

GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 55/2021/ND-CP

Hanoi, May 24, 2021

DECREE

**PRESCRIBING AMENDMENTS AND SUPPLEMENTS TO SEVERAL ARTICLES
OF GOVERNMENT’S DECREE NO. 155/2016/ND-CP DATED NOVEMBER 18,
2016 ON PENALTIES FOR ADMINISTRATIVE VIOLATIONS AGAINST
ENVIRONMENTAL PROTECTION REGULATIONS**

Pursuant to the Law on Government Organization dated June 19, 2015; the Law on Amending and Supplementing certain Articles of the Law on Government Organization and the Law on Local Government Organization dated November 22, 2019;

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

Pursuant to the Law on environmental protection dated June 23, 2014;

Pursuant to the Law on biodiversity dated November 13, 2008;

Pursuant to the Law on environmental police forces dated December 23, 2014;

At the request of Minister of Natural Resources and Environment;

The Government hereby promulgates the Decree on amendments and supplements to several Articles of the Government’s Decree No. 155/2016/ND-CP dated November 18, 2016 on penalties for administrative violations against environmental protection regulations.

Article 1. Amendments and supplements to several Articles of the Government’s Decree No. 155/2016/ND-CP dated November 18, 2016 on penalties for administrative violations against environmental protection regulations as follows:

1. Amending point a of clause 2 of Article 1 as follows:

“a) Violations against regulations on environmental protection plans, environmental impact assessment;”

2. Adding clause 3 and 4 to Article 2 as follows:

“3. Entities penalized for administrative violations against regulations on environmental protection under the provisions of this Decree, including:

- a) Private companies, joint-stock companies, limited liability companies, partnership businesses and affiliates of enterprises (e.g. branches, representative offices) that are established under the Law on Enterprises;
- b) Cooperatives and cooperative alliances that are established in accordance with the Law on Cooperatives;
- c) Foreign investors, foreign-invested economic organizations, representative offices and branches of foreign traders in Vietnam, and representative offices of foreign trade promotion organizations in Vietnam, all of which are established in accordance with the Law on Investment;
- d) State regulatory authorities committing any violation that is not within the assigned scope of the state management;
- dd) Socio-political organizations and socio-occupational organizations;
- e) Public service units;
- g) Other organizations stipulated by law.

4. Persons having competence in issuing notices of administrative violations; persons having competence in sanctioning administrative violations against environmental protection regulations; other agencies and organizations related to environmental protection activities.”

3. Amending and supplementing clause 4, 7, 8, 10 and 11 of Article 3 and adding clause 14 and 15 to Article 3 as follows:

a) Amending clause 4 as follows:

“4. Hazardous environmental parameters in emission and air environment refer to the environmental parameters specified in the national technical regulation on hazardous substances in ambient air thresholds, and several parameters named in the national technical regulation on wastes, with details stated in Section II of the Annex I to this Decree.”

b) Amending clause 7 and 8 as follows:

“7. Environmental protection plan includes the declaration on production activities that cause impacts on the environment; the certified environmental protection project; the simplified environmental protection project; the registration of satisfaction of environmental standards; the environmental protection commitment and the environmental protection plan.

8. Environmental impact assessment (EIA) report includes the detailed EIA report; the EIA report made by the active business establishment; the approved environmental protection project; the detailed environmental protection project; the addition EIA report and the EIA report.”

c) Amending clause 10 as follows:

“10. Certification of completion of environmental protection project includes the certificate of fulfillment of requirements of the approved environmental protection project; the certificate of completion of the detailed environmental protection project; the certificate of compliance with contents of the EIA report and requirements of the decision on approval of the EIA report before the project is officially put into operation; the certificate of implementation of environmental protection works and measures in preparation for the project’s operation; the certificate of execution of one of the parts of the project already receiving investment in case where such investment is phased before that project is officially put into operation and the certificate of completion of environmental protection project.”

d) Amending clause 11 as follows:

“11. Environmental protection works, including waste treatment; solid waste collection and storage and other environmental protection works according to regulations.”

d) Adding clause 14 and 15 to Article 3 as follows:

“14. Suspension of polluting activities of establishment in this Decree refers to the suspension of operations of parts or items that directly cause environmental pollution or discharge an amount of wastes in excess of the permissible level stated in the technical regulation on environment to the extent that it is likely to cause environmental pollution.

15. Typical municipal solid waste mentioned in this Decree includes ordinary solid waste arising from medical activities; construction activities; animal husbandry activities; packaging of used plant protection chemicals off which hazardous ingredients have been cleaned; sludge dredged from canals and irrigation works; sludge dredged from seas, rivers, lakes and other bodies of water.”

4. Adding point c to clause 2, and point o, p, q, r, s and t to clause 3 and 4 of Article 4 as follows:

a) Adding point c to clause 2 as follows:

“c) Applying the additional penalty existing in the form of suspension of operation for a definite period to establishments supplying public products and services through the State’s commissioning, order placement or procurement processes according to the provisions of this Decree, except as their violations do not lead to environmental pollution, or they have stopped committing violations or have completely remedied the

consequences of their administrative violations. The time of suspension of operation for a definite period shall start from the time when a state authority assigns a task, places an order or bids to assign a task, appoints a unit or select another contractor to provide public products and services.”

b) Adding point o, p, q, r, s and t to clause 3 as follows:

“o) Compelling the relocation of projects or facilities to other locations to ensure consistency with the planning approved by a competent authority;

p) Compelling the review and renovation of waste disposal works to meet technical requirements on environmental protection as legally prescribed;

q) Compelling the installation of automatic and continuous wastewater or emission monitoring equipment or systems in accordance with regulations within the time limit set by the person having sanctioning competence in administrative sanction decisions;

r) Compelling the formulation of an environmental protection plan and send it through to a competent state authority for certification in accordance with regulations;

s) Compelling the preparation of environmental impact assessment reports for projects on renovation, upgradation and addition of environmental protection works and submitting them to competent authorities to seek their consent according to regulations;

t) Compelling the demolition of works and equipment built or installed in contravention of regulations on environmental protection with the aim of discharging untreated waste into the environment.”

c) Adding clause 4 as follows:

“4. The application of remedial measures specified at point a, c, h and m of clause 3 of this Article shall only be allowed when there are sufficient grounds to prove the consequences or illegal profits or underpayment or evasion of payment of legally prescribed due to administrative violations, except for the case of forced payment of costs and expenses for solicitation of assessment, inspection, survey and analysis of environmental samples.”

5. Amending and supplementing Article 6 as follows:

“Article 6. Application of technical regulations on environment and use of environmental parameters for determination of administrative violations against regulations on environmental protection and seriousness of these administrative violations; rules of sanctioning several administrative violations against environmental protection regulations

1. When organizational/ individual entities produce waste into the environment, the national technical regulations shall be applied to determine administrative violations against regulations on environmental protection and severity thereof; where both national technical regulation and local technical regulation are available, the local technical regulation shall apply (hereinafter referred to as technical regulation).

2. If a parameter exceeds the permissible limit prescribed in the environmental technical regulation, the exceeding times shall be the highest value calculated by dividing the value collected by professional means and equipment, and from results of inspection, assessment, monitoring, measurement and analysis of certain environmental parameters of waste samples and/or surrounding environmental samples by the maximum permissible value of that parameter prescribed in the environmental technical regulation.

3. When imposing fines for the discharge of wastewater (as prescribed in Article 13 and Article 14 herein) or the discharge of dust and emission (as prescribed in Article 15 and Article 16 herein) in excess of the permissible limits prescribed in the environmental technical regulations, if hazardous, bacterial, other common parameters and pH values of wastewater, dust or emission exceed the permissible limits prescribed in technical regulations, the penalty to be imposed shall be determined according to the parameter of wastewater, dust or emission sample involved in the violation for which the highest fine is imposed; if fines determined according to these parameters are equal, hazardous parameters shall serve as a benchmark for determination of the violation.

The fines for the violations involving the remaining environmental parameters of the same samples of these discharges in excess of the permissible limits prescribed in the technical regulations shall be 10% – 50% more than the fine for the selected violation involving each of these parameters provided that total sum of fine for each violation does not exceed the prescribed maximum fine.

In case a business establishment or a concentration of producers, businesses and service providers has many points of discharging wastewater or dust/emission in excess of the permissible limits prescribed in technical regulations, appropriate penalty shall be imposed on each point.

4. Wastewater discharge volume specified in Articles 13 and 14 of this Decree is total volume of wastewater discharged into the environment in a day (24 hours). In case where the wastewater discharge volume cannot be determined, the discharge volume shall be calculated by multiplying the wastewater discharge volume determined at the sampling time by 24 hours.

5. Sanctioning acts of violation against the same regulation laid down in Article 9 and 10 shall be subject to regulations of Article 10 herein.

6. The acts specified in point 1 of clause 1, point 1 of clause 2 of Article 9, point dd of clause 1, point dd of clause 2 of Article 10, point d of clause 1, point d of clause 2, point d of clause 3, point d of clause 4, point d of clause 5 of Article 11 of this Decree are

administrative violations that are taking place and for which the limitation periods for sanctions start from the violation detection time.

7. For acts of violation against regulations on the formulation and implementation of plans for environmental improvement and remediation in mining activities that have been sanctioned in the penalty forms prescribed in Article 32, sanctions stipulated in Article 9 herein shall not be applied.

8. Persons who are not accorded authority to apply remedial measures prescribed in this Decree shall not have authority to sanction the acts corresponding to these remedial measures.”

6. Amending point c of clause 2 of Article 7 as follows:

c) Average values per day (24 hours) obtained from continuous and automatic wastewater/emission monitoring devices or systems of the organization or individual that are tested, inspected or calibrated in accordance with laws must be considered in case where continuous and automatic monitoring systems need to be installed and data obtained from that system need to be directly transmitted to the Department of Natural Resource and Environment for inspection. If it is discovered that these values exceed the permissible values of wastewater contamination stated in the technical regulations on waste, analysis of the samples collected at automatic sampling systems must be continued in the following day in order to identify the violation; in case of excess of the permissible values of emission contamination according to the technical regulations on waste, the monitoring of emission of the person or entity must be set in motion within the maximum duration of 03 working days.”

7. Amending and supplementing Article 8 as follows:

“Article 8. Violations against regulations on implementation of environmental protection plans

1. Violations against regulations on implementation of environmental protection plans which are certified by the Subdepartments of Natural Resources and Environment or the District-level People’s Committees, and are not the cases mentioned in clause 2 of this Article, shall be fined as follows:

a) A warning is issued as a form of penalty for the act of improperly implementing any of environmental protection measures in environmental protection plans which are certified by competent state authorities, except for the violations against regulations on environmental monitoring and supervision, and regulations laid down in point c of this clause; the act of failure to inform certification authorities of any change of project owners, owners of manufacturing and service business establishments;

b) A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for the act of failing to implement any environmental protection measure in the environmental

protection plans which have been certified by competent state authorities, except for the violations against regulations on the environmental monitoring and supervision, and the case specified in point d of this clause;

d) A fine ranging from VND 1,000,000 to VND 1,500,000 shall be imposed for the act of building or installing equipment, pipes or other systems used for discharging untreated waste into the environment; the act of failing to regularly operate or improperly operating waste treatment projects agreed in the certified environmental protection plans; the act of improper construction and installation of waste treatment facilities as agreed in the certified environmental protection plans in the following cases: reduction in capacity leading to the insufficient capacity to treat waste; changes in waste treatment technologies, lack of the waste treatment process; failure to collect waste completely leading to the situation in which a certain amount of wastewater and emissions generated during the execution and operation of production, business and service plans and projects are not treated before being discharged into the environment;

d) A fine ranging from VND 1,500,000 to VND 2,000,000 shall be imposed for the act of failing to build environmental protection works as regulated;

dd) A fine ranging from VND 2,000,000 to VND 2,500,000 shall be imposed for the act of failing to obtain the renewed registration of environmental protection plans as legally required.

2. Violations against regulations on implementation of environmental protection plans which are certified by Subdepartments of Natural Resources and Planning, District-level People's Committees, and which involve business registration certificates issued by the provincial-level Business Registration Offices, shall be subject to the following fines:

a) A fine ranging from VND 1,000,000 to VND 5,000,000 shall be imposed for the act of improperly implementing any of environmental protection measures in environmental protection plans which have already been certified by competent state authorities, except for the violations against regulations on environmental monitoring and supervision, and regulations laid down in point c of this clause; the act of failure to notify certification authorities of any change of project owners, owners of manufacturing and service business establishments as such notification is legally required;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the act of failing to implement any environmental protection measure in the environmental protection plans which have been certified by competent state authorities, except for the violations against regulations on environmental monitoring and supervision activities, and the case specified in point d of this clause;

d) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the act of building or installing equipment, pipes or other systems used for discharging untreated waste into the environment; the act of failing to regularly operate or improperly operating waste treatment projects agreed in the certified environmental protection plans; the act of

improper construction and installation of waste treatment facilities as agreed in the certified environmental protection plans in the following cases: reduction in capacity leading to the insufficient capacity to treat waste; changes in waste treatment technologies, lack of the waste treatment process; failure to collect waste completely leading to the situation in which a certain amount of wastewater and emissions generated during the execution and operation of production, business and service plans and projects are not treated before being discharged into the environment;

d) A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for the act of failing to build environmental protection works as regulated;

dd) A fine ranging from VND 25,000,000 to VND 30,000,000 shall be imposed for the act of failing to obtain the renewed registration of environmental protection plans as legally required.

3. Penalties for violations against regulations on implementation of environmental protection plans which are verified by the Departments of Natural Resources and Environment:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the act of improperly implementing any of environmental protection measures in environmental protection plans which have already been certified by competent state authorities, except for the violations against regulations on environmental monitoring and supervision, and regulations laid down in point c of this clause; the act of failure to notify certification authorities of any change of project owners, owners of manufacturing and service business establishments as such notification is legally required;

b) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for the act of failing to implement any environmental protection measure in the environmental protection plans which have been certified by competent state authorities, except for the violations against regulations on environmental monitoring and supervision activities, and the case specified in point d of this clause;

c) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the act of building or installing equipment, pipes or other systems used for discharging untreated waste into the environment; the act of failing to regularly operate or improperly operating waste treatment projects agreed in the certified environmental protection plans; the act of improper construction and installation of waste treatment facilities as agreed in the certified environmental protection plans in the following cases: reduction in capacity leading to the insufficient capacity to treat waste; changes in waste treatment technologies, lack of the waste treatment process; failure to collect waste completely leading to the situation in which a certain amount of wastewater and emissions generated during the execution and operation of production, business and service plans and projects are not treated before being discharged into the environment;

d) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the act of failing to build environmental protection works as regulated;

dd) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for the act of failing to obtain the renewed registration of environmental protection plans as legally required.

4. Penalties for violations against regulations on implementation of the registration of satisfaction of environmental standards which are verified by ministries or ministerial-level agencies:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the act of improperly implementing any of contents of the registration of satisfaction of environmental standards which has been certified by the competent state agency, except for violations against regulations on the environmental monitoring and supervision, and the violations prescribed in point c of this clause;

b) A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for the act of failing to implement any of contents of the registration of satisfaction of environmental standards which has been certified by the competent state agency, except for the violations against regulations on the environmental monitoring and supervision, and the violations prescribed in point d of this clause;

c) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the act of building or installing equipment, pipes or other systems used for discharging untreated waste into the environment; the act of failing to regularly operate or improperly operating waste treatment projects agreed in the certified environmental protection plans; the act of improper construction and installation of waste treatment facilities as agreed in the certified environmental protection plans in the following cases: reduction in capacity leading to the insufficient capacity to treat waste; changes in waste treatment technologies, lack of the waste treatment process; failure to collect waste completely leading to the situation in which a certain amount of wastewater and emissions generated during the execution and operation of production, business and service plans and projects are not treated before being discharged into the environment;

d) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for the act of failing to build the environmental protection works as regulated.

5. Additional penalties:

a) Suspending activities of the establishment causing the environmental pollution for 01-03 months if any of the violations prescribed in point c and point d of clause 1, and point c and d of clause 2 of this Article is committed;

b) Suspending the establishment's activities for 03 - 06 months as a penalty for any of the violations prescribed in point c and d of clause 3 of this Article, or for the act of failure to

re-apply for the renewed registration of environmental protection plans as prescribed in point dd of clause 1, point dd of clause 2 and point dd of clause 3 of this Article;

c) Suspending business of establishments causing the environmental pollution for 06- 09 months as a penalty for any of the violations prescribed in point c and d of clause 4 of this Article.

6. Remedial measures:

a) Enforcing the proper operation of the environmental protection works; enforcing the dismantlement of the environmental protection work in breach of environmental protection regulations that discharges untreated waste into the environment, as penalties for the violations prescribed in point c of clause 1, point c of clause 2, point c of clause 3 and point c of clause 4 of this Article;

b) Enforcing the construction of the environmental protection works in conformity with technical regulations within the period regulated by the person who has the power to impose penalties under the decision on imposition of penalties for administrative violations in case of commission of any of the violations prescribed in point d of clause 1, point d of clause 2, point d of clause 3 and point d of clause 4 of this Article;

c) Compelling the disgorgement of illegal gains from commission of the violations defined in point c and d of clause 1; point c and d of clause 2; point c and d of clause 3; point c and d of clause 4 of this Article.”

8. Amending and supplementing Article 9 as follows:

“Article 9. Violations against regulations on implementation of decisions on approval of EIA reports

1. Penalties for violations against regulations on implementation of decisions on approval of EIA reports under the authority of the Provincial-level People’s Committees, ministries or ministerial-level agencies, except for the cases prescribed in clause 2 of this Article:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the act of failing to cooperate with commune-level People’s Committees that collect opinions during the period of preparation of EIA reports in posting decisions on approval of EIA at offices of commune-level People’s Committees if the prescribed consultation is required;

b) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for the act of failing to notify any change of project owners to the authority approving EIA reports or the specialized environmental protection authority at the provincial level when such notification is required by regulations;

c) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for the act of failing to prepare and send plans for test of waste disposal facilities of projects to environmental protection authorities of provinces where projects are executed and authorities granting approval of EIA reports in accordance with regulations;

d) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the act of arbitrarily putting waste treatment works into trial operation without consent from competent authorities; failing to halt or reduce the capacity of a project to ensure that the existing waste treatment work can treat waste to meet environmental technical regulations during the project's trial operation; failing to renovate, upgrade or additionally construct waste treatment works meeting technical requirements on environmental protection as prescribed in case it is discovered that waste discharged into the environment does not meet technical regulations on environmental protection during trial operation;

dd) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the act of improperly implementing any of contents of the decision on approval of EIA report, the approval decision related to environmental protection of the authority approving EIA reports (if any); the act of failing to fully integrate inclusions and requirements of decisions on approval of EIA reports into investment projects and construction projects, except in the following cases: any change is made without having to be reported to competent state authorities in accordance with regulations; there is any violation against regulations on environmental monitoring and supervision activities, and other cases prescribed in point b, h and m of this clause;

e) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for the act of failing to implement any of regulations of decisions on approval of EIA reports, except for the violations against regulations on the environmental monitoring and supervision, and the violations prescribed in point b, c and k of this clause;

g) A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for the act of failing to examine, renovate or improve waste treatment works in case of failure to comply with technical regulations on waste and as requested by competent state agencies as a basis for preparing application documents for certification of completion of environmental protection works;

h) A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for the act of building or installing equipment, pipes or other discharging systems to discharge untreated waste into the environment; the act of failing to regularly operate or improperly operate waste treatment works; the act of failing in the trial operation of waste treatment works and projects at the same time; the act of improperly build waste treatment works under decisions on approval of EIA reports in the following cases: reduction in the operating capacity that results in the incapability of disposal of waste; technological changes; any stage of the waste disposal process that is left out;

i) A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for the act of failing to immediately stop the trial operation of the waste treatment works and promptly report to the environmental protection specialized authorities at the provinces where projects are executed to seek their instructions to deal with cases of environmental incidents or environmental pollution; the act of failing to implement remedies of environmental pollution and compensate for damage in accordance with the law; the act of trial operation of waste treatment works in excess of the prescribed time;

k) A fine ranging from VND 120,000,000 to VND 140,000,000 shall be imposed for the act of failing to build the environmental protection works as regulated, except for the cases prescribed in point e of clause 3 of Article 12 and point k of clause 4 of Article 12 herein;

l) A fine ranging from VND 140,000,000 to VND 160,000,000 shall be imposed for the act of failing to make EIA reports of projects as regulated.

2. Penalties for violations against regulations on implementation of decisions on approval of EIA reports issued under the authority of the Ministry of Natural Resources and Environment:

a) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for the act of failing to cooperate with commune-level People's Committees that collect opinions during the period of preparation of EIA reports in posting decisions on approval of EIA at offices of commune-level People's Committees if the prescribed consultation is required;

b) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for the act of failing to notify any change of project owners to the authority approving EIA reports or the specialized environmental protection authority at the provincial level when such notification is required by regulations;

c) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the act of failing to prepare and send plans for test of waste disposal facilities of projects to environmental protection authorities of provinces where projects are executed and authorities granting approval of EIA reports in accordance with regulations;

d) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the act of arbitrarily putting waste treatment works into trial operation without consent from competent authorities; failing to halt or reduce the capacity of a project to ensure that the existing waste treatment work can treat waste to meet environmental technical regulations during the project's trial operation; failing to renovate, upgrade or additionally construct waste treatment works meeting technical requirements on environmental protection as prescribed in case it is discovered that waste discharged into the environment does not meet technical regulations on environmental protection during trial operation;

dd) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for the act of improperly implementing any of contents of the decision on approval of EIA report, the approval decision related to environmental protection of the authority approving EIA reports (if any); the act of failing to fully integrate inclusions and requirements of decisions on approval of EIA reports into investment projects and construction projects, except in the following cases: any change is made without having to be reported to competent state authorities in accordance with regulations; there is any violation against regulations on environmental monitoring and supervision activities, and other cases prescribed in point b, h and m of this clause;

e) A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for the act of failing to implement any of regulations of decisions on approval of EIA reports, except for the violations against regulations on the environmental monitoring and supervision, and the violations prescribed in point b, c and k of this clause;

g) A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for the act of failing to examine, renovate or improve waste treatment works in case of failure to comply with technical regulations on waste and as requested by competent state agencies as a basis for preparing application documents for certification of completion of environmental protection works;

h) A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for the act of building or installing equipment, pipes or other discharging systems to discharge untreated waste into the environment; the act of failing to regularly operate or improperly operate waste treatment works; the act of failing in the trial operation of waste treatment works and projects at the same time; the act of improperly build waste treatment works under decisions on approval of EIA reports in the following cases: reduction in the operating capacity that results in the incapability of disposal of waste; technological changes; any stage of the waste disposal process that is left out;

i) A fine ranging from VND 100,000,000 to VND 120,000,000 shall be imposed for the act of failing to immediately stop the trial operation of the waste treatment works and promptly report to the environmental protection specialized authorities at the provinces where projects are executed to seek their instructions to deal with cases of environmental incidents or environmental pollution; the act of failing to implement remedies for environmental pollution and compensate for damage in accordance with the law; the act of trial operation of waste treatment works in excess of the prescribed time;

k) A fine ranging from VND 140,000,000 to VND 160,000,000 shall be imposed for the act of failing to build or install the environmental protection works as regulated, except for the cases prescribed in point e of clause 3 of Article 12 and point k of clause 4 of Article 12 herein;

l) A fine ranging from VND 160,000,000 to VND 180,000,000 shall be imposed for the act of failing to make EIA reports of projects as regulated.

3. Additional penalties:

Suspending the establishment's activities for 03 - 06 months as a remedy for the violations prescribed in point d, g, h, i, k and l of clause 1 and point d, g, h, i, k and l of clause 2 of this Article.

4. Remedial measures:

a) Enforcing the proper operation of the environmental protection works; enforcing the dismantlement of the environmental protection work in breach of environmental protection regulations that discharges untreated waste into the environment, as remedies for the violations prescribed in point h of clause 1, point h of clause 2 of this Article;

b) Enforcing the construction and operation of the environmental protection works, and submission of reports on implementation of environmental protection works to the agency giving approval for the environmental impact assessment report for their inspection and certification of completion of the environmental protection works within the period regulated by the person who has the power to impose penalties for the violations specified in point g, i, k and l of clause 1; point g, i, k and l of clause 2 of this Article;

c) Enforcing submission of dossiers of reports on completion of the environmental protection works to the competent authority for their inspection and certification of completion of environmental protection works in case of commission of the violations prescribed in point g of clause 1 and point g of clause 2 of this Article;;

d) Compelling the disgorgement of illegal gains from commission of the violations defined in d, g, h and k of clause 1; point d, g h and k of clause 2 of this Article.”

9. Replacing Article 10 as follows:

“Article 10. Violations against regulations on execution of certificates of completion of environmental protection works

1. Penalties for violations against regulations on execution of certificates of completion of environmental protection works under the certification authority of the Provincial-level People's Committees, ministries or ministerial-level agencies, except for the cases prescribed in clause 2 of this Article:

a) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for improperly executing one of the requirements of the Certificate of completion of the environmental protection work (each work or investment phase or the entire project) as prescribed in regulations, except for the following cases: committing any violation against regulations on environmental monitoring and observation activities; installing automatic and continuous waste monitoring equipment and system; renovating and upgrading waste treatment works that have deteriorated or have not yet met technical

regulations on waste; additionally installing one or more parts of the waste treatment works and the cases specified at point c, d and dd of this clause;

b) A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for the act of failing to execute the Certificate of completion of the environmental protection work (each work or investment phase or the entire project) as prescribed in regulations, except for the violations against regulations on environmental monitoring and observation activities, and the cases specified at point c and d of this clause;

c) A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for the act of operating without conforming to the processes or regulations, or failing to operate, one of the parts of the waste treatment processes according to certificates of completion of environmental protection works (each project constituent or investment stage or the entire project) in accordance with regulations;

d) A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for the act of building or installing equipment, pipes or other discharging systems to discharge untreated waste into the environment;

dd) A fine ranging from VND 100,000,000 to VND 120,000,000 shall be imposed for the act of failing to obtain Certificates of completion of the environmental protection works (each part or investment stage or entire project) in accordance with regulations.

2. Penalties for violations against regulations on execution of Certificates of completion of environmental protection works under the certification authority of the Ministry of Natural Resources and Environment:

a) A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for the act of improperly executing Certificates of completion of the environmental protection works (each part or investment stage or entire project) in accordance with regulations, except for the following cases: violating regulations on environmental monitoring and supervision activities; installing automatic and continuous waste monitoring equipment and system; renovating and upgrading waste treatment works that have deteriorated or have not yet met technical regulations on waste; additionally installing one or more treatment components of waste treatment works, and the cases specified at point c, d and dd of this Clause;

b) A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for the act of failing to execute the Certificate of completion of the environmental protection work (each work or investment phase or the entire project) as prescribed in regulations, except for the violations against regulations on environmental monitoring and observation activities, and the cases specified at point c and d of this clause;

c) A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for the act of operating without conforming to the processes or regulations, or failing to operate, one of the parts of the waste treatment processes according to certificates of completion

of environmental protection works (each project constituent or investment stage or the entire project) in accordance with regulations;

d) A fine ranging from VND 100,000,000 to VND 120,000,000 shall be imposed for the act of building or installing equipment, pipes or other discharging systems to discharge untreated waste into the environment;

dd) A fine ranging from VND 120,000,000 to VND 140,000,000 shall be imposed for the act of failing to obtain Certificates of completion of the environmental protection works (each part or investment stage or entire project) in accordance with regulations.

3. Additional penalties:

a) Suspending the establishment's activities for 03 - 06 months as a remedy for the violations prescribed in point c and d of clause 1 and point c and d of clause 2 of this Article;

b) Suspending the establishment's activities for 06 - 09 months as a remedy for the violations prescribed in point dd of clause 1 and point dd of clause 2 of this Article.

4. Remedial measures:

a) Enforcing the proper operation of the environmental protection works in case of commission of the violations prescribed in point c of clause 1 and point c of clause 2 of this Article;

b) Enforcing the dismantlement of the environmental protection work in breach of environmental protection regulations that discharges untreated waste into the environment as remedies for the violations prescribed in point d of clause 1 and point d of clause 2 of this Article;

c) Enforcing submission of dossiers of reports on completion of the environmental protection works to the competent authority for their inspection and certification of completion of environmental protection works in case of commission of the violations prescribed in point dd of clause 1 and point d of clause 2 of this Article;

d) Compelling the disgorgement of illegal gains from commission of the violations defined in c, d and dd of clause 1; point c, d and dd of clause 2 of this Article.”

10. Amending and supplementing Article 11 as follows:

a) Revising the title of Article 11 as follows:

“Article 11. Violations against regulations on environmental protection in production, business and service activities, or implementation of production,

business and service projects or plans, without any environmental protection plan or EIA report”

b) Revising the title of clause 1 as follows:

“1. Violations involving production, business and service activities, or mobilization for formulation of production, business and service projects or plans the scale and capacity of each of which equates those requiring the formulation of environmental protection plan and the submission thereof to district-level People’s Committees for their certification, and which are not covered by clause 2 of this Article, shall be sanctioned as follows:

c) Revising the title of clause 2 as follows:

“2. Violations involving production, business and service activities or mobilization for formulation of production, business and service projects and plans the scale and capacity of each of which are commensurate with those requiring the formulation of environmental protection plans for submission of district-level People’s Committees for their certification, and which obtain business registration certificates issued by provincial-level business registration agencies, shall be sanctioned as follows:”

d) Revising the title of clause 3 as follows:

“3. Violations involving production, business and service activities, or mobilization for formulation of production, business and service projects or plans the scale and capacity of each of which are equivalent to those requiring the formulation of the environmental protection plan for submission to Departments of Natural Resources and Environment for their certification, shall be sanctioned:”

dd) Revising the title of clause 4 as follows:

“4. Violations involving production, business and service activities, or mobilization for formulation of production, business and service projects of the scale and capacity of each of which are equivalent to those requiring the formulation of EIA report for submission to provincial-level People’s Committees, ministries or ministerial-level agencies for their approval, except for the violations prescribed in clause 5 of this Article, shall be sanctioned:”

e) Revising the title of clause 5 as follows:

“5. Violations involving production, business and service activities, or mobilization for formulation of production, business and service projects the scale and capacity of each of which are equivalent to those requiring the formulation of EIA reports for submission to the Ministry of Natural Resources & Environment for their approval, shall be sanctioned as follows:”

g) Adding clause 6a in front of clause 6 as follows:

“6a. A fine ranging from VND 1,500,000 to VND 2,000,000 shall be imposed for the act of unavailability of measures and facilities used for collection, storage, disposal and management of waste generated as prescribed in the case of production, business and service projects and plans eligible for exemption from the requirement for registration of environmental protection plans according to regulations.”

h) Amending and supplementing clause 6 and clause 7 as follows:

“6. Additional penalties:

a) Suspending business of establishments for the period of 03- 06 months in case of commission of the violations prescribed in point c of clause 1, point c of clause 2, point c of clause 3, point c of clause 4, point c of clause 5 and clause 6a of this Article;

b) Suspending the establishment’s business for the period of 06 - 12 months in case of commission of the violations prescribed in point d of clause 1, point d of clause 2, point d of clause 3, point d of clause 4 and point d of clause 5 of this Article.

7. Remedial measures:

a) Enforcing application of measures to manage solid waste, hazardous waste, reduce noise and vibration, heat and light radiation, and treat wastewater and emission in conformity with technical regulations on waste within the period regulated by the person having the power to impose administrative penalties for the violations prescribed in point b and c of clause 1, point b and c of clause 2, point b and c of clause 3, point b and c of clause 4, point b and c of clause 5 and clause 6a of this Article;

b) Enforcing the application of remedial measures for environmental pollution and submission of reports on results of completed remediation of consequences of violations within the period regulated by the person having the power to impose penalties as a remedy for the administrative violations prescribed in point a of clause 1, point a of clause 2, point a of clause 3, point a of clause 4 and point a of clause 5 of this Article;

c) Compelling relocation of projects or facilities to other places consistent with the planning approved by competent authorities for cases where violations specified at point d of clause 1, point d of clause 2, point d of clause 3, point d of clause 4, and point d of clause 5 of this Article, involve the locations of projects in progress or establishments that are not conformable to the planning approved in accordance with regulations;

d) Compelling preparation of environmental protection plans for submission to authorities having competence in certification for cases where violations specified at point d of clause 1, point d of clause 2, point d of clause 3 of this Article involve the locations of projects in progress or establishments that are not conformable to the planning approved in accordance with regulations;

dd) Compelling preparation of EIA reports for projects of renovation, improvement and upgradation of environmental protection works for submission to authorities having competence in approval for cases where violations specified at point d of clause 4 and point d of clause 5 of this Article involve the locations of projects in progress or establishments that are not conformable to the planning approved in accordance with regulations;

e) Compelling return of illegal gains obtained from performing one of the following acts: construction and installation of equipment, pipelines or other discharging systems used for discharging untreated waste into the environment; failure to regularly or improperly operate the waste treatment works according to regulations; failing to have wastewater, emission and dust disposal systems to ensure conformity with the technical regulations specified at point b and c of clause 1; point b and c of clause 2; point b and c of clause 3; point b and c of clause 4 and point b and c of clause 5 of this Article.”

11. Amending and supplementing Article 12 as follows:

a) Amending point b of clause 3 as follows:

“b) A fine ranging from VND 10,000,000 to VND 50,000,000 shall be imposed for the act of failing to have logbooks recording data on operation of centralized sewage treatment systems as required by law;”.

b) Amending point b and c of clause 6 as follows:

“b) Fines which are 50% as much as those specified in Articles 13 and 14 of this Decree shall be imposed for the acts of discharging effluent into centralized collection and treatment systems of industrial parks, export processing zones, and high-tech zones , industrial complexes and craft villages with one of the environmental parameters (the highest parameter which is chosen) exceeding the wastewater reception standards of investors building and commercial operation of infrastructure of these industrial parks, export processing zones, hi-tech parks, industrial complexes or craft villages;

c) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed for the act of illegally discharging untreated wastewater into stormwater drainage systems of industrial parks, export processing zones, high-tech parks or industrial complexes.”

c) Amending clause 7 as follows:

“7. Violations against regulations on continuous and automatic monitoring of wastewater, emission and other violations involving environmental protection in production, business and service activities shall be subject to the following penalties:

a) A fine ranging from VND 60,000,000 to VND 70,000,000 shall be imposed for the act of failing to readily make safety procedures available at the locations or outlet holes of sampling of exhaust gas as prescribed; the act of failing to install flow meters and

measurement devices for monitoring effluent inlet and outlet flow of wastewater treatment systems according to regulations;

b) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the act of failing to operate or improperly operating continuous and automatic wastewater or emission monitoring systems; failing to store wastewater or emission monitoring data or failing to transmit monitoring data at the request of a competent agency in accordance with regulations;

c) A fine ranging from VND 100,000,000 to VND 150,000,000 shall be imposed for the act of failing to incompletely set one of the parameters of the continuous and automatic wastewater or emission monitoring systems as regulated or as requested by competent authorities; the act of failing to install CCTV cameras, regularly assess quality of automatic and continuous effluent or emission monitoring systems;

c) A fine ranging from VND 150,000,000 to VND 200,000,000 shall be imposed for the act of failing to install automatic and continuous wastewater monitoring equipment and systems (including automatic and continuous monitoring equipment and automatic sampling equipment) or automatic and continuous emission monitoring equipment and systems as requested by competent authorities; the act of failing to deal with breakdown or failure of automatic and continuous monitoring systems upon the request of competent state authorities;

dd) A fine ranging from VND 200,000,000 to VND 250,000,000 shall be imposed for the act of deliberately building or installing pipes or outlets used for discharge of waste into the environment at locations inconvenient for the inspection as per regulations; the act of diluting treated wastewater and emission in a bid to ensure conformance to technical regulations on wastewater;

e) For acts of failing to inspect and calibrate wastewater or emission monitoring systems as legally prescribed, penalties prescribed in the law on sanctioning of administrative violations arising from metrological activities shall be imposed.”

d) Repealing clause 8, amending and supplementing clause 9 as follows:

“9. Remedies:

a) Enforcing the implementation of measures for managing solid waste and hazardous waste, reducing the noise and vibration, and treating wastewater and emission in conformity with technical regulations on waste within the period regulated by the person who has the power to impose penalties for administrative violations and specified in the decision on imposition of penalties for administrative violations if any of the violations prescribed in this Article is committed;

b) Enforcing the dismantlement of aquaculture facilities; enforcing the implementation of environmental restoration measures if any of the violations prescribed in point d and dd

of clause 5 of this Article is committed; enforcing the installation of continuous and automatic wastewater or emission monitoring systems according to regulations within the period regulated by the person having the power to impose penalties for administrative violations in decisions on imposition of administrative penalties for the violations specified in point c and dd of clause 7 of this Article; enforcing the construction and installation of pipes or outlets of wastewater discharge systems at locations convenient for inspection, monitoring; or enforcing the dismantlement of structures or facilities used for diluting waste and treatment of waste in accordance with technical regulations on waste within the period regulated by the person having the power to impose penalties for administrative violations in decisions on imposition of administrative penalties for the administrative violations prescribed in point dd of clause 7 of this Article.”

12. Adding Article 13a in front of Article 13 as follows:

Article 13a. Violations against regulations on environmental monitoring and supervision

1. Penalties for violations against regulations on environmental monitoring and supervision during the process of construction of production, business and service projects and plans shall be imposed as follows:

a) Issuing a warning for the act of improper or incomplete implementation of waste monitoring programs (regarding parameters, location, and frequency of supervision) that falls under the authority to certify environmental protection plans of the district-level People's Committees;

b) A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for the act of failing to supervise discharges or report on environmental protection activities on an annual basis in accordance with regulations that falls under the authority to certify environmental protection plans of the district-level People's Committees; the act of improperly and incompletely implementing waste monitoring programs (regarding parameters, location and frequency of supervision) that falls under the authority to certify environmental protection plans of the Departments of Natural Resources and Environment, or the Authority of industrial parks, export processing zones and economic zones;

c) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for the act of failing to supervise discharges or report on environmental protection activities on an annual basis in accordance with regulations that falls under the authority to certify environmental protection plans of the Departments of Natural Resources and Environment, or the Authority of industrial parks, export processing zones and economic zones; the act of improperly and incompletely implementing waste monitoring programs (regarding parameters, location and frequency of supervision) that falls under the authority to approve EIA reports of the provincial People's Committees or agencies authorized by the provincial People's Committees;

d) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for the act of failing to monitor discharges or report on environmental protection activities on an annual basis in accordance with regulations that falls under the authority to approve EIA reports of the provincial People's Committees or agencies authorized by the provincial People's Committees; the act of improperly and incompletely implementing waste monitoring programs (regarding parameters, location and frequency of supervision) that falls under the authority to approve EIA reports of the Ministry of Natural Resources and Environment, other ministries and ministerial-level bodies;

dd) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the act of failing to monitor discharges or report on environmental protection activities on an annual basis in accordance with regulations that falls under the authority to approve EIA reports of the Ministry of Natural Resources and Environment, other ministries and ministerial-level bodies.

2. Penalties for violations against regulations on environmental monitoring during trial operation of projects shall be imposed as follows:

d) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for the act of improperly and incompletely implementing waste monitoring programs (regarding parameters, location and frequency of supervision) as a basis for assessment of effectiveness of treatment of waste in specific stage and the entire process in accordance with regulations if such act falls under the authority to approve EIA reports of the provincial People's Committee or agencies authorized by the provincial People's Committees;

b) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for the act of failing to monitor discharges as a basis for assessment of effectiveness of treatment of waste in specific stage and the entire process in accordance with regulations, or report on environmental protection activities on an annual basis in accordance with regulations, if such acts fall under the authority to approve EIA reports of the provincial People's Committees or agencies authorized by the provincial People's Committees; the act of improperly and incompletely implementing waste monitoring programs (regarding parameters, location and frequency of supervision) as a basis for assessment of effectiveness of treatment of waste in specific stage and the entire process in accordance with regulations if such act falls under the authority to approve EIA reports of the Ministry of Natural Resources and Environment, other ministries and ministerial-level bodies;

c) A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for the act of failing to monitor discharges as a basis for assessment of effectiveness of treatment of waste in specific stage and the entire process in accordance with regulations, or report on environmental protection activities on an annual basis in accordance with regulations, if such acts fall under the authority to approve EIA reports of the Ministry of Natural Resources and Environment, other ministries and ministerial-level bodies.

3. Penalties for violations against regulations on environmental monitoring during the official operation of projects shall be imposed as follows:

a) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for the act of improperly or incompletely implementing waste monitoring programs (regarding parameters, location, and frequency of monitoring) if implementation of such programs is required, and their scale and capacity are equivalent to those requiring registration of environmental protection plans; the act of improperly or incompletely implementing the programs to monitor the ambient environment or other environmental issues if implementation of these programs is required, and their scale and capacity are equivalent to those requiring formulation of EIA reports;

b) A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for the act of failing to monitor discharges or report on environmental protection activities on an annual basis or formulate plans for periodic environmental monitoring for submission to competent state authorities in accordance with regulations if such formulation is required, and the scale and capacity of these plans are equivalent to those requiring registration of environmental protection plans; the act of failing to execute the programs to monitor the ambient environment or other environmental issues if implementation of these programs is required, and their scale and capacity are equivalent to those requiring formulation of EIA reports;

c) A fine ranging from VND 25,000,000 to VND 30,000,000 shall be imposed for the act of improperly or incompletely implementing waste monitoring programs (regarding parameters, location, and frequency of monitoring) if implementation of such programs is required, and their scale and capacity are equivalent to those requiring formulation of EIA reports;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the act of failing to monitor discharges or report on environmental protection activities on an annual basis, or the act of failing to formulate plans for periodic environmental monitoring for submission to competent state authorities in accordance with regulations if such formulation is required, and the scale and capacity of these plans are equivalent to those requiring formulation of EIA reports.

4. e) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for the act of failing to cooperate with entities without Certificates of eligibility for provision of environmental monitoring services (according to the sectors and scope of certification) in conducting environmental monitoring or supervision activities, except for the cases where public service providers are established the provincial-level People's Committees, or established and assigned the tasks of environmental monitoring or supervision by Ministry of National Defence or Ministry of Public Security within provinces or in the national defense and security sectors.”

13. Amending and supplementing Article 13 as follows:

a) Amending clause 7 as follows:

“7. Fines shall be 10%, 20%, 30%, 40% or 50% more than the selected highest fine for violations prescribed in this Article if each environmental parameter is 1.1 – under 1.5 times; 1.5 – under 03 times; 03 to less than 05 times; 05 – under 10 times; or at least 10 times, respectively, as much as the permissible limit prescribed in the technical regulations. Total fine imposed for each act of violation must not exceed VND 1,000,000,000.”

b) Amending clause 8 as follows:

“a) Suspending polluting activities of business establishments for the period from 03 to 06 months as a remedy for the violations prescribed in points i, k, l, m, n, o, p, q, r, s, t and u of clause 4, points h, i, k, l, m, n, o, p, q, r, s and t of clause 5, and points g, h, i, k, l, m, n, o, p, q, r and s of clause 6 of this Article;

b) Suspend activities of business establishments for the duration of 06 – 12 months as a remedy for the violations prescribed in points uu, v, x and y of clause 4, points u, uu, v, x and y of clause 5, and points t, u, uu, v, x and y of clause 6 of this Article.”

c) Replacing point b and adding point d of clause 9 as follows:

“b) Compelling assessment and renovation of wastewater treatment works to ensure they meet technical requirements on environmental protection in accordance with regulations as a penalty for violations specified in this Article;

d) Compelling the installation of automatic and continuous wastewater monitoring systems in accordance with regulations within the time limit set by the person having sanctioning competence in administrative sanction decisions in case of recidivism or repeated commission of the violations prescribed in this Article.”

14. Amending and supplementing Article 14 as follows:

a) Revising the title of Article 14 as follows:

“Article 14. Penalties for discharging wastewater with hazardous parameters or wastewater with bacterial parameters (e.g. Salmonella, Shigella, Vibrio cholerae) according to the national technical regulations on medical wastewater, or discharging wastewater with pH values exceed thresholds stated in technical regulations:

b) Amending point k and repealing points l, m, n, o, p, q, r, s, t, u, uu, v, x and y of clause 6 as follows:

“k) A fine ranging from VND 200,000,000 to VND 220,000,000 shall be imposed for discharging the wastewater with the volume of 400 m³/day (24 hours) or above, except for environmental crimes.”

c) Amending point a and b of clause 12 as follows:

“a) Suspending polluting activities of business establishments for 03 – 06 months as a penalty for the violations prescribed in points h, i, k, l, m, n, o, p, q, r, s and t of clause 4, points g, h, i, k, l, m, n, o, p, q, r and s of clause 5, points e, g, h, i and k of clause 6, points h, i and k of clause 7, points g, h, i and k of clause 8 and points e, g, h, i and k of clause 9 of this Article;

b) Suspending activities of business establishments for the duration of 06 – 12 months as a penalty for the violations prescribed in points u, uu, v, x and y of clause 4, points t, u, uu, v, x and y of clause 5, and clause 10 of this Article.”

d) Replacing point b and adding point d to clause 13 as follows:

“b) Compelling assessment and renovation of wastewater treatment works to ensure they meet technical requirements on environmental protection in accordance with regulations as a penalty for violations specified in this Article;

d) Compelling the installation of automatic and continuous wastewater monitoring equipment or systems in accordance with regulations within the time limit set by the person having sanctioning competence in administrative sanction decisions in case of recidivism or repeated commission of the violations prescribed in this Article.”

15. Replacing point b and adding point d to clause 8 of Article 15 as follows:

a) Replacing point b of clause 8 as follows:

“b) Compelling assessment and renovation of emission treatment works to ensure they meet technical requirements on environmental protection in accordance with regulations as a penalty for the violations specified in this Article;”

b) Adding point d to clause 8 as follows:

“d) Compelling the installation automatic and continuous emission monitoring system in accordance with regulations within the time limit set by the person having sanctioning competence in administrative sanction decisions in case of recidivism or repeated commission of the violations prescribed in this Article.”

16. Replacing point b and adding point d to clause 9 of Article 16 as follows:

a) Replacing point b of clause 9 as follows:

“b) Compelling assessment and renovation of emission treatment works to ensure they meet technical requirements on environmental protection in accordance with regulations as a penalty for the violations specified in this Article;”

b) Adding point d to clause 9 as follows:

“d) Compelling the installation automatic and continuous emission monitoring system in accordance with regulations within the time limit set by the person having sanctioning competence in administrative sanction decisions in case of recidivism or repeated commission of the violations prescribed in this Article.”

17. Amending point dd of clause 8 of Article 19 as follows:

“dd) Confiscating instruments of the administrative violations prescribed in clause 1 of this Article.”

18. Amending and supplementing Article 20 as follows:

a) Amending clause 1 and 2 as follows:

“1. Penalties for the act of collection or discharge of domestic waste in contravention of regulations on environmental protection:

a) A fine ranging from VND 100,000 to VND 150,000 shall be imposed for the act of throwing, littering or discarding cigarette butts, leftovers and ashes outside of the permitted places at residential, commercial, service or public areas;

b) A fine ranging from VND 150,000 to VND 250,000 shall be imposed for the act of addressing personal sanitation needs (e.g. urination, defecation) outside of permitted places at residential, commercial, service or public areas;

c) A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for the act of throwing or littering domestic waste outside of permitted places at residential, commercial, service or public areas, except for the violation prescribed in point d of this Clause;

d) A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for the act of throwing or littering domestic waste on sidewalks, pavements or municipal sewerage systems or surface water drainage systems; the act of pouring wastewater outside of the permitted places on road sidewalks or pavements.

2. A fine ranging from VND 2,000,000 to VND 4,000,000 shall be imposed for the act of operating vehicles to carry raw materials, substances or goods when they are not protected by covers or casings, or if they leak into the environment whilst running on roads.”

b) Adding point a1 in front of point a to clause 6 as follows:

“a1) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for the act of failing to make transfer notes of domestic waste and ordinary industrial solid waste as required by laws;”

c) Amending point c, d and dd of clause 7 as follows:

“c) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the act of failing to properly implement any of the requirements of the plan for treatment of domestic solid waste approved by a competent authority, except for the violations against regulations on monitoring and supervision of ambient environment;

d) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the act of failing to implement any of the requirements of the plan for treatment of domestic solid waste approved by a competent authority, except for the violations against regulations on monitoring and supervision of ambient environment;

dd) A fine ranging from VND 140,000,000 to VND 160,000,000 shall be imposed for the act of unavailability of plans for treatment of domestic waste approved by competent authorities in accordance with regulations.”

d) Amending point c, d and g of clause 8 as follows:

c) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the act of failing to properly implement any of the requirements of the plan for treatment of ordinary industrial solid waste approved by a competent authority, except for the violations against regulations on monitoring and supervision of ambient environment and the violation prescribed in point d of this clause;

d) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the act of failing to implement any of the requirements of the plan for treatment of ordinary industrial solid waste approved by a competent authority, except for the violations against regulations on monitoring and supervision of ambient environment and the violation prescribed in point e of this clause;

g) A fine ranging from VND 140,000,000 to VND 160,000,000 shall be imposed for the act of unavailability of the plan for treatment of ordinary industrial solid waste approved by a competent authority in accordance with regulations.”

dd) Adding clause 9a in front of clause 9 as follows:

“9a. Acts of collecting, transporting and treating sewage sludge from septic tanks, sludge from municipal drainage systems in contravention of regulations on environmental protection shall be subject to the penalties prescribed in laws on sanctioning of administrative violations arising from construction investment activities.”

e) Amending clause 9 as follows:

“9. Penalties for the act of transferring, giving or selling domestic solid waste, ordinary industrial solid waste, specific ordinary solid waste or non-hazardous liquid waste products to entities which have no functions or capabilities of waste treatment as regulated; the act of burying, dumping, burning and disposing of them in contravention of regulations on environmental protection, except for environmental crimes; the act of receiving domestic solid waste, ordinary industrial solid waste, specific ordinary solid waste or non-hazardous liquid waste products but failing to implement treatment methods or failing to transfer them to entities having treatment competency as regulated:

a) A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed for the act of transferring, giving, selling, receiving, burying, dumping, burning and disposing of domestic solid waste, ordinary industrial solid waste, specific ordinary solid waste or non-hazardous liquid waste products with an amount of less than 1,000 kg;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the act of transferring, giving, selling, receiving, burying, dumping, burning and disposing of domestic solid waste, ordinary industrial solid waste, specific ordinary solid waste or non-hazardous liquid waste products with an amount of 1,000 - less than 2,000 kg;

c) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for the act of transferring, giving, selling, receiving, burying, dumping, burning and disposing of domestic solid waste, ordinary industrial solid waste, specific ordinary solid waste or non-hazardous liquid waste products with an amount of 2,000 - less than 3,000 kg;

d) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for the act of transferring, giving, selling, receiving, burying, dumping, burning and disposing of domestic solid waste, ordinary industrial solid waste, specific ordinary solid waste or non-hazardous liquid waste products with an amount of 3,000 - less than 4,000 kg;

dd) A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for the act of transferring, giving, selling, receiving, burying, dumping, burning and disposing of domestic solid waste, ordinary industrial solid waste, specific ordinary solid waste or non-hazardous liquid waste products with an amount of 4,000 - less than 5,000 kg;

e) A fine ranging from VND 25,000,000 to VND 30,000,000 shall be imposed for the act of transferring, giving, selling, receiving, burying, dumping, burning and disposing of domestic solid waste, ordinary industrial solid waste, specific ordinary solid waste or non-hazardous liquid waste products with an amount of 5,000 - less than 10,000 kg;

g) A fine ranging from VND 30,000,000 to VND 35,000,000 shall be imposed for the act of transferring, giving, selling, receiving, burying, dumping, burning and disposing of domestic solid waste, ordinary industrial solid waste, specific ordinary solid waste or non-hazardous liquid waste products with an amount of 10,000 - less than 20,000 kg;

h) A fine ranging from VND 35,000,000 to VND 40,000,000 shall be imposed for the act of transferring, giving, selling, receiving, burying, dumping, burning and disposing of domestic solid waste, ordinary industrial solid waste, specific ordinary solid waste or non-hazardous liquid waste products with an amount of 20,000 - less than 30,000 kg;

i) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for the act of transferring, giving, selling, receiving, burying, dumping, burning and disposing of domestic solid waste, ordinary industrial solid waste, specific ordinary solid waste or non-hazardous liquid waste products with an amount of 30,000 - less than 40,000 kg;

k) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed for the act of transferring, giving, selling, receiving, burying, dumping, burning and disposing of domestic solid waste, ordinary industrial solid waste, specific ordinary solid waste or non-hazardous liquid waste products with an amount of 40,000 - less than 60,000 kg;

l) A fine ranging from VND 100,000,000 to VND 150,000,000 shall be imposed for the act of transferring, giving, selling, receiving, burying, dumping, burning and disposing of domestic solid waste, ordinary industrial solid waste, specific ordinary solid waste or non-hazardous liquid waste products with an amount of 60,000 - less than 80,000 kg;

m) A fine ranging from VND 150,000,000 to VND 200,000,000 shall be imposed for the act of transferring, giving, selling, receiving, burying, dumping, burning and disposing of domestic solid waste, ordinary industrial solid waste, specific ordinary solid waste or non-hazardous liquid waste products with an amount of 80,000 - less than 100,000 kg;

n) A fine ranging from VND 200,000,000 to VND 250,000,000 shall be imposed for the act of transferring, giving, selling, receiving, burying, dumping, burning and disposing of domestic solid waste, ordinary industrial solid waste, specific ordinary solid waste or non-hazardous liquid waste products with an amount of at least 100,000 kg, except environmental crimes.”

g) Amending point b of clause 12 as follows:

“b) Confiscating instruments for administrative violations in case of commission of the violations prescribed in clause 9a, 9, 10 and 11 of this Article.”

h) Amending point a and b of clause 13 as follows:

“a) Enforcing the restoration of original environmental state, the transfer of discharges to entities having treatment competence as penalties for the violations against clause 2, 9a, 9, 10 and 11 of this Article is committed;

b) Enforcing the payment of costs for conducting inspection, assessment, measurement and analysis of environmental samples in case of commission of the violations involving discharge of waste in excess of the permissible limits prescribed in environmental

technical regulations, or causing the environmental pollution according to current norms and prices, as penalties for the violations prescribed in clause 10 of this Article;”

19. Amending and supplementing Article 21 as follows:

a) Amending point a of clause 1 as follows:

“a) Failing to prepare periodical reports on management of hazardous waste or other irregular reports at the request of competent state agencies; failing to send periodical or irregular reports on management of hazardous waste to competent agencies in accordance with regulations or sending periodic reports on management of hazardous waste without compliance with regulations.”

b) Amending point b of clause 2 as follows:

“b) Failing to collect and store hazardous waste in accordance with regulations.”

c) Amending point b of clause 5 as follows:

“b) Failing to transfer hazardous waste to proper facilities licensed for hazardous waste treatment for collection and treatment as regulated in case where continuation in retention thereof is not allowed in accordance with laws or upon the request of competent state authorities;”

d) Revising the title of clause 7 as follows:

“7. Penalties for the act of transferring, giving or selling hazardous waste to an organizational or individual entity that is not licensed to treat hazardous waste, except in particular cases prescribed in laws on management of hazardous waste and cases of environmental crimes:“

dd) Repealing point a of clause 12 and adding point dd to clause 12 as follows:

“dd) Enforcing the transfer of discharges to entities having treatment competence as penalties for the violations prescribed in clause 7 of this Article.”

20. Amending and supplementing Article 22 as follows:

a) Abolishing clause 1.

b) Abolishing point a, dd, e, g and revising point c of clause 2 as follows:

“c) Failing to keep online records for GPS tracking and surveillance of routes of vehicles and grant access rights to licensing authorities in accordance with regulations;”

c) Repealing point c of clause 3.

d) Amending point d of clause 3 as follows:

“d) Failing to obtain written consent from the competent agency before transfer of hazardous waste to other owner of waste treatment facilities.”

dd) Repealing point c and d of clause 4.

e) Amending point b of clause 5 as follows:

“b) Collecting and transporting hazardous waste in excess of the volume of one of the hazardous waste groups specified in the hazardous waste treatment licenses or in the written approval of trial operation issued by a competent state agency;

c) Using means of transport used for carrying hazardous waste without obtaining registration in hazardous waste treatment licenses or without being stated in written approval of trial operation issued by the competent state authority.”

g) Revising the title of clause 6 as follows:

“6. Penalties for transferring, giving or selling hazardous waste to an organizational or individual entity that fails to obtain a relevant hazardous waste treatment license, except for environmental crimes:”

h) Adding clause 10a in front of clause 10 as follows:

“10a. Acts of burning hazardous waste or persistent organic matters that need to be eliminated under Appendix A to the Stockholm Convention on persistent organic pollutants according to the provisions of Annex A of the Stockholm Convention on persistent organic pollutants in breach of regulations on environmental protection, except for environmental crimes, shall be sanctioned like acts of burying, dumping and discharging hazardous wastes and persistent organic matters specified in clause 8 and 9 of this Article.”

i) Amending point b and d of clause 10 as follows:

“b) Suspending the collection and transport of hazardous waste by the owner of hazardous waste treatment facility for 06 - 12 months in case of commission of the violations prescribed in clause 4, 5 and 6 of this Article;

d) Confiscating instruments for the administrative violations prescribed in clause 8 and 9 of this Article.”

k) Adding point d to clause 11 as follows:

“d) Enforcing the transfer of discharges to entities having treatment competence as a penalty for the violations prescribed in clause 6 of this Article.”

21. Amending and supplementing Article 23 as follows:

a) Revising the title of Article 23 as follows:

“Article 23. Violations against regulations on environmental protection relating to hazardous waste treatment activities and execution of hazardous waste treatment certificates”

b) Abolishing point g, h and revising point a, b and e of clause 1 as follows:

“a) Failing to properly implement any of the requirements of the license for treatment of hazardous waste: Procedures for safe operation of specialized equipment and means; plans for pollution control and environmental protection; occupational safety and health protection plans; plans for prevention of and response to environmental emergencies; annual training and drilling plans;

b) Failing to implement programs for supervision of operation and evaluation of effectiveness of hazardous waste treatment included in the issued hazardous waste treatment licenses;

c) Failing to report to the licensing agency on changes in key technical facilities, personnel or programs or plans included in the license for treatment of hazardous waste in comparison with the information included in the primary license.”

c) Amending point d of clause 2 as follows:

“d) Using facilities for storage of hazardous waste that are not stated in licenses for treatment of hazardous waste, except for the cases prescribed in point c of clause 3 of this Article.”

d) Adding point e to clause 3 as follows:

“e) Failing to comply with requirements set out in the written approval of trial operation issued by the licensing agency.”

dd) Amending point b of clause 4 as follows:

“b) Failing to obtain a written approval from the competent agency before receiving hazardous waste from other owners of hazardous waste treatment facilities;”

e) Amending point d of clause 5 as follows:

“d) Disposing of hazardous waste in excess of the capacity of treatment of one of the hazardous waste groups specified in the hazardous waste treatment license or in the written approval of trial operation issued by a competent state agency;”

g) Revising the title of clause 6 as follows:

“6. Penalties for transferring, giving or selling hazardous waste to an organizational or individual entity that fails to obtain a relevant hazardous waste treatment license, except for environmental crimes:”

h) Adding clause 9a in front of clause 9 as follows:

“9a. Acts of burning hazardous waste or persistent organic matters that need to be eliminated under Appendix A to the Stockholm Convention on persistent organic pollutants according to the provisions of Annex A of the Stockholm Convention on persistent organic pollutants in breach of regulations on environmental protection, except for environmental crimes, shall be sanctioned like acts of burying, dumping and discharging hazardous wastes and persistent organic matters specified in clause 7 and 8 of this Article.”

i) Amending point a and dd of clause 9 as follows:

“a) Dispossessing the license for treatment of hazardous waste or the written approval of trial operation for 01 - 03 months in case of commission of the violations prescribed in clause 3 and clause 4 of this Article;

dd) Confiscating instruments for the administrative violations prescribed in clause 7 and 8 of this Article.”

k) Adding point a1 in front of point a to clause 10 as follows:

“a1) Enforcing the transfer of hazardous waste to entities having treatment competence as penalties for the violations prescribed in point dd of clause 5 and 6 of this Article;”

22. Amending and supplementing Article 24 as follows:

a) Amending point a, b and c of clause 4 as follows:

“a) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the act of failing to submit periodic reports on environmental protection activities during the process of dismantling used ships to the competent state authority as required in regulations;

b) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed for the act of failing to apply the environmental management system according to the national standard TCVN ISO 14001 for ship breaking facilities;

c) A fine ranging from VND 100,000,000 to VND 150,000,000 shall be imposed for the act of failing to have an environmental plan obtaining certification from the competent agency before demotion of each ship;”

b) Replacing point a of clause 5 as follows:

“a) Confiscating valuable products created after destruction in case of commission of the violations specified in clause 1, 2 and 3 of this Article when applying remedial measures in the form of compulsory destruction of used machinery, equipment, means of transport, ships, raw materials, fuels and other materials;”

c) Amending point a of clause 6 as follows:

“a) Enforce the re-export or destruction of used machinery, equipment, means of transport, seagoing ships, raw materials, fuels or other materials as penalties for the violations prescribed in clause 1, 2, 3, point b, c, d, d, e and g of clause 4 of this Article;”

d) Amending point c of clause 6 as follows:

“c) Enforcing the application of remedial measures for environmental pollution and submission of the report on results of successful remedy within the period regulated by the person who has the power to impose penalties in the administrative sanction decision for the administrative violations prescribed in clause 4 of this Article.”

23. Amending and supplementing Article 25 as follows:

a) Amending and supplementing point b, c and e of clause 2 as follows:

“b) A fine ranging from VND 130,000,000 to VND 150,000,000 shall be imposed for the act of failing to have any warehouse or yard for storage of imported scrap that meet environmental protection conditions in the course of importing scrap for use as raw materials or in tests for manufacturing materials; the act of storage of imported scrap in areas that do not meet environmental protection conditions towards importation of scrap for use as raw materials or in tests for manufacturing materials according to regulations;

c) A fine ranging from VND 150,000,000 to VND 170,000,000 shall be imposed for failure to make technologies and equipment for recycling and reuse of scrap available for use according to regulations; failure to dispose of impurities from scrap or transfer impurities to competent units to have them treated in accordance with regulations;

e) A fine ranging from VND 230,000,000 to VND 250,000,000 shall be imposed for the act of importing types of scrap other than the types specified in the Certificate of conformance to environmental protection requirements in import of scrap for use as raw materials as prescribed in technical regulations on environment, except for the cases stipulated in clause 7 of this Article.”

b) Abolishing clause 3.

c) Amending clause 7 as follows:

“7. A fine ranging from VND 900,000,000 to VND 1,000,000,000 shall be imposed for the act of importing or transiting scrap containing radioactive substances or scrap which is not on the List of scrap permitted for import, except as the Prime Minister grants permission for importation of such scrap for use in tests of manufacturing materials, and environmental crimes.”

d) Amending point a of clause 8 and adding point d to clause 8 as follows:

“a) Dispossessing the rights to use the certificate of conformance to environmental protection requirements in import of scrap as raw materials for the period of 03 - 06 months in case of commission of the violations prescribed in clause 2 of this Article;

d) Confiscating valuable products created after destruction in case of commission of the violations specified in point d, dd and e of clause 2, 4, 5, 6 and 7 of this Article when applying remedial measures in the form of compulsory destruction of imported scrap.”

dd) Amending point a of clause 9 as follows:

“a) Enforcing the re-export or destruction unless re-export is allowed with respect to the violations prescribed in point d, dd and e of clause 2, clause 4, 5, 6 and 7 of this Article;”

e) Amending point c of clause 9 as follows:

“c) Enforcing the application of remedial measures for environmental pollution and submission of the report on results of the successful remedy for consequences of violations within the period regulated by the person who has the power to impose penalties in the administrative sanction decision for the administrative violations prescribed in clause 2 of this Article.”

24. Repealing point c of clause 4 of Article 27.

25. Amending and supplementing Article 29 as follows:

“1. A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for the act of failing to carry out detailed investigation and assessment of contaminated land as prescribed in case of causing environmental pollution.

2. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for the act of failing to prepare a plan for environmental treatment, remediation and restoration of the contaminated land for submission to the Ministry of Natural Resources and Environment or the provincial People's Committee for their review, monitoring and supervision according to regulations in case of causing environmental pollution.

3. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for the act of failing to treat, remediate and restore contaminated land as prescribed in case of causing environmental pollution.

4. Remedial measures:

Enforcing the application of remedial measures for environmental pollution and submission of the report on results of completed remediation of consequences of violations within the period regulated by the person who has the power to impose penalties in the administrative sanction decision with respect to the violations stipulated in this Article.”

26. Amending and supplementing Article 32 as follows:

a) Amending clause 1 and adding clause 1a in front of clause 1 as follows:

“1a. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for the act of failing to report on environmental remediation and restoration, placement of security deposit for the environmental remediation and restoration to the agency granting approval and the environmental protection authority at localities according to regulations; the act of failing to report to such agency and authority in case where there is any revision of the plan for environmental remediation and restoration as legally required.

1. A fine ranging from VND 100,000,000 to VND 120,000,000 shall be imposed for the act of, whether improperly or incompletely, implementing any of the tasks included in the environmental remediation and restoration plan according to regulations.”

b) Amending clause 3 as follows:

“3. A fine ranging from VND 150,000,000 to VND 200,000,000 shall be imposed for the act of failing to have an environmental remediation and restoration plan approved by a competent authority; failing to renew the plan for environmental remediation and restoration as prescribed, except for cases subject to the requirement for renewal of the EIA report.”

c) Repealing point c and d of clause 6.

27. Amending and supplementing Article 33 as follows:

a) Adding clause 8a in front of clause 8 as follows:

“8a. A fine ranging from VND 70,000,000 to VND 80,000,000 shall be imposed for the act of using dispersants and biologicals used to respond to oil spills in breach of regulations.”

b) Amending point b of clause 10 as follows:

“b) Enforcing the application of remedial measures for environmental pollution and submission of the report on results of successful remedy for consequences of violations, enforcing compensation for damage caused by oil pollution as regulated within the period

regulated by the person who has the power to impose penalties in the decision on imposition of penalties for the administrative violations prescribed in clause 8, 8a and 9 of this Article.”

28. Amending and supplementing Article 34 as follows:

a) Revising the title of Article 34 as follows:

“Article 34. Violations against regulations on prevention of, response to and remediation of environmental emergencies and environmental protection for chemicals, pesticides and veterinary medicine”

b) Repealing clause 1, point a and b of clause 4.

29. Amending and supplementing Article 39 as follows:

a) Abolishing clause 2.

b) Amending and supplementing point g of clause 3 as follows:

“g) A fine ranging from VND 250,000,000 to VND 400,000,000 shall be imposed for the act of violation causing damage to at least 2,000 m² of land, wetland or water surface in areas outside the sanctuary’s strictly protected zone, or at least 200 m² of land, wetland or water surface within the sanctuary’s strictly protected zone; except environmental crimes.”

c) Repealing point b of clause 5.

30. Amending and supplementing Article 40 as follows:

a) Amending clause 3 as follows:

“3. Acts of illegal production of timber and non-timber forest plants on the list of endangered, precious and rare species prioritized for protection shall be sanctioned according to the provisions of Government’s Decree No. 35/2019/ND-CP dated April 25, 2019, providing for penalties for administrative violations in the forestry sector. Penalties for the act of illegal production of species of wild flora in the List of endangered, precious and rare species prioritized for protection, except timber, non-timber forest plants shall be imposed as follows:

a) A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed if the exhibit involved in such violation is worth less than VND 1,000,000;

b) A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed if the exhibit involved in that violation is worth from VND 1,000,000 to less than VND 2,000,000;

- c) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the exhibit involved in that violation is worth from VND 2,000,000 to less than VND 5,000,000;
- d) A fine ranging from VND 10,000,000 to VND 25,000,000 shall be imposed if the exhibit involved in that violation is worth from VND 5,000,000 to less than VND 10,000,000;
- dd) A fine ranging from VND 25,000,000 to VND 50,000,000 shall be imposed if the exhibit involved in that violation is worth from VND 10,000,000 to less than VND 15,000,000;
- e) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed if the exhibit involved in that violation is worth from VND 15,000,000 to less than VND 20,000,000;
- g) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed if the exhibit involved in that violation is worth from VND 20,000,000 to less than VND 30,000,000.”

b) Amending clause 4 as follows:

“4. Acts of illegal concealment, transportation, processing of and traffic in timber and non-timber forest plants on the list of endangered, precious and rare species prioritized for protection shall be sanctioned according to the provisions of the Government’s Decree No. 35/2019/ND-CP dated April 25, 2019, providing for penalties for administrative violations in the forestry sector. Penalties for the act of illegal concealment, transportation, processing of and traffic in species of wild flora in the List of endangered, precious and rare species prioritized for protection, except timber, non-timber forest plants shall be imposed as follows:

- a) A fine ranging from VND 5,000,000 to VND 15,000,000 shall be imposed if the species of wild flora involved in that violation are worth less than VND 15,000,000;
- b) A fine ranging from VND 15,000,000 to VND 25,000,000 shall be imposed if the species of wild flora involved in that violation are worth from VND 15,000,000 to less than VND 25,000,000;
- c) A fine ranging from VND 25,000,000 to VND 50,000,000 shall be imposed if the species of wild flora involved in that violation are worth from VND 25,000,000 to less than VND 50,000,000;
- d) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed if the species of wild flora involved in that violation are worth from VND 50,000,000 to less than VND 70,000,000;

dd) A fine ranging from VND 70,000,000 to VND 90,000,000 shall be imposed if the species of wild flora involved in that violation are worth from VND 70,000,000 to less than VND 90,000,000;

e) A fine ranging from VND 90,000,000 to VND 120,000,000 shall be imposed if the species of wild flora involved in that violation are worth from VND 90,000,000 to less than VND 120,000,000;

g) A fine ranging from VND 120,000,000 to VND 150,000,000 shall be imposed if the species of wild flora involved in that violation are worth from VND 120,000,000 to less than VND 150,000,000;

h) A fine ranging from VND 150,000,000 to VND 180,000,000 shall be imposed if the species of wild flora involved in that violation are worth from VND 150,000,000 to less than VND 180,000,000;

i) A fine ranging from VND 180,000,000 to VND 210,000,000 shall be imposed if the species of wild flora involved in that violation are worth from VND 180,000,000 to less than VND 210,000,000;

k) A fine ranging from VND 210,000,000 to VND 240,000,000 shall be imposed if the species of wild flora involved in that violation are worth from VND 210,000,000 to less than VND 240,000,000;

l) A fine ranging from VND 240,000,000 to VND 270,000,000 shall be imposed if the species of wild flora involved in that violation are worth from VND 240,000,000 to less than VND 270,000,000;

m) A fine ranging from VND 270,000,000 to VND 300,000,000 shall be imposed if the species of wild flora involved in that violation are worth from VND 270,000,000 to less than VND 300,000,000.”

31. Amending and supplementing Article 44 as follows:

a) Amending clause 1, 2 and 3 as follows:

“1. A warning shall be issued in case of commission of any of the following violations:

a) Failing to report to competent state authorities on the transfer of genetic resources or derivatives thereof to third parties for use in non-commercial researches;

b) Failing to make periodic reports or progress reports as prescribed during the time of accessing genetic resources for non-commercial researches as stated in the license to access genetic resources.”

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for any of the following violations:

- a) Failing to comply with the requirements of the Plan on access to genetic resources approved by the relevant competent state authority;
- b) Failing to report to competent state authorities on the transfer of genetic resources or derivatives thereof to third parties for use in commercial researches and development of commercial products;
- c) Failing to share benefits obtained from use of genetic resources with relevant parties according to regulations;
- d) Failing to make periodic reports or progress reports as prescribed during the time of accessing genetic resources for commercial researches and development of commercial products as stated in the license to access genetic resources;
- dd) Moving genetic resources out of the territory of Vietnam but failing to comply with the requirements specified in the License to access genetic resources or the Decision on permission to bring genetic resources abroad for study/non-commercial research purposes;
- e) Using the License to access genetic resources in contravention of its stated contents and/or purposes;
- g) Failing to renew the license to access genetic resources upon expiry, but still collecting samples and accessing the licensed genetic resources.

3. A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed for the act of exchanging, transferring or supplying genetic resources under the penetrator's management with/to other entity or person in contravention of laws; transferring genetic resources or derivatives of genetic resources of which purposes for use as stated in the license to access genetic resources are changed."

b) Amending point a of clause 5 as follows:

“a) Dispossessing the right to use the License to access genetic resources for 06 - 12 months in case of commission of the violations prescribed in point a, b, c, d, dd, e and g of clause 2 of this Article;”

32. Amending and supplementing Article 46 as follows:

a) Amending clause 1 as follows:

“1. A fine ranging from VND 100,000 to VND 500,000 shall be imposed for the act of failing to disclose information about the level of risk and measures to manage risk to the

environment and biodiversity when importing, trading or releasing genetically modified organisms and/ or their genetic specimens.”

b) Adding clause 2a and 2b in front of clause 2 as follows:

“2a. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the act of failing to properly implement the requirements of the biodiversity Certificate.

2b. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the act of disguising information about risk of causing negative impacts on the environment or biodiversity by genetically modified organisms, genetic specimens and products of genetically modified organisms.”

33. Amending and supplementing point dd of clause 2 of Article 48 as follows:

“dd) Apply the remedies stipulated in point a, b, c, dd, e, g, h, i, k, l, m, o, p, q, r, s and t of clause 3 of Article 4 in this Decree.”

34. Amending and supplementing Article 49 as follows:

“1. Soldiers of People’s Public Security Forces on duty shall have the power to:

a) Issue warnings;

b) Impose a fine up to VND 500,000.

2. Heads of public security stations, and leaders in charge of the persons mentioned in clause 1 of this Article shall have the power to:

a) Issue warnings;

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 warnings;

b) Impose a fine up to VND 2,500,000;

c) Confiscate exhibits and instruments of administrative violation worth up to VND 2,500,000;

d) Enforce the remedial measures mentioned in points a, c and dd of clause 3 of Article 4 of this Decree.

4. Sheriffs of the district-level Police and Heads of provincial-level Police Divisions, including: Directors of the Environmental Police Divisions and Directors of Immigration Divisions on duty shall have the power to:

- a) Issue warnings;
- b) Impose a fine up to VND 25,000,000;
- c) Dispossess environmental licenses or suspend relevant activities for a definite period within their jurisdiction;
- d) Confiscating exhibits and instruments of administrative violation worth up to VND 25,000,000;
- dd) Apply the remedies stipulated in point a, c, dd, i, k, l, m, o, p, q, r, s and t of clause 3 of Article 4 herein.

5. Directors of provincial-level Police Security Departments shall have the power to:

- a) Issue warnings;
- b) Impose a fine up to VND 50,000,000;
- c) Dispossess the right to use environmental licenses or suspend relevant activities for a definite period;
- d) Confiscate exhibits and instruments of administrative violation worth up to VND 50,000,000;
- dd) Apply the remedies stipulated in point a, c, d, h, i, k, l, m, o, p, q, r, s and t of clause 3 of Article 4 herein.

6. Director of the Environmental Police Administration and Director of Immigration Department on duty shall have the power to:

- a) Issue warnings;
- b) Impose a fine up to VND 1,000,000,000;
- c) Dispossess the right to use environmental licenses or suspend relevant activities for a definite period;
- d) Confiscate exhibits and instruments of administrative violations;
- dd) Apply the remedies stipulated in point a, c, dd, h, i, k, l, m, o, p, q, r, s and t of clause 3 of Article 4 herein.”

35. Amending and supplementing Article 52 as follows:

a) Amending point a of clause 1 as follows:

“a) Forestry forces shall, under their authority, and within the sectors under their management and scope of duties, have the power to impose penalties for administrative violations against regulations on environmental protection involving ranger’s activities prescribed in Articles 39, 40, 41 and 42 of clause 1, 2, 3, 4 and 5 of Article 43, 44, 45, clause 1, 2a, 2b, 2, point a of clause 3, point a of clause 4 of Article 46 and 47 in this Decree. Agriculture and rural development inspectorates shall, under their authority, and within the sectors under their authority and scope of their duties, have the power to impose penalties for administrative violations against regulations on environmental protection involving agriculture and rural development activities prescribed in Clause 5 Article 12, Clause 3 Article 27, Clause 3 Article 34, and Articles 39, 40, 41, 42, 43, 44, 45, 46 and 47 of this Decree. Aquaculture inspectorates shall, under their authority, and within the sectors under their authority and scope of their duties, have the power to impose penalties for administrative violations against regulations on environmental protection involving aquatic activities prescribed in Clause 5 Article 12, Clause 3 Article 27, and Articles 39, 41, 42, 43, 44, 45, 46 and 47 of this Decree;”

b) Amending point d and dd of clause 1 as follows:

“d) Border guard forces shall, under their authority and within the sectors under their authority and scope of their duties, have the power to impose penalties for administrative violations against regulations on environmental protection prescribed in Articles 20, 21, 22, 23, 27, 33, 34, 39, 40, 41, 42; clauses 1, 2, 3, 4 and 5 of Article 43; clauses 1, 2a, 2b, 2, point a of clause 3, point a of clause 4 of Article 46 and 47 in this Decree;

dd) Coast guard forces shall, under their authority, and within the sectors under their authority and scope of their duties, have the power to impose penalties for administrative violations against regulations on environmental protection occurring in the waters, the exclusive economic zone or zones under the sovereignty of the Socialist Republic of Vietnam prescribed in Articles 13, 14, 15, 16, 19, 20; Clauses 7, 8, 9 and 10 Article 21; Clauses 6, 7, 8 and 9 Article 22; Articles 27, 33, 34, 39, 40, 41, 42; clauses 1, 2, 3, 4 and 5 Article 43; Article 44, 45; clauses 1, 2a, 2b, 2, point a clause 3, point a clause 4 Article 46 and 47 in this Decree;”

c) Amending point e of clause 1 as follows:

“e) Customs agencies shall, under their authority, and within the sectors under their authority and scope of their duties, have the power to impose penalties for administrative violations against regulations on environmental protection involving customs activities prescribed in clauses 1, 2, 3 Article 24; clause 4, 5, 6 and 7 Article 25; Article 26, 40, 43, 46 and 47 in this Decree;”

d) Amending point h of clause 1 as follows:

“h) People's Public Security Forces shall have the power to sanction administrative violations according to its competence, within their remit and scope, for administrative violations specified at Points c, d, dd, e, g, i, k and 1 clause 1 Article 9; Clause 1 Article 10; Clause 4 Article 11; points c and d clause 2, points c, d, dd and e clause 3, points g, h, i and k clause 4, points a, b and c clause 5, points b and c clause 6, Points a, b, c, d and e, Clause 7, Article 12; Points d and dd Clause 1, Points b and c Clause 2, Clause 3, Clause 4 Article 13a; Articles 13, 14, 15, 16, 17, 18 and 19; Clauses 1, 2, 3, 9a, 9, 10 and 11 Article 20; Point b, Clause 2, Clauses 7, 8, 9 and 10 Article 21; Clauses 5, 6, 7, 8 and 10a Article 22; Clauses 5, 6, 7, 8 and 9a Article 23; Clauses 2 and 3, Points dd, e and g, Clause 4, Article 24; Clauses 5, 6 and 7 Article 25; Point dd Clause 3, Clauses 4, 5 and 6 Article 27; Clauses 1, 2, 3 and 5 Article 31; Point c Clause 4, Point b Clause 5, Point b Clause 6 and Clause 8 Article 33; Points b and d clause 1, point d clause 3 Article 34; Clauses 2, 3 and 4 Article 40; Article 41; Clauses 1, 2, 3, 4 and 5 Article 43, Article 47, and acts of installing equipment, pipelines or other waste discharge routes to discharge untreated waste into the environment specified at Point c clause 1, point c clause 2, point c clause 3, point c clause 4 Article 8, point h clause 2 Article 9, point c clause 2 Article 10, point b clause 1, point b clause 2, point b clause 3, Point b, Clause 5, Article 11 of this Decree;”

dd) Amending point i and k of clause 1 as follows:

“i) Chairpersons of communal-level People’s Committees shall, within their authority and the scope of management, have the power to impose penalties for administrative violations against regulations on environmental protection prescribed in Point a Clause 1, Point a, Clause 2, Article 11; Clauses 1, 2, 6, 9 Article 20; Articles 39, 40, 41, 42; Clauses 1 and 2 Article 43; Clauses 1, 2, Article 45 and Clause 1, Article 46 of this Decree;

k) Presidents of district-level People’s Committees shall, within their authority and the scope of their management, have the power to impose penalties for administrative violations against regulations on environmental protection prescribed in Articles 8, 11, 13, 14, 15, 16, 17, 18, 19, 20, 27, 28, 30, 36, 37, 39, 40, 41, 42; Clauses 1, 2, 3, 4 and 5 Article 43, Article 44, Article 45, Clauses 1, Clause 2a, Clause 2b, Clause 2, Point a Clause 3 Article 46 and Article 47 of this Decree;”

36. Adding clause 4 to Article 55 as follows:

“4. For administrative violations subject to remedial measures applied in the form of compelling preparation and replace environmental impact assessment reports, registration for environmental protection plans, submission of application documents for certification of completion of environmental protection works, submission of application for licenses for treatment of hazardous waste, submission of application for certificates of conformance to environmental protection requirements in the importation of scrap for use as raw materials, renovation and upgradation of environmental protection works to meet technical requirements, and re-grant of certificates of completion of environmental protection works, procedures for examination, inspection and confirmation that the

consequences of violations have been completely remedied with regard to individuals and organizations shall be integrated into the processes of appraisal and approval of environmental impact assessment reports for the purposes of certifying environmental protection plans, granting licenses for hazardous waste treatment, granting certificates of conformance to environmental protection requirements in the import of scrap for use as raw materials, issuing and re-issuing certificates of completion of environmental protection works of competent state authorities. Results of processing of these administrative procedures shall replace conclusions about examination or inspection of remediation of consequences of violations against environmental protection regulations for use by individuals and organizations as provided in this Article.”

37. Amending clause 1 and adding clause 4 to Article 56 as follows:

a) Amending clause 1 of Article 56 as follows:

“1. Administrative violation reports must conform to regulations laid down in laws on sanctioning of administrative violations.”

b) Adding clause 4 to Article 56 as follows:

“4. Persons having competence in sanctioning administrative violations may impose administrative penalties without needing to issue violation reports in case of the violations prescribed in Article 8, 13a, 13, 14, 15, 16, 17, 18, 28, 30, 31, 39, 40, 42, 43, 44 and 45, or may impose fines of up to VND 250,000 on perpetrating individuals or VND 500,000 on perpetrating entities in case of the violations prescribed in point a and b Clause 1 Article 20 in this Decree; except the administrative violations discovered by using technical and professional devices and equipment.”

Article 2. Entry into force

This Decree shall enter into force as of July 10, 2021.

Article 3. Grandfather clause

1. If any administrative violation arising from cultural and advertising activities occurs before the effective date of this Decree and then is discovered, or if the decision to sanction such violation is considered under this Decree that does not prescribe legal liability or imposes lighter legal liability for such violation, regulations of this Decree shall apply.

2. If sanctioned persons or entities or persons subject to administrative penalties continue to appeal against administrative sanction decisions already issued before the entry into force of this Decree, regulations of the Law on Sanctioning of Administrative Violations shall be applied.

Article 4. Implementation responsibilities

Ministers, Heads of Ministry-level agencies, Heads of Governmental bodies, Presidents of People's Committees at all levels, other organizations and individuals involved shall be responsible for implementing this Decree./.

**ON BEHALF OF THE GOVERNMENT
PP. PRIME MINISTER
DEPUTY PRIME MINISTER**

Le Van Thanh

APPENDIX I

LIST OF HAZARDOUS PARAMETERS OF WASTE
(To the Government's Decree No. 55/2021/ND-CP dated May 24, 2021)

I. LIST OF HAZARDOUS PARAMETERS OF WATER OR WASTEWATER

No.	Hazardous compounds	Chemical formula
A	Hazardous inorganic compounds	
	Group of heavy metals and their inorganic compounds (expressed as metal elements)	
1	Arsenic	As
2	Cadmium	Cd
3	Lead	Pb
4	Zinc	Zn
5	Nickel	Ni
6	Mercury	Hg
7	Chromium VI	Cr
	Other inorganic compounds	
8	Fluoride, calcium fluoride	F ⁻
9	Cyanide/Total cyanide	CN ⁻
B	Hazardous organic compounds	

1	Total phenol	
2	PCB	
3	Dioxin	
4	Mineral oil	
5	Organochlorine pesticides	
6	Organophosphorus pesticides	
7	Absorbable organic halides (AOX)	

II. HAZARDOUS PARAMETERS OF AIR AND GAS EMISSION

No.	Hazardous parameters	Chemical formula
A	Inorganic compounds	
1	Arsenic and its compounds, expressed as As	As
2	Hydrochloric acid	HCl
3	Gaseous HNO ₃ (other sources), expressed as NO ₂	HNO ₃
4	Gaseous H ₂ SO ₄ or SO ₃ , expressed as SO ₃	H ₂ SO ₄
5	Silica dust	
6	Cadmium and its compounds, expressed as Cd	Cd
7	Chlorine	Cl ₂
8	Fluorine, HF or inorganic fluorine compounds, expressed as HF	
9	Mercury (metal and its compounds, expressed as Hg)	Hg
10	Hydrogen cyanide	HCN
11	Lead and its compounds, expressed as Pb	Pb
12	Total heavy metals and their compounds	
B	Organic compounds	
1	Acetaldehyde	CH ₃ CHO
2	Acrolein	CH ₂ =CHCHO
3	Aniline	C ₆ H ₅ NH ₂
4	Benzidine	NH ₂ C ₆ H ₄ C ₆ H ₄ NH ₂
5	Benzene	C ₆ H ₆
6	Chloroform	CHCl ₃

7	Formaldehyde	HCHO
8	Naphthalene	C ₁₀ H ₈
9	Phenol	C ₆ H ₅ OH
10	Tetrachloroethylene	C ₂ Cl ₄
11	Vinyl chloride	ClCH=CH ₂
12	Methyl mercaptan	CH ₃ SH
13	Styrene	C ₆ H ₅ CH=CH ₂
14	Toluene	C ₆ H ₅ CH ₃
15	Xylene	C ₆ H ₄ (CH ₃) ₂
16	Total dioxins/furans	

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