

THE GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

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DECREE

PENALTIES FOR ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON WATER AND MINERAL RESOURCES

Pursuant to the Law on the Organization of the Government dated June 19, 2015;

Pursuant to the Law on Actions against administrative violations dated June 20, 2012;

Pursuant to the Law on water resources dated June 21, 2012;

Pursuant to the Law on minerals dated November 17, 2010;

At the request of Minister of Natural Resources and Environment;

The Government promulgates a Decree on penalties for administrative violations against regulations on water and mineral resources.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

1. This Decree deals with violations, penalties, fines, remedial measures against administrative violations, the power to impose penalties against administrative violations and the power to make records of administrative violations against regulations on water and mineral resources.
2. Administrative violations against regulations on water resources prescribed in this Decree include: Violations against regulations on survey, planning, exploration, extraction and use of water resources; violations against regulations on reservoirs and operation of reservoirs; violations against regulations on water resource protection; violations against regulations on prevention, combat against and overcoming of adverse impacts by water; violations against regulations on taking community opinion; and other violations against regulations on water resource management, which are specified in Chapter II of this Decree.
3. Administrative violations against regulations on mineral resources prescribed in this Decree include: Violations against regulations on mineral exploration and mining; violations against regulations on auction of mineral rights; violations against regulations on use of figures and

results of geological surveys of mineral, and mineral exploration; regulations on regulations on rights and benefits of local government and people at the place where minerals are extracted; violations against regulations on protection of minerals which are not yet extracted; violations against regulations on mine safety techniques and other violations in the field of mineral resources, which are specified in Chapter III of this Decree.

4. Other administrative violations against regulations on water and mineral resources which are not prescribed in this Decree shall be handled in accordance with regulations of other relevant Government's decrees on penalties for administrative violations against regulations on state management.

Article 2. Penalties and remedial measures against administrative violations

1. Principal penalties:

Any organizational/individual entities that commit administrative violations against regulations on water and mineral resources shall be liable to any of the following principal penalties:

a) A warning;

b) A fine

The maximum fine for a violation against regulations on water resources incurred by an individual is VND 250,000,000; that incurred by an organization is VND 500,000,000. The maximum fine for a violation against regulations on mineral resources incurred by an individual is VND 1,000,000,000; that incurred by an organization is VND 2,000,000,000;

c) Suspend the mineral exploration license or the mineral extraction license for 01 – 12 months.

2. Additional penalties:

An entity committing administrative violation may, subject to the nature and severity of the violation, face one or several additional penalties mentioned below:

a) Suspend the license to explore, extract and use water resources, the license to discharge wastewater into water bodies; the license for groundwater drilling; the mineral exploration license or the mineral extraction license for 01 – 24 months;

b) Suspend the formulation and/or performance of water resources projects/schemes; suspend the exploration or extraction of water/ mineral resources for 01 – 12 months;

c) Confiscate the exhibits and/or specimens which are minerals, and instrumentalities of administrative violations.

Additional penalties shall be only applied in association with principal penalties.

3. Remedial measures:

In addition to principal and additional penalties, an entity that commits administrative violations may be liable to one or some remedial measures mentioned below:

b) Enforced implementation of remedial measures to combat environmental pollution, degradation and depletion of water resources; enforced reduction of droughts, floods and water scarcity; enforced filling and sealing of boreholes and implementation of measures to preserve minerals which are not yet extracted, and measures for environmental restoration of mining areas;

b) Enforced resolution and control of land subsidence or other problems;

c) Enforced compliance with reservoir operation procedures; enforced implementation of measures to lower the water level of reservoir to the water level before flood; measures to control flood at downstream areas; measures to ensure annual low-water flow after performance of works; measures to maintain the minimum water level in reservoir in dry season; and measures to deal with the water shortage at downstream areas of reservoirs;

d) Enforced compensation for damage if acts of violation cause floods influencing on production and daily activities of residents at downstream areas of reservoir;

dd) Enforced implementation of measures for land and environmental restoration;

e) Enforced leveling of exploration works; implementation of measures to preserve minerals which are not yet extracted, environmental restoration measures, and transfer of mineral specimens and its related information to mineral authorities;

g) Enforced leveling of exploration works and the environmental restoration at exploration area beyond the licensed exploration area; enforced restoration of environment at the exploration area; enforced performance of leveling, environmental remediation and restoration activities;

h) Enforced implementation of measures to bring mining areas beyond the licensed mining area to safe status; enforced restoration of land in conformity with mine closure project approved by competent authority;

i) Enforced compliance with mining methods; plans for mine opening and preparation (for underground mining), opening plans (for open-pit mining); enforced compliance with mining procedures and systems; enforced use of waste dump at location and area determined in the approved mine design or the mineral extraction license;

k) Enforced implementation of remedial measures to deal with the environmental pollution and/or infrastructure damage caused by the mining in excess of permitted mining output;

l) Enforced implementation of remedial measures to deal with infrastructure damage; enforced upgrading, repair and maintenance, and construction of roads;

m) Enforced restoration of initial state which has been changed due to acts of violation;

n) Enforced transfer of mineral specimens and mineral-related information to mineral authorities;

o) Enforced leveling or demolition of illegally built works; enforced demolition or relocation of obstacles to flows; enforced movement of machinery, equipment and/or assets to out of the mineral exploration/mining areas;

p) Enforced correction of untrue information/data because of acts of violation;

q) Enforced transfer of illegal benefits obtained from administrative violations; enforced payment of fees for using mineral-related information as notified by regulatory authorities, and penalty for late payment of fees to state budget.

Article 3. Imposing fines for administrative violations

1. The fine for each of administrative violations prescribed in Chapter II and Chapter III herein is imposed on individual, except for regulations in point d Clause 2 Article 34 herein. The fine imposed on an administrative violation committed by a household business shall be equal to that imposed on an individual for the same violation. The fine incurred by an organization is twice as much as that incurred by an individual for the same administrative violation.

2. Penalties imposed by the persons who have the power to impose penalties for administrative violations as prescribed in Articles 59, 60, 61, 62, 63 and 64 herein are incurred by individuals; a person who has the power to impose penalties may give a maximum fine twice that given to an individual to an organization for the same violation.

Chapter II

ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON WATER RESOURCES, PENALTIES, FINES AND REMEDIAL MEASURES

Section 1. VIOLATIONS AGAINST REGULATIONS ON PLANNING, BASELINE SURVEYS, EXPLORATION, EXTRACTION AND USE OF WATER RESOURCES, AND GROUNDWATER DRILLING PRACTICE

Article 4. Violations against regulations on capacity requirements for implementing baseline survey project/scheme, or providing advice on formulation of water resources plan

1. A warning or a fine ranging from VND 100,000 to VND 500,000 shall be imposed for failure to provide sufficient information as required after being selected to implement a baseline survey project/scheme, or provide advice on formulation of water resources plan.

2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to send notification to regulatory authorities as regulated after being selected to implement a baseline survey project/scheme, or provide advice on formulation of water resource plan.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed on the person in charge of techniques of a baseline survey project/scheme or providing advice on the formulation of water resource plan if he/she takes charge of techniques of 03 baseline survey projects/schemes or more, or provides advice on the formulation of 04 water resource plans or more at the same time.

4. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for providing untrue information in the capacity profile for formulating schemes/reports in course of implementation of a baseline survey project/scheme, or for providing advice on formulation of water resource plan.

5. Additional penalties:

Suspend the implementation of baseline survey project/scheme or provision of advice on the formulation of water resource plan for 01 – 06 months if the violation prescribed in Clause 4 of this Article is committed.

Article 5. Violations against regulations on capacity requirements for formulating schemes/reports in application for water license

1. A warning or a fine ranging from VND 100,000 to VND 500,000 shall be imposed for failure to provide sufficient information as required after being selected to formulate schemes/reports in application for water license.

2. A fine ranging from VND 2,000,000 to VND 4,000,000 shall be imposed for failure to send notification to regulatory authorities as regulated after being selected to formulate schemes/reports in application for water license.

3. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the following violations:

a) The person in charge of technical aspect of the scheme/report participates in the formulation of 04 schemes/reports or more at the same time; or

b) An independent consultant participates in the formulation of 02 schemes/reports or more at the same time.

4. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for providing untrue information in the capacity profile for formulating schemes/reports in application for water license.

5. Additional penalties:

Suspend the formulation of schemes/reports in application for water license for 01 – 06 months if the violation prescribed in Clause 4 of this Article is committed.

Article 6. Violations against regulations on monitoring and observation of water resources in course of water extraction and use, and discharge of wastewater into water bodies

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to submit reports on water resources monitoring and observation to regulatory authorities as regulated.

2. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for any of the following violations:

- a) Failure to retain monitoring figures/ data as regulated; or
- b) Failure to conduct monitoring of less than 25% of monitored parameters as regulated.

3. A fine ranging from 20,000,000 to 25,000,000 for failure to conduct monitoring of from 25% to less than 50% of monitored parameters as regulated.

4. A fine ranging from 25,000,000 to 30,000,000 for failure to conduct monitoring of from 50% to less than 75% of monitored parameters as regulated.

5. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

- a) Failure to conduct monitoring of 75% of monitored parameters or more as regulated; or
- b) Failure to install monitoring equipment as regulated; or
- c) Failure to comply with monitoring frequency rate as regulated; or
- d) Failure to comply with monitoring period as regulated; or
- dd) Failure to conduct monitoring activities at regulated locations; or
- e) Failure to connect and transmit monitoring and observation data to regulatory authorities as regulated.

6. A fine ranging from VND 60,000,000 to VND 70,000,000 shall be imposed for any of the following violations:

- a) Failure to conduct monitoring and observation of water resources in course of water extraction and use, and discharge of wastewater into water bodies as regulated; or
- b) Falsifying water resources monitoring and observation figures.

7. Additional penalties:

Suspend the water extraction, water use or discharge of wastewater into water bodies for 01 - 03 months if any of the violations prescribed in Clause 5 and Clause 6 of this Article is committed.

Article 7. Exploration, extraction and use of water resources without registration or license as regulated

1. A warning or a fine ranging from VND 100,000 to VND 500,000 shall be imposed for failure to carry out the registration of groundwater exploration/ extraction as regulated by law.

2. Fines shall be imposed for failure to obtain a license when conducting groundwater exploration activities. To be specific:

a) A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed for failure to obtain a license to conduct groundwater exploration for serving the drilling of 01 borehole;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to obtain a license to conduct groundwater exploration for serving the drilling of 02 boreholes;

c) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to obtain a license to conduct groundwater exploration for serving the drilling of 03 boreholes;

d) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to obtain a license to conduct groundwater exploration for serving the drilling of 04 boreholes;

dd) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to obtain a license to conduct groundwater exploration for serving the drilling of 05 boreholes or more.

3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for extracting and using groundwater for production and business activities, and service provision with a volume between 10 m³/24 hours and 30 m³/24 hours.

4. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to obtain license to conduct the following water extraction and using activities:

a) Extraction and use of groundwater for production and business activities, and service provision with a volume from 30 m³/24 hours to under 50 m³/24 hours;

b) Extraction and use of surface water for agricultural production and aquaculture with a volume between 0.1 m³/second and 0.2 m³/second;

c) Extraction and use of surface water for business activities, service provision and non-farming production with a volume between 100 m³/24 hours and 1,000 m³/24 hours;

d) Extraction and use of surface water for generation of electricity with engine capacity between 50 kW and 500 kW;

dd) Extraction and use of sea water for production and business activities, and service provision in land with a volume between 10,000 m³/24 hours and 30,000 m³/24 hours.

5. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to obtain license to conduct the following water extraction and using activities:

a) Extraction and use of groundwater for production and business activities, and service provision with a volume from 50 m³/24 hours to under 100 m³/24 hours;

b) Extraction and use of surface water for agricultural production and aquaculture with a volume from 0.2 m³/second to under 0.3 m³/second;

c) Extraction and use of surface water for business activities, service provision and non-farming production with a volume from 1,000 m³/24 hours to under 2,000 m³/24 hours;

d) Extraction and use of surface water for generation of electricity with engine capacity from 500 kW to less than 1,000 kW;

dd) Extraction and use of sea water for production and business activities, and service provision in land with a volume from 30,000 m³/24 hours to under 50,000 m³/24 hours.

6. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for failure to obtain license to conduct the following water extraction and using activities:

a) Extraction and use of groundwater for production and business activities, and service provision with a volume from 100 m³/24 hours to under 200 m³/24 hours;

b) Extraction and use of surface water for agricultural production and aquaculture with a volume from 0.3 m³/second to under 0.5 m³/second;

c) Extraction and use of surface water for business activities, service provision and non-farming production with a volume from 2,000 m³/24 hours to under 3,000 m³/24 hours;

d) Extraction and use of surface water for generation of electricity with engine capacity from 1,000 kW to less than 2,000 kW;

dd) Extraction and use of sea water for production and business activities, and service provision in land with a volume from 50,000 m³/24 hours to under 100,000 m³/24 hours.

7. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to obtain license to conduct the following water extraction and using activities:

a) Extraction and use of groundwater for production and business activities, and service provision with a volume from 200 m³/24 hours to under 400 m³/24 hours;

b) Extraction and use of surface water for agricultural production and aquaculture with a volume from 0.5 m³/second to less than 1 m³/second;

c) Extraction and use of surface water for business activities, service provision and non-farming production with a volume from 3,000 m³/24 hours to under 10,000 m³/24 hours;

d) Extraction and use of surface water for generation of electricity with engine capacity from 2,000 kW to less than 5,000 kW;

dd) Extraction and use of sea water for production and business activities, and service provision in land with a volume from 100,000 m³/24 hours to under 200,000 m³/24 hours.

8. A fine ranging from VND 70,000,000 to VND 90,000,000 shall be imposed for failure to obtain license to conduct the following water extraction and using activities:

a) Extraction and use of groundwater for production and business activities, and service provision with a volume from 400 m³/24 hours to under 800 m³/24 hours;

b) Extraction and use of surface water for agricultural production and aquaculture with a volume from 1 m³/second to less than 1.5 m³/second;

c) Extraction and use of surface water for business activities, service provision and non-farming production with a volume from 10,000 m³/24 hours to under 20,000 m³/24 hours;

d) Extraction and use of surface water for generation of electricity with engine capacity from 5,000 kW to less than 7,000 kW;

dd) Extraction and use of sea water for production and business activities, and service provision in land with a volume from 200,000 m³/24 hours to under 300,000 m³/24 hours.

9. A fine ranging from VND 90,000,000 to VND 110,000,000 shall be imposed for failure to obtain license to conduct the following water extraction and using activities:

a) Extraction and use of groundwater for production and business activities, and service provision with a volume from 800 m³/24 hours to under 1,000 m³/24 hours;

b) Extraction and use of surface water for agricultural production and aquaculture with a volume from 1.5 m³/second to less than 2 m³/second;

c) Extraction and use of surface water for business activities, service provision and non-farming production with a volume from 20,000 m³/24 hours to under 50,000 m³/24 hours;

d) Extraction and use of surface water for generation of electricity with engine capacity from 7,000 kW to less than 10,000 kW;

dd) Extraction and use of sea water for production and business activities, and service provision in land with a volume from 300,000 m³/24 hours to under 400,000 m³/24 hours.

10. A fine ranging from VND 110,000,000 to VND 140,000,000 shall be imposed for failure to obtain license to conduct the following water extraction and using activities:

a) Extraction and use of groundwater for production and business activities, and service provision with a volume from 1,000 m³/24 hours to under 1,500 m³/24 hours;

b) Extraction and use of surface water for agricultural production and aquaculture with a volume of 2 m³/second or more;

c) Extraction and use of surface water for business activities, service provision and non-farming production with a volume from 50,000 m³/24 hours to under 100,000 m³/24 hours;

d) Extraction and use of surface water for generation of electricity with engine capacity from 10,000 kW to less than 20,000 kW;

dd) Extraction and use of sea water for production and business activities, and service provision in land with a volume from 400,000 m³/24 hours to under 500,000 m³/24 hours.

11. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed for failure to obtain license to conduct the following water extraction and using activities:

a) Extraction and use of groundwater for production and business activities, and service provision with a volume from 1,500 m³/24 hours to under 3,000 m³/24 hours;

b) Extraction and use of surface water for business activities, service provision and non-farming production with a volume from 100,000 m³/24 hours to under 200,000 m³/24 hours;

c) Extraction and use of surface water for generation of electricity with engine capacity from 20,000 kW to less than 30,000 kW;

d) Extraction and use of sea water for production and business activities, and service provision in land with a volume from 500,000 m³/24 hours to under 700,000 m³/24 hours.

12. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for failure to obtain license to conduct the following water extraction and using activities:

a) Extraction and use of groundwater for production and business activities, and service provision with a volume from 3,000 m³/24 hours to under 5,000 m³/24 hours;

b) Extraction and use of surface water for business activities, service provision and non-farming production with a volume from 200,000 m³/24 hours to under 300,000 m³/24 hours;

c) Extraction and use of surface water for generation of electricity with engine capacity from 30,000 kW to less than 40,000 kW;

d) Extraction and use of sea water for production and business activities, and service provision in land with a volume from 700,000 m³/24 hours to under 1,000,000 m³/24 hours.

13. A fine ranging from VND 200,000,000 to VND 230,000,000 shall be imposed for failure to obtain license to conduct the following water extraction and using activities:

a) Extraction and use of groundwater for production and business activities, and service provision with a volume from 5,000 m³/24 hours to under 12,000 m³/24 hours;

b) Extraction and use of surface water for business activities, service provision and non-farming production with a volume from 300,000 m³/24 hours to under 800,000 m³/24 hours;

c) Extraction and use of surface water for generation of electricity with engine capacity from 40,000 kW to less than 50,000 kW;

d) Extraction and use of sea water for production and business activities, and service provision in land with a volume from 1,000,000 m³/24 hours to under 2,000,000 m³/24 hours.

14. A fine ranging from VND 230,000,000 to VND 250,000,000 shall be imposed for failure to obtain license to conduct the following water extraction and using activities:

- a) Extraction and use of groundwater for production and business activities, and service provision with a volume of 12,000 m³/24 hours or more;
- b) Extraction and use of surface water for business activities, service provision and non-farming production with a volume of 800,000 m³/24 hours or more;
- c) Extraction and use of surface water for generation of electricity with engine capacity of 50,000 kW or more;
- d) Extraction and use of sea water for production and business activities, and service provision in land with a volume of 2,000,000 m³/24 hours or more.

15. Fines imposed for exploration, extraction and use of water resources when having a license expired shall be the same as those imposed for corresponding acts without license as prescribed in Clauses 2 , 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of this Article.

16. Remedial measures:

- a) Enforced transfer of illegal benefits obtained from administrative violations prescribed in this Article;
- b) Enforced implementation of remedial measures to combat the environmental pollution, degradation or depletion of water resources if any of violations prescribed in this Article causes the pollution and/or degradation of water quality and quantity.

Article 8. Violations against regulations in license for exploration, extraction and use of water resources

- 1. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for failure to submit reports on water exploration, extraction and use to regulatory authorities as regulated by law.
- 2. A fine ranging from VND 2,000,000 to VND 4,000,000 shall be imposed for failure to provide sufficient and accurate data/information about water resources at areas where water exploration, extraction and use activities are performed to regulatory authorities as requested.
- 3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to provide explanation to the licensing authority if the amount of water actually extracted by the license holder is smaller than 70% of the licensed amount within a period of 12 consecutive months.
- 4. If the amount of water extracted/ used exceeds the licensed amount, fines prescribed in Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 Article 7 herein shall be imposed for exceeding amount of water extracted/used.

5. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for any of the following violations:

- a) Extracting and using water for purposes other than the licensed ones;
- b) Extracting and using water resources inconsistently with provisions in the license;
- c) Extracting and using water resources at locations/ co-ordinates other than those specified in the license;
- d) Extracting and using surface water of water sources other than the licensed ones;
- dd) Extracting and using groundwater at aquifers other than the licensed ones;
- e) Implementing groundwater exploration items with a volume exceeding 10% of the approved volume.

6. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for any of the following violations:

- a) Failure to implement measures to ensure safety, prevention and remedy against negative incidents occurred in course of water exploration, extraction and use;
- b) Failure to maintain minimum flows as regulated in the license when extracting and using surface water, except for the case prescribed in Point a Clause 7 Article 11 herein;
- c) Extracting and using groundwater with the pumping water level larger than the licensed pumping water level as regulated.

7. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for exploring, extracting and using water resources while the water license is suspended.

8. Additional penalties:

Suspend the water exploration/ extraction/ use license for 01 - 03 months if any of the violations prescribed in Clauses 3, 4, 5 and 6 of this Article is committed.

9. Remedial measures:

- a) Enforced transfer of illegal benefits obtained from administrative violations prescribed in this Article;
- b) Enforced implementation of remedial measures to combat the pollution, degradation or depletion of water resources if any of violations prescribed in Clauses 5 and 6 of this Article causes the pollution and/or degradation of water quality and quantity.

Article 9. Violations against regulations on groundwater drilling practice

1. A warning or a fine ranging from VND 100,000 to VND 500,000 shall be imposed for failure to carry out the registration as regulated in case the groundwater drilling requires registration.

2. A fine ranging from VND 2,000,000 to VND 4,000,000 shall be imposed for any of the following violations:

- a) Failure to submit annual consolidated report on groundwater drilling works as regulated;
- b) Failure to send written notification of location and scale of groundwater drilling work, and planned implementation time to regulatory authority as regulated;
- c) Failure to send written notification to regulatory authority if there is change in person in charge of techniques, registered business sectors or assigned takes as regulated.

3. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of following violations against regulations on drilling practice for the drilling work with the casing diameter smaller than 110 mm and the flow of not exceeding 200 m³/24 hours:

- a) Lending or letting out the license;
- b) Practicing groundwater drilling without the license;
- c) Practicing groundwater drilling when having a license expired, except for the case where the application for license renewal has been submitted as regulated.

4. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for any of the following violations:

- a) Failure to comply with approved procedures and technical design when constructing borehole;
- b) Failure to comply with technical procedure for borehole filling and sealing as regulated;
- c) Using wastewater, dirty water, or water contaminated with oil, toxic chemicals or additives containing pollutants as drilling fluids or to mix with drilling fluids to pour into boreholes;
- d) Failure to obtain a drilling license to conduct the filling and sealing of a borehole which is constructed for extracting groundwater and has casing diameter larger than 60 mm or a depth of 30 m or more;
- dd) Failure to comply with the drilling scale specified in the groundwater drilling license;
- e) Providing exploration and/or exploitation drilling services to entities failure to obtain water exploration, extraction and use licenses as regulated.

5. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for any of following violations against regulations on groundwater drilling practice for the drilling work with the casing diameter of under 250 mm and the flow ranging from 200 m³/24 hours to under 3,000 m³/24 hours:

- a) Lending or letting out the license;
- b) Practicing groundwater drilling without the license;
- c) Practicing groundwater drilling when having a license expired, except for the case where the application for license renewal has been submitted as regulated.

6. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for any of the following violations against regulations on groundwater drilling practice for drilling work with a scale other than that prescribed in Clause 2 and Clause 5 of this Article:

- a) Lending or letting out the license;
- b) Practicing groundwater drilling without the license;
- c) Practicing groundwater drilling when having a license expired, except for the case where the application for license renewal has been submitted as regulated.

7. A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for any of the following violations:

- a) Maintain drilling activities when such drilling activities cause land subsidence or other problems which cause adverse impacts on construction works and the life of residents in the area where drilling activities are conducted;
- b) Failure to combat or monitor the land subsidence or other problems which cause adverse impacts on construction works and the life of residents in the area where drilling activities are conducted.

8. Additional penalties:

- a) Suspend groundwater drilling license for 03 - 06 months if any of the violations prescribed in Point a Clause 3, Point a Clause 4, Point a Clause 5 and Point a Clause 6 of this Article is committed;
- b) Suspend the groundwater exploration drilling for 03 – 06 months if the violation prescribed in Point e Clause 4 of this Article is committed.

9. Remedial measures:

- a) Enforced transfer of illegal benefits obtained from administrative violations prescribed in Clauses 3, 4, 5 and 6 this Article;
- b) Enforced implementation of remedial measures to combat the pollution, degradation or depletion of water resources if any of violations prescribed in Points b, c Clause 3, Points b, c Clause 5, Points b, c Clause 6 and Clause 7 of this Article causes the pollution and/or degradation of water quality and quantity;

c) Enforced resolution of land subsidence or other problems if the violation prescribed in Clause 7 of this Article is committed.

Article 10. Violations against regulations on transfer of right to extract water and falsification of water license

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the falsification of water license.

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for transfer of right to extract water without the consent given by the licensing authority.

3. Additional penalties:

a) Suspend the water license for 03 - 06 months if any of the violation prescribed in Clause 1 of this Article is committed;

b) Suspend the water license for 06 - 12 months if any of the violation prescribed in Clause 2 of this Article is committed.

4. Remedial measures:

Enforced transfer of illegal benefits obtained from administrative violations prescribed in this Article.

Article 11. Violations against regulations on reservoirs

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to transfer water source protection corridor markers to the People's Committee of Commune where the reservoir is located in as regulated.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the following violations in case the reservoir capacity is less than 1,000,000 m³:

a) Using the surface area of the reservoir for aquaculture or provision of tourism and/or entertainment services without the written approval by the competent water resources authority;
or

b) Failure to submit reports on operation of works as regulated.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for any of the following violations:

a) Committing any of the violations prescribed in Clause 2 of this Article in respect of a reservoir with a capacity ranging from 1,000,000 m³ to under 10,000,000 m³; or

b) Failure to formulate the plan for planting of reservoir protection corridor markers in case where markers are not available.

4. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

- a) Committing any of the violations prescribed in Clause 2 of this Article in respect of a reservoir with a capacity ranging from 10,000,000 m³ to under 50,000,000 m³; or
- b) Failure to conduct or comply with procedure for monitoring and observation of minimum flows as regulated; or
- c) Failure to plant markers or failure to comply with the marker planting plan approved by a competent authority.

5. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for any of the violations prescribed in Clause 2 of this Article in respect of a reservoir with a capacity ranging from 50,000,000 m³ to under 100,000,000 m³.

6. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for any of the violations prescribed in Clause 2 of this Article in respect of a reservoir with a capacity of 100,000,000 m³ or more.

7. A fine ranging from VND 100,000,000 to VND 120,000,000 shall be imposed for any of the following violations:

- a) Failure to maintain the minimum flows as regulated;
- b) Failure to properly implement the annual plan for regulating water stored in reservoir;
- c) Failure to conduct the meteorological and hydrological monitoring, and estimation of the water volume into the reservoir to serve its operation;
- d) Failure to formulate plans for prevention of flooding, drought and water shortage for downstream areas;
- dd) Failure to provide warnings and notifications of reservoir water release;
- e) Failure to maintain the water levels as regulated in flood season according to the reservoir operation procedure approved by a competent authority;
- g) Failure to comply with the flow of released water regulated in the reservoir operation procedure in normal weather conditions.

8. A fine ranging from VND 200,000,000 to VND 220,000,000 shall be imposed for any of the following violations:

- a) Failure to formulate plan for dealing with dam failures and other incidents seriously threatening the safety of works, life and property of residents in downstream area of the reservoir;
- b) Failure to formulate the annual plan for regulating water stored in reservoir;

c) Releasing water with a volume in excess of that regulated in the reservoir operation procedure during the wet season.

9. A fine ranging from VND 220,000,000 to VND 250,000,000 shall be imposed for any of the following violations:

a) Failure to comply with reservoir operating orders of regulatory authorities in case of floods, droughts, water scarcity and other emergency cases;

b) Failure to comply with procedure for operating sluice gates of water release works as regulated;

c) Failure to properly implement the plans/schemes for regulating and distributing water sources in river basins of regulatory authorities;

d) Committing any of the violations prescribed in Point g Clause 7 and Point c Clause 8 of this Article resulting in unexpected flash floods that cause adverse impacts on production and life of residents in downstream areas of reservoirs.

10. Remedial measures:

a) Enforced transfer of illegal benefits obtained from administrative violations prescribed in Clauses 7 and 8 of this Article;

b) Enforced implementation of remedial measures to tackle effects of droughts, floods or water shortage if any of the violations prescribed in Point g Clause 7, Point c Clause 8 and Clause 9 of this Article is committed resulting in unexpected flash floods that cause adverse impacts on production and life of residents in downstream areas of reservoirs.

Section 2. VIOLATIONS AGAINST REGULATIONS ON INTER-RESERVOIR OPERATION PROCEDURE

Article 12. Violations against regulations on monitoring, forecast and provision of information/figures as regulated in inter-reservoir operation procedure

1. Fines shall be imposed for violations against regulations on information/figure provisions. To be specific:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to comply with methods of providing information/figures as regulated;

b) A fine of from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to provide information/figures within regulated time-limits;

c) A fine of from VND 20,000,000 to VND 30,000,000 shall be imposed on the agency/unit that is obliged to provide information/figures for failure to provide accurate and sufficient information/figures as regulated;

d) A fine of from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to provide accurate and sufficient information/figures as regulated;

dd) A fine of from VND 40,000,000 to VND 50,000,000 shall be imposed for failure to provide information/figures as regulated.

2. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for failure to properly implement monitoring and forecast guidelines in normal weather conditions in flood season. To be specific:

a) Failure to properly implement the monitoring and forecast of reservoir's water levels, the volume of water flowing into reservoir, spillway overflow rate, flow through plant and the intake flow rate within regulated periods; or

b) Failure to properly provide regulated contents of forecast news.

3. A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for failure to properly implement monitoring and forecast guidelines in dry season. To be specific:

a) Failure to properly implement the monitoring of the volume of water flowing into reservoir, spillway overflow rate, flow through plant, intake flow rate, upstream and downstream water levels within regulated periods; or

b) Failure to properly provide regulated contents of forecast news.

4. A fine ranging from VND 60,000,000 to VND 70,000,000 shall be imposed for failure to conduct monitoring and forecast operations as regulated in normal weather conditions in flood season. To be specific:

a) Failure to conduct the monitoring and forecast of reservoir's water levels, the volume of water flowing into reservoir, spillway overflow rate, flow through plant and the intake flow rate as regulated; or

b) Failure to provide reservoir flood forecasting news as regulated.

5. A fine ranging from VND 70,000,000 to VND 80,000,000 shall be imposed for failure to conduct monitoring and forecast operations as regulated in dry season. To be specific:

a) Failure to conduct the monitoring of the volume of water flowing into reservoir, spillway overflow rate, water flow through plant, intake flow rate, upstream and downstream water levels as regulated; or

b) Failure to provide forecast of the volume of water flowing into reservoir as regulated;

c) Failure to formulate and submit reports on plan for supplying water for downstream area to competent authorities as regulated;

d) Failure to propose and report to competent authorities on plans for regulation of water sources for downstream areas in case of incidents, droughts or water shortage that influence on the operation of reservoirs as regulated.

6. A fine ranging from VND 80,000,000 to VND 90,000,000 shall be imposed for falsification of monitoring and/or forecast information and figures.

7. The fine for each of the violations prescribed in Clauses 1, 2 and 4 of this Article shall increase thrice if it may rain and flood may occur as forecasted.

Article 13. Violations against regulations on maintaining water levels before flooding in normal weather conditions as regulated in inter-reservoir operation procedure

1. Fines shall be imposed for violations against regulations on maintaining water levels before flooding in normal weather conditions with respect to reservoirs whose capacity in total is under 200 million m³. To be specific:

a) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to properly operate reservoir resulting in the raising of reservoir's water level which is higher than the water level before flood by under 30% of the difference between the normal water level and the water level before flood;

b) A fine ranging from VND 70,000,000 to VND 90,000,000 shall be imposed for failure to properly operate reservoir resulting in the raising of reservoir's water level which is higher than the water level before flood by from 30% to under 60% of the difference between the normal water level and the water level before flood;

c) A fine ranging from VND 90,000,000 to VND 110,000,000 shall be imposed for failure to properly operate reservoir resulting in the raising of reservoir's water level which is higher than the water level before flood by 60% or more of the difference between the normal water level and the water level before flood;

d) A fine ranging from VND 110,000,000 to VND 130,000,000 shall be imposed for failure to properly operate reservoir resulting in the raising of reservoir's water level which is equal or higher than the normal water level.

2. Fines shall be imposed for violations against regulations on maintaining water levels before flooding in normal weather conditions with respect to reservoirs whose capacity in total is from 200 million m³ to less than 300 million m³. To be specific:

a) A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for failure to properly operate reservoir resulting in the raising of reservoir's water level which is higher than the water level before flood by under 30% of the difference between the normal water level and the water level before flood;

b) A fine ranging from VND 100,000,000 to VND 120,000,000 shall be imposed for failure to properly operate reservoir resulting in the raising of reservoir's water level which is higher than the water level before flood by from 30% to under 60% of the difference between the normal water level and the water level before flood;

c) A fine ranging from VND 120,000,000 to VND 140,000,000 shall be imposed for failure to properly operate reservoir resulting in the raising of reservoir's water level which is higher than the water level before flood by 60% or more of the difference between the normal water level and the water level before flood;

d) A fine ranging from VND 140,000,000 to VND 160,000,000 shall be imposed for failure to properly operate reservoir resulting in the raising of reservoir's water level which is equal or higher than the normal water level.

3. Fines shall be imposed for violations against regulations on maintaining water levels before flooding in normal weather conditions with respect to reservoirs whose capacity in total is from 300 million m³ to less than 500 million m³. To be specific:

a) A fine ranging from VND 100,000,000 to VND 120,000,000 shall be imposed for failure to properly operate reservoir resulting in the raising of reservoir's water level which is higher than the water level before flood by under 30% of the difference between the normal water level and the water level before flood;

b) A fine ranging from VND 120,000,000 to VND 140,000,000 shall be imposed for failure to properly operate reservoir resulting in the raising of reservoir's water level which is higher than the water level before flood by from 30% to under 60% of the difference between the normal water level and the water level before flood;

c) A fine ranging from VND 140,000,000 to VND 160,000,000 shall be imposed for failure to properly operate reservoir resulting in the raising of reservoir's water level which is higher than the water level before flood by 60% or more of the difference between the normal water level and the water level before flood;

d) A fine ranging from VND 160,000,000 to VND 180,000,000 shall be imposed for failure to properly operate reservoir resulting in the raising of reservoir's water level which is equal or higher than the normal water level.

4. Fines shall be imposed for violations against regulations on maintaining water levels before flooding in normal weather conditions with respect to reservoirs whose capacity in total is 500 million m³ or more. To be specific:

a) A fine ranging from VND 120,000,000 to VND 140,000,000 shall be imposed for failure to properly operate reservoir resulting in the raising of reservoir's water level which is higher than the water level before flood by under 30% of the difference between the normal water level and the water level before flood;

b) A fine ranging from VND 140,000,000 to VND 160,000,000 shall be imposed for failure to properly operate reservoir resulting in the raising of reservoir's water level which is higher than the water level before flood by from 30% to under 60% of the difference between the normal water level and the water level before flood;

c) A fine ranging from VND 160,000,000 to VND 180,000,000 shall be imposed for failure to properly operate reservoir resulting in the raising of reservoir's water level which is higher than

the water level before flood by 60% or more of the difference between the normal water level and the water level before flood;

d) A fine ranging from VND 180,000,000 to VND 200,000,000 shall be imposed for failure to properly operate reservoir resulting in the raising of reservoir's water level which is equal or higher than the normal water level.

5. A fine ranging from VND 220,000,000 to VND 250,000,000 shall be imposed for any of the violations prescribed in Clauses 1, 2, 3 and 4 of this Article if such violation causes flooding which adversely influence on production and life of residents in downstream area of the reservoir.

6. Remedial measures:

a) Enforced transfer of illegal benefits obtained from administrative violations prescribed in this Article;

b) Enforced implementation of reservoir operating measures to lower the reservoir's water level to the water level before flood;

c) Enforced implementation of measures to compensate for damage caused by any of the violations prescribed in Clause 5 of this Article.

Article 14. Violations against regulations on control of flood for downstream area as regulated in inter-reservoir operation procedure

1. Fines shall be imposed for release of water with a volume exceeding that collected by the reservoir in course of flood control for downstream area with respect to reservoirs whose capacity in total is under 200 million m³. To be specific:

a) A fine ranging from VND 140,000,000 to VND 150,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is under 20% of the volume of water collected by the reservoir;

b) A fine ranging from VND 150,000,000 to VND 160,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is from 20% to under 40% of the volume of water collected by the reservoir;

c) A fine ranging from VND 160,000,000 to VND 170,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is from 40% to under 60% of the volume of water collected by the reservoir;

d) A fine ranging from VND 170,000,000 to VND 180,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is from 60% to under 80% of the volume of water collected by the reservoir;

dd) A fine ranging from VND 180,000,000 to VND 190,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is 80% of the volume of water collected by the reservoir or more.

2. Fines shall be imposed for release of water with a volume exceeding that collected by the reservoir in course of flood control for downstream area with respect to reservoirs whose capacity in total is from 200 million m³ to less than 300 million m³. To be specific:

a) A fine ranging from VND 150,000,000 to VND 160,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is under 20% of the volume of water collected by the reservoir;

b) A fine ranging from VND 160,000,000 to VND 170,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is from 20% to under 40% of the volume of water collected by the reservoir;

c) A fine ranging from VND 170,000,000 to VND 180,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is from 40% to under 60% of the volume of water collected by the reservoir;

d) A fine ranging from VND 180,000,000 to VND 190,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is from 60% to under 80% of the volume of water collected by the reservoir;

dd) A fine ranging from VND 190,000,000 to VND 200,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is 80% of the volume of water collected by the reservoir or more.

3. Fines shall be imposed for release of water with a volume exceeding that collected by the reservoir in course of flood control for downstream area with respect to reservoirs whose capacity in total is from 300 million m³ to less than 500 million m³. To be specific:

a) A fine ranging from VND 160,000,000 to VND 170,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is under 20% of the volume of water collected by the reservoir;

b) A fine ranging from VND 170,000,000 to VND 180,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is from 20% to under 40% of the volume of water collected by the reservoir;

c) A fine ranging from VND 180,000,000 to VND 190,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is from 40% to under 60% of the volume of water collected by the reservoir;

d) A fine ranging from VND 190,000,000 to VND 200,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is from 60% to under 80% of the volume of water collected by the reservoir;

dd) A fine ranging from VND 200,000,000 to VND 210,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is 80% of the volume of water collected by the reservoir or more.

4. Fines shall be imposed for release of water with a volume larger than that collected by the reservoir in course of flood control for downstream area with respect to reservoirs whose capacity in total is 500 million m³ or more. To be specific:

a) A fine ranging from VND 170,000,000 to VND 180,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is under 20% of the volume of water collected by the reservoir;

b) A fine ranging from VND 180,000,000 to VND 190,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is from 20% to under 40% of the volume of water collected by the reservoir;

c) A fine ranging from VND 190,000,000 to VND 200,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is from 40% to under 60% of the volume of water collected by the reservoir;

d) A fine ranging from VND 200,000,000 to VND 210,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is from 60% to under 80% of the volume of water collected by the reservoir;

dd) A fine ranging from VND 210,000,000 to VND 220,000,000 shall be imposed for release of water with a volume exceeding that collected by reservoir if the exceeding volume is 80% of the volume of water collected by the reservoir or more.

5. A fine ranging from VND 220,000,000 to VND 250,000,000 shall be imposed for any of the following violations:

a) Committing any of the violations prescribed in this Article resulting in flooding which adversely influence on production and life of residents in downstream area of the reservoir;

b) Releasing water with a volume exceeding that collected by reservoir when the reservoir's water level equals to the normal water level as regulated in inter-reservoir operation procedure.

6. Remedial measures:

a) Enforced implementation of flood control measures for downstream area;

b) Enforced implementation of measures to compensate for damage caused by the violation prescribed in Point a Clause 5 of this Article.

Article 15. Violations against regulations on lowering of reservoir water level for flood preparedness and maintaining the highest water level before flood as regulated in inter-reservoir operation procedure

1. A fine ranging from VND 120,000,000 to VND 140,000,000 shall be imposed for any of the following violations:

a) Failure to properly lower the reservoir's water level for flood preparedness when having urgent news of storm, tropical depression or any other weather event that may cause rain and/or flood;

b) Failure to properly maintain the reservoir's highest water level before flood upon the completion of flood control period for downstream area.

2. A fine ranging from VND 140,000,000 to VND 160,000,000 shall be imposed for failure to release an amount of water equal to the amount of water coming into the reservoir with the aim of maintaining current water level of the reservoir upon the completion of the lowering of reservoir's water level for flood preparedness as regulated while conditions for floor control for downstream area are not satisfied.

3. Remedial measures:

a) Enforced implementation of measures to lower the reservoir's water level for flood preparedness and maintain the reservoir's highest water level before flood as regulated;

b) Enforced implementation of measures to compensate for and reduce damage caused by any of the violations prescribed in this Article which cause floods influencing on production and daily activities of residents in downstream area of reservoir.

Article 16. Violations against regulations on maintaining annual low-water flow upon the completion of works as regulated in inter-reservoir operation procedure

1. Fines shall be imposed for release of water with a volume or total volume smaller than the regulated one with respect to reservoir whose total storage capacity is under 200 million m³. To be specific:

a) A fine ranging from VND 110,000,000 to VND 120,000,000 shall be imposed if the volume of released water is 20% smaller than the regulated one;

b) A fine ranging from VND 120,000,000 to VND 130,000,000 shall be imposed if the volume of released water is from 20% to less than 50% smaller than the regulated one;

c) A fine ranging from VND 130,000,000 to VND 140,000,000 shall be imposed if the volume of released water is 50%, or more, smaller than the regulated one;

d) A fine ranging from VND 140,000,000 to VND 150,000,000 shall be imposed for failure to release the required volume or total volume of water.

2. Fines shall be imposed for release of water with a volume or total volume smaller than the regulated one with respect to reservoir whose total storage capacity is from 200 million m³ to less than 300 million m³. To be specific:

a) A fine ranging from VND 120,000,000 to VND 130,000,000 shall be imposed if the volume of released water is 20% smaller than the regulated one;

b) A fine ranging from VND 130,000,000 to VND 140,000,000 shall be imposed if the volume of released water is from 20% to less than 50% smaller than the regulated one;

c) A fine ranging from VND 140,000,000 to VND 150,000,000 shall be imposed if the volume of released water is 50%, or more, smaller than the regulated one;

d) A fine ranging from VND 150,000,000 to VND 160,000,000 shall be imposed for failure to release the required volume or total volume of water.

3. Fines shall be imposed for release of water with a volume or total volume smaller than the regulated one with respect to reservoir whose total storage capacity is from 300 million m³ to less than 500 million m³. To be specific:

a) A fine ranging from VND 130,000,000 to VND 140,000,000 shall be imposed if the volume of released water is 20% smaller than the regulated one;

b) A fine ranging from VND 140,000,000 to VND 150,000,000 shall be imposed if the volume of released water is from 20% to less than 50% smaller than the regulated one;

c) A fine ranging from VND 150,000,000 to VND 160,000,000 shall be imposed if the volume or total volume of released water is 50%, or more, smaller than the regulated one;

d) A fine ranging from VND 160,000,000 to VND 170,000,000 shall be imposed for failure to release the required volume or total volume of water.

4. Fines shall be imposed for release of water with a volume or total volume smaller than the regulated one with respect to reservoir whose total storage capacity is 500 million m³ or more. To be specific:

a) A fine ranging from VND 140,000,000 to VND 150,000,000 shall be imposed if the volume of released water is 20% smaller than the regulated one;

b) A fine ranging from VND 150,000,000 to VND 160,000,000 shall be imposed if the volume of released water is from 20% to less than 50% smaller than the regulated one;

c) A fine ranging from VND 160,000,000 to VND 170,000,000 shall be imposed if the volume of released water is 50%, or more, smaller than the regulated one;

d) A fine ranging from VND 170,000,000 to VND 180,000,000 shall be imposed for failure to release the required volume or total volume of water.

5. A fine ranging from VND 220,000,000 to VND 250,000,000 shall be imposed for failure to comply with the regulated volume of water released resulting in serious water shortage in downstream area.

6. Remedial measures:

a) Enforced transfer of illegal benefits obtained from administrative violations prescribed in this Article;

- b) Enforced implementation of measures to maintain the annual low-water flow upon the completion of works;
- c) Enforced implementation of remedial measures to combat droughts or water shortage if any of the violations prescribed in this Article is committed resulting in unexpected water shortage in downstream area.

Article 17. Violations against regulations on maintaining minimum water level of reservoir in dry season as regulated in inter-reservoir operation procedure

1. A fine ranging from VND 100,000,000 to VND 120,000,000 shall be imposed for failure to maintain minimum water levels of reservoir at corresponding periods, except for the case where the water level is adjusted under the approval by a competent authority.
2. A fine ranging from VND 220,000,000 to VND 250,000,000 shall be imposed for failure to maintain minimum water levels of reservoir at corresponding periods, which causes serious water shortage in downstream areas, except for the case where the water level is adjusted under the approval by a competent authority.
3. Remedial measures:
 - a) Enforced transfer of illegal benefits obtained from administrative violations prescribed in this Article;
 - b) Enforced implementation of measures to maintain the minimum water level of reservoir in dry season;
 - c) Enforced implementation of remedial measures to combat the water shortage in downstream area of the reservoir if any of the violations prescribed in this Article is committed.

Article 18. Violations against regulations on daily water release period in dry season as regulated in inter-reservoir operation procedure

1. A fine ranging from VND 70,000,000 to VND 90,000,000 shall be imposed for failure to maintain daily water release period within a period of less than 5 days.
2. A fine ranging from VND 90,000,000 to VND 110,000,000 shall be imposed for failure to maintain daily water release period within a period of from 05 days to less than 10 days.
3. A fine ranging from VND 110,000,000 to VND 130,000,000 shall be imposed for failure to maintain daily water release period within a period of from 10 days to less than 20 days.
4. A fine ranging from VND 130,000,000 to VND 150,000,000 shall be imposed for failure to maintain daily water release period within a period of from 20 days to less than 30 days.
5. A fine ranging from VND 150,000,000 to VND 170,000,000 shall be imposed for failure to maintain daily water release period within a period of from 30 days to less than 60 days.

6. A fine of from VND 170,000,000 to VND 190,000,000 shall be imposed for failure to maintain daily water release period within a period of 60 days or more.

7. A fine ranging from VND 220,000,000 to VND 250,000,000 shall be imposed failure to maintain daily water release period resulting in serious water shortage in downstream area.

8. Remedial measures:

a) Enforced transfer of illegal benefits obtained from administrative violations prescribed in this Article;

b) Enforced implementation of remedial measures to combat droughts or water shortage if any of the violations prescribed in this Article is committed resulting in serious water shortage in downstream area and serious influence on operation of other reservoirs in the river basin.

Section 3. VIOLATIONS AGAINST REGULATIONS ON WATER RESOURCE PROTECTION

Article 19. Fines for discharge of wastewater into water bodies without license as regulated

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for discharge of wastewater containing toxic chemicals and/or radioactive substances into water bodies with a discharged wastewater volume of less than 5 m³/24 hours.

2. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

a) Discharge of wastewater into water bodies with a discharged wastewater volume of between 5 m³/24 hours and 50 m³/24 hours, except for the violation prescribed in Point b of this Clause;

b) Discharge of aquaculture wastewater into water bodies with a discharged wastewater volume of between 10,000 m³/24 hours and 30,000 m³/24 hours.

3. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for any of the following violations:

a) Discharge of wastewater into water bodies with a discharged wastewater volume of from 50 m³/24 hours to under 100 m³/24 hours, except for the violation prescribed in Point b of this Clause;

b) Discharge of aquaculture wastewater into water bodies with a discharged wastewater volume of from 30,000 m³/24 hours to under 50,000 m³/24 hours.

4. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for any of the following violations:

a) Discharge of wastewater into water bodies with a discharged wastewater volume of from 100 m³/24 hours to under 500 m³/24 hours, except for the violation prescribed in Point b of this Clause;

b) Discharge of aquaculture wastewater into water bodies with a discharged wastewater volume of from 50,000 m³/24 hours to under 70,000 m³/24 hours.

5. A fine ranging from VND 100,000,000 to VND 120,000,000 shall be imposed for any of the following violations:

a) Discharge of wastewater into water bodies with a discharged wastewater volume of from 500 m³/24 hours to under 1,000 m³/24 hours, except for the violation prescribed in Point b of this Clause;

b) Discharge of aquaculture wastewater into water bodies with a discharged wastewater volume of from 70,000 m³/24 hours to under 100,000 m³/24 hours.

6. A fine ranging from VND 140,000,000 to VND 160,000,000 shall be imposed for any of the following violations:

a) Discharge of wastewater into water bodies with a discharged wastewater volume of from 1,000 m³/24 hours to under 2,000 m³/24 hours, except for the violation prescribed in Point b of this Clause;

b) Discharge of aquaculture wastewater into water bodies with a discharged wastewater volume of from 100,000 m³/24 hours to under 150,000 m³/24 hours.

7. A fine ranging from VND 180,000,000 to VND 220,000,000 shall be imposed for any of the following violations:

a) Discharge of wastewater into water bodies with a discharged wastewater volume of from 2,000 m³/24 hours to under 3,000 m³/24 hours, except for the violation prescribed in Point b of this Clause;

b) Discharge of aquaculture wastewater into water bodies with a discharged wastewater volume of from 150,000 m³/24 hours to under 200,000 m³/24 hours.

8. A fine ranging from VND 220,000,000 to VND 250,000,000 shall be imposed for any of the following violations:

a) Discharge of wastewater into water bodies with a discharged wastewater volume of 3,000 m³/24 hours or more, except for the violation prescribed in Point b of this Clause;

b) Discharge of aquaculture wastewater into water bodies with a discharged wastewater volume of 200,000 m³/24 hours or more.

9. Fines for discharge of wastewater which requires a license into the centralized wastewater collection and treatment system that is not yet licensed to discharge wastewater into water

bodies shall be the same as fines for corresponding violations prescribed in point a of Clauses 2, 3, 4, 5, 6, 7 and 8 of this Article.

10. Fines for discharge of wastewater into water bodies when having a license expired shall be the same as fines for discharge of wastewater into water bodies without license as prescribed in Clauses 1, 2, 3, 4, 5, 6, 7 and 8 of this Article.

11. Remedial measures:

Enforced implementation of remedial measures to combat the pollution and/or degradation of water resources if any of violations prescribed in this Article is committed resulting in the pollution and/or degradation of water quality and quantity.

Article 20. Violations against regulations in license to discharge wastewater into water bodies

1. A fine ranging from VND 2,000,000 to VND 4,000,000 shall be imposed for any of the following violations:

a) Failure to submit reports on discharge of wastewater into water bodies to competent authorities as regulated by law;

b) Failure to timely submit report to the licensing authority and local regulatory authority on the water pollution caused by discharge of wastewater.

2. A fine ranging from VND 100,000,000 to VND 120,000,000 shall be imposed for any of the following violations:

a) Failure to discharge wastewater at the locations/ co-ordinates prescribed in the license;

b) Failure to discharge wastewater into water bodies according to the methods prescribed in the license.

3. A fine ranging from VND 120,000,000 to VND 130,000,000 shall be imposed for any of the following violations:

a) Failure to comply with design of wastewater collection system as specified in the license;

b) Failure to properly operate the wastewater treatment system according to operating procedure specified in the license;

c) Failure to prepare human resource and necessary equipment and means to cope with the water pollution incidents;

d) Giving permission to other entities to discharge wastewater into the wastewater collection and treatment system invested and managed by the license holder inconsistently with regulations in the license.

4. If the discharged wastewater volume exceeds the licensed one, fines imposed for exceeding volumes shall be the same as fines for corresponding violations prescribed in Clauses 1, 2, 3, 4, 5, 6, 7 and 8 Article 19 herein.

5. Fines for discharge of wastewater containing pollutants with concentration in excess of the licensed one into water bodies shall be governed by regulations on penalties for administrative violations against regulations on environmental protection.

6. Additional penalties:

Suspend the license to discharge wastewater into water bodies for 03 - 06 months if any of the violations prescribed in Clauses 2, 3, 4 and 5 of this Article is committed.

7. Remedial measures:

Enforced implementation of remedial measures to combat the pollution, degradation and/or depletion of water resources if any of violations prescribed in this Article is committed resulting in the pollution and/or degradation of water quality and quantity.

Article 21. Violations against regulations on water resource protection

1. A warning or a fine ranging from VND 100,000 to VND 500,000 shall be imposed for any of the following violations:

- a) Failure to submit reports on borehole filling and sealing to regulatory authorities as regulated;
- b) Failure to timely submit reports on any irregular events that adversely influence on the water quality and/or borehole's water level to regulatory authorities as regulated;
- c) Failure to conduct the filling and sealing of boreholes which are no longer used or are damaged (for each borehole) in case where license to explore, extract and use of groundwater is not required.

2. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for any of the following violations:

- a) Managing and operating the works in the manner that causes water loss or water waste;
- b) Installing borehole mouth inconsistently with regulations;
- c) Using chemicals for cleaning and disinfecting the borehole without the approval by a regulatory authority as regulated;

3. A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for any of the following violations:

- a) Failure to eliminate irregular occurrences in water quality and/or water level in borehole which are caused by operating activities;

b) Failure to conduct the filling and sealing of boreholes which are no longer used or are damaged (for each borehole) in case where license to explore, extract and use of groundwater is required.

4. A fine ranging from VND 80,000,000 to VND 90,000,000 shall be imposed for failure to comply with national technical regulations on safety and prevention of groundwater degradation and depletion while conducting the extraction of mineral or underground construction.

5. A fine ranging from VND 140,000,000 to VND 160,000,000 shall be imposed for any of the following violations:

a) Failure to build the rainwater collection system separately from the wastewater collection system while constructing, improving or upgrading business facility;

b) Failure to build the wastewater treatment system while constructing, improving or upgrading business facility.

6. A fine ranging from VND 160,000,000 to VND 180,000,000 shall be imposed for discharging wastewater or transporting waste substances into water intake sanitary protection zones.

7. A fine ranging from VND 180,000,000 to VND 200,000,000 shall be imposed for construction of groundwater extraction works in region where the groundwater extraction is prohibited.

8. A fine ranging from VND 220,000,000 to VND 250,000,000 shall be imposed for discharge of wastewater into bowels of the earth through boreholes, dug wells and under other forms with the aim of discharging wastewater into bowels of the earth.

9. Additional penalties:

Suspend business activities for 03 – 06 months if the violation prescribed in Point b Clause 5 of this Article is committed.

10. Remedial measures:

a) Enforced filling and sealing of borehole/well if the violation prescribed in Point c Clause 1 and Point b Clause 3 of this Article is committed;

b) Enforced destruction of works if any of the violations prescribed in Clause 7 and Clause 8 of this Article is committed;

c) Enforced implementation of remedial measures to combat the pollution and/or degradation of water resources if any of violations prescribed in this Article is committed resulting in the pollution and/or degradation of water quality and quantity;

d) Enforced transfer of illegal benefits obtained from administrative violations prescribed in Clause 8 of this Article.

Article 22. Violations against regulations on prevention and control of pollution, degradation and depletion of water resources

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to implement measures to prevent leaks or spillage of wastewater storage pond, lake or container if the stored wastewater does not contain hazardous waste.

2. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for use of pesticides, veterinary medicines and other chemicals in cultivation, breeding and aquaculture inconsistently with technical regulations resulting in the water pollution.

3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for any of the following violations:

a) Failure to formulate plans for prevention and control of pollution, degradation and depletion of water resources while building economic zone, industrial zone, export processing zone, high-tech zone, concentration of industrial parks, urban area, residential area, concentration of tourist, entertainment and relaxation areas, waterway routes, highways, underground works, water supply and drainage systems, mining works, power plant, wastewater storage zone, and other businesses, service providing facilities and works that are prone to pose risk of pollution, degradation and depletion of water resources;

b) Failure to formulate plan or prepare equipment and human resources to prevent and reduce sea water pollution when carrying out activities at sea.

4. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for any of the following violations:

a) Failure to implement measures to ensure safety and prevent leaks or loss resulting in pollution of water sources of businesses, service providers, mining facilities and other production activities with the use of toxic chemicals;

b) Failure to implement measures to prevent leaks or spillage of pond, lake or zone storing wastewater that contain hazardous waste.

5. A fine ranging from VND 200,000,000 to VND 220,000,000 shall be imposed for any of the following violations:

a) Pumping water and draining in mining or construction resulting in decrease of underground water levels and water depletion;

b) Failure to apply remedial measures as instructed by water resources authorities when pumping water and draining in mining or construction resulting in decrease of underground water levels and water depletion.

6. A fine ranging from VND 220,000,000 to VND 250,000,000 shall be imposed for discharge of toxic gases directly into the water bodies.

7. Additional penalties:

Suspend business activities for 01 – 03 months if the violation prescribed in Point b Clause 4 of this Article is committed.

8. Remedial measures:

Enforced implementation of remedial measures to combat the pollution, degradation and depletion of water resources if any of violations prescribed in this Article is committed resulting in the pollution and/or degradation of water quality and quantity.

Article 23. Violations against regulations on response to water pollution incidents

1. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for any of the following violations:

- a) Failure to formulate plans for response to water pollution incidents;
- b) Failure to prepare necessary equipment and means to cope with water pollution incidents caused by acts of violation;
- c) Failure to give notification to regulatory authorities of the occurrence of water pollution incidents.

2. A fine ranging from VND 120,000,000 to VND 150,000,000 shall be imposed for failure to timely implement measures to cope with water pollution incidents caused by acts of violation.

3. A fine ranging from VND 220,000,000 to VND 250,000,000 shall be imposed for failure to timely implement measures to cope with water pollution incidents caused by acts of violation resulting in serious water pollution.

4. Remedial measures:

Enforced implementation of remedial measures to combat the pollution and/or degradation of water resources caused by any of the violations prescribed in Clauses 2 and 3 of this Article.

Article 24. Violations against regulations on maintaining water flow and prevention of riverside landslide

1. A warning or a fine ranging from VND 100,000 to VND 500,000 shall be imposed for laying obstacles, planting trees to block flood drainage, water flow on rivers, streams, ponds, canals or ditches.

2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for instructing pipelines or cables across the rivers, streams or canals, or laying cages/ rafts inconsistently with technical regulations on flood control and relevant technical requirements as regulated by law resulting in obstruction of water flows.

3. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for mining or construction of bridge/wharf or other works preventing or across the rivers, streams or canals

inconsistently with technical regulations on flood control and relevant technical requirements as regulated by law resulting in obstruction of water flows.

4. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

- a) Renovating the river-bed or riverside, or building irrigational works, or extracting sand, gravel and other mineral from rivers/ lakes that cause landslides or mudslides;
- b) Filling and sealing a pond, lake or lagoon in the list of ponds, lakes and lagoons prohibited from leveling approved by a regulatory authority.

5. Fines for filling and sealing rivers, streams, channels or canals resulting in restriction to the flow of water:

- a) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed if the act of violation narrows less than 20% of cross section of the river, stream, channel or canal;
- b) A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed if the act of violation narrows from 20% to under 40% of cross section of the river, stream, channel or canal;
- c) A fine ranging from VND 60,000,000 to VND 70,000,000 shall be imposed if the act of violation narrows from 40% to under 50% of cross section of the river, stream, channel or canal;
- d) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed if the act of violation narrows 50% or more of cross section of the river, stream, channel or canal.

6. Violations prescribed in Clauses 1, 2, 3 and 5 of this Article in connection with channels or canals of irrigational work systems shall be handled in accordance with regulations on penalties for administrative violations against regulations on operation and protection of irrigational works.

7. Remedial measures:

- a) Enforced restoration of initial state which has been changed due to acts of violation prescribed in this Article;
- b) Enforced destruction of works or relocation of obstacles to the water flow if any of the violations prescribed in this Article is committed.

Article 25. Violations against regulations on water source protection corridor

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed on establishment operating inside the water source protection corridor for failure to apply measures to handle, control and supervise quality of wastewater or waste before they are discharged into land or water bodies.

2. A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for mining, drilling or construction of buildings or architectural works inside the water source protection corridor resulting in landslides on the banks of river, stream, channel, canal or reservoir.

3. A fine ranging from VND 60,000,000 to VND 70,000,000 shall be imposed for performance of any of the following acts made without written approval by the Provincial Department of Natural Resources and Environment:

a) Building warehouse, wharf, port, bridge, traffic route, underground works and other infrastructure structures;

b) Filling, sealing or constructing embankment of river, stream, channel, canal, irrigation reservoir, hydroelectric reservoir, natural or artificial reservoir, excluding the urgent construction of works with the aim of preventing natural disasters or the construction of landslide prevention and control works at rivers where disaster prevention works are located;

c) Drilling or digging to serve the geological surveys, exploration/extraction of minerals, foundation works or mine dewatering;

d) Extracting minerals or building materials.

4. A fine ranging from VND 150,000,000 to VND 180,000,000 shall be imposed for construction of hospitals or health facilities specialized in treatment of infectious diseases, cemeteries, landfills, toxic chemical production facilities, or hazardous wastewater treatment facilities inside the water source protection corridor.

5. Remedial measures:

a) Enforced destruction of works in violation of regulations prescribed in Clauses 3 and 4 of this Article;

b) Enforced implementation of remedial measures to combat the pollution, degradation and depletion of water resources if any of violations prescribed in this Article is committed resulting in the pollution and/or degradation of water quality and quantity.

Article 26. Violations against regulations on prevention of saltwater intrusion

1. A fine ranging from VND 6,000,000 to VND 10,000,000 shall be imposed for the extraction and use of brackish water or saltwater for production or aquaculture activities outside the planning area for aquaculture resulting in the movement of saltwater into water sources.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to comply with technical procedures and regulations on management and operation of sluices constructed to prevent saline intrusion or storing fresh water, and reservoirs/stream flow regulation works resulting in movement of saltwater into water sources.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to apply measures to prevent the saltwater intrusion in aquifers when carrying out the exploration and extraction of groundwater at plain or coastal areas.

4. Remedial measures:

Enforced implementation of remedial measures to combat the pollution, degradation and depletion of water resources if any of violations prescribed in this Article is committed resulting in the pollution and/or degradation of water quality and quantity.

Section 4. VIOLATIONS AGAINST OTHER REGULATIONS ON RESOURCE MANAGEMENT

Article 27. Violations against regulations on land subsidence prevention and monitoring

1. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for failure to comply with technical regulations on safety and prevention of land subsidence when carrying out drilling activities for groundwater exploration and extraction or drilling for dewatering of mine or foundation pit.

2. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

a) Failure to apply remedial measures upon the occurrence of land subsidence in course of drilling for groundwater exploration and extraction;

b) Failure to submit reports to the nearest regulatory authority on the occurrence of land subsidence in course of drilling for groundwater exploration and extraction.

3. Additional penalties:

Suspend the groundwater exploration and extraction for 03 – 06 months if any of the violations prescribed in Points a, b Clause 2 of this Article is committed.

4. Remedial measures:

Enforced restoration of initial state which has been changed due to the act of violation prescribed in Point a Clause 2 of this Article.

Article 28. Violations against other regulations on water resource management

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for any of the following violations:

a) Making false statement to enjoy benefits from incentive policies for economical and efficient water use activities;

b) Properly taking advantage of incentive policies for economical and efficient water use activities.

2. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for providing inaccurate information/data about water resources to competent water resource authority as requested.

3. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for any of the following violations:

- a) Failure to publish sufficient information concerning the project's extraction and use of water resources or discharge of wastewater into water bodies as regulated;
- b) Failure to comply with regulated methods of publishing information concerning the project's extraction and use of water resources or discharge of wastewater into water bodies;
- c) Failure to submit documents for calculation of fees for processing of application for grant of water extraction rights within required time limit.

4. A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for illegally accessing to the water resource data and information systems.

5. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

- a) Failure to exactly publish opinions given by relevant residential communities, organizations and individuals as regulated;
- b) Failure to publish information concerning the project's extraction and use of water resources or discharge of wastewater into water bodies as regulated;
- c) Providing inaccurate information in documents submitted for calculation of fees for processing of application for grant of water extraction rights;
- d) Failure to make full payment of fees for processing of application for grant of water extraction rights.

6. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for any of the following violations:

- a) Providing inaccurate information in the application for license to explore, extract and use water resources, or discharge wastewater into water bodies;
- b) Failure to get opinions from relevant residential communities, organizations and individuals as regulated;
- c) Failure to make payment of fees for processing of application for water extraction license as regulated.

7. A fine ranging from VND 200,000,000 to VND 250,000,000 shall be imposed for any of the following violations:

- a) Building reservoir, dam or water extraction works inconsistently with the water resource planning;

b) Failure to suspend groundwater extraction activities or failure to reduce the volume or number of existing groundwater extraction works in the region where the groundwater extraction is prohibited or restricted under decision made by a regulatory authority.

8. Additional penalties:

a) Suspend the groundwater extraction and use activities for 01 – 06 months if the violation prescribed in Point b Clause 7 of this Article is committed;

b) Suspend the license to extract and use water resources for a period from 01 to less than 03 months if the violation prescribed in Point d Clause 5 of this Article is committed, or for 03 – 06 months if any of the violations prescribed in Points a, b and c Clauses 5, 6 of this Article is committed.

9. Remedial measures:

a) Enforced correction of untrue information/data resulted from the violations prescribed in Clause 2 of this Article;

b) Enforce destruction or relocation of works if the violation prescribed in Point a Clause 7 of this Article is committed.

Chapter III

ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON MINERAL RESOURCES, PENALTIES, FINES AND REMEDIAL MEASURES

Section 1. VIOLATIONS AGAINST REGULATIONS ON RESPONSIBILITY OF ORGANIZATIONS/ INDIVIDUALS PERFORMING MINERAL ACTIVITIES AND MANAGING MINERAL RESOURCES

Article 29. Violations against regulations on field surveys and taking samples from land surface to select the area for formulating mineral exploration project

1. A warning or a fine shall be imposed for taking samples from the land surface in excess of the quantity, weight and sampling time approved by the Provincial-level People's Committee. To be specific:

a) A warning shall be imposed on household business for taking mineral samples to use as common building materials;

b) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed if the licensing for mineral operations is under the authority of the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if the licensing for mineral operations is under the authority of the Ministry of Natural Resources and Environment.

2. Fines shall be imposed for conducting field surveys and taking samples from land surface to select area for formulating the mineral exploration project without obtaining the written approval from the People's Committee of province where minerals are located. To be specific:

a) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed on household business for taking samples to formulate the project on exploration of minerals used as common building materials;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the licensing for mineral operations is under the authority of the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if the licensing for mineral operations is under the authority of the Ministry of Natural Resources and Environment.

Article 30. Violations against regulations on notification of exploration plan, report on mineral exploration results, requirements for implementation of mineral exploration project, obligations to be fulfilled upon the expiry of mineral exploration license

1. A warning or a fine shall be imposed for failure to send written notification of the mineral exploration plan to the People's Committee of province where minerals to be explored are located. To be specific:

a) A warning shall be imposed on household business for exploration of minerals used as common building materials;

b) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed if the mineral exploration is licensed by the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if the mineral exploration is licensed by Ministry of Natural Resources and Environment.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to submit reports within 30 days as from the end of the reporting period or failure to submit periodical reports on mineral exploration results to competent mineral resource authorities.

3. Fines shall be imposed for submitting reports containing inaccurate content that there is a difference of exceeding 10% between the actual volume of explored minerals and the volume specified in the mineral exploration plan approved by a regulatory authority. To be specific:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on household business for conducting exploration of minerals used as common building materials;

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if the mineral exploration license is issued by the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 30,000,000 to VND 50,000,000 if the mineral exploration license is issued by Ministry of Natural Resources and Environment.

4. Fines shall be imposed for failure to apply for approval for mineral deposit after 30 days or more as from the end of the exploration duration specified in the mineral exploration license. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 if the mineral exploration license is issued by the Provincial-level People's Committee;

b) A fine ranging from VND 20,000,000 to VND 30,000,000 if the mineral exploration license is issued by Ministry of Natural Resources and Environment.

5. Fines shall be imposed for failure to submit report on mineral exploration results enclosed with decision on approval for mineral deposit for storing in geological achieves within 90 days after the decision on approval for mineral deposit is issued by the regulatory authority. To be specific:

a) A fine ranging from VND 20,000,000 to VND 30,000,000 if the mineral exploration license is issued by the Provincial-level People's Committee;

b) A fine ranging from VND 30,000,000 to VND 50,000,000 if the mineral exploration license is issued by Ministry of Natural Resources and Environment.

6. Fines shall be imposed for failure to satisfy all of eligibility requirements for practicing in mineral exploration when implementing the mineral exploration project. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on household business for conducting exploration of minerals used as common building materials;

b) A fine ranging from VND 20,000,000 to VND 50,000,000 shall be imposed if the mineral exploration license is issued by the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 50,000,000 to VND 70,000,000 if the mineral exploration license is issued by Ministry of Natural Resources and Environment.

7. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for any of the following violations:

a) Failure to move all its assets and assets of relevant parties from the exploration area, or failure to conduct the leveling of exploration site and protect minerals which are not yet extracted as regulated by law, or failure to provide specimens and information concerning minerals collected from exploration activities to competent mineral authorities as regulated by law within 06 months from the expiry of the mineral exploration license;

b) Arbitrarily changing the exploration method or changing the exploration volume with cost increased or decreased more than 10% of total estimate in the approved mineral exploration project without the approval by the competent licensing authority before implementation.

8. Remedial measures:

Enforced leveling of exploration works; enforced implementation of measures to preserve minerals which are not yet extracted, environmental restoration measures, and enforced transfer of mineral specimens and their related information to competent mineral authorities if any of the violations prescribed in Points a, b Clause 7 of this Article is committed.

Article 31. Violations against regulations on mineral exploration area

1. A warning shall be issued for any of the following violations:

- a) Setting up landmarks at corner points of licensed mineral exploration area inconsistently with required specifications or failure to set up enough landmarks at corner points of licensed mineral exploration area;
- b) Conducting mineral exploration activities beyond the boundaries of the licensed exploration area with total exceeding area of under 5% of the licensed exploration area or under 01 hectare; or under 01m in excess of licensed exploration depth.

2. Fines shall be imposed for failure to set up landmarks at corner points of the licensed mineral exploration area. To be specific:

- a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on household business for conducting exploration of minerals used as common building materials;
- b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if the mineral exploration license is issued by the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;
- c) A fine ranging from VND 20,000,000 to VND 30,000,000 if the mineral exploration license is issued by Ministry of Natural Resources and Environment.

3. Fines shall be imposed for conducting mineral exploration activities beyond the boundaries of the licensed exploration area with total exceeding area of from 5% to under 10% of the licensed exploration area or from 01 hectare to under 02 hectares; or from 01m to under 02m in excess of the licensed exploration depth. To be specific:

- a) A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed on household business for conducting exploration of minerals used as common building materials;
- b) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if the mineral exploration license is issued by the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;
- c) A fine ranging from VND 50,000,000 to VND 80,000,000 if the mineral exploration license is issued by Ministry of Natural Resources and Environment.

4. Fines shall be imposed for conducting mineral exploration activities beyond the boundaries of the licensed exploration area with total exceeding area of from 10% to under 100% of the

licensed exploration area or from 02 hectares to under 05 hectares; or from 02m to under 10m in excess of the licensed exploration depth. To be specific:

- a) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed on household business for conducting exploration of minerals used as common building materials;
- b) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed if the mineral exploration license is issued by the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;
- c) A fine ranging from VND 100,000,000 to VND 150,000,000 if the mineral exploration license is issued by Ministry of Natural Resources and Environment.

5. Additional penalties:

- a) Suspend mineral exploration activities for 01- 03 months if the violation prescribed in Clause 3 of this Article is committed; for 03 – 06 months if the violation prescribed in Clause 4 of this Article is committed;
- b) Confiscate mineral specimens if any of the violations prescribed in Clause 3 and Clause 4 of this Article is committed.

6. Remedial measures:

Enforced leveling of exploration works and measures for environmental restoration at exploration area beyond the licensed exploration area if any of the violations prescribed in Clauses 3, 4 of this Article is committed.

Article 32. Violations against regulations on transfer of mineral exploration rights

Fines shall be imposed for transfer or receipt of transfer of mineral exploration rights without obtaining a written approval from the regulatory authority. To be specific:

- 1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on household business for conducting exploration of minerals used as common building materials.
- 2. A fine ranging from VND 20,000,000 to VND 50,000,000 shall be imposed if the mineral exploration license is issued by the Provincial-level People's Committee, except for the violation prescribed in Point 1 of this Clause.
- 3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed if the mineral exploration license is issued by Ministry of Natural Resources and Environment.

Article 33. Violations against regulations on exploration of toxic minerals

- 1. A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed for failure to implement or improperly implementing environmental pollution prevention measures which are specified in the mineral exploration project provided that exploration activities do not yet cause environmental pollution.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for improperly implementing environmental pollution prevention measures which are specified in the mineral exploration project resulting in environmental pollution caused by exploration activities.

3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for improperly implement remedial measures to combat the environmental pollution caused by exploration activities.

4. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for failure to implement remedial measures to combat the environmental pollution caused by exploration activities.

5. Additional penalties:

a) Suspend the mineral exploration license for 01 - 03 months if the violation prescribed in Clause 1 of this Article is committed;

b) Suspend the mineral exploration license for 03 - 06 months if the violation prescribed in Clause 2 of this Article is committed;

c) Suspend the mineral exploration license for 06 - 09 months if the violation prescribed in Clause 3 of this Article is committed;

d) Suspend the mineral exploration license for 09 - 12 months if the violation prescribed in Clause 4 of this Article is committed.

6. Remedial measures:

a) Enforced implementation of measures to prevent the environmental pollution and adverse effects on the human health if the violation prescribed in Clause 1 of this Article is committed;

b) Enforced implementation of measures to combat the environmental pollution if any of the violations prescribed in Clauses 2, 3 and 4 of this Article is committed.

Article 34. Violations against other regulations on mineral exploration

1. Fines shall be imposed for conducting mineral exploration activities when having a mineral exploration license expired or suspended. To be specific:

a) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed on household business for conducting exploration of minerals used as common building materials;

b) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if the mineral exploration license is issued by the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 50,000,000 to VND 70,000,000 if the mineral exploration license is issued by Ministry of Natural Resources and Environment.

2. Fines shall be imposed for failure to obtain a mineral exploration license as regulated when conducting exploration activities; or conducting mineral exploration activities beyond the boundaries of the licensed exploration area with total exceeding area of 100% or more of the licensed exploration area or 05 hectares or more; or 10m or more in excess of the licensed exploration depth. To be specific:

a) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed on household business for conducting exploration of minerals used as common building materials;

b) A fine ranging from VND 100,000,000 to VND 150,000,000 shall be imposed if the licensing for mineral exploration activities is under the authority of the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 150,000,000 to VND 300,000,000 shall be imposed if the licensing for mineral exploration activities is under the authority of the Ministry of Natural Resources and Environment, except for the violation prescribed in Point d of this Clause;

d) A fine ranging from VND 300,000,000 to VND 500,000,000 shall be imposed on an organization for exploration of gold, silver, precious stones, platinum or toxic minerals.

3. Additional penalties:

a) Confiscate mineral specimens if any of the violations prescribed in Clause 1 and Clause 2 of this Article is committed;

b) Confiscate the instrumentalities of administrative violations if the violation prescribed in Clause 2 of this Article is committed;

c) Suspend mineral exploration activities for 03 to under 06 months if the violation prescribed in Clause 1 of this Article is committed; suspend the mineral exploration license for 03 – 06 months if the violation prescribed in Clause 2 of this Article is committed.

4. Remedial measures:

Enforced leveling of exploration works and measures to restore the environment at the exploration areas if the violation prescribed in Clause 2 of this Article is committed.

Article 35. Violations against regulations on mine fundamental construction, reports on mineral extraction activities, and payment of fees for processing of applications for mineral extraction or exploration rights, or upgrading of mineral reserve/ resource category

1. A warning shall be issued for any of the following violations:

a) Failure to provide a written notification of the commencement of mine fundamental construction or the commencement of exploration activities to the licensing authority and/or the People's Committee at the place where the mine is located;

b) Failure to send reports to the licensing authority on case where extraction activities are suspended for 01 year or more;

c) Failure to provide sufficient information in periodical reports on mineral extraction activities according to the template provided by the Ministry of Natural Resources and Environment.

2. Fines shall be imposed for failure to carry out the registration of the commencement of mine fundamental construction; or failure to carry out the registration of the commencement of extraction activities with the licensing authority. To be specific:

a) A fine ranging from VND 20,000,000 to VND 30,000,000 if the license is issued by the Provincial-level People's Committee;

b) A fine ranging from VND 30,000,000 to VND 50,000,000 if the license is issued by Ministry of Natural Resources and Environment.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for any of the following violations:

a) Submitting periodical reports on mineral extraction activities to the Provincial Department of Natural Resources and Environment if the mineral extraction license is issued by the Provincial-level People's Committee or to the General Department of Geology and Minerals of Vietnam if the mineral extraction license is issued by the Ministry of Natural Resources and Environment later than the regulated time-limit for 15 to under 30 days as from the final day of the reporting period; providing false figures in the periodical reports on mineral extraction activities;

b) Failure to retain results of mineral exploration activities for upgrading of mineral reserve/resource category conducted within the licensed mineral extraction area.

4. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for submitting periodical reports on mineral extraction activities to the Provincial Department of Natural Resources and Environment if the mineral extraction license is issued by the Provincial-level People's Committee or to the Provincial Department of Natural Resources and Environment and the General Department of Geology and Minerals of Vietnam if the mineral extraction license is issued by the Ministry of Natural Resources and Environment later than the regulated time-limit for 30 days or more as from the final day of the reporting period; or failure to submit periodical reports on mineral extraction activities as regulated.

5. Fines shall be imposed for any of the following violations: Failure to send notification of plan, volume and time for conducting exploration activities for upgrading of mineral reserve/resource category within the licensed mineral exploration area to the licensing authority before conducting exploration activities; failure to submit exploration results to the competent authority for approval before termination of exploration activities for upgrading of mineral reserve category. To be specific:

a) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed if the mineral extraction license is issued by the Provincial-level People's Committee;

b) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if the mineral extraction license is issued Ministry of Natural Resources and Environment.

6. Suspend the mineral extraction license for a period of from 01 to less than 03 months for failure to make full payment of fees for processing of application for mineral extraction right as notified in writing by the regulatory authority; or for 03 – 06 months for failure to make payment of fees for processing of application for mineral extraction right.

Article 36. Violations against regulations on mineral extraction area

1. A warning or a fine shall be imposed for setting up landmarks at corner points at the licensed mineral extraction area. To be specific:

a) A warning shall be imposed for setting up landmarks at corner points inconsistently with technical specifications;

b) A fine ranging from VND 500,000 to VND 1,000,000 per deficient landmark for failure to set up landmarks in full quantity as prescribed in the mineral extraction license provided that the landmarks set up at corner points in the licensed mineral extraction area are in consistent with technical specifications.

2. A warning or a fine shall be imposed for failure to set up landmarks at corner points at the licensed mineral extraction area. To be specific:

a) A warning shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the mineral extraction license is issued by the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if the mineral extraction license is issued Ministry of Natural Resources and Environment.

3. A warning or a fine shall be imposed for extraction of minerals with total extraction area exceeding the boundaries of licensed extraction area (by surface) up to under 10% or under 0.1 hectare; or under 01m in excess of the licensed extraction depth. To be specific:

a) A warning shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the licensing for mineral operations is under the authority of the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if the licensing for mineral operations is under the authority of the Ministry of Natural Resources and Environment.

4. Fines shall be imposed for extraction of minerals with total extraction area exceeding the boundaries of licensed extraction area (by surface) up to 10% to under 50% or 0.1 hectare to under 0.5 hectare; or from 01m to under 02m in excess of the licensed extraction depth. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if the licensing for mineral operations is under the authority of the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 50,000,000 to VND 70,000,000 if the licensing for mineral operations is under the authority of the Ministry of Natural Resources and Environment.

5. Fines shall be imposed for extraction of minerals with total extraction area exceeding the boundaries of licensed extraction area (by surface) up to 50% to under 100% or 0.5 hectare to under 01 hectare; or from 02m to under 05m in excess of the licensed extraction depth. To be specific:

a) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed on household business for extraction of minerals to use as common building materials;

b) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed if the licensing for mineral operations is under the authority of the Provincial-level People's Committee, except for the extraction of sand and gravel from the rivers and the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 100,000,000 to VND 300,000,000 shall be imposed for the extraction of sand and gravels from rivers or if the licensing for mineral operations is under the authority of the Ministry of Natural Resources and Environment, except for the violation prescribed in Point d of this Clause;

d) A fine ranging from VND 300,000,000 to VND 500,000,000 shall be imposed if minerals are gold, silver, platinum, precious stones or toxic minerals which are extracted under the licensing by Ministry of Natural Resources and Environment.

6. Fines shall be imposed for extraction of minerals with total extraction area exceeding the boundaries of licensed extraction area (by surface) up to 100% or more, or 01 hectare or more; or 05m or more in excess of the licensed extraction depth. To be specific:

a) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 100,000,000 to VND 300,000,000 shall be imposed if the licensing for mineral operations is under the authority of the Provincial-level People's Committee, except for the extraction of sand and gravel from the rivers and the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 300,000,000 to VND 500,000,000 shall be imposed for the extraction of sand and gravels from rivers or if the licensing for mineral operations is under the authority of the Ministry of Natural Resources and Environment, except for the violation prescribed in Point d of this Clause;

d) A fine ranging from VND 500,000,000 to VND 1,000,000,000 shall be imposed if minerals are gold, silver, platinum, precious stones or toxic minerals which are extracted under the licensing by Ministry of Natural Resources and Environment.

7. Additional penalties:

a) Confiscate the entire amount of minerals extracted beyond the licensed extraction area if any of the violations prescribed in Clauses 3, 4, 5 and 6 of this Article is committed;

b) Suspend the mineral extraction license for a period of from 01 to less than 03 months if the violation prescribed in Clause 3 of this Article is committed; for a period of from 03 to less than 06 months if the violation prescribed in Clause 4 of this Article is committed; for a period of from 06 to less than 12 months if the violation prescribed in Clause 5 of this Article is committed; and for 12 - 24 months if the violation prescribed in Clause 6 of this Article is committed.

8. Remedial measures:

a) Enforced leveling and implementation of environmental restoration and remediation measures; enforced implementation of measures to restore the extraction area beyond the licensed extraction area to safe status. In case of extraction of sand and gravels from rivers, embankments, dams or other works damaged by acts of violation must be repaired;

b) Enforced transfer of illegal benefits obtained from administrative violations prescribed in Clauses 3, 4, 5 and 6 this Article.

Article 37. Violations against regulations on mine design

1. A warning or fine shall be imposed for any of the following violations: Formulating or giving approval for mine design whose contents are not conformable to the approved investment project, fundamental design and the mineral extraction license; adjusting or changing mining technology or extraction capacity which is not conformable to the approved mine design without obtaining a written approval from regulatory authority. To be specific:

a) A warning shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed if the mineral extraction license is issued by the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if the mineral extraction license is issued Ministry of Natural Resources and Environment.

2. A warning or fine shall be imposed for failure to submit the approved mine design to the competent mineral authority. To be specific:

a) A warning shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the mineral extraction license is issued by the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed if the mineral extraction license is issued Ministry of Natural Resources and Environment.

3. Fines shall be imposed for any of the following violations: Failure to comply with mining methods; failure to comply with the mine opening and preparation systems (for underground mining) or opening system (for open-pit mining); failure to comply with mining procedures and systems; failure to comply with waste discharging technologies or failure to use the waste dump at location and area determined in the approved mine design or the mineral extraction license or the mineral extraction project without obtaining a written approval from regulatory authorities. To be specific:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the extraction of peat or minerals which are used as common building materials without using industrial explosives;

c) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the extraction of minerals which are used as common building materials with using industrial explosives;

d) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for extraction of minerals by employing open-pit mining techniques, except for the violations prescribed in Points a, b, c and e of this Clause;

dd) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for extraction of minerals by employing underground mining techniques, except for the violations prescribed in Points a, b, c and e of this Clause;

e) A fine ranging from VND 100,000,000 to VND 150,000,000 shall be imposed for the extraction of gold, silver, precious stones, platinum or toxic minerals.

4. Fines shall be imposed for extraction of minerals without formulating mine design as regulated. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the extraction of peat or minerals which are used as common building materials without using industrial explosives, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the extraction of minerals which are used as common building materials with using industrial explosives, except for the violation prescribed in Point a of this Clause;

d) A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed for extraction of minerals by employing open-pit mining techniques, except for the violations prescribed in Points a, b, c and e of this Clause;

dd) A fine ranging from VND 200,000,000 to VND 300,000,000 shall be imposed for extraction of minerals by employing underground mining techniques, except for the violations prescribed in Points a, b, c and e of this Clause;

e) A fine ranging from VND 300,000,000 to VND 500,000,000 shall be imposed for the extraction of gold, silver, precious stones, platinum or toxic minerals.

5. Additional penalties:

Suspend the mineral extraction license for 06 - 12 months if any of the violations prescribed in Clauses 2 and 3 of this Article is committed.

6. Remedial measures:

Enforced compliance with mining methods; plans for mine opening and preparation (for underground mining), opening plans (for open-pit mining); enforced compliance with mining procedures and systems; enforced use of waste dump at location and area determined in the approved mine design or the mineral extraction license if the violation prescribed in Clause 3 of this Article is committed.

Article 38. Violations against regulations on mine executive manager

1. Fines shall be imposed for any of the violations against regulations on mine executive manager, except for full extraction or extraction of mineral water. To be specific:

a) A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed for failure to send written notification of professional qualification and capacity of the mine executive manager to the authorized licensing authority;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on an individual who possesses two valid executive manager contracts or more at the same time or for appointment of a mine executive manager to manage mineral extraction activities (at the same time) for two mineral extraction licenses or more.

2. Fines shall be imposed for appointment of an unqualified person to act as the mine executive manager. To be specific:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on household business for extraction of minerals to use as common building materials;

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the extraction of peat or minerals which are used as common building materials without using industrial explosives, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the extraction of minerals which are used as common building materials with using industrial explosives, except for the violation prescribed in Point a of this Clause or the extraction of peat;

d) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the extraction of minerals licensed by the Provincial-level People's Committee, except for the violations prescribed in Points a, b of this Clause;

dd) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the extraction of minerals licensed by the Ministry of Natural Resources and Environment, except for the violation prescribed in Point e of this Clause;

e) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the extraction of gold, silver, precious stones, platinum or toxic minerals.

3. Fines shall be imposed for failure to appoint a qualified mine executive manager. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the extraction of peat or minerals which are used as common building materials without using industrial explosives, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the extraction of minerals which are used as common building materials with using industrial explosives, except for the violation prescribed in Point a of this Clause;

d) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for extraction of minerals by employing open-pit mining techniques, except for the violations prescribed in Points a, b, c and e of this Clause;

dd) A fine ranging from VND 120,000,000 to VND 150,000,000 shall be imposed for extraction of minerals by employing underground mining techniques, except for the violations prescribed in Points a, b, c and e of this Clause;

e) A fine ranging from VND 160,000,000 to VND 200,000,000 shall be imposed for the extraction of gold, silver, precious stones, platinum or toxic minerals.

4. Additional penalties:

a) Suspend mining activities for 06 - 12 months if any of the violations prescribed in Points a, b Clause 3 of this Article is committed;

b) Suspend the mineral extraction license for 03 - 06 months if any of the violations prescribed in Points c, d, dd and e Clause 3 of this Article is committed.

Article 39. Violations against regulations on current-conditions map and current-conditions cross-sections of licensed extraction area; making statistics and inventory of extracted mineral deposits and mineral production

1. Fines shall be imposed for failure to install weigh station and observation camera system at warehouse or place where crude ore is moved from the mine for monitoring and retaining relevant information (excluding the household business's extraction of minerals which are used as common building materials). To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the extraction of minerals which are used as common building materials without using industrial explosives;

b) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the extraction of minerals which are used as common building materials with using industrial explosives;

c) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for extraction of minerals by employing open-pit mining techniques, except for the violations prescribed in Points a, b and dd of this Clause;

d) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for extraction of minerals by employing underground mining techniques, except for the violations prescribed in Points a, b and dd of this Clause;

dd) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the extraction of toxic minerals.

2. Fines shall be imposed for failure to sufficiently manage and retain mine current-conditions map and current-conditions cross-sections of the licensed extraction area as regulated by law. To be specific:

a) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the extraction of peat or minerals which are used as common building materials without using industrial explosives, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the extraction of minerals which are used as common building materials with using industrial explosives, except for the violation prescribed in Point a of this Clause;

d) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for extraction of minerals by employing open-pit mining techniques, except for the violations prescribed in Points a, b, c and e of this Clause;

dd) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for extraction of minerals by employing underground mining techniques, except for the violations prescribed in Points a, b, c and e of this Clause;

e) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the extraction of toxic minerals.

3. A warning or fines shall be imposed for formulating the mine current-conditions map or the current-condition cross-section of the licensed extraction which contains insufficient or false information/figures as regulated and in comparison with the reality of extracted minerals (excluding the extraction of sand and gravels from river or stream, extraction of sea sand, or extraction of hot water or mineral water); failure to prepare relevant books, documents and papers to determine actual mineral production or provision of inaccurate information; or failure to comply with procedures and templates for making statistics on actual mineral production as regulated by Ministry of Natural Resources and Environment. To be specific:

a) A warning shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the extraction of peat or minerals which are used as common building materials without using industrial explosives, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the extraction of minerals which are used as common building materials with using industrial explosives, except for the violation prescribed in Point a of this Clause;

d) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for extraction of minerals by employing open-pit mining techniques, except for the violations prescribed in Points b, c and e of this Clause;

dd) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for extraction of minerals by employing underground mining techniques, except for the violations prescribed in Points a, b, c and e of this Clause;

e) A fine ranging from VND 120,000,000 to VND 150,000,000 shall be imposed for the extraction of gold, silver, precious stones, platinum or toxic minerals.

4. Fines shall be imposed for failure to formulate the mine current-conditions map; or failure to formulate current-conditions cross-sections of the licensed extraction area. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the extraction of peat or minerals which are used as common building materials without using industrial explosives, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the extraction of minerals which are used as common building materials with using industrial explosives, except for the violation prescribed in Point a of this Clause;

d) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for extraction of minerals by employing open-pit mining techniques, except for the violations prescribed in Points a, b, c and e of this Clause;

dd) A fine ranging from VND 100,000,000 to VND 150,000,000 shall be imposed for extraction of minerals by employing underground mining techniques, except for the violations prescribed in Points a, b, c and e of this Clause;

e) A fine ranging from VND 150,000,000 to VND 200,000,000 shall be imposed for the extraction of gold, silver, precious stones, platinum or toxic minerals.

5. Fines shall be imposed for failure to submit statistical/ inventory results of mineral deposits remained in the licensed extraction area to the Provincial Department of Natural Resources and Environment if the mineral extraction license is issued by the Provincial-level People's Committee or to the General Department of Geology and Minerals of Vietnam if the mineral extraction license is issued by the Ministry of Natural Resources and Environment, or failure to submit such results within 30 days as from the final day of the reporting period; failure to retain or insufficiently and improperly retaining statistical figures, documents and papers for determining actual mineral production; failure to prepare relevant books, documents and papers to determine the actual mineral production from the commencement of mine fundamental construction to the termination of extraction activities and mine closure. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed if the mineral extraction license is issued by the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed if the mineral extraction license is issued Ministry of Natural Resources and Environment.

6. Fines shall be imposed for failure to provide sufficient information as provided for in the templates of reports on statistics/inventory of mineral deposits remained at the licensed extraction area promulgated by the Ministry of Natural Resources and Environment. To be specific:

a) A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the mineral extraction license is issued by the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if the extraction of minerals is licensed by the Ministry of Natural Resources and Environment.

7. Fines shall be imposed for failure to make statistics and inventory of mineral deposits remained at the licensed extraction area; failure to make statistics/ calculation of monthly actual mineral production; or failure to prepare relevant books, documents and papers to determine the actual annual mineral production. To be specific:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed if the mineral extraction license is issued by the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if the extraction of minerals is licensed by the Ministry of Natural Resources and Environment.

8. Additional penalties:

a) Suspend the mineral extraction license for 02 - 04 months if any of the violations prescribed in Clause 3 of this Article is committed;

b) Suspend the mineral extraction license for 04 - 06 months if any of the violations prescribed in Clause 5 of this Article is committed.

Article 40. Violations against regulations on licensed extraction capacity

1. A warning or fines shall be imposed if the extraction capacity is about less than 15% in excess of the licensed annual extraction capacity as specified in the mineral extraction license or total amount of crude minerals extracted in the year is less than 5,000 tonnes in excess of the licensed one. To be specific:

a) A warning shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for the extraction of sand and gravels from river, peat or minerals which are used as common building materials without using industrial explosives, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for the extraction of mineral water or minerals which are used as common building materials with using industrial explosives, except for the violation prescribed in Point a of this Clause;

d) A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for extraction of minerals of other types, except for the violations prescribed in Points a, b, c and dd of this Clause;

dd) A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed for the extraction of gold, silver, precious stones, platinum or toxic minerals.

2. Fines shall be imposed if the extraction capacity is from 15% to fewer than 25% in excess of the licensed annual extraction capacity as specified in the mineral extraction license or total amount of crude minerals extracted in the year is from 5,000 tonnes to less than 10,000 tonnes in excess of the licensed one. To be specific:

a) A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the extraction of sand and gravels from river, peat or minerals which are used as common building materials without using industrial explosives, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for the extraction of mineral water or minerals which are used as common building materials with using industrial explosives, except for the violation prescribed in Point a of this Clause;

d) A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for extraction of minerals of other types, except for the violations prescribed in Points a, b, c and dd of this Clause;

dd) A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for the extraction of gold, silver, precious stones, platinum or toxic minerals.

3. Fines shall be imposed if the extraction capacity is from 25% to fewer than 50% in excess of the licensed annual extraction capacity as specified in the mineral extraction license or total amount of crude minerals extracted in the year is from 5,000 tonnes to less than 10,000 tonnes in excess of the licensed one. To be specific:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the extraction of sand and gravels from river, peat or minerals which are used as common building materials without using industrial explosives, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the extraction of mineral water or minerals which are used as common building materials with using industrial explosives, except for the violation prescribed in Point a of this Clause;

d) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for extraction of minerals of other types, except for the violations prescribed in Points a, b, c and dd of this Clause;

dd) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the extraction of gold, silver, platinum or toxic minerals.

4. Fines shall be imposed if the extraction capacity is from 50% to fewer than 100% in excess of the licensed annual extraction capacity as specified in the mineral extraction license or total amount of crude minerals extracted in the year is from 10,000 tonnes to less than 20,000 tonnes in excess of the licensed one. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the extraction of sand and gravels from river, peat or minerals which are used as common building materials without using industrial explosives, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the extraction of mineral water or minerals which are used as common building materials with using industrial explosives, except for the violation prescribed in Point a of this Clause;

d) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for extraction of minerals of other types, except for the violations prescribed in Points a, b, c and dd of this Clause;

dd) A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed for the extraction of gold, silver, precious stones, platinum or toxic minerals.

5. Fines shall be imposed if the extraction capacity is 100% or more in excess of the licensed annual extraction capacity as specified in the mineral extraction license or total amount of crude minerals extracted in the year is 100,000 tonnes or more in excess of the licensed one. To be specific:

a) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the extraction of sand and gravels from river, peat or minerals which are used as common building materials without using industrial explosives, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the extraction of mineral water or minerals which are used as common building materials with using industrial explosives, except for the violation prescribed in Point a of this Clause;

d) A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed for extraction of minerals of other types, except for the violations prescribed in Points a, b, c and dd of this Clause;

dd) A fine ranging from VND 200,000,000 to VND 500,000,000 shall be imposed for the extraction of gold, silver, precious stones, platinum or toxic minerals.

6. Additional penalties:

Suspend the mineral extraction license for a period of from 01 to less than 03 months if the violation prescribed in Clause 2 of this Article is committed; for a period of from 03 to less than 06 months if the violation prescribed in Clause 3 of this Article is committed; for a period of from 06 to less than 12 months if the violation prescribed in Clause 4 of this Article is committed; and for 12 - 24 months if the violation prescribed in Clause 5 of this Article is committed.

7. Remedial measures:

Enforced implementation of remedial measures to combat the environmental pollution and/or infrastructure damage caused by extraction activities in excess of licensed extraction capacity.

Article 41. Violations against regulations on extraction of minerals used as common building materials which does not requiring mineral extraction license

1. Failure to use minerals used as common building materials extracted in the land area under the land-use right of a household or an individual to build the works of such household or individual shall be handled as follows:

a) A warning shall be imposed if extracted minerals are donated to other entities;

b) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if extracted minerals are sold.

2. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to carry out the registration of extraction area, capacity, volume, methods, equipment and plan with the People's Committee of province where extracted minerals are located in case minerals used as common building materials are extracted from the land area of an investment and construction project approved or licensed by a regulatory authority and used to build such works; or failure to carry out the registration of dredging volume or amount of excavated sand with the People's Committee of province where channel dredging and expansion activities are performed.

3. Fines shall be imposed for the extraction of minerals used as common building materials from the land area of an investment and construction project that is approved or licensed by a regulatory authority but failure to use extracted minerals to build such works without the approval by the regulatory authority competent to grant extraction license. To be specific:

a) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed if extracted minerals are used by another entity or used to build another project/works;

b) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed if extracted minerals are sold.

4. Additional penalties:

Confiscate the full amount of extracted minerals which are not used to build the construction works of a household/individual or an organization if any of the violations prescribed in Clause 1 and Clause 3 of this Article is committed.

5. Remedial measures:

Enforced transfer of illegal benefits obtained from administrative violations prescribed in Clauses 1 and 3 of this Article.

Article 42. Violations against regulations on transfer of mineral extraction rights

Fines shall be imposed for transfer or receipt of transfer of mineral extraction rights without obtaining a written approval from the authorized licensing authority. To be specific:

1. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed on household business for the extraction of minerals to use as common building materials.

2. A fine ranging from VND 120,000,000 to VND 150,000,000 shall be imposed for the extraction of minerals licensed by the Provincial-level People's Committee, except for the violation prescribed in Clause 1 of this Article.

3. A fine ranging from VND 260,000,000 to VND 300,000,000 shall be imposed for the extraction of minerals licensed by the Ministry of Natural Resources and Environment.

Article 43. Violations against regulations on obligations of winner at auction of mineral extraction right

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to submit the application for mineral exploration license to the competent licensing authority within 06 months as from the issued date of the written certification of results of auction of mineral extraction right as regulated.

2. A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed for failure to submit the application for mineral extraction license to the competent licensing authority within 12 months as from the issued date of the written certification of results of auction of mineral extraction right as regulated.

3. Fines shall be imposed for transfer of results of auction of mineral extraction right to another entity for submitting application for mineral extraction license without obtaining a written approval from the regulatory authority. To be specific:

a) A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed if the licensing for mineral operations is under the authority of the Provincial-level People's Committee;

b) A fine ranging from VND 260,000,000 to VND 300,000,000 if the licensing for mineral operations is under the authority of the Ministry of Natural Resources and Environment.

4. In addition to penalties for failure to pay hammer price for mineral extraction right as notified by the regulatory authority as regulated by the Law on tax administration, the violating entity may face an additional penalty that is suspension of mineral extraction license for 04 - 06 months.

Article 44. Penalties for failure to obtain mineral extraction license from regulatory authority

1. Fines shall be imposed for the extraction of minerals to use as common building materials without using industrial explosives. To be specific:

a) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed if the volume of extracted minerals is less than 10 m³;

b) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if the volume of extracted minerals is from 10 m³ to less than 15 m³;

c) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the volume of extracted minerals is from 15 m³ to less than 20 m³;

d) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if the volume of extracted minerals is from 20 m³ to less than 30 m³;

dd) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed if the volume of extracted minerals is from 30 m³ to less than 40 m³;

e) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed if the volume of extracted minerals is from 40 m³ to less than 50 m³;

g) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed if the volume of extracted minerals is 50 m³ or more, except for the violation prescribed in point h of this Clause;

h) A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed if the volume of minerals that are sand and gravels extracted from rivers is 50 m³ or more.

2. Fines shall be imposed for extraction of minerals to use as common building materials with using industrial explosives, or extraction of minerals of other types, except for the violations prescribed in Clauses 1, 3 of this Article. To be specific:

a) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the extraction of minerals to use as common building materials, or the extraction of peat;

c) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the extraction of minerals of other types.

3. Fines shall be imposed for the extraction of gold, silver, precious stones, platinum or toxic minerals. To be specific:

a) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed if the volume of extracted crude minerals is less than 100 tonnes;

b) A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed if the volume of extracted crude minerals is from 100 tonnes to less than 200 tonnes;

c) A fine ranging from VND 300,000,000 to VND 400,000,000 shall be imposed if the volume of extracted crude minerals is from 200 tonnes to less than 300 tonnes;

d) A fine ranging from VND 500,000,000 to VND 600,000,000 shall be imposed if the volume of extracted crude minerals is from 300 tonnes to less than 400 tonnes;

dd) A fine ranging from VND 700,000,000 to VND 800,000,000 shall be imposed if the volume of extracted crude minerals is from 400 tonnes to less than 500 tonnes;

e) A fine ranging from VND 800,000,000 to VND 1,000,000,000 shall be imposed if the volume of extracted crude minerals is 500 tonnes or more.

4. Additional penalties:

Confiscate all exhibits that are extracted minerals or money accrued from the sale of extracted minerals; confiscate instrumentalities of administrative violations if any of the violations prescribed in Points g, h of Clause 1 or point c Clause 2 and Clause 3 of this Article is committed.

5. Remedial measures:

Enforced implementation of measures to improve and restore the environment of extraction area and restore the extraction area to safe status.

Article 45. Violations against regulations on mine closure

1. Fines shall be imposed for failure to properly implement measures to restore the extraction area to safe status or land restoration measures as defined in the mine closure project approved by the regulatory authority, or failure to request the licensing authority to inspect and give permission to partially close the mine before conducting environmental improvement and restoration activities for areas where minerals are extracted in full. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed if the mineral extraction is licensed by the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed if the mineral extraction is licensed by the Ministry of Natural Resources and Environment.

2. Fines shall be imposed for failure to implement measures to restore the extraction area to safe status or land restoration measures as defined in the mine closure project approved by the regulatory authority. To be specific:

a) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed if the mineral extraction is licensed by the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed if the mineral extraction is licensed by the Ministry of Natural Resources and Environment.

3. Fines shall be imposed for failure to formulate mine closure projects in the cases prescribed in Article 73 of the Law on minerals. To be specific:

a) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed if the mineral extraction is licensed by the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed if the mineral extraction is licensed by the Ministry of Natural Resources and Environment.

4. A fine ranging from VND 200,000,000 to VND 300,000,000 shall be imposed for demolition or destruction of structures or equipment used to protect the mine safety or surrounding environment when the mineral extraction license expires.

5. Remedial measures:

Enforce implementation of all measures to restore the mining areas to the safe status and land restoration measures as prescribed in the mine closure project approved by competent authority if any of the violations prescribed in Clauses 1, 2 of this Article is committed;

Article 46. Violations against regulations on legal rights and benefits of local authority and residents at mineral extraction area

1. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for failure to implement all of road construction and upgradation items to serve mineral extraction activities as defined in the approved mineral extraction project or mine design.

2. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for failure to implement road construction and upgradation items to serve mineral extraction activities as defined in the approved mineral extraction project or mine design.

3. Remedial measures:

Enforced implementation of road construction and upgradation items if any of the violations prescribed in this Article is committed.

Article 47. Violations against regulations on use of mineral-related information

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for using results of geological surveys of minerals or mineral exploration results which are not provided by authorized information providing authorities to formulate mineral exploration or extraction projects.

2. A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed for failure to make payment of fees when using results of geological baseline surveys of minerals or mineral exploration results to serve extraction activities (excluding the geological baseline surveys of minerals or mineral exploration has been previously conducted by authority or organization as regulated).

3. Additional penalties:

Suspend the mineral extraction license for 06 - 12 months if any of the violation prescribed in Clause 2 of this Article is committed.

4. Remedial measures:

Enforced payment of fees for using mineral-related information as notified by the regulatory authority to state budget; payment of penalty for late payment as regulated by the Law on tax administration.

Article 48. Violations against other regulations on mineral resources

1. A warning shall be imposed for failure to report all types of minerals discovered in the survey or exploration areas to the authorized licensing authority.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to send reports on types of minerals discovered in the survey or exploration areas to the authorized licensing authority.

3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for any of the following violations:

a) Failure to submit written report on new types of minerals discovered in course of extraction of minerals to the authorized licensing authority;

b) Failure to obtain a written approval from the authorized licensing authorities for collection or use of accompanied minerals or types of minerals newly discovered in course of extraction, or the collection of minerals at the mine waste dump in course of extraction.

4. Fines shall be imposed for conducting mineral extraction activities when having a mineral extraction license expired or suspended. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on household business for extracting minerals to use as common building materials;

b) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the extraction of peat or minerals which are used as common building materials without using industrial explosives, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the extraction of mineral water, sand and gravels from rivers, or minerals which are used as common building materials with using industrial explosives, except for the violation prescribed in Points a, b of this Clause;

d) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for extraction of minerals of other types, except for the violations prescribed in Points a, b, c and dd of this Clause;

dd) A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed for the extraction of gold, silver, precious stones, platinum or toxic minerals.

Article 49. Violations against regulations on geological baseline surveys of minerals

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to carry out the registration of geological baseline surveys of minerals with competent minerals authorities as regulated by law before conducting surveys.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the following violations committed in course of conducting geological baseline surveys. To be specific:

a) Taking technological samples in excess of licensed volume;

b) Failure to conduct leveling of digging works: trenches or boreholes; failure to build (or seal/fill) for closing furnace door upon the completion of works according to design;

c) Failure to properly seal the borehole by materials stated in the project approved by competent authority.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for any of the following violations:

- a) Revealing geological information and mineral-related information in course of conducting geological baseline surveys of minerals;
- b) Failure to implement environmental protection solutions as prescribed in the project approved by competent authority;
- c) Failure to submit reports on geological baseline surveys of minerals and geological specimens to competent minerals authorities within 30 days;
- d) Failure to obtain the written approval from regulatory authority when conducting geological baseline surveys of minerals.

4. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for any of the following violations:

- a) Failure to submit reports on geological baseline surveys of minerals to regulatory authorities for approval as regulated;
- b) Failure to submit reports on geological baseline surveys of minerals and geological specimens to competent minerals authorities as regulated.

Article 50. Violations against other regulations on mineral management

1. Fines shall be imposed for taking advantage of exploration activities to extract minerals. To be specific:

- a) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed on household business for exploration of minerals used as common building materials;
- b) A fine ranging from VND 60,000,000 to VND 100,000,000 shall be imposed for the exploration of minerals licensed by the Provincial-level People's Committee, except for the violations prescribed in Points a, d of this Clause;
- c) A fine ranging from VND 120,000,000 to VND 200,000,000 shall be imposed for the exploration of minerals licensed by the Ministry of Natural Resources and Environment, except for the violation prescribed in Point d of this Clause;
- d) A fine ranging from VND 400,000,000 to VND 500,000,000 shall be imposed for the exploration of gold, silver, precious stones or platinum.

2. A warning or fines shall be imposed for the mineral extraction activities that cause loss of minerals in excess of the permitted loss value prescribed in the approved mineral extraction project or the approved mine design. To be specific:

- a) A warning shall be imposed if the value of lost minerals exceeds less than 5% of the permitted loss value;
- b) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if the value of lost minerals exceeds from 5% to less than 10% of the permitted loss value;

c) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed if the value of lost minerals exceeds 10% or more of the permitted loss value.

3. Fines shall be imposed for any of the following violations: Failure to sufficiently provide documents, papers and records for determining the actually extracted mineral production and making statistical report or inventory of extracted mineral deposits; providing false statement of annually extracted mineral production or false figures in statistical or inventory reports on extracted deposits; failure to store and protect extracted minerals which are not yet used or minerals at waste dumps or accompanied minerals which are not yet collected in course of extraction of minerals. To be specific:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on household business for extraction of minerals to use as common building materials;

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if the mineral extraction license is issued by the Provincial-level People's Committee, except for the violation prescribed in Point a of this Clause;

c) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if the mineral extraction license is issued Ministry of Natural Resources and Environment.

4. A fine ranging from VND 150,000,000 to VND 200,000,000 shall be imposed for failure to collect accompanied minerals as defined in the mineral extraction project or as licensed in the mineral extraction license.

5. Additional penalties:

a) Confiscate all exhibits that are extracted minerals or the amount of money equivalent to the value of minerals sold if any of the violations prescribed in Clause 1 of this Article is committed;

b) Suspend the mineral exploration license for 06 - 12 months if any of the violations prescribed in Points b, c and d Clause 1 of this Article is committed;

c) Suspend the mineral extraction license for 03 - 12 months if any of the violations prescribed in Clauses 2 and 3 of this Article is committed.

Section 2. VIOLATIONS AGAINST REGULATIONS ON MINING TECHNICAL SAFETY

Article 51. Violations against regulations on formulation of technical safety documents and technical instructions

1. Fines shall be imposed for improperly or insufficiently formulating or failure to formulate mining technical safety documents as regulated. To be specific:

a) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for improperly or insufficiently formulating mining technical safety documents;

b) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to formulate mining technical safety documents.

2. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to comply with technical instructions for implementation of works or the approved implementation methods.

Article 52. Violations against regulations on use of mining technologies or means of transport

1. Fines shall be imposed for use of mining systems, new technologies, advances of mining systems or technologies, or new materials which are used at mine for the first time. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for designing activities without the approval from competent authorities;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for putting them into operations before obtaining the approval from the competent authority.

2. Fines shall be imposed for violations against regulations on design and manufacturing of means of ore transport; new means of ore transport and those imported from foreign countries to use at pits and means of transport driven by diesel engine. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for designing activities without the approval from competent authorities;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for putting equipment/facilities into operations before obtaining the approval from the competent authority.

3. Fines shall be imposed for violations against regulations on equipment, machinery and means used at mineral preparation plant. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for improperly or insufficiently documents for management of equipment, machinery and means;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to formulate documents for management of equipment, machinery and means;

c) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for violations against regulations on technical safety in course of operation, maintenance or repair of equipment, machinery and means;

4. Fines shall be imposed for putting machinery, equipment and chemicals which may pose risks and belong to the List of group-2 products and goods; machinery, equipment and materials subject to strict work safety requirements into operation when technical safety conditions are not yet inspected or verified or equipment management documents are not yet made as regulated. To be specific:

a) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to inspect all of technical parameters or failure to conduct first inspection or re-inspection on regulated schedules; insufficiently or improperly formulating equipment management documents;

b) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to conduct inspection of technical safety or failure to formulate equipment management documents.

5. Additional penalties:

Suspend mineral extraction activities for 01 - 03 months if the violation prescribed in Point b Clause 4 of this Article is committed.

Article 53. Violations against regulations on methane-based classification of mines, mine ventilation, drainage and mine water irruption prevention

1. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to submit application for methane-based classification of mines to the competent authority as regulated.

2. Fines shall be imposed for violations against regulations on mine ventilation. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the violations against regulations on mine air control;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for installing local fans;

c) A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for failure to provide sufficient wind rate and wind speed as requested to production locations;

d) A fine ranging from VND 70,000,000 to VND 90,000,000 shall be imposed for failure to formulate the mine ventilation plan or failure to timely make amendments to the mine ventilation plan upon the change of production plan or failure to prepare mine ventilation network diagram.

3. Fines shall be imposed for violations against regulations on mine drainage and mine water irruption prevention. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the violations against regulations on safety of pump houses;

b) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for any of the violations against technical safety regulations on prevention of mine water irruption, including: Failure to formulate drilling plans for exploring water irruption or plans for exploratory drilling in front of excavating face; failure to work out methods of drilling for exploring water irruption or methods of exploratory drilling in front of excavating face; failure to comply with the approved methods.

4. Additional penalties:

Suspend mineral extraction activities for 01 - 03 months if any of the violations prescribed in Clause 1, Point d Clause 2 and Point b Clause 3 of this Article is committed.

Article 54. Violations against regulations on mining power supply

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for violations against regulations on leakage prevention and regulations on protection of current intensity of power supply network and mining electrical equipment.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for violations against regulations on technical safety while using electric cables, electric engines, electric equipment and electrical substations.

3. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to formulate or improperly formulating power supply diagrams for the entire mine and for production areas, or the grounding diagram for the entire mine as regulated.

Article 55. Violations against regulations on preparation of minerals; loading, unloading and transport of materials at minerals preparation plant

1. Fines shall be imposed for violations against regulations on preparation of minerals. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for violations against regulations on design and installation of protective structures to prevent the throwing of materials from crushers or breakers causing danger to people;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for violations against regulations and procedures for operation, maintenance and repair of crushers and breakers;

c) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to work out solutions for removal of explosive dust which may generated from the ore crushing and breaking.

2. Fines shall be imposed for violations against regulations on loading, unloading and transport of materials. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for violations against regulations and procedures for loading, unloading and transport of materials;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to inspect or failure to comply with regulations on inspection of corrosion of pipelines used to transport materials;

c) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for violations against regulations on technical safety in course of building and operating winches.

Article 56. Violations against other regulations on storage and use of flotation reagents, minerals warehouse, waste dumps and tailings ponds

1. Fines shall be imposed for violations against regulations on storage and use of flotation reagents. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for violations against regulations on equipment construction or installation at reagent preparation and storage areas;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for violations against regulations on technical safety applied to persons working at reagent preparation and storage areas.

2. Fines shall be imposed for violations against other regulations on technical safety at minerals warehouse, waste dumps and tailings ponds. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to work out measures for firefighting and prevention at warehouse storing minerals with spontaneous ignition characteristic;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for any of the violations against regulations on construction and operation of waste dumps and tailings ponds;

c) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to work out measures for firefighting and prevention at dry waste dumps where minerals with spontaneous ignition characteristic are stored; or failure to work out measures for coping with breach or cracks in embankments of waste dump or tailings pond.

3. Additional penalties:

Suspend mineral extraction activities for 01 - 03 months if the violation prescribed in Point c Clause 2 of this Article is committed.

Article 57. Violations against regulations on safety record formulation and management in mining as regulated

1. Fines shall be imposed for any of the violations against regulations on formulation of mining safety management records as regulated, including: Occupational safety and health plans; assessment of occupational safety and health risks; emergency response plans. To be specific:

a) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for improperly or insufficiently preparing required safety management records;

b) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to prepare required safety management records.

3. Fines shall be imposed for violations against regulations on mining safety management. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to formulate regulations on occupational safety and health management or failure to divide occupational safety and health management levels;

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to formulate either safety procedure or internal safety regulations.

3. Fines shall be imposed for violations against regulations on organization of safety works. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for performing shift handover and receiving production orders at the beginning of each working shift inconsistently with regulations.

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to perform the shift handover or failure to receive production orders at the beginning of each working shift.

c) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to inspect technical safety at the working place or the technical safety of machinery and equipment before operating, or failure to timely handle events causing unsafe status.

4. Fines shall be imposed for violations against regulations on orders of the day, orders of a shift and production shift handover. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for improperly or insufficiently recording orders of the day or the shift, or improperly or insufficiently performing shift handover;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to record measures for coping with unsafe events discovered before or during the working shift in the record of production orders of the day.

Article 58. Violations against regulations on technical safety inspection and monitoring in mining activities

1. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed failure to stipulate or insufficiently stipulating responsibility for technical safety inspection and monitoring of managing officers, including Director, Deputy Directors, Department Managers, Foremen, Deputy Shift Foremen and equivalent titles.

2. Fines shall be imposed for failure to perform the inspection and monitoring of technical safety as regulated by law. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on the doorkeeper at entrance to the mine for failure to inspect persons who bring flammable or combustible substances and ignition sources into the mine;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed on the shift leader or the holder of equivalent position for failure to conduct the technical safety inspection works;

c) A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed on department manager, foreman or their authorized persons for failure to conduct the technical safety inspection works;

d) A fine ranging from VND 60,000,000 to VND 70,000,000 shall be imposed on director and deputy directors for failure to conduct the technical safety inspection works or insufficiently inspecting technical safety conditions.

Chapter IV

POWER TO IMPOSE ADMINISTRATIVE PENALTIES AND REMEDIAL MEASURES AGAINST ADMINISTRATIVE VIOLATIONS IN WATER AND MINERAL RESOURCES SECTORS

Article 59. Natural resources & environment inspectors

1. A natural resources & environment inspector on duty or a person who is assigned to conduct natural resources & environment inspections shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 500,000;

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 500,000;

d) Enforced remedial measures mentioned in Points a, b, c, d, dd, e, g, h, i, k, l and m Clause 3 Article 2 of this Decree.

2. Chief Inspectors of Provincial Departments of Natural Resources and Environment, and Heads of specialized inspection teams established under decisions of General Director of General Department of Geology and Minerals of Vietnam, Directors or Chief Inspectors of Provincial Departments of Natural Resources and Environment shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 50,000,000;

c) Suspend license or practicing certificate or suspend operations for definite period;

d) Confiscate the exhibits and instrumentalities for committing administrative violations worth less than VND 50,000,000;

dd) Enforced remedial measures mentioned in this Decree.

3. Heads of specialized inspection teams established under decisions of Minister of Natural Resources and Environment or Chief Inspector of Ministry of Natural Resources and Environment shall have the power to:

- a) Issue warning;
- b) Impose fine up to VND 175,000,000 for administrative violations against regulations on water resources; impose fine up to VND 250,000,000 for administrative violations against regulations on mineral resources;
- c) Suspend license or practicing certificate or suspend operations for definite period;
- d) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine imposed for same violation as regulated in Point b of this Clause;
- dd) Enforced remedial measures mentioned in this Decree.

4. Chief Inspector of Ministry of Natural Resources and Environment shall have the power to impose penalties for administrative violations against regulations on water and mineral resources, General Director of General Department of Geology and Minerals of Vietnam shall have the power to impose penalties for administrative violations against regulations on mineral resources in compliance with regulations in Chapter III herein. To be specific:

- a) Issue warning;
- b) Impose a fine up to VND 1,000,000,000;
- c) Suspend license or practicing certificate or suspend operations for definite period;
- d) Confiscate the exhibits and instrumentalities of administrative violations;
- dd) Enforced remedial measures mentioned in this Decree.

Article 60. Power to impose administrative penalties of Chairpersons of people's committees at all levels

1. Chairpersons of communal-level people's committees have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 5,000,000;
- c) Confiscate the exhibits and instrumentalities for committing administrative violations worth less than VND 5,000,000;
- d) Enforced remedial measures mentioned in Points a, b, d, dd, e, g, h, i, k, l, m and o Clause 3 Article 2 of this Decree.

2. Chairpersons of District-level People's Committees have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 50,000,000;
- c) Suspend license or practicing certificate or suspend operations for definite period;
- d) Confiscate the exhibits and instrumentalities for committing administrative violations worth less than VND 50,000,000;
- dd) Enforced remedial measures mentioned in Clause 3 Article 2 of this Decree.

3. Chairpersons of Provincial-level People's Committees have the power to:

- a) Issue warning;
- b) Impose a fine up to the maximum fine prescribed in Clause 1 Article 2 herein;
- c) Suspend license or practicing certificate or suspend operations for definite period;
- d) Confiscate the exhibits and instrumentalities of administrative violations;
- dd) Enforced remedial measures mentioned in Clause 3 Article 2 of this Decree.

Article 61. Power to impose administrative penalties of inspectors in industry and trade sector

Inspectors specialized in industry and trade sector shall have the power to impose penalties for administrative violations against regulations on water and mineral resources as prescribed in Articles 35, 37, 38 and other administrative violations prescribed in Section 2 Chapter III herein. To be specific:

1. Inspectors specialized in industry and trade on duty or persons who are assigned to conduct inspections in industry and trade sector shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 500,000;
- c) Enforced remedial measures mentioned in Clause 6 Article 37 of this Decree.

2. Chief Inspectors of Provincial Departments of Industry and Trade, and Heads of specialized inspection teams established under decisions of Director of Industrial Safety Techniques and Environment Agency or Directors or Chief Inspectors of Provincial Departments of Industry and Trade shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 50,000,000;

c) Suspend mineral extraction activities in accordance with regulations herein;

d) Enforced remedial measures mentioned in Clause 6 Article 37 of this Decree.

3. Heads of specialized inspection teams established under decisions of Minister of Industry and Trade or Chief Inspector of Ministry of Industry and Trade shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 250,000,000;

c) Suspend mineral extraction activities in accordance with regulations herein;

d) Enforced remedial measures mentioned in Clause 6 Article 37 of this Decree.

4. The Chief Inspector of Ministry of Industry and Trade and Director of Industrial Safety Techniques and Environment Agency shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 1,000,000,000;

c) Suspend license or practicing certificate or suspend operations for definite period;

d) Enforced remedial measures mentioned in Clause 6 Article 37 of this Decree.

Article 62. Power to impose administrative penalties of People's Public Security Forces

People's Public Security Forces shall have the power to impose penalties for administrative violations against regulations on water and mineral resources prescribed in Articles 6, 7, 8, 19, 20, 23, 25, 26, 31, 32, 33, 34, 36, 37, 40, 41, 42, 44 and 50 of this Decree. To be specific:

1. Soldiers on duty of People's Public Security Forces shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 500,000;

2. Heads of public security stations, and leaders of soldiers mentioned in Clause 1 of this Article have the power to:

a) Issue warning;

b) Impose a fine up to VND 1,500,000;

3. Communal-level police chiefs, heads of public security stations, heads of public security stations at border gates or export processing zones shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 2,500,000;
- c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine imposed for same violation as regulated in Point b of this Clause;
- d) Enforced remedial measures mentioned in Points a, b, c, d, dd, e, g, h, i, k and l Clause 3 Article 2 of this Decree.

4. Chiefs of District-level Police Agencies, Chiefs of Provincial Environmental Police Agencies and Chiefs of Provincial Police Agencies for investigation of economic management order and position-related crimes shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 25,000,000;
- c) Suspend license or practicing certificate or suspend operations for definite period;
- d) Confiscate the exhibits and instrumentalities for committing administrative violations worth up to VND 25,000,000;
- dd) Enforced remedial measures mentioned in Points a, b, c, D, e, g, h, i, k, l and n Clause 3 Article 2 of this Decree.

5. Directors of Provincial-level Police Security Departments shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 50,000,000;
- c) Suspend license or practicing certificate or suspend operations for definite period;
- d) Confiscate the exhibits and instrumentalities for committing administrative violations worth up to VND 50,000,000;
- dd) Enforced remedial measures mentioned in Points a, b, c, d, dd, e, g, h, i, k, l, n and q Clause 3 Article 2 of this Decree.

6. Director of Environmental Police Administration Agency and Director of Police Department for investigation of economic management order and position-related crimes shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 1,000,000,000;

- c) Suspend license or practicing certificate or suspend operations for definite period;
- d) Confiscate the exhibits and instrumentalities of administrative violations;
- dd) Enforced remedial measures mentioned in Points a, b, c, d, dd, e, g, h, i, k, l, n and q Clause 3 Article 2 of this Decree.

Article 63. Power to impose administrative penalties of Border Guard Forces

Border Guard Forces shall have the power to impose penalties for administrative violations against regulations on water and mineral resources prescribed in Articles 6, 7, 8, 19, 20, 23, 25, 26, 31, 33, 34, 36, 44 and 50 of this Decree at border regions under their management. To be specific:

1. Soldiers on duty of Border Guard Forces shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 500,000;

2. Heads of stations and leaders of soldiers mentioned in Clause 1 of this Article have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 2,500,000;

3. Heads of border-guard stations, commanders of border-guard flotillas, commanders of border-guard sub-zones and commanders of port border guards shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 25,000,000;
- c) Confiscate the exhibits and instrumentalities for committing administrative violations worth up to VND 25,000,000;
- d) Enforced remedial measures mentioned in Points a, b, c, d, dd, e, g, h, i, k, l and n Clause 3 Article 2 of this Decree.

4. Commanders of provincial-level border guard forces and commanders of border guard fleets affiliated to Border Guard High Command shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 1,000,000,000;
- c) Confiscate the exhibits and instrumentalities for committing administrative violations;

d) Enforced remedial measures mentioned in Points a, b, c, d, dd, e, g, h, i, k, l, n and q Clause 3 Article 2 of this Decree.

Article 64. Power to impose administrative penalties of Coastguard

Coastguard shall have the power to impose penalties for administrative violations prescribed in Articles 6, 7, 8, 19, 20, 23, 26, 34, 36, 44 and 50 of this Decree occurring at regions under their management. To be specific:

1. Coastguard Police Officers on duty shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 1,500,000;

2. Coastguard team leaders shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 5,000,000;

3. Coastguard squad leaders and captains of coastguard stations shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 10,000,000;

c) Enforced remedial measures mentioned in Points a, b, c, d, dd, e, g, h, i, k and l Clause 3 Article 2 of this Decree.

4. Commanders of coastguard platoons shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 25,000,000;

c) Confiscate the exhibits and instrumentalities for committing administrative violations worth up to VND 25,000,000;

d) Enforced remedial measures mentioned in Points a, b, c, d, dd, e, g, h, i, k, l and n Clause 3 Article 2 of this Decree.

5. Commanders in chief of coastguard squadrons shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 50,000,000;

c) Confiscate the exhibits and instrumentalities for committing administrative violations worth up to VND 50,000,000;

d) Enforced remedial measures mentioned in Points a, b, c, d, dd, e, g, h, i, k, l and n Clause 3 Article 2 of this Decree.

6. Commanders of regional coastguard command centers shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 100,000,000;

c) Confiscate the exhibits and instrumentalities for committing administrative violations worth up to VND 100,000,000;

d) Enforced remedial measures mentioned in Points a, b, c, d, dd, e, g, h, i, k, l and n Clause 3 Article 2 of this Decree.

7. Commanders of Coastguard Headquarters shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 1,000,000,000;

c) Suspend license or practicing certificate or suspend operations for definite period;

d) Confiscate the exhibits and instrumentalities for committing administrative violations;

dd) Enforced remedial measures mentioned in Points a, b, c, d, dd, e, g, h, i, k, l, n and o Clause 3 Article 2 of this Decree.

Article 65. Power to make administrative violation notices

1. The following persons shall have the power to make administrative violation notices:

a) Persons who have the power to impose penalties for administrative violations against regulations on water and mineral resources;

b) Officials and public employees on duty of the agencies prescribed in Articles 59, 60, 61, 62, 63 and 64 of this Decree.

2. The persons that have the power to make administrative violation notices prescribed in Clause 1 of this Clause are entitled to make notices of administrative violations within the scope of their assigned duties using the regulated templates and shall assume responsibility for such administrative violation notices.

3. The only one notice is made for an administrative violation. If the violating entity whose administrative violation has been recorded fails to terminate acts of violation upon the order of the person having power to impose administrative penalty as regulated, the person having

power to impose administrative penalty shall, when making decision on imposition of penalty for such violation, apply aggravating circumstances as regulated in Point I Clause 1 Article 10 of the Law on penalties for administrative violations.

4. If an individual or organization commits multiple acts of violation in the same case of violation or repeats acts of violation, all acts of violation or times of committing violation must be recorded in the administrative violation notice.

Article 66. Suspension of license or practicing certificate and suspension of operations

1. The suspension of license or practicing certificate or suspension of operations shall be performed in compliance with regulations in Chapter II and Chapter III herein.

2. The period of suspension of a license or practicing certificate or suspension of operations as a penalty for a violation specified in this Decree is the average level of the suspension period bracket applied to such violation. It may be shorter than the average level but not shorter than the minimum level of the suspension period bracket if there is a mitigating factor; and it may be longer than the average level but not longer than the maximum level of the suspension period bracket if there is an aggravating factor.

3. Beginning date of suspension period:

a) The suspension period shall begin on the effective date of the decision on imposition of penalty for administrative violation if the person imposing the penalty confiscated the license or practicing certificate of the violating entity on the date in which decision is made;

b) If the person imposing the penalty does not confiscate the license or practicing certificate of the violating entity when the decision on imposition of penalty for administrative violation is issued, the decision must specify that the beginning date of the suspension period is the day on which the violating entity submits the license or practicing certificate to the person imposing the penalty;

c) When confiscating the license or practicing certificate as prescribed in Point b of this Clause and when returning the license or practicing certificate suspended as regulated in Points a, b of this Clause, the person imposing the penalty shall make records and retain documents about the administrative penalty in compliance with applicable regulations.

4. During the suspension period, if the violating entity still keeps doing the activities specified in the license or practicing certificate, such violating entity shall incur a penalty for operating without a license or practicing certificate.

Chapter V

IMPLEMENTATION

Article 67. Effect

1. This Decree shall come into force as from May 20, 2017.

2. This Decree supersedes the Government's Decree No. [142/2013/ND-CP](#) dated October 24, 2013 on penalties for administrative violations against regulations on water and mineral resources.

Article 68. Implementation organization and responsibility

1. Minister of Natural Resources and Environment shall instruct and organize the implementation of this Decree.
2. Ministers, heads of ministerial-level agencies, heads of the Government's affiliates, Chairpersons of people's committees of central-affiliated cities/ provinces shall be responsible for implementing this Decree./.

**ON BEHALF OF THE GOVERNMENT
PRIME MINISTER**

Nguyen Xuan Phuc