

THE GOVERNMENT

DECREE No. 36/1999/ND-CP OF JUNE 9, 1999 ON SANCTIONING ADMINISTRATIVE VIOLATIONS IN THE TERRITORIAL WATERS AND ADJACENT AREAS, EXCLUSIVE ECONOMIC ZONES AND CONTINENTAL SHELF OF THE SOCIALIST REPUBLIC OF VIETNAM

THE GOVERNMENT

Pursuant to the Law on Organization of the Government of September 30, 1992;

Pursuant to the Ordinance on Handling of Administrative Violations of July 6, 1995;

Pursuant to the Ordinance on Vietnam Coast Guard of March 28, 1998;

At the proposal of the Minister of Defense,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Vietnamese organizations and/or individuals that commit acts of administrative violation in the territorial waters and adjacent areas, exclusive economic zones and continental shelf of the Socialist Republic of Vietnam shall all be sanctioned according to the provisions of this Decree and other provisions of Vietnamese law.

Foreign organizations and/or individuals that commit acts of administrative violation shall also be sanctioned according to the provisions of this Decree and other provisions of Vietnamese law, except in cases otherwise provided for by the relevant international agreements which the Socialist Republic of Vietnam has signed or acceded to.

Article 2.- In the territorial waters and adjacent areas, exclusive economic zones and continental

shelf of Vietnam, the Vietnam Coast Guard shall have the competence to sanction acts of administrative violation as prescribed by this Decree in the fields of security, order and safety, environment protection, protection of aquatic resources and mineral resources; acts of illegal transportation of people as well as illegal transportation and/or trading of goods, weapons, explosives, narcotics and stimulants; acts of smuggling and other acts of administrative violation in the relevant fields. The specialized State management agencies that detect acts of administrative violation shall sanction them according to their jurisdiction; if the sanctioning does not fall under their jurisdiction, they shall have to make records on the violations and forward them to Vietnam Coast Guard or other competent agency(ies) for sanctioning according to law.

Article 3.- In the inland waters, when requested, Vietnam Coast Guard shall have to coordinate with and assist the other specialized forces in performing the latter's tasks, ensuring that all operations on the sea strictly comply with the provisions of law; where Vietnam Coast Guard itself detects acts of administrative violation, it shall apply preventive measures, notify the violations and transfer such cases to the competent agency(ies) for handling according to the provisions of law.

Article 4.- Principles for sanctioning administrative violations

1. The sanctioning of administrative violations must be made strictly according to the provisions of law by the competent persons defined in Article 35 of this Decree.

2. The other principles for sanctioning administrative violations shall comply with Clauses 2, 3, 4, 5 and 6, Article 3 of the Ordinance on Handling of Administrative Violations.

Article 5.- The extenuating and aggravating circumstances applicable in sanctioning administrative violations stipulated in Chapter II, this Decree, shall comply with Articles 7 and 8 of the Ordinance on Handling of Administrative Violations.

Article 6.- The statute of limitations for sanctioning administrative violations and the time-limit after which administrative violations are considered as having not been handled

1. The statute of limitations for sanctioning an administrative violation shall be one year after such violation is committed; such time-limit shall be two (2) years for administrative violations in the fields of environment, export, import, exit, entry, smuggling and trading in fake goods; past the above-said time-limits, the sanctions shall not apply but the measures prescribed at Points a, b and d, Clause 3, Article 11 of the Ordinance on Handling of Administrative Violations may be applied.

2. The other provisions on the statute of limitations shall comply with Clauses 2 and 3 of the Ordinance on Handling of Administrative Violations.

3. One year after executing the sanctioning decisions or after such decisions cease to be effective, if the sanctioned organizations or individuals do not relapse into the violation, they shall be considered not having been sanctioned for administrative violations.

Article 7.- Forms of sanction against administrative violations provided for in this Decree shall comply with Chapter II of the Ordinance on Handling of Administrative Violations.

Chapter II

FORMS AND LEVELS OF SANCTION AGAINST ADMINISTRATIVE VIOLATIONS

Section I.- VIOLATIONS OF SECURITY, ORDER AND SAFETY ON THE SEA

Article 8.- Sanctions against the following violations by foreign ships and/or boats:

1. A fine of from 5,000,000 VND to 10,000,000 VND for act of illegally stopping or anchoring in the territorial waters of Vietnam.

2. A fine of from over 10,000,000 VND to 20,000,000 VND for one of the following acts:

a/ Emitting smoke, firing gun of different kinds, launching signals or using explosives in the territorial waters and adjacent areas of Vietnam for any purposes, except for firing rescue signals and firing salute gun-fires;

b/ Hindering maritime navigation activities and activities of fishing and aquaculture, prospecting, exploring and exploiting marine resources.

3. A fine of from over 20,000,000 VND to 100,000,000 VND for one of the following acts:

a/ Interfering in the information and communication system, devices and equipment of different types of the Socialist Republic of Vietnam;

b/ Illegally using radars, supersonic wave transmitters, theodolites, measuring devices, diving equipment and other devices for geographical and meteorological surveys, sea-bed and depth probing or any other exploring purposes in the territorial waters of Vietnam;

c/ Failing to put all the fixed and mobile weapons on the ship in the preservation position when the armed ships or boats enter the territorial waters and adjacent areas of Vietnam;

d/ Failing to apply professional measures to prevent hazards and poisonousness, or failing to provide Vietnamese officials with technical documents on radioactive, dangerous or noxious substances on board the ship when so requested, with regard to ships operated by atomic energy and ships and/or boats carrying radioactive materials, carrying or using dangerous or noxious substances, which are allowed to travel through the territorial waters and adjacent areas of Vietnam;

e/ Taking people out of the ship/boat or on board the ship/boat in contravention of the provisions of Vietnamese legislation on entry and exit; harboring, conniving with, covering or abetting violators of Vietnamese law in the territorial waters and adjacent areas of Vietnam.

4. Forms of additional sanction and other measures:

a/ To confiscate material evidences and means of administrative violations defined at Point a, Clause 2; Points a and b, Clause 3, this Article;

b/ To force administrative violators and means of administrative violations stipulated in this Article to leave the water areas where they are operating or the sea areas of Vietnam.

Article 9.- Sanctions against violations by foreign fishing ships/boats operating in the sea areas of Vietnam

1. A fine of from 10,000,000 VND to 20,000,000 VND for one of the following acts:

- a/ Failing to pull up fishing nets or tools;
- b/ Failing to put in the preservation position all devices for probing, detecting and attracting fishes.

2. A fine of from 20,000,00 VND to 50,000,000 VND for recidivism of one of the acts mentioned in Clause 1 of this Article.

Article 10.- Sanctions against violations committed by foreign organizations and/or individuals that enter the sea areas of Vietnam to conduct scientific research

1. A fine of from 5,000,000 VND to 10,000,000 VND for act of conducting scientific research in places other than those already prescribed for research.

2. A fine of from over 10,000,000 VND to 20,000,000 VND for act of carrying along weapons, ammunitions, explosives, reconnaissance means or noxious substances.

3. A fine of from over 20,000,000 VND to 50,000,000 VND for act of installing and using equipment or devices or research projects without permission of the Vietnamese competent agency(ies).

4. Forms of additional sanction and other measures:

a/ To confiscate material evidences and means of administrative violations stipulated in Clauses 2 and 3 of this Article;

b/ To force the dismantlement of projects, equipment and/or devices, and possibly to withdraw permits or suspend operations, for administrative violations stipulated in Clause 3, this Article.

Article 11.- Sanctions against other administrative violations in the field of security and order on the sea shall comply with Article 18, except for Point b, Clause 2 of the Government's Decree No.49/CP of August 15, 1996 on sanctioning administrative violations in the field of security and order.

Article 12.- Sanctions against acts of violating regulations on entry, exit and transit shall comply with Article 21, except for Points b and c, Clause 1; Point d, Clause 2 of the Government's Decree No.49/

CP of August 15, 1996.

Article 13.- Sanctions against acts of violating regulations on narcotics prevention, combat and control shall comply with Article 22, except for Clause 2; Points a, b, c, g and h, Clause 3; Points b, c and e, Clause 4 of the Government's Decree No.49/CP of August 15, 1996.

Article 14.- Sanctions against violations in the use and handling of means for sea transport and maritime services business activities

1. A fine of from 1,000,000 VND to 5,000,000 VND for one of the following violations:

- a/ Failing to have crew members' passports
- b/ Failing to have crew members' maritime navigation certificates.

2. A fine of from over 5,000,000 VND to 10,000,000 VND for one of the following violations:

a/ Failing to have the sea-going ship registration certificate;

b/ Failing to register the change of ship's owner as prescribed by law after the ownership right over the ship has been transferred;

c/ Practicing in sea transport and maritime service business without permits or with expired permits;

d/ Conducting business in contravention of the contents and scope of business prescribed in the permit;

e/ Failing to strictly comply with the contents already registered by the enterprise (on sea lanes and lines, channels, operation areas, ship's name);

f/ Amending, erasing the sea transport and/or maritime service business permit.

3. Forms of additional sanction:

To strip for up to 3 months the right to use professional certificates or maritime navigation permits, for violations stipulated at Points b and e, Clause 2, this Article.

Article 15.- Sanctions against acts of violating regulations on human life and ship safety

1. Warning or a fine of from 100,000 VND to 500,000 VND for one of the following violations:

- a/ The ship has no boards providing for the life-

saving task put up at necessary places;

b/ The ship has no boards of detailed instruction on the operation of life-saving equipment;

c/ Failing to have a board on the assignment of life-saving and salvage responsibilities to each crew member on board the ship and at the public places on the ship;

d/ Failing to equip the ship with life-saving equipment as prescribed;

c/ The life-saving equipment fails to meet the requirements for good quality and the operation readiness.

2. A fine of from 1,000,000 VND to 5,000,000 VND for one of the following violations:

a/ The crew members fail to acquire enough diplomas and/or professional certificates as prescribed;

b/ The ship fails to have the minimum staff for safety as prescribed;

c/ The person appointed to a post is not compatible with the name registered in the crew members' book;

d/ Failing to have a ship diary or using such diary in contravention of the regulations;

e/ Failing to obtain the means' registration number as prescribed.

3. A fine of from over 5,000,000 VND to 10,000,000 VND for one of the following violations:

a/ The use time of the life-saving equipment has expired;

b/ There's no life-saving equipment on board the ship.

4. Forms of additional sanction:

To strip definitely for 3 to 6 months or indefinitely the right to use ship's maritime operation permit and the certificate of basic safety training, for administrative violations stipulated in this Article.

Article 16.- Sanctions against acts of transporting goods and/or passengers beyond the prescribed load

1. Warning or a fine of from 100,000 VND to 500,000 VND per each passenger in excess of the prescribed number.

2. A fine of from 2,000,000 VND to 10,000,000

VND for act of transporting goods beyond the prescribed load.

3. Warning or a fine of from 200,000 VND to 700,000 VND on each passenger for violations defined in Clause 1; a fine of from 5,000,000 VND to 15,000,000 VND for violations defined in Clause 2, this Article in case of recidivism.

Article 17.- Sanctions against acts of violating safety regulations on fire and explosion prevention and combat for boats and ships

1. A fine of from 2,000,000 VND to 5,000,000 VND for one of the following violations:

a/ The fire-extinguishing equipment is not ready for operation;

b/ Failing to give signs of warning or necessary instructions at places where fires and/or explosions may easily occur;

c/ There's no fire-extinguishing system diagram, a board on fire-extinguishing duty assignment and a board of instructions on operations on board the ship.

2. A fine of from over 5,000,000 VND to 10,000,000 VND for one of the following violations:

a/ Failing to abide by or having not fully abided by the regulations on fire prevention and combat;

b/ Failing to adequately equip the ship with fire-extinguishing equipment as prescribed by Vietnamese law and the relevant international agreements which Vietnam has signed or acceded to;

c/ The portable fire-extinguishers are out of order;

d/ The fire-extinguishing devices are located at places not provided for on the ship;

e/ The crew members on board the ship cannot skillfully use the fire-extinguishing equipment;

f/ Having no rescue plan in case of emergency.

Article 18.- Sanctions against acts of violating rules on ensuring maritime safety.

1. A fine of from 2,000,000 VND to 5,000,000 VND against a means operator for breaches of the following voyage rules:

a/ Failing to use or improperly use signals of different types as prescribed;

b/ Failing to strictly comply with the rules on anti-collision on the sea.

2. A fine of from over 5,000,000 VND to 10,000,000 VND for one of the following acts:

a/ Failing to place signs of warning when the means or other sunken objects constitute obstacle on the sea;

b/ Failing to place signs of warning of artificial islands or projects on the sea;

c/ Removing or making maritime signals ineffective.

3. Application of other measures:

Forcible placement of signals, for violations stipulated at Points a and b, Clause 2; forcible restoration of the initial state, for violations stipulated at Point c, Clause 2, this Article.

Article 19.- Sanctions against acts of violating regulations on navigation order and safety on the sea.

1. A fine of from 500,000 VND to 2,000,000 VND for one of the following acts:

a/ Letting other means cling onto or tie to one's own means in contravention of the regulations when the ship is sailing;

b/ Using towing means in contravention of its functions;

c/ Having no rules for the passenger ship or letting the passengers sit on the ship's deck roof or sides;

d/ Loading goods in contravention of the regulations.

2. A fine of from 10,000,000 VND to 20,000,000 VND for one of the following acts:

a/ Carrying noxious goods, explosive and/or inflammable substances together with passengers;

b/ Using fake number plate when operating the means.

3. Forms of additional sanction:

To strip definitely for 3 to 6 months or indefinitely the right to use the ship master's diploma or professional certificate, for administrative violations defined in Clause 2, this Article.

Article 20.- Sanctions against acts of violating regulations on search and rescue

1. A fine of from 2,000,000 VND to 5,000,000 VND for act of failing to perform the prescribed

obligation on maritime search and rescue;

2. A fine of from over 5,000,000 VND to 10,000,000 VND for act of failing to obey the mobilization order without plausible reasons or for the irresponsibility in executing the mobilization order of the competent agency.

Article 21.- Sanctions against acts of violating regulations on salvage of sunken properties in the sea.

1. Warning or a fine of from 200,000 VND to 1,000,000 VND for act of failing to report or untruthfully reporting on the detection of sunken property in the sea.

2. A fine of from 10,000,000 VND to 20,000,000 VND for each act of violating regulations on salvage or preservation, handling of sunken properties.

3. A fine of from over 20,000,000 VND to 50,000,000 VND for each act of violating regulations on salvage or trading in archeological and historical objects in the territorial waters and adjacent areas.

4. Form of additional sanction:

To confiscate material evidences and means used for committing the violations defined in Clauses 2 and 3, this Article.

Section II.- VIOLATIONS IN THE FIELD OF SEA ENVIRONMENT PROTECTION

Article 22.- Sanctions against acts of discharging waste matters and noxious substances

1. A fine of from 5,000,000 VND to 20,000,000 VND for one of the following acts:

a/ Discharging oil and grease, noxious chemicals or radioactive substances beyond the prescribed limits on the sea areas;

b/ Discharging assorted garbage, dirty water and matters, waste water mixed with oil and other noxious substances from the ship into the prohibited areas or restricted areas on the sea;

c/ Discharging waste matters and noxious substances into the sea in contravention of the regulations on environment protection.

2. A fine of from over 20,000,000 VND to 50,000,000 VND for violations defined in Clause 1, this Article, in case of recidivism.

3. A fine of from over 50,000,000 VND to 100,000,000 VND for violations defined in Clause 2, this Article, in cases where many aggravating factors are involved.

4. Application of other measures:

Forcible compensation for damage; forcible restoration of the initial state that has been altered; overcoming of the environment pollution; temporary seizure of the violation means, for violations mentioned in Clauses 1, 2 and 3, this Article.

Article 23.- Sanctions against acts of transporting noxious substances

1. A fine of from 10,000,000 VND to 20,000,000 VND for one of the following acts:

a/ Having no documents on noxious substances;

b/ Having no permits for the transportation of noxious substances;

c/ Failing to apply special preventive measures in accordance with the regulations on environment protection.

2. A fine of from over 20,000,000 VND to 50,000,000 VND for violations defined in Clause 1, this Article, in case of recidivism.

3. A fine of from over 50,000,000 VND to 100,000,000 VND for violations defined in Clause 1 of this Article, in cases where many aggravating factors are involved.

4. Application of other measures:

To force the violation means to leave the water area where it is operating or leave the sea area of Vietnam.

Article 24.- Sanctions against other violations regarding the exploitation and trading in rare and precious animals and plants which are on the list jointly promulgated by the Ministry of Agriculture and Rural Development and the Ministry of Aquatic Resources shall comply with the provisions of Article 8, the Government's Decree No.26/CP of April 26, 1996 stipulating sanctions against administrative violations in the field of environment protection.

Article 25.- Sanctions against violations of regulations on the prevention of environmental incidents in the prospecting, exploration, exploitation

and transportation of oil and gas shall comply with the provisions of Article 12, Decree No.26/CP of April 26, 1996 of the Government.

Article 26.- Sanctions against violations in overcoming environmental incidents shall comply with the provisions of Article 19, Decree No.26/CP of April 26, 1996 of the Government.

Section III.- VIOLATIONS OF REGULATIONS ON THE EXPLOITATION AND PROTECTION OF AQUATIC RESOURCES

Article 27.- Sanctions against the permit-related violations, including the failure to have a permit, the use of a fake permit or a permit granted not by the competent agency

1. A fine of from 2,000,000 VND to 5,000,000 VND for means with a tonnage of under 50 tons.

2. A fine of from over 5,000,000 VND to 10,000,000 VND for means with a tonnage of from 50 to 100 tons.

3. Fine of from over 10,000,000 VND to 50,000,000 VND for means with a tonnage of over 100 tons.

4. Form of additional sanction:

To confiscate the total aquatic and sea products which have been processed as well as fishing facilities used for the illegal fishing.

Article 28.- Sanctions against violations of regulations on the protection of the living environment and aquatic resources, the management of exploitation of aquatic resources and the management of fishing boats and ships shall comply with the provisions of Articles 4 and 5; Clauses 2, 3, 4, 5, 6 and 7 of Article 6; Clauses 2 and 3 of Article 7, Decree No. 48/CP of August 12, 1996 of the Government stipulating sanctions against administrative violations in the field of protection of aquatic resources.

Article 29.- Sanctions against administrative violations in the field of fishery activities by foreigners and foreign means shall comply with the provisions of Articles 16, 17 and 18, Decree No.49/CP of July 13, 1998 of the Government.

Section IV.- VIOLATIONS IN OTHER FIELDS

Article 30.- Sanctions against acts of violating regulations on the exchange of import/export goods by border inhabitants shall comply with Article 8 of the Government's Decree No.54/1998/ND-CP of July 21, 1998 amending and supplementing a number of Articles of Decree No. 16/CP of March 20, 1996 of the Government on sanctioning administrative violations in the field of State management over customs.

Article 31.- Sanctions against acts of falsely declaring and evading tax shall comply with Article 3; the confiscation of material evidences and means used to commit administrative violations in the field of taxation shall comply with Article 6 of the Government's Decree No.22/CP of April 17, 1996 on sanctioning administrative violations in the field of taxation.

Article 32.- Sanctions against acts of violating regulations on goods import and/or export; and violations by the transport means' owners shall comply with Clauses 2 and 3, Article 14; Point a, Article 21 of the Government's Decree No.01/CP of January 3, 1996 on sanctioning administrative violations in the field of trade.

Article 33.- Sanctions against acts of violating regulations on prospection, exploration, exploitation and management of minerals shall comply with the provisions of Articles 4, 5, 6 and 8 of the Government's Decree No.35/CP of April 23, 1997 stipulating sanctions against administrative violations in the field of State management over minerals.

Article 34.- Sanctions against other administrative violations on the sea areas and continental shelf of Vietnam that fall under the jurisdiction of Vietnam Coast Guard shall comply with relevant law provisions on sanctioning administrative violations, promulgated by the State of the Socialist Republic of Vietnam.

Chapter III**SANCTIONING COMPETENCE AND PROCEDURES AND APPLICATION OF****MEASURES TO PREVENT ADMINISTRATIVE VIOLATIONS**

Article 35.- The following persons shall have competence to sanction administrative violations:

1. A member of the Coast Guard professional team on official duty shall have the competence:

- a/ To issue warning;
- b/ To fine up to 200,000 VND.

2. The head of the Coast Guard professional group shall have the competence:

- a/ To issue warning;
- b/ To fine up to 500,000 VND.

3. The head of the Coast Guard professional team shall have the competence:

- a/ To issue warning;
- b/ To fine up to 1,000,000 VND.

c/ To force compensation of up to 500,000 VND for damage caused by administrative violations.

4. The chief of the Coast Guard flotilla shall have the competence:

- a/ To issue warning;
- b/ To fine up to 2,000,000 VND;

c/ To force compensation of up to 1,000,000 VND for damages caused by administrative violations;

d/ To force the restoration of the initial state which has been altered by administrative violations;

e/ To suspend activities that have caused pollution to the living environment and/or spread of diseases.

5. The chief of the Coast Guard squadron shall have the competence:

- a/ To issue warning;
- b/ To fine up to 2,000,000 VND;

c/ To confiscate material evidences and means used for committing the administrative violations;

d/ To force the restoration of the initial state which has been altered by administrative violations;

e/ To suspend activities that have caused pollution to the living environment and/or spread of diseases.

f/ To destroy degraded cultural products and/or noxious articles harmful to the people's health.

6. The Coast Guard's regional commander shall have the competence:

- a/ To issue warning;
- b/ To fine up to 20,000,000 VND;
- c/ To confiscate material evidences and means used for committing the administrative violations;
- d/ To force the restoration of the initial state which has been altered by administrative violations;
- e/ To force the overcoming of the living environment pollution and/or the spread of diseases;
- f/ To destroy degraded cultural products and/or noxious articles harmful to the people's health.

7. The Head of the Coast Guard Department shall have the competence:

- a/ To issue warning;
- b/ To fine up to 20,000,000 VND;
- c/ To strip the right to use permits according to his/her competence, except where the permits are issued by the higher State agency(ies), he/she shall issue a decision to suspend the violations and request the competent State agency(ies) to withdraw the permits.
- d/ To confiscate material evidences and means used for committing the administrative violations;
- e/ To force the overcoming of the living environment pollution and/or the spread of diseases;
- f/ To force the restoration of the initial state which has been altered by administrative violations or force the dismantlement of illegally built projects;
- g/ To force foreign ships and/or boats and crew members thereon to leave the sea areas of Vietnam;
- h/ To destroy degraded cultural products and/or noxious articles harmful to the people's health.

8. The presidents of the People's Committees of different levels shall exercise their competence to handle administrative violations according to Articles 27 and 28 of the Ordinance on Handling of Administrative Violations in their respective localities, regarding violations stipulated in this Decree.

Where the persons with sanctioning competence stipulated in Clauses 3, 4, 5, 6, 7 and 8 of this Article are absent or where authorized by such persons, their

deputies may sanction administrative violations according to their competence.

Article 36.- Competence to apply measures to prevent administrative violations.

1. The following persons shall be competent to apply measures to prevent administrative violations:

- a/ The chief of the Coast Guard professional team;
- b/ The chief of the Coast Guard flotilla;
- c/ The chief of the Coast Guard squadron;
- d/ The Coast Guard's regional commander;
- e/ The head of the Coast Guard Department.

2. The application of measures to prevent administrative violations and the handling of administrative violations shall comply with the provisions of Article 38 of the Ordinance on Handling of Administrative Violations.

3. When applying such measures, the competent persons shall have to strictly abide by the provisions of Articles 39, 41, 42, 43 and 44 of the Ordinance on Handling of Administrative Violations.

4. In cases where the persons stipulated in Clause 1 of this Article are absent or unable to fulfill their tasks, their deputies shall have the competence to make decision.

Article 37.- The procedures for sanctioning administrative violations shall comply with the provisions of Chapter VI of the Ordinance on Handling of Administrative Violations.

The Ministry of Finance shall coordinate with the Ministry of Defense in providing detailed guidance on the procedures for the payment, collection, management and use of administrative violation fines in accordance with the provisions of this Decree.

Chapter IV

COMPLAINT, DENUNCIATION AND HANDLING OF VIOLATIONS

Article 38.- Complaint, denunciation and settlement of complaints and denunciations

1. Organizations or individuals being sanctioned for administrative violations under this Decree or their lawful representatives shall have the right to complain about sanctioning decisions of the competent persons according to the 1998 Law on Complaints and Denunciations. Pending the settlement of their complaints by the competent agencies or persons, the sanctioned organizations or individuals shall still have to execute sanctioning decisions, except where the construction project(s) must be dismantled.

In cases where the complaining organizations or individuals disagree with the complaint-settling decisions, they shall have the right to further complain with the superior competent person or initiate an administrative lawsuit at court according to the provisions of law.

2. An individual may denounce to competent State agencies any administrative violations defined in this Decree, which are committed by organizations or other individuals according to the provisions of the 1998 Law on Complaints and Denunciations.

3. An individual may denounce to the competent State agencies any the illegal acts of the persons competent to sanction administrative violations stipulated in Article 35 of this Decree.

Article 39.- Handling of violations

1. The persons who have competence to handle administrative violations defined in this Decree and hassle the violators, tolerate, cover, fail to sanction or sanction not in time, improperly sanction or ultra vires sanction the administrative violations shall, depending on the nature and extent of their violations, be disciplined or examined for penal liability, and, if causing damage, pay compensation therefor as prescribed by law.

2. The persons sanctioned for administrative violations who obstruct or oppose the persons performing the official duty with the inspection, control or sanctioning responsibility; or who deliberately delay or evade the execution of decisions on sanctioning the administrative violations shall, depending on the nature and seriousness of their violations, be administratively handled or examined for penal liability, and, if causing damages, pay compensation therefor as prescribed by law.

Chapter V

IMPLEMENTATION PROVISIONS

Article 40.- This Decree takes effect 15 days after its signing.

Article 41.- The Minister of Defense shall coordinate with the concerned ministries and branches in guiding, inspecting and urging the implementation of this Decree.

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

On behalf of the Government
Prime Minister
PHAN VAN KHAI