year, if the person with sanctioning competence cannot deliver the sanctioning decision to the sanctioned person, he/she shall issue a decision to terminate the execution of the decision with respect to such person, except for the confiscation of material evidences and means involved in the administrative violation.

2. Within 10 days from the date of receipt of a sanctioning decision, the individual or organization that is sanctioned for an administrative violation shall comply with the sanctioning decision, except for cases eligible for postponed compliance with sanctioning decisions specified in Article 65 of the Ordinance on the Handling of Administrative Violations.

3. If an individual or organization commits an administrative violation in an administrative unit within one province but resides or is based in another province and has no conditions for complying with the decision in the place where his/her/its administrative violation is sanctioned, the decision shall be transferred to the agency of the same level of the locality where the individual resides or the organization is based for organization of implementation. If there is no such agency of the same

level in the locality where the individual resides or the organization is based, the sanctioning decision shall be transferred to the district-level People's Committee for organization of implementation.

If a violation occurs in a mountainous or island district in a province or in a remote or isolated area with difficult travel conditions, and the violating individual or organization has no conditions for complying with the sanctioning decision in the place where his/she/its violation is sanctioned, the sanctioning decision shall be transferred to the agency of the same level of the locality where the individual resides or the organization is based for organization of implementation.

4. In case of imposing a fine on the violator without confiscating his/her vehicle, the person with sanctioning competence may temporarily keep the vehicle circulation permit, the driving license and other related necessary papers or temporarily seize the vehicle involved in the violation till all persons who are sanctioned in the case of violation completely comply with the sanctioning decision.

Temporary seizure of vehicles involved in administrative violations to ensure compliance with sanctioning decisions must be recorded in sanctioning decisions, and written records of temporary seizure of operators' or owners' vehicles must be made, specifying the reason for the temporary seizure. The temporary seizure of a vehicle will last until the violator completely complies with the sanctioning decision immediately after the sanctioned violator completely complies with the sanctioning decision, the person with sanctioning competence shall return the vehicle to the violator.

**Article 46.-** Enforcement of administrative violation-sanctioning decisions

1. After the period for compliance with an administrative violation-sanctioning decision specified in Clause 2, Article 45 of this Decree, the violator who fails to voluntarily comply with the sanctioning decision shall be forced to comply with the decision.

2. Enforcement of administrative violation-

sanctioning decisions complies with the provisions of Articles 66 and 67 of the Ordinance on the Handling of Administrative Violations and the Government's Decree No. 37/2005/ND-CP of March 18, 2005, stipulating procedures for applying measures to enforce administrative violation-sanctioning decisions.

**Article 47.-** Transfer of dossiers of cases of violation with criminal signs for penal liability examination

1. When examining a case of violation in order to issue a sanctioning decision, if finding that the act of violation concerned shows criminal signs, the responsible person shall initiate a criminal case or immediately transfer the dossier of the case to a competent criminal proceeding agency.

It is strictly prohibited to retain cases of violation with criminal signs for administrative sanction.

2. For a case against which an administrative violation-sanctioning decision has been issued but is later detected to have criminal signs and still within the statute of limitations for penal liability examination, the person who has issued the administrative violation-sanctioning decision shall cancel this decision and, within three days from the date of cancellation, transfer the dossier to a competent criminal proceeding agency.

3. Criminal proceeding agencies may not refuse to receive dossiers in the cases specified in Clauses 1 and 2 of this Article. If there are sufficient grounds to determine that acts of violation do not constitute a crime, they shall complete all procedures according to Article 63 of the Ordinance on the Handling of Administrative Violations and other legal provisions, and return the dossiers to competent agencies for administrative sanctioning.

## Chapter VI

### COMPLAINTS, DENUNCIATIONS, AND HANDLING OF VIOLATIONS

**Article 48.-** Complaints and denunciations

Complaints and denunciations shall be lodged and

settled in accordance with the Law on Complaints and Denunciations.

**Article 49.-** Handling of violations committed by persons with competence to sanction administrative violations

Persons with competence to sanction administrative violations who harass, fail to promptly or improperly sanction administrative violations, cover up violators, impose sanctions *ultra vires*, appropriate or illegally use money, material evidences and means involved in violations, or intentionally obstruct production and circulation of commercial forest products, shall, depending on the nature and severity of their violations, be handled or examined for penal liability; if causing damage, they shall pay compensation therefor in accordance with law.

### *Chapter VII*

#### **IMPLEMENTATION PROVISIONS**

**Article 50.-** This Decree takes effect 15 days after its publication in "CONG BAO" and replaces the Government's Decree No. 139/2004/ND-CP of June 25, 2004, on sanctioning of administrative violations in the domain of forest management, forest protection and forest product management.

Acts of administrative violations in the domain of forest management, forest protection and forest product management which are detected and recorded before the effective date of this Decree and are not handled yet shall be sanctioned under the provisions of this Decree.

For acts of violation subject to sanctioning decisions which have become effective but are yet to be complied with or have not yet been completely complied with, these sanctioning decisions must be still complied with.

**Article 51.-** The Ministry of Agriculture and Rural Development shall organize, direct, and prescribe unified paper forms to be used by the forest protection force nationwide for the implementation of this

Decree. It shall provide guidance on any problems arising in the course of implementation for consistent settlement in accordance with law.

**Article 52.-** Ministers, heads of ministerial-level agencies, heads of government-attached agencies and presidents of People's Committees of provinces and centrally run cities shall implement this Decree.

*On behalf of the Government*  
*Prime Minister*  
**NGUYEN TAN DUNG**