

**THE GOVERNMENT**

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**THE SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom – Happiness**

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No.: 90/2017/ND-CP

*Hanoi, July 31, 2017*

## **DECREE**

### **PENALTIES FOR ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON VETERINARY MEDICINE**

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

*Pursuant to the Law on Actions against Administrative Violations dated June 20, 2012;*

*Pursuant to the Law on Veterinary Medicine dated June 19, 2015;*

*At the request of Minister of Agriculture and Rural Development;*

*The Government promulgates a Decree providing for penalties for administrative violations against regulations on veterinary medicine.*

## **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. Scope**

1. This Decree deals with violations, penalties, fines, remedial measures against administrative violations, the power to impose penalties against administrative violations and the power to make records of administrative violations against regulations on veterinary medicine.
2. The administrative violations against regulations on veterinary medicine prescribed in this Decree consist of:
  - a) Violations against regulations on prevention and control of animal epidemics;
  - b) Violations against regulations on quarantine of animals and animal products;
  - c) Violation against regulations on control of the slaughter of terrestrial animals; preparation and processing of animals and animal products; inspection of veterinary hygiene;
  - d) Violations against regulations on management of veterinary drugs;

dd) Violations against regulations on veterinary practice.

3. Other administrative violations against regulations on veterinary medicine which are not prescribed in this Decree shall be governed by other relevant Government's decrees on penalties for administrative violations within the scope of state management.

## **Article 2. Regulated entities**

1. This Decree applies to organizations and individuals that commit administrative violations against regulations on veterinary medicine in the territory of Vietnam.

2. The persons entitled to make records of and impose penalties for administrative violations and relevant entities.

## **Article 3. Penalties and remedial measures**

1. The entity that commits an administrative violation against regulations on veterinary medicine must incur a warning or a fine.

2. The entity that commits administrative violation may, subject to the nature and severity of the violation, face one or several additional penalties mentioned below:

a) Suspension of the license or the practicing certificate for a fixed period, consisting of: Veterinary practicing certificate; Certificate of veterinary hygiene or Certificate of food safety (hereinafter referred to as Certificate of veterinary hygiene); License to import veterinary drugs; Certificate of eligibility to manufacture veterinary drugs or Certificate of good manufacturing practice for veterinary drugs (hereinafter referred to as GMP Certificate); Certificate of eligibility to import veterinary drugs; Certificate of eligibility to trade in veterinary drugs;

b) Suspension of operations for a fixed period;

c) Confiscation of the exhibits and instrumentalities for committing administrative violation against regulations on veterinary medicine.

3. In addition to the remedial measures stated in Points a, b, c, d, D, e, g, h and I Clause 1 Article 28 of the Law on penalties for administrative violations, this Decree provides for the following remedial measures:

a) Enforced sampling and test for animal diseases;

b) Enforced quarantine of animals and animal products;

c) Enforced importation of animals and animal products through the prescribed border gates;

- d) Enforced suspension of animal slaughter activities;
- dd) Enforced killing of animals; enforced heat treatment of animal products; enforced veterinary hygiene inspection of animal products;
- e) Enforced preparation and processing of animals and animal products;
- g) Enforced re-export of animals and animal products;
- h) Enforced treatment of animal products according to regulations on veterinary hygiene;
- i) Enforced recall or recycling of veterinary drugs which fail to meet announced quality standards or equivalent technical regulations;
- k) Enforced recall and destruction of veterinary drugs, veterinary drug ingredients, drugs for human and ingredients thereof;
- l) Enforced labeling of veterinary drugs as per the law.

#### **Article 4. Fines and power to impose fines for administrative violations**

1. The maximum fine for a violation against regulations on veterinary medicine incurred by an individual is VND 50,000,000; that incurred by an organization is VND 100,000,000.
2. Each fine prescribed in Chapter II herein is imposed for an administrative violation committed by an individual, except for cases prescribed in Article 22, Clause 2 and Clause 3 Article 24, Clause 1 Article 28, Article 29, Article 30, Article 31, Article 32 and Article 33 herein. The fine incurred by an organization is twice as much as that incurred by an individual for the same administrative violation.
3. Fines imposed by the persons prescribed in Chapter III herein are incurred by individuals for their administrative violations. An authorized person may impose a fine which is twice as much as that is imposed on an individual.

### **Chapter II**

#### **ADMINISTRATIVE VIOLATIONS, PENALTIES, FINES AND REMEDIAL MEASURES**

#### **Section 1. VIOLATIONS AGAINST REGULATIONS ON PREVENTION AND CONTROL OF ANIMAL EPIDEMICS**

#### **Sub-section 1. VIOLATIONS AGAINST GENERAL REGULATIONS ON PREVENTION AND CONTROL OF ANIMAL EPIDEMICS**

## **Article 5. Violations against general regulations on prevention of animal diseases**

1. A warning or a fine ranging from VND 200,000 to VND 300,000 shall be imposed for failure to take samples for testing or analysis for animal disease diagnosis at the request of competent authorities.

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

a) Failure to comply with instructions by manufacturers or by veterinary authorities for use of veterinary drugs;

b) Failure to notify the Commune-level People's Committee or the veterinary authorities or Commune-level veterinary staff of veterinary drugs which are discovered to cause harms to animals, environment and humans.

3. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for concealing, failing to report or delaying reporting the infected animals, animals suspected of being infected, or animals dying of infectious diseases to the commune-level People's Committee or the nearest veterinary authority or the commune-level veterinary staff.

4. A fine ranging from VND 3,000,000 to VND 4,000,000 shall be imposed for failure to report to the veterinary authorities of testing results indicating that an animal carries pathogens on the List of animal diseases subject to outbreak declaration and the List of diseases capable of transmitting between animals and humans.

5. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for trading, erasing or altering contents of the Certificate of animal epidemic-free establishment.

6. A fine ranging from VND 5,000,000 to VND 6,000,000 shall be imposed for any of the following violations:

a) Transport or discharge infected or dead animals and/or poultry and the derivatives thereof to the environment;

b) Trade breeding animals infected with infectious diseases.

7. A fine ranging from VND 6,000,000 to VND 8,000,000 shall be imposed for any of the following violations against regulations on prevention of animal diseases:

a) Use veterinary drugs which are not on the List of veterinary drugs permissible for sales in Vietnam or which are not yet approved by competent authorities;

b) Use veterinary drugs with unidentified origin or using expired veterinary drugs;

c) Use veterinary drug ingredients;

d) Use drug ingredients for human or drugs for human.

8. A fine ranging from VND 8,000,000 to VND 10,000,000 shall be imposed for using veterinary drugs on the List of veterinary drugs that are banned in Vietnam to prevent animal diseases.

9. Additional penalties:

Confiscate Certificate of animal epidemic-free establishment if the violation prescribed in Clause 5 of this Article is committed.

10. Remedial measures:

a) Enforced destruction of animals, animal products, bodies of dead animals and the derivatives thereof if any of the violations prescribed in Clause 6 of this Article is committed;

b) Enforced destruction of veterinary drugs, veterinary drug ingredients, drug ingredients for human or drugs for human if any of the violations prescribed in Clause 7 and Clause 8 of this Article is committed.

#### **Article 6. Violations against general regulations on control of animal diseases**

1. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for failure to comply with veterinary authorities' guidance on cleaning, decontamination and disinfection.

2. A fine ranging from VND 3,000,000 to VND 4,000,000 shall be imposed for any of the following violations:

a) Declare the inaccurate number and/or amount of animals that are infected, dead, infected animal products subject to destruction with the aim of profiteering;

b) Declare the inaccurate number and/or amount of materials/chemicals used for prevention and fighting against animal diseases with the aim of profiteering;

c) Provide inaccurate information about the situation of animal diseases to the commune-level People's Committee or the veterinary authority or the commune-level veterinary staff.

3. A fine ranging from VND 5,000,000 to VND 6,000,000 shall be imposed for transporting animals susceptible to the declared animal disease and the derivatives thereof across the epidemic zones without permission of veterinary authority there.

4. A fine ranging from VND 6,000,000 to VND 8,000,000 shall be imposed for any of the following violations:

a) Carry out destruction inconsistently with the regulations or fail to destroy the infected/dead animals, animal products carrying pathogens that are subject to destruction according to the law provisions;

b) Fail to comply with compulsory handling measures for infected animals, animals suspected of being infected and animal products carrying pathogens at the request of competent authorities.

5. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for transporting infected animals, derivatives or waste from animals that carry declared dangerous infectious pathogens out of the epidemic zones without permission of a veterinary authority.

6. Remedial measures:

a) Enforced slaughtering of animals and heat treatment of products thereof if the violation prescribed in Clause 3 of this Article is committed;

b) Enforced destruction of animals, animal products and the waste from animals if any of the violations prescribed in Clause 4 and Clause 5 of this Article is committed.

## **Sub-section 2. VIOLATIONS AGAINST REGULATIONS ON PREVENTION AND CONTROL OF DISEASES OF TERRESTRIAL ANIMALS**

### **Article 7. Violations against regulations on prevention of diseases of terrestrial animals**

1. A warning or a fine ranging from VND 200,000 to VND 300,000 shall be imposed for failure to carry out the prevention of diseases using vaccine or apply the compulsory prophylactic measures on animals.

2. A fine ranging from VND 600,000 to VND 800,000 shall be imposed for any of the following violations:

a) Failure to vaccinate against rabies for animals subject to compulsory vaccination;

b) Failure to muzzle a dog or failure to put a dog on a chain or lead a dog at public places.

3. A fine ranging from VND 1,000,000 to VND 1,500,000 shall be imposed for failure to isolate, care for and treat the infected animals, animals suspected of infection, except for cases banned from treatment or cases subject to compulsory slaughter or destruction.

4. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for any of the following violations:

a) Failure to carry out the supervision of animal diseases in the establishment according to the guidance of veterinary authorities;

b) Failure to supervise and record the prevention, treatment and fighting against animal diseases.

5. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for trading, erasing or altering contents of the Vaccination Certificate for animals.

6. A fine ranging from VND 5,000,000 to VND 6,000,000 shall be imposed for failure to collect specimens for regular monitoring of certain animal diseases capable of transmitting between animals and humans; breeding animals, breeding poultry and dairy cattle as regulated.

7. A fine ranging from VND 6,000,000 to VND 8,000,000 shall be imposed for any of the following violations:

a) Slaughter or trade the infected animals, animals suspected of infection, dead animals or products of animals that carry pathogens on the List of animal diseases subject to outbreak declaration;

b) Conduct the concentrated husbandry of cattle and poultry, the incubation and hatch of poultry eggs or trade cattle and poultry at places inconsistently with the planning or without permission of competent authorities.

8. Additional penalties:

Confiscate Vaccination Certificate for animals if the violation prescribed in Clause 5 of this Article is committed.

9. Remedial measures:

a) Enforced collection of specimens for testing for animal diseases if the violation prescribed in Clause 6 of this Article is committed;

b) Enforced destruction of animals and animal products if the violation prescribed in Point a Clause 7 of this Article is committed.

### **Article 8. Violations against regulations on control of diseases of terrestrial animals**

1. A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for failure to comply with guidance of veterinary authorities when conducting treatment of animals in epidemic hotspots or epidemic zones.

2. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for any of the following violations:

a) Pasture infected animals at common grazing areas;

b) Fail to use vaccine or apply the compulsory prophylactic measures on animals at epidemic zones.

3. A fine ranging from VND 3,000,000 to VND 4,000,000 shall be imposed for failure to transport animals and/or animal products from an animal epidemic-free establishment or from the establishment that has undergone animal epidemic supervision on routes prescribed by veterinary authorities to out of the epidemic zones.

4. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for any of the following violations:

a) Fail to comply with guidance of veterinary authority when slaughtering, transporting or trading animals or products from animals susceptible to the declared animal diseases in the epidemic zones;

b) Intentionally stop transport vehicles of animals or release animals in the epidemic zones while they are only permitted to go through such epidemic zones;

c) Fail to treat, clean, decontaminate or disinfect slaughtering places, slaughtering tools or wastes of animals subject to compulsory slaughter after slaughter;

d) Use transport vehicles that fail to meet veterinary hygiene standards to transport animals subject to compulsory slaughter;

dd) Fail to comply with guidance of veterinary authority when slaughtering or trading animals, carcasses of infected animals or animals suspected of infection or products of animals that carry pathogens on the List of animal diseases subject to outbreak declaration.

5. A fine ranging from VND 5,000,000 to VND 6,000,000 shall be imposed for any of the following violations:

a) Transport or trade the infected animals or products of animals infected with the declared animal diseases in the high-risk zones or buffer zones;

b) Sell meat of animals, sub-products and other products of animals subject to compulsory slaughter, which are not yet treated to meet veterinary hygiene standards;

c) Raise or sell animals infected with dangerous infectious diseases after having received the competent authorities' request for compulsory slaughter or destruction;

d) Fail to destroy or slaughter the infected animals, animals suspected of infection and dead animals according to guidance of veterinary authority.

6. A fine ranging from VND 8,000,000 to VND 10,000,000 shall be imposed for transporting animals susceptible to the animal disease which is occurring in the country sharing a common border with Vietnam and their products into the high-risk zones or buffer zones in the territory of Vietnam.

7. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for transporting animals infected with the animal disease which is occurring in the country sharing a common border with Vietnam and their products into the high-risk zones or buffer zones in the territory of Vietnam.

8. Remedial measures:

a) Enforced destruction of the infected animals if the violation prescribed in Point a Clause 2 of this Article is committed;

b) Enforced destruction of animals and animal products if any of the violations prescribed in Points a and dd Clause 4, Clause 5, Clause 6 and Clause 7 of this Article is committed.

### **Sub-section 3. VIOLATIONS AGAINST REGULATIONS ON PREVENTION AND CONTROL OF DISEASES OF AQUATIC ANIMALS**

#### **Article 9. Violations against regulations on prevention and control of diseases of aquatic animals**

1. A fine ranging from VND 700,000 to VND 1,500,000 shall be imposed for any of the following violations:

a) Fail to comply with the veterinary authority's guidance on environmental treatment upon the occurrence of an epidemic;

b) Fail to collect or treat the infected aquatic animals or fail to disinfect after collection of aquatic animals or fail to handle epidemic hotspots according to guidance of veterinary authorities;

c) Stock or add aquatic animals susceptible to the declared animal disease during the outbreak declaration.

2. A fine ranging from VND 1,500,000 to VND 2,000,000 shall be imposed for using aquatic animals that carry pathogens or infected with any disease on the List of animal diseases subject to outbreak declaration for breeding purpose.

3. A fine ranging from VND 4,000,000 to VND 6,000,000 shall be imposed for failure to treat the environment when an epidemic occurs.

4. Remedial measures:

Enforced destruction of aquatic animals if the violation prescribed in Clause 2 of this Article is committed.

## **Section 2. VIOLATIONS AGAINST REGULATIONS ON QUARANTINE OF ANIMALS AND ANIMAL PRODUCTS**

### **Sub-section 1. VIOLATIONS AGAINST REGULATIONS ON QUARANTINE OF ANIMALS AND ANIMAL PRODUCTS THAT ARE TRANSPORTED OUT OF A PROVINCE**

#### **Article 10. Violations against general regulations on procedures for quarantine of animals and animal products that are transported out of a province**

1. A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for providing inaccurate information about any of the following items in the application for quarantine:

- a) Species of animals or categories of animal products;
- b) Origin of animals or animal products, purposes of use;
- c) Prevention of animal diseases by vaccine or supervising results of animal diseases or assessing results of animal epidemic-free establishment;
- d) Testing results for animals or animal products.

2. A fine ranging from VND 1,000,000 to VND 1,500,000 shall be imposed for failure to submit an application for quarantine when transporting animals subject to compulsory quarantine and products thereof out of a province.

#### **Article 11. Violations against regulations on quarantine of terrestrial animals and products thereof that are transported out of a province**

1. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for any of the following violations:

- a) Fail to clean, decontaminate or disinfect the places where animals/ animal products are collected, transport vehicles before and after quarantine;
- b) Evade the quarantine of animals/ animal products at animal quarantine stations at main road.

2. A fine ranging from VND 3,000,000 to VND 4,000,000 shall be imposed for any of the following violations:

- a) Swap or make change in quantity of animals/animal products that have undergone quarantine with Certificate of quarantine granted;

b) Transport or trade animals/animal products with species or quantity other than those specified in the Certificate of quarantine;

c) Deliberately break the seals of the transport vehicles of animals/animal products or adjust the number marked on animals during the transportation;

d) Use Certificate of quarantine for shipments of animals/animal products other than those specified in the Certificate of quarantine.

3. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for trading animals/animal products for the purpose other than that specified in the Certificate of quarantine.

4. A fine ranging from VND 5,000,000 to VND 6,000,000 shall be imposed for transporting animals/ animal products with unidentified origin.

5. Additional penalties:

Confiscate Certificate of quarantine of animals/animal products if the violation prescribed in Point d Clause 2 of this Article is committed.

6. Remedial measures:

a) Enforced quarantine of animals/animal products if any of the violations prescribed in Clause 2 and Clause 4 of this Article is committed;

b) Enforced destruction of animals/ animal products which are undergone the quarantine process and discovered to be infected with animal diseases or to carry infectious disease pathogens on the List of animal diseases subject to outbreak declaration if any of the violations prescribed in Clause 2 and Clause 4 of this Article is committed.

## **Article 12. Violations against regulations on quarantine of aquatic animals and products thereof that are transported out of a province**

1. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for transporting breeding aquatic animals in exceed of 10% in quantity or of the species or sizes other than those specified in the Certificate of quarantine.

2. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for any of the following violations:

a) Fail to conduct the quarantine of aquatic animals subject to quarantine and products thereof;

b) Transport aquatic animals collected from the aquaculture establishment that is facing the declared disease out of the epidemic zone while such animals are not yet undergone preparation or processing.

3. Remedial measures:

a) Enforced quarantine of aquatic animals/ products thereof if any of the violations prescribed in Clause 1 and Point a Clause 2 of this Article is committed;

b) Enforced preparation or processing of aquatic animals/ products thereof if the violation prescribed in Point b Clause 2 of this Article is committed.

**Sub-section 2. VIOLATIONS AGAINST REGULATIONS ON QUARANTINE OF EXPORTED, IMPORTED ANIMALS AND PRODUCTS THEREOF, ANIMALS AND ANIMAL PRODUCTS THAT ARE TEMPORARILY IMPORTED, TEMPORARILY EXPORTED OR TRANSITTED THROUGH THE TERRITORY OF VIETNAM**

**Article 13. Violations against general regulations on procedures for quarantine of animals and animal products**

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for providing inaccurate information about any of the following items in the application for quarantine:

a) Quantity, amount or species of animals/ animal products;

b) Origin of animals/ animal products, purposes of use, the transport vehicles and address of destination.

2. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for any of the following violations:

a) Failure to apply for quarantine of animals subject to compulsory quarantine and products thereof when they are imported, temporarily imported, temporarily exported or transited through the territory of Vietnam;

b) Failure to apply for quarantine of exported animals and products thereof, except for cases where the goods owner and the importing country do not request the quarantine.

**Article 14. Violations against general regulations on quarantine of exported animals and products thereof**

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

a) Break the seals/ lead seals of the vehicles containing, transporting or loading animals and animal products without permission;

b) Change the transport vehicles without permission;

2. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for trading, erasing or altering contents of the Certificate of quarantine of animals/ animal products.

3. A fine ranging from 15,000,000 to VND 25,000,000 shall be imposed for swapping or making change in quantity of animals or amount of animal products that have undergone the quarantine.

4. Additional penalties:

Confiscate Certificate of quarantine of animals/animal products if the violation prescribed in Clause 2 of this Article is committed.

5. Remedial measures:

Enforced quarantine of animals/animal products if the violation prescribed in Clause 3 of this Article is committed.

#### **Article 15. Violations against general regulations on quarantine of imported animals and products thereof**

1. A fine ranging from VND 5,000,000 to VND 6,000,000 shall be imposed for any of the following violations:

a) Import animals/ animal products with a quantity or amount other than those specified in the Certificate of quarantine of animals granted by the competent authority in the exporting country;

b) Import fresh (or unprepared) handed terrestrial animal products; or import fresh aquatic animal products.

2. A fine ranging from VND 6,000,000 to VND 7,000,000 shall be imposed for using imported animals/ animal products for processing exports at the establishments other than the registered ones.

3. A fine ranging from VND 7,000,000 to VND 8,000,000 shall be imposed for any of the following violations:

a) Transport the imported animals and products thereof across the checkpoint other than the prescribed one;

- b) Import animals/ animal products whose origin is different from that stated in the application for quarantine;
- c) Transport imported animals and products thereof to the quarantine area other than the prescribed one or with a quantity other than the permitted one stated in the quarantine dossier;
- d) Fail to comply with the prescribed period of isolation for quarantine of imported animals.

4. A fine ranging from VND 8,000,000 to VND 10,000,000 shall be imposed for any of the following violations:

- a) Let imported animals in contact with the animals that are raised in the territory of Vietnam within the prescribed isolation period;
- b) Fail to implement veterinary hygiene measures against imported animals/ products thereof;
- c) Use the vehicles that fail to meet veterinary hygiene standards to transport imported animals/ products thereof;
- d) Receive or send pathology specimens which are not properly packaged, preserved or transported.

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

- a) Fail to collect or treat bodies of dead animals, waste matters, bedding, left-over food and feeds during the transportation according to regulations of the veterinary authority;
- b) Break the seals/ lead seals of the vehicles containing or transporting imported animals/ products thereof without permission;
- c) Change the transport vehicles without permission;
- d) Import animal products to use as foods, which are slaughtered, prepared and/or processed at the establishments which are not yet registered for exporting to Vietnam.

6. A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for importing animal products to use as feed raw materials which are infected with derivatives of other animals.

7. A fine ranging from 10% to 15% of the shipment's value of but not exceeding VND 50 million shall be imposed for any of the following violations:

a) Import animal products that carry chemical residues or microorganisms exceeding the permissible amount;

b) Import animal products containing hair, hide or skin, claws and other impurities that fail to meet veterinary hygiene standards with respect of appearance.

8. A fine ranging from 20% to 25% of the shipment's value but not exceeding VND 50 million shall be imposed for any of the following violations:

a) Import animals infected with dangerous infectious diseases;

b) Import animals/ animal products originated from the country or the territory that is facing with any of animal diseases on the List of animal diseases subject to outbreak declaration.

9. A fine ranging from VND 25,000,000 to VND 30,000,000 shall be imposed for failure to enforce veterinary hygiene measure, which is stated in the regulatory authority's decision, against animals infected with any disease on the List of animal diseases subject to outbreak declaration and products thereof.

10. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for transporting animal specimens and pathogens into the territory of Vietnam without permission of the competent veterinary authority.

11. Remedial measures:

a) Enforced import of animals/ animal products through the prescribed checkpoint or enforced re-export of imported animals/ animal products if the violation prescribed in Point a Clause 3 of this Article is committed;

b) Enforced destruction of animal products and/or pathology specimens if any of the violations prescribed in Point b Clause 1 and Point d Clause 4 of this Article is committed;

c) Enforced re-export of animals/animal products if the violation prescribed in Point b Clause 3 of this Article is committed;

d) Enforced re-export or heat treatment or change of use purpose as feed raw materials if the violation prescribed in Point a Clause 7 of this Article is committed;

dd) Enforced re-export or implementation of veterinary hygiene measures for animal products if the violation prescribed in Point b Clause 7 of this Article is committed;

e) Enforced re-export or destruction of animals, animal products or pathology specimens if any of the violations prescribed in Clause 8, Clause 9 and Clause 10 of this Article is committed.

**Article 16. Violations against general regulations on quarantine of animals and animal products that are temporarily imported, temporarily exported or transited through the territory of Vietnam**

1. A fine ranging from VND 3,000,000 to VND 4,000,000 shall be imposed for failure to request the animal quarantine authority at the checkpoint to supervise the re-export of animals/ animal products out of the territory of Vietnam.

2. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for temporarily importing, temporarily exporting or transiting animals/ animal products through the territory of Vietnam without the permission of competent authority.

3. A fine ranging from VND 5,000,000 to VND 6,000,000 shall be imposed for temporarily importing, temporarily exporting or transiting animals/ animal products whose origin is different from that specified in the Certificate of quarantine through the territory of Vietnam.

4. A fine ranging from VND 8,000,000 to VND 10,000,000 shall be imposed for any of the following violations:

a) Let animals that are temporarily imported, temporarily exported or transited through the territory of Vietnam in contact with the animals that are raised in the territory of Vietnam;

b) Fail to implement veterinary hygiene measures against imported animals/ products thereof;

c) Use the vehicles that fail to meet veterinary hygiene standards to transport imported animals/ products thereof;

d) Temporarily importing, temporarily exporting or transiting animals/ animal products through the territory of Vietnam through the checkpoint other than the permitted one.

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

a) Break the seals/ lead seals of the vehicles containing or transporting animals/ animal products without permission;

b) Loading animals/ animal products before the quarantine without permission;

c) Change the vehicle of transport of animals/ animal products without permission;

d) Fail to collect or treat bodies of dead animals, waste matters, bedding, left-over food and feeds during the transportation according to guidance of the veterinary authority.

6. Remedial measures:

- a) Enforced re-export of animals/animal products if any of the violations prescribed in Clause 2 and Clause 3 of this Article is committed;
- b) Enforced transport of animals/animal products through the permitted checkpoints if the violation prescribed in Point d Clause 4 of this Article is committed.

### **Sub-section 3. VIOLATIONS AGAINST REGULATIONS ON CERTIFICATE OF QUARANTINE OF ANIMALS AND ANIMAL PRODUCTS**

#### **Article 17. Violations against general regulations on Certificate of quarantine of animals and animal products that are transported out of a province**

- 1. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for trading, erasing or altering contents of the Certificate of quarantine of animals/ animal products.
- 2. A fine ranging from VND 5,000,000 to VND 6,000,000 shall be imposed for leasing, lending or borrowing the Certificate of quarantine of animals/ animal products.
- 3. A fine ranging from VND 6,000,000 to VND 8,000,000 shall be imposed for failure to obtain a Certificate of quarantine of animals/ animal products as regulated.

4. Additional penalties:

Confiscate Certificate of quarantine of animals/animal products if any of the violations prescribed in Clause 1 and Clause 2 of this Article is committed.

5. Remedial measures:

- a) Enforced quarantine of animals/animal products if the violation prescribed in Clause 3 of this Article is committed;
- b) Enforced destruction of animals/ animal products which are undergone the quarantine process and discovered to be infected with animal diseases or to carry dangerous infectious disease pathogens on the List of animal diseases subject to outbreak declaration if the violation prescribed in Clause 3 of this Article is committed.

#### **Article 18. Violations against general regulations on Certificate of quarantine of imported animals and products thereof**

- 1. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for trading, erasing or altering contents of the Certificate of quarantine of animals/ animal products.

2. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for using the Certificate of quarantine of animals/ animal products in which species of imports is other than actually imported ones or the place of destination is not Vietnam.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to obtain a Certificate of quarantine of animals/ animal products as regulated.

4. Additional penalties:

Confiscate Certificate of quarantine of animals/animal products if the violation prescribed in Clause 1 of this Article is committed.

5. Remedial measures:

Enforced re-export or destruction of animals/animal products if any of the violations prescribed in Clause 2 and Clause 3 of this Article is committed.

**Article 19. Violations against general regulations on Certificate of quarantine of animals and animal products that are temporarily imported, temporarily exported or transited through the territory of Vietnam**

1. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for trading, erasing or altering contents of the Certificate of quarantine of animals/ animal products.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to obtain a Certificate of quarantine of animals/ animal products as regulated.

3. Additional penalties:

Confiscate Certificate of quarantine of animals/animal products if the violation prescribed in Clause 1 of this Article is committed.

4. Remedial measures:

Enforced re-export or destruction of animals/ animal products if the violation prescribed in Clause 2 of this Article is committed.

**Section 3. VIOLATIONS AGAINST REGULATIONS ON CONTROL OF THE SLAUGHTER OF TERRESTRIAL ANIMALS; PREPARATION/PROCESSING OF ANIMALS/ ANIMAL PRODUCTS; INSPECTION OF VETERINARY HYGIENE**

**Article 20. Violations against regulations on transport, trading, collection, storage and control of the slaughter of terrestrial animals; preparation/processing of animals/ animal products for trading**

1. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for failure to record or retain information to trace the origin of animals/ animal products.
2. A fine ranging from VND 3,000,000 to VND 4,000,000 shall be imposed for failure to apply for slaughtering control to the veterinary authority when conducting the slaughter of terrestrial animals on the List of animals subject to slaughtering control, except for small slaughterhouses in the islands, ethnic minority areas and areas facing socio-economic difficulties.
3. A fine ranging from 4,000,000 to VND 6,000,000 shall be imposed for failure to comply with the veterinary staff's request for treatment of animals/animal products that fail to meet veterinary hygiene standards at the slaughterhouse.
4. A fine ranging from VND 6,000,000 to VND 8,000,000 shall be imposed for the slaughter of animals at the place that is not permitted by the competent authority.
5. A fine ranging from VND 8,000,000 to VND 12,000,000 shall be imposed for transport of dead animals/ animal products that fail to meet veterinary hygiene standards and food safety standards for trading.
6. A fine ranging from 60% to 70% of the value of animal products but not exceeding VND 50,000,000 shall be imposed for transport and/or trading of meat and products of cattle/ poultry without the slaughtering control seal or veterinary hygiene stamp or without the slaughtering control seal affixed to packages thereof.
7. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for any of the following violations:
  - a) Slaughter animals or collect aquatic animals/animal products to use as food before the expiration of withdrawal period according to the instruction;
  - b) Put water or other substances into animals before the slaughter.
8. A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for soaking animal products in chemicals.
9. A fine ranging from VND 25,000,000 to VND 30,000,000 shall be imposed for any of the following violations:
  - a) Produce, prepare, process or trade in animal products carrying substances banned from using in animal husbandry or veterinary medicine;
  - b) Slaughter the animals infected with the diseases or trade in animal products carrying pathogens on the List of animal diseases banned from slaughtering/treatment as regulated.

10. A fine ranging from VND 30,000,000 to VND 35,000,000 shall be imposed for transport, storage or slaughter of animals, which have administered the tranquilizer inconsistently with the instructions of drug manufacturer or the competent veterinary authority, to use as food.

11. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for transport, trading, storage or slaughter of animals carrying substances banned from using in animal husbandry.

12. Additional penalties:

a) Confiscate the exhibits of administrative violations prescribed in Clause 5, Clause 9 and Clause 11 of this Article;

b) Suspend the operation for 01 – 03 months if any of the violations prescribed in Clause 8 and Clause 9 of this Article is committed;

c) Suspend the operation for 03 – 06 months if any of the violations prescribed in Clause 10 and Clause 11 of this Article is committed.

13. Remedial measures:

a) Enforced veterinary hygiene inspection of animal products if the violation prescribed in Clause 6 of this Article is committed. In case the inspection result indicates that the animal products fail to meet veterinary hygiene standards, enforced destruction or heat treatment of animal products for changing use purpose shall be applied if the violation prescribed in Clause 6 of this Article is committed;

b) Enforced heat treatment to change using purpose of animal products if any of the violations prescribed in Clause 2, Clause 4, Clause 7 and Clause 8 of this Article is committed;

c) Enforced destruction of animals/ animal products if any of the violations prescribed in Clause 5, Clause 9 and Clause 11 of this Article is committed;

d) Enforced suspension of the slaughter of animals that have administered the tranquilizer before the slaughter until having food safety inspection result; enforced destruction of animal products carrying tranquilizer residues exceeding the limit permitted by the Ministry of Health if the violation prescribed in Clause 10 of this Article is committed.

**Article 21. Violations against veterinary hygiene standards for small slaughterhouses; small establishments that carry out the preparation/processing of animals/ animal products**

1. A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed on the person who directly slaughters the animals or performs the preparation/processing of animal

products for failure to comply with the regulations on health and hygiene procedures during the slaughtering activity or the preparation/processing activities.

2. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for using equipment, tools and water for slaughtering animals or preparing/ processing animals/ animal products which fail to meet veterinary hygiene standards.

**Article 22. Violations against veterinary hygiene standards for concentrated slaughterhouses; establishments that carry out the preparation/processing of animals/ animal products for trading purpose**

1. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed on the person who directly slaughters the animals or performs the preparation/processing of animal products for failure to comply with the regulations on health and hygiene procedures during the slaughtering activity or the preparation/processing activities.

2. A fine ranging from VND 2,000,000 to VND 4,000,000 shall be imposed for failure to comply with operational procedures for slaughter or preparation/processing of animals.

3. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for using equipment, tools and water for slaughtering animals or preparing/ processing animals/ animal products which fail to meet veterinary hygiene standards.

**Article 23. Violations against veterinary hygiene standards in transport of animals and products thereof**

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

a) Use the vehicles that fail to meet veterinary hygiene standards to transport animals and products thereof;

b) Use containers of animal products that fail to meet veterinary hygiene standards.

2. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for failure to collect and treat wastewater and waste matters during the transportation of animals and products thereof.

**Article 24. Violations against veterinary hygiene standards applicable to animal markets and animal collecting establishments**

1. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for small animal markets that do not arrange places for collecting and treating wastewater and waste matters.

2. A fine ranging from VND 3,000,000 to VND 4,000,000 shall be imposed on animal collecting establishments for any of the following violations:

- a) Fail to ensure the prescribed distance between their locations and residential areas, raising establishments or aquaculture establishments as regulated in Point a Clause 3 Article 71 of the Law on Veterinary Medicine;
- b) Fail to arrange separate area to keep each species of animals;
- c) Use equipment, tools and water that fail to satisfy veterinary hygiene standards.

3. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed on specialized animal markets for any of the following violations:

- a) Have a location that fails to comply with the planning of local government;
- b) Fail to arrange separate area to keep each species of animals;
- c) Use equipment, tools and water that fail to satisfy veterinary hygiene standards;
- d) Fail to carry out the cleansing, decontamination and disinfection according to the regulations.

**Article 25. Violations against veterinary hygiene standards applicable to establishments trading in animal products**

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

- a) Use the things that fail to meet veterinary hygiene standards for display, sale or containing of animal products;
- b) Fail to carefully cleanse things/tools before and after the sale of animal products or fail to conduct the periodical decontamination and disinfection.

2. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for using warehouse or equipment which fails to meet veterinary hygiene standards to preserve animal products.

**Article 26. Violations against veterinary hygiene standards applicable to establishments performing testing, diagnosis and surgery for animals**

1. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for performing testing, diagnosis or surgery for animals at the location that fails to satisfy veterinary hygiene standards.

2. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for any of the following violations:

- a) Fail to equip appropriate facilities, equipment, tools and chemicals;
- b) Fail to arrange separate places to keep animals.

3. Additional penalties:

Suspend the establishment's operation for 01 – 03 months if the violation prescribed in Clause 2 of this Article is committed.

### **Article 27. Violations against regulations on Certificate of veterinary hygiene**

1. A fine ranging from VND 3,000,000 to VND 4,000,000 shall be imposed on small slaughterhouses, small establishments that carry out the preparation/processing of animals/ animal products, small animal markets, and animal collecting establishment for any of the following violations:

- a) Fail to possess a lawful Certificate of veterinary hygiene;
- b) Use an expired Certificate of veterinary hygiene.

2. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for trading, erasing or altering contents of the Certificate of veterinary hygiene.

3. A fine ranging from VND 5,000,000 to VND 6,000,000 shall be imposed on hatcheries or breeding establishments; animal quarantine areas; manufacturers of animal-based raw feed materials; the establishments preparing/processing animals and animal products for export; or the establishments trading in animals/ animal products for failing to hold a Certificate of veterinary hygiene or using an expired Certificate of veterinary hygiene.

4. A fine ranging from VND 6,000,000 to VND 7,000,000 shall be imposed on concentrated raising establishments; cold storages for preserving fresh and/or prepared/processed animals/ animal products; the establishments performing testing, diagnosis and surgery for animals for failing to hold a Certificate of veterinary hygiene or using an expired Certificate of veterinary hygiene.

5. A fine ranging from VND 7,000,000 to VND 8,000,000 shall be imposed on the specialized animal markets; the concentrated slaughterhouses; or the establishments preparing/processing animals and animal products for trading for failing to hold a Certificate of veterinary hygiene or using an expired Certificate of veterinary hygiene.

6. Additional penalties:

Confiscate the Certificate of veterinary hygiene if the violation prescribed in Clause 2 of this Article is committed.

#### **Section 4. VIOLATIONS AGAINST REGULATIONS ON MANAGEMENT OF VETERINARY DRUGS**

##### **Sub-section 1. VIOLATIONS AGAINST REGULATIONS ON ANALYSIS AND TESTING OF VETERINARY DRUGS**

###### **Article 28. Violations against procedures for veterinary drug testing**

1. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for failure to retain the documents relating to the performance of veterinary drug testing according to the regulations.

2. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for trading, erasing or altering contents of the License to conduct the testing of veterinary drugs.

3. A fine ranging from VND 5,000,000 to VND 6,000,000 shall be imposed for any of the following violations:

a) Fail to possess the License to conduct the testing of veterinary drugs;

b) Use an expired License to conduct the testing of veterinary drugs.

4. Additional penalties:

Confiscate the License to conduct the testing of veterinary drugs if the violation prescribed in Clause 2 of this Article is committed.

###### **Article 29. Violations against requirements for organizations conducting the testing of veterinary drugs**

1. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed on the person who is in charge of technical issues of the organization for failing to possess a veterinary practicing certificate or using an expired veterinary practicing certificate.

2. A fine ranging from VND 5,000,000 to VND 6,000,000 shall be imposed for any of the following violations:

a) Have a location inconsistently with the planning for land use of local government or that is permitted by the competent authority;

b) Fail to have the barrier or the wall to prevent the organization from being penetrated by outside people or animals;

- c) Fail to have a clean water source;
- d) Fail to have sufficient places keep animals so as to ensure testing results;
- dd) Fail to have sufficient species or quantity of animals to meet testing requirements;
- e) Fail to arrange separate places to raise animals for testing purpose.

3. Additional penalties:

Suspend the operation of the organization conducting the testing of veterinary drugs for 01 – 03 months if the violation prescribed in Clause 2 of this Article is committed.

**Article 30. Violations against requirements for establishments performing the analysis of veterinary drugs**

1. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for any of the following violations:

- a) Fail to ensure the prescribed distance between their locations and the residential areas or public works;
- b) The person who manages or directly performs the analysis of veterinary drugs fails to have a veterinary practicing certificate or uses an expired one.

2. A fine ranging from VND 6,000,000 to VND 8,000,000 shall be imposed for any of the following violations:

- a) Fail to equip appropriate equipment, machines and tools or use the ones which fail to meet the required standards to take specimens, analyze, adjust and process analytical data;
- b) Fail to arrange separate places to raise animals for testing purpose;
- c) Fail to have a separate place of conducting virulence tests for vaccines and microorganisms;
- d) Fail to have animal raising rooms that meet biosafety standards for performing the testing of vaccines against highly pathogenic agents;
- dd) Fail to have specialized equipment for keeping bacteria alive for testing purposes.

3. Additional penalties:

Suspend the establishment's operation for 01 – 03 months if the violation prescribed in Clause 2 of this Article is committed.

## **Sub-section 2. VIOLATIONS AGAINST REGULATIONS ON PRODUCTION, TRADE AND IMPORT OF VETERINARY DRUGS**

### **Article 31. Violations against procedures for production of veterinary drugs**

1. A fine ranging from VND 5,000,000 to VND 6,000,000 shall be imposed for failure to have documents about each production batch.
2. A fine ranging from VND 6,000,000 to VND 7,000,000 shall be imposed for providing false or inaccurate documents or information in the application for registration of sale of veterinary drugs which has been processed.
3. Additional penalties:

Confiscate documents/ papers if the violation prescribed in Clause 2 of this Article is committed.

### **Article 32. Violations against requirements for production, processing and division of veterinary drugs**

1. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for erasing or altering contents of the GMP Certificate.
2. A fine ranging from VND 5,000,000 to VND 6,000,000 shall be imposed on the person who is in charge of managing the production or analysis of veterinary drugs for failing to possess a veterinary practicing certificate or using an expired veterinary practicing certificate.
3. A fine ranging from VND 6,000,000 to VND 8,000,000 shall be imposed for any of the following violations:
  - a) Have location, workshops, drug warehouses designed with area and distance failing to ensure the safety for human, animals and the environmental protection;
  - b) Use equipment that is not conformable with the scale of production and quality inspection of each type of veterinary drug.
4. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for each time of production of veterinary drugs at the places other than the one specified in the GMP Certificate or failure to ensure GMP manufacturing conditions licensed by the competent authority.
5. A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for any of the following violations:
  - a) Fail to have a GMP Certificate;

b) Use an expired GMP Certificate.

6. Additional penalties:

Confiscate GMP Certificate if the violation prescribed in Clause 1 of this Article is committed.

**Article 33. Violations against regulations on quality in production of veterinary drugs**

1. A fine ranging from VND 6,000,000 to VND 8,000,000 shall be imposed for any of the following violations:

a) Fail to inspect the quality of veterinary drug ingredients, semi-finished and finished veterinary drugs in course of production;

b) Fail to retain the samples of veterinary drugs.

2. A fine ranging from 70% to 80% of the value of each production batch but not exceeding VND 50,000,000 for production of each type of veterinary drug that:

a) fails to meet one of the criteria on quality with respect of appearance, physicochemical properties, microbial contamination and sterility levels according to the application for registration approved by the competent authority; or

b) has the drug content exceeding the permissible limit of  $\pm 10\%$  in comparison with the content specified in the drug label or has the content of probiotics smaller than 90% of its content specified in the label of veterinary drug products containing probiotics; or

c) has the net weight or the actual volume beyond the permissible limits in comparison with the net weight or the actual volume specified in the drug labels which have been registered and approved by the competent authority.

3. A fine ranging from 80% to 90% of the value of each production batch but not exceeding VND 50,000,000 for production of each type of veterinary drug that:

a) contains active ingredients other than those stated in the application for sale processed by the competent authority; or

b) fails to state names of active ingredients or the main active ingredient in the drug label; or

c) has change in appearance such as such as being curdy, turbid, transformed color, deposited sediments, bedded, or transformed shape; or

d) Vaccine fails to fulfill any of the three following conditions: sterility or purity, safety and effectiveness.

4. A fine ranging from VND 8,000,000 to VND 10,000,000 shall be imposed for production, division or processing of veterinary drugs but failing to provide notification to the competent authority of change in drug ingredients, formulation, dosage form, administration route, dosage and/or indications of the veterinary drug; or change in production methods or processes.

5. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for production of each type of veterinary drug by using drug ingredients with unidentified origin.

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

a) Produce each type of veterinary drug in the GMP production line without license;

b) Improperly use each type of veterinary drug ingredient.

7. A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for production of each type of veterinary drug which is not on the List of veterinary drugs permissible for sales in Vietnam or which is not yet approved by competent authorities provided the production batch is worth less than VND 200,000,000.

8. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for production of veterinary drugs on the List of veterinary drugs that are banned in Vietnam provided the production batch is worth less than VND 100,000,000.

9. Additional penalties:

Suspend the veterinary practicing certificate for 01 - 03 months if any of the violations prescribed in Clause 6, Clause 7 and Clause 8 of this Article is committed.

10. Remedial measures:

a) Enforced recall or recycling of veterinary drugs if the violation prescribed in Clause 2 of this Article is committed. In case veterinary drugs are unrecyclable, they must be destroyed if the violation prescribed in Point b Clause 2 of this Article is committed;

b) Enforced recall or destruction of veterinary drugs and/or vaccines if any of the violations prescribed in Clause 3, Clause 4, Point a Clause 6, Clause 7 and Clause 8 of this Article is committed.

#### **Article 34. Violations against procedures for trading in veterinary drugs**

1. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for any of the following violations:

- a) Fail to have books or invoices/ vouchers for following drug dispatching/warehousing;
- b) Fail to post the selling prices of veterinary drugs.

2. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for trading in veterinary drugs but failing to give a notification of change in trading location to the competent authority.

### **Article 35. Violations against requirements for trading in veterinary drugs**

1. A fine ranging from VND 3,000,000 to VND 4,000,000 shall be imposed for any of the following violations:

- a) Fail to satisfy requirements for location, warehouse and equipment for preserving veterinary drugs;
- b) Keep veterinary drugs for sale in the same places where industrial chemicals, pesticides, drugs for human, foods and foodstuffs are store;
- c) The manager or the person directly selling veterinary drugs fails to hold veterinary practicing certificate as regulated or uses an expire one.

2. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for any of the following violations in trading of vaccines or biological preparations:

- a) Fail to equip refrigerator, freezer or cold storage to preserve veterinary drugs according to preservation instructions stated in the drug label;
- b) Fail to have thermometers to check the preservation temperature;
- c) Use the vehicle that fails to meet the preservation requirements to transport vaccines;
- d) Erase or alter contents of the Certificate of eligibility to trade in veterinary drugs.

3. A fine ranging from VND 5,000,000 to VND 6,000,000 shall be imposed for failure to establish a fixed store to sell veterinary drugs.

4. A fine ranging from VND 6,000,000 to VND 8,000,000 shall be imposed for portioning of veterinary drug of each type without the permission of the competent veterinary authority.

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

- a) Fail to obtain a Certificate of eligibility to trade in veterinary drugs;
- b) Use an expired Certificate of eligibility to trade in veterinary drugs.

6. Additional penalties:

Confiscate the Certificate of eligibility to trade in veterinary drugs if the violation prescribed in Point d Clause 2 of this Article is committed.

7. Remedial measures:

Enforced recall or destruction of veterinary drugs if the violation prescribed in Clause 4 of this Article is committed.

**Article 36. Violations against regulations on quality in trading of veterinary drugs**

1. A fine ranging from VND 5,000,000 to VND 6,000,000 shall be imposed for trading each type of veterinary drug that:

a) fails to meet one of the criteria on quality with respect of appearance, physicochemical properties, microbial contamination and sterility levels according to the application for registration of veterinary drugs approved by the competent authority; or

b) has the drug content exceeding the permissible limit of  $\pm 10\%$  in comparison with the content specified in the drug label or has the content of probiotics smaller than 90% of its content specified in the label of veterinary drug products containing probiotics; or

c) has the net weight or the actual volume beyond the permissible limits in comparison with the net weight or the actual volume specified in the drug labels which have been registered and approved by the competent authority.

2. A fine ranging from VND 7,000,000 to VND 8,000,000 shall be imposed for trading each type of veterinary drug that:

a) contains active ingredients other than those stated in the application for sale of veterinary drugs which has been processed by the competent authority or

b) fails to state names of active ingredients or the main active ingredient in the drug label; or

c) has change in appearance such as such as being curdy, turbid, transformed color, deposited sediments, bedded, or transformed shape; or

d) Veterinary vaccine fails to fulfill any of the three following conditions: sterility or purity, safety and effectiveness.

3. A fine ranging from VND 10,000,000 to VND 12,000,000 shall be imposed for trading of each type of veterinary drug which is not on the List of veterinary drugs permissible for sales in Vietnam or which is not yet approved by competent authorities provided the sold veterinary drugs are worth less than VND 200,000,000.

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

a) Sell each type of drug ingredients to the establishment that fails to meet eligibility requirements;

b) Sell each type of veterinary drug ingredients or drug ingredients for human or drugs for human to animal raising or aquaculture establishments.

5. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for trading of veterinary drugs on the List of veterinary drugs that are banned in Vietnam provided the sold veterinary drugs are worth less than VND 100,000,000.

6. Additional penalties:

Suspend the veterinary practicing certificate for 01 - 03 months if any of the violations prescribed in Clause 3, Clause 4 and Clause 5 of this Article is committed.

7. Remedial measures:

a) Enforced recall or recycling of veterinary drugs if the violation prescribed in Clause 1 of this Article is committed. In case veterinary drugs are unrecyclable, they must be destroyed if the violation prescribed in Point b Clause 1 of this Article is committed;

b) Enforced recall or destruction of veterinary drugs or veterinary vaccines if any of the violations prescribed in Clause 2, Clause 3 and Clause 5 of this Article is committed;

c) Enforced destruction of veterinary drug ingredients, drug ingredients for human or drugs for human if the violation prescribed in Clause 4 of this Article is committed.

### **Article 37. Violations against procedures for import of veterinary drugs and veterinary drug ingredients**

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

a) Fail to have records, invoices/vouchers or documents on quality control and supervision of import/export of each type of veterinary drugs;

b) Fail to retain documents relating to each shipment of veterinary drugs according to the regulations.

2. A fine ranging from VND 6,000,000 to VND 8,000,000 shall be imposed for any of the following violations:

- a) Import each type of veterinary drugs which is not yet granted the Certificate of sales in Vietnam or which is not on the List of veterinary drugs permissible for sales in Vietnam or without the written approval by the competent authority;
- b) Import each type of veterinary drug ingredients without the license granted by the Department of Animal Health;
- c) Import veterinary drug ingredients of species other than the one permitted by the competent authority.

3. Remedial measures:

Enforced re-export or destruction of veterinary drugs or veterinary drug ingredients if the violation prescribed in Clause 2 of this Article is committed; veterinary drugs or veterinary drug ingredients must be recalled and destroyed if they are unable to be re-exported.

### **Article 38. Violations against requirements for import of veterinary drugs and veterinary drug ingredients**

1. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for any of the following violations:

- a) Fail to satisfy requirements for location;
- b) The manager fails to have a veterinary practicing certificate or uses an expired one;
- c) Erase or alter contents of the Certificate of eligibility to import veterinary drugs.

2. A fine ranging from VND 6,000,000 to VND 8,000,000 shall be imposed for any of the following violations:

- a) Fail to have equipment, i.e. ventilation fans, air conditioning systems, thermometers or hygrometers, etc., conformable to the preservation of drugs;
- b) Keep veterinary drugs/ veterinary drug ingredients inconsistently with the preservation instructions stated in the drug label;
- c) Fail to have separate warehouse, standby generator or equipment conformable to the preservation instructions stated in the drug label;
- d) Use the vehicle that fails to meet the preservation requirements to transport vaccines;

dd) Fail to have documents on quality control and supervision of dispatching/warehousing of each type of veterinary drugs.

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

a) Fail to obtain a Certificate of eligibility to import veterinary drugs;

b) Use an expired Certificate of eligibility to import veterinary drugs.

4. Additional penalties:

Confiscate the Certificate of eligibility to import veterinary drugs if the violation prescribed in Point c Clause 1 of this Article is committed.

### **Article 39. Violations against regulations on quality in import of veterinary drugs and veterinary drug ingredients**

1. A fine ranging from 60% to 70% of the value of the shipment but not exceeding VND 50,000,000 shall be imposed for import of veterinary drugs/ veterinary drug ingredients that fail to meet quality standards declared by the manufacturer.

2. A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for selling each type of imported veterinary drug ingredients to the establishment that is not yet granted the Certificate of eligibility to import veterinary drugs or the Certificate of eligibility to manufacture veterinary drugs or the animal raising establishment or aquaculture establishment.

3. Additional penalties:

Suspend the import of veterinary drugs for 06 – 09 months if the violation prescribed in Clause 2 of this Article is committed.

4. Remedial measures:

Enforced re-export of veterinary drugs/ veterinary drug ingredients if the violation prescribed in Clause 1 of this Article is committed; veterinary drugs/ veterinary drug ingredients must be recalled and destroyed according to regulations if they are unable to be re-exported.

### **Article 40. Violations against regulations on labeling of veterinary drug products**

1. A fine ranging from VND 4,000,000 to VND 6,000,000 shall be imposed for labeling of veterinary drug products with contents other than the registered ones or specifying contents relating GMP Certificate while failing to obtain the GMP Certificate as regulated.

## 2. Remedial measures:

Enforced recall of veterinary drugs bearing labels whose contents are different from the registered ones if the violation prescribed in Clause 1 of this Article is committed.

## **Section 5. VIOLATIONS AGAINST REGULATIONS ON VETERINARY PRACTICE**

### **Article 41. Violations against procedures for veterinary practice**

1. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for erasing or altering the contents of the veterinary practicing certificate.
2. A fine ranging from VND 5,000,000 to VND 6,000,000 shall be imposed for leasing, renting or borrowing the veterinary practicing certificate.
3. A fine ranging from VND 6,000,000 to VND 7,000,000 shall be imposed for failing to have veterinary practicing certificates or using expired ones when practicing in inoculation, treatment, surgery of animals; examination, diagnosis, testing on animals; consultation on activities relating to veterinary medicine.
4. A fine ranging from VND 7,000,000 to VND 8,000,000 shall be imposed for providing false information or forging documents in the application for the veterinary practicing certificate.
5. Additional penalties:

Confiscate documents, papers and the veterinary practicing certificate if any of the violations prescribed in Clause 1, Clause 2 and Clause 4 of this Article is committed.

### **Article 42. Violations against regulations on veterinary practicing activities**

1. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for any of the following violations:
  - a) Practice in the fields or the scope of profession other than the ones specified in the veterinary practicing certificate;
  - b) Carry out veterinary practicing activities at the location other than the one specified in the veterinary practicing certificate;
  - c) Fail to timely provide information upon the occurrence of any of the animal diseases on the List of animal diseases subject to outbreak declaration at the request of the competent authority;

d) Fail to participate in the prevention and fighting against animal diseases upon the request of competent authorities.

2. A fine ranging from VND 4,000,000 to VND 6,000,000 shall be imposed for any of the following violations:

a) Use veterinary drugs which are not on the List of veterinary drugs permissible for sales in Vietnam or which are not yet approved by competent authorities for preventing or treating animal diseases;

b) Use veterinary drugs with unidentified origin or expired ones for preventing or treating animal diseases;

c) Use veterinary drug ingredients or drug ingredients for human or drugs for human for preventing or treating animal diseases;

d) Make up prescriptions with veterinary drugs which are not on the List of veterinary drugs permissible for sales in Vietnam or which are not yet approved by competent authorities or which are on the List of veterinary drugs banned in Vietnam.

3. A fine ranging from VND 6,000,000 to VND 8,000,000 shall be imposed for any of the following violations:

a) Use veterinary drugs on the List of veterinary drugs banned in Vietnam for the purposes of preventing or treating animal diseases;

b) Give treatment to animals infected with any of the diseases on the List of animal diseases banned from slaughtering/treatment or animals infected with infectious diseases subject to compulsory slaughter or destruction according to regulations;

c) Give treatment to animals in the epidemic zones or at the places where animals infected with infectious diseases are kept inconsistently with guidance by the veterinary authority.

4. Additional penalties:

a) Suspend the veterinary practicing certificate for 01 - 03 months if the violation prescribed in Clause 2 of this Article is committed;

b) Suspend the veterinary practicing certificate for 03 - 06 months if the violation prescribed in Clause 3 of this Article is committed.

5. Remedial measures:

- a) Enforced destruction of veterinary drugs, veterinary drug ingredients, drugs for human and the ingredients thereof if any of the violations prescribed in Clause 2 and Point a Clause 3 of this Article is committed;
- b) Enforced destruction of animals if any of the violations prescribed in Point b and Point c Clause 3 of this Article is committed.

### **Chapter III**

#### **POWER TO RECORD ADMINISTRATIVE VIOLATIONS AND IMPOSE PENALTIES**

##### **Article 43. Power of Chairpersons of people's committees at all levels**

1. Chairpersons of communal-level people's committees shall have the power to:
  - a) Issue warning;
  - b) Impose a fine up to VND 5,000,000;
  - c) Confiscate the exhibits and instrumentalities for committing administrative violations, which are worth less than the fine specified in Point b Clause 1 of this Clause;
  - d) Enforce the remedial measures mentioned in Points a, b, c and dd Clause 1 Article 28 of the Law on Penalties for Administrative Violations.
2. Chairpersons of District-level People's Committees shall have the power to:
  - a) Issue warning;
  - b) Impose a fine up to VND 25,000,000;
  - c) Suspend practicing licenses or certificates or suspend operations for a fixed period;
  - d) Confiscate the exhibits and instrumentalities for committing administrative violations, which are worth less than the fine specified in Point b Clause 2 of this Clause;
  - dd) Enforce the remedial measures mentioned in Points a, b, c, dd, e, h and i Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.
3. Chairpersons of Provincial-level People's Committees shall have the power to:
  - a) Issue warning;
  - b) Impose a fine up to VND 50,000,000;

- c) Suspend practicing licenses or certificates or suspend operations for a fixed period;
- d) Confiscate the exhibits and instrumentalities of administrative violations;
- dd) Enforce the remedial measures mentioned in Points a, b, c, d, dd, e, g, h and i Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.

#### **Article 44. Power of inspectorates**

1. On-duty inspectors of agriculture and rural development sector and persons who are assigned to conduct specialized inspections of veterinary medicine, aquatic products, quality control of agricultural products, forest products and aquatic products shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 500,000;
- c) Confiscate the exhibits and instrumentalities for committing administrative violations, which are worth less than the fine specified in Point b Clause 1 of this Clause;
- d) Enforce the remedial measures mentioned in Points a, c and dd Clause 1 Article 28 of the Law on penalties for administrative violations.

2. Chief Inspectors of Provincial Departments of Agriculture and Rural Development, Directors of Sub-departments performing the function of inspection of veterinary, aquatic products, quality control of agricultural products, forest products and aquatic products; heads of specialized inspections teams of Department of Animal Health, Directorate of Fisheries, the National Agro-Forestry-Fisheries Quality Assurance Department (NAFIQAD); heads of specialized inspections teams of Provincial Departments of Agriculture and Rural Development; heads of specialized inspections teams of Sub-departments performing the function of inspection of veterinary, aquatic products, quality control of agricultural products, forest products and aquatic products shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 25,000,000;
- c) Suspend practicing licenses or certificates or suspend operations for a fixed period;
- d) Confiscate the exhibits and instrumentalities for committing administrative violations, which are worth less than the fine specified in Point b Clause 2 of this Clause;

dd) Enforce the remedial measures mentioned in Points a, b, c, d, dd, e, g, h and i Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.

3. Head of the specialized inspection team established by the Ministry of Agriculture and Rural Development shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 35,000,000;

c) Suspend practicing licenses or certificates or suspend operations for a fixed period;

d) Confiscate the exhibits and instrumentalities for committing administrative violations, which are worth less than the fine specified in Point b Clause 3 of this Clause;

dd) Enforce the remedial measures mentioned in Points a, b, c, d, dd, e, g, h and i Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.

4. The Chief Inspector of Ministry of Agriculture and Rural Development, Director General of Directorate of Fisheries, Director General of Department of Animal Health, Director General of the National Agro-Forestry-Fisheries Quality Assurance Department (NAFIQAD) shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 50,000,000;

c) Suspend practicing licenses or certificates or suspend operations for a fixed period;

d) Confiscate the exhibits and instrumentalities of administrative violations;

dd) Enforce the remedial measures mentioned in Points a, b, c, d, dd, e, g, h and i Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.

#### **Article 45. Power of People's Public Securities Forces**

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

a) Issue warning;

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

2. Heads of border guard stations, and leaders of soldiers mentioned in Clause 1 of this Article have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 1,500,000;

3. Communal-level police chiefs, heads of public security stations, heads of public security stations at border gates or export processing zones shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 2,500,000;
- c) Confiscate the exhibits and instrumentalities for committing administrative violations, which are worth less than the fine specified in Point b Clause 3 of this Clause;
- d) Enforce the remedial measures mentioned in Points a, c and dd Clause 1 Article 28 of the Law on Penalties for Administrative Violations.

4. Heads of operations divisions affiliated to the Traffic Police Department; Fleet commanders affiliated to the Traffic Police Division; head of the Investigation Police Division on Economic and Corruption-related Crimes; Head of Economic Security Division; Head of Railway and Road Traffic Police Division;; Head of Waterway Traffic Police Division;; Head of the Environment Crime Prevention and Fighting Police Division;; Heads of district-level police agencies shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 10,000,000;
- c) Suspend practicing licenses or certificates or suspend operations for a fixed period;
- d) Confiscate the exhibits and instrumentalities for committing administrative violations, which are worth less than the fine specified in Point b Clause 4 of this Clause;
- dd) Enforce the remedial measures mentioned in Points a, c and dd Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.

5. Directors of Provincial-level Public Security Departments shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 25,000,000;

- c) Suspend practicing licenses or certificates or suspend operations for a fixed period;
- d) Confiscate the exhibits and instrumentalities for committing administrative violations, which are worth less than the fine specified in Point b Clause 5 of this Clause;
- dd) Enforce the remedial measures mentioned in Points a, c, dd and i Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.

6. Director of the General Economic Security Department; Director of Agriculture, Forestry and Aquaculture Economic Security Department; Director of the Investigation Police Department on Economic and Corruption-related Crimes, Director of the Traffic Police Department, Director of the Environment Crime Prevention and Fighting Police Department shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 50,000,000;
- c) Suspend practicing licenses or certificates or suspend operations for a fixed period;
- d) Confiscate the exhibits and instrumentalities of administrative violations;
- dd) Enforce the remedial measures mentioned in Points a, c, dd and i Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.

#### **Article 46. Power of Border Guard Forces**

1. Soldiers on duty of Border Guard Forces shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 500,000;

2. Heads of border guard stations, and leaders of soldiers mentioned in Clause 1 of this Article have the power to:

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

3. Heads of border-guard stations, commanders of border-guard flotillas, commanders of border-guard sub-zones and commanders of port border guards shall have the power to:

- a) Issue warning;

- b) Impose a fine up to VND 10,000,000;
- c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine imposed for same violation as regulated in Point b of this Clause;
- d) Enforce the remedial measures mentioned in Points a, c and dd Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.

4. Commanders of provincial-level border guard forces and commanders of border guard fleets affiliated to Border Guard High Command shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 50,000,000;
- c) Suspend license or practicing certificate or suspend operations for fixed period;
- d) Confiscate the exhibits and instrumentalities of administrative violations;
- dd) Enforce the remedial measures mentioned in Points a, c, dd and i Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.

#### **Article 47. Power of Marine Police Forces**

1. Police Officers on duty of Marine Police Forces shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 1,000,000;

2. Coastguard team leaders shall have the power to:

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

3. Coastguard squad leaders and captains of coastguard stations shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 5,000,000;
- c) Enforce the remedial measures mentioned in Points a, c and dd Clause 1 Article 28 of the Law on Penalties for Administrative Violations.

4. Commanders of coastguard platoons shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 10,000,000;
- c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine imposed for same violation as regulated in Point b of this Clause;
- d) Enforce the remedial measures mentioned in Points a, c, d and dd Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.

5. Commanders in chief of coastguard squadrons shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 15,000,000;
- c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine imposed for same violation as regulated in Point b of this Clause;
- d) Enforce the remedial measures mentioned in Points a, c, d and dd Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.

6. Commanders of regional coastguard command centers shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 25,000,000;
- c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine imposed for same violation as regulated in Point b of this Clause;
- d) Enforce the remedial measures mentioned in Points a, c, d and dd Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.

7. Commanders of Coastguard Headquarters shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 50,000,000;
- c) Suspend license or practicing certificate or suspend operations for fixed period;

d) Confiscate the exhibits and instrumentalities of administrative violations;

dd) Enforce the remedial measures mentioned in Points a, b, c, d and dd Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.

#### **Article 48. Power of Customs agencies**

1. Customs officials on duty shall have the power to:

a) Issue warning;

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

2. Team leaders of Customs Branches and team leaders of Post-clearance Audit Branches shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 5,000,000;

3. Directors General of Customs Branches and Post-clearance Audit Branches, leaders of customs enforcement teams affiliated to provincial, inter-provincial or city Customs Departments, leaders of anti-smuggling and control teams, leaders of customs procedure teams, leaders of marine control squads and leaders of intellectual property protection and control teams, affiliated to Anti-smuggling and Investigation Department, Vietnam Customs, shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 25,000,000;

c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine imposed for same violation as regulated in Point b of this Clause;

d) Enforce the remedial measures mentioned in Points d, dd, g and i Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.

4. Directors General of Anti-smuggling and Investigation Department, and Post-clearance Audit Department, affiliated to Vietnam Customs, and Directors General of provincial, inter-provincial or city Customs Departments shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 50,000,000;

- c) Suspend license or practicing certificate or suspend operations for fixed period;
- d) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine specified in Point b of this Clause;
- dd) Enforce the remedial measures mentioned in Points d, dd, g and i Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.

5. Director General of Vietnam Customs shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 50,000,000;
- c) Confiscate the exhibits and instrumentalities of administrative violations;
- d) Enforce the remedial measures mentioned in Points d, dd, g and i Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.

#### **Article 49. Power of Market Surveillance Units**

1. Market controllers on duty shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 500,000;

2. Leaders of Market Surveillance Teams shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 25,000,000;
- c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine imposed for same violation as regulated in Point b of this Clause;
- d) Enforce the remedial measures mentioned in Points a, dd, e, g, h and i Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.

3. Directors General of Market Surveillance Departments affiliated to Provincial Departments of Industry and Trade, and Heads of Anti-smuggling Division, Anti-Counterfeiting Division, and Goods Quality Control Division, affiliated to the Market Surveillance Agency, shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 50,000,000;
- c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine imposed for same violation as regulated in Point b of this Clause;
- d) Suspend practicing licenses or certificates or suspend operations for a fixed period;
- dd) Enforce the remedial measures mentioned in Points a, c, d, dd, e, g, h and i Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.

4. Director General of Market Surveillance Agency shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 50,000,000;
- c) Confiscate the exhibits and instrumentalities of administrative violations;
- d) Suspend practicing licenses or certificates or suspend operations for a fixed period;
- dd) Enforce the remedial measures mentioned in Points a, c, d, dd, e, g, h and i Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 herein.

**Article 50. Determination of power to impose penalties of People’s Public Security Forces, Border Guard Forces, Coast Guard Forces, Customs Authorities and Market Surveillance Units**

1. Competent persons of People’s Public Security Forces shall have the power to impose penalties for administrative violations, impose additional penalties and enforce remedial measures for administrative violations against regulations on veterinary medicine mentioned in Clause 6, Clause 7 and Clause 8 Article 5; Clause 3, Clause 4 and Clause 5 Article 6; Point b Clause 2, Point a Clause 7 Article 7; Clause 3, Clause 4, Clause 5, Clause 6 and Clause 7 Article 8; Point b Clause 1, Clause 2 and Clause 4 Article 11; Clause 2 Article 12; Article 17; Clause 4, Clause 5, Clause 6, Clause 7, Clause 8, Clause 9, Clause 10 and Clause 11 Article 20; Article 21; Article 22; Article 23; Article 27; Clause 7 and Clause 8 Article 33; Clause 3, Clause 4 and Clause 5 Article 36 of this Decree within the ambit of assigned functions, tasks and power.

2. Competent persons of Border Guard Forces shall have the power to impose penalties for administrative violations, impose additional penalties and enforce remedial measures for administrative violations against regulations on veterinary medicine mentioned in Clause 6 Article 5; Clause 3, Clause 4 and Clause 5 Article 6; Point b Clause 4, Clause 5,

Clause 6 and Clause 7 Article 8; Article 14; Clause 1, Clause 3, Clause 4, Clause 5, Clause 6, Clause 7, Clause 8, Clause 9 and Clause 10 Article 15; Article 16, Article 18 and Article 19; Clause 2 Article 37; Clause 3 Article 38 of this Decree within the ambit of assigned functions, tasks and power.

3. Competent persons of Coast Guard Forces shall have the power to impose penalties for administrative violations, impose additional penalties and enforce remedial measures for administrative violations against regulations on veterinary medicine in coastal areas and the continental shelf of the Socialist Republic of Vietnam as mentioned in Clause 6 Article 5; Clause 3, Clause 5 Article 6; Clause 5, Clause 6 and Clause 7 Article 8; Clause 2, Clause 3 and Clause 4 Article 11; Article 14; Point a Clause 1, Point a and Point b Clause 3, Clause 5, Clause 6, Clause 7, Clause 8, Clause 9 and Clause 10 Article 15; Article 16, Article 17, Article 18 and Article 19; Clause 2 Article 37; Clause 3 Article 38 of this Decree within the ambit of assigned functions, tasks and power.

4. Competent persons of Customs Authorities Forces shall have the power to impose penalties for administrative violations, impose additional penalties and enforce remedial measures for administrative violations against regulations on veterinary medicine mentioned in Article 14, Article 15, Article 16, Article 18, Article 19; Clause 2 Article 37; Clause 3 Article 38; Clause 1 Article 39 of this Decree within the ambit of assigned functions, tasks and power.

5. Competent persons of Market Surveillance Units shall have the power to impose penalties for administrative violations, impose additional penalties and enforce remedial measures for administrative violations against regulations on veterinary medicine mentioned in Clause 6, Clause 7 and Clause 8 Article 5; Clause 3, Clause 4 and Clause 5 Article 6; Clause 5 and Clause 7 Article 7; Article 8, Article 11, Article 12 and Article 17; Clause 2, Clause 4, Clause 5, Clause 6, Clause 7, Clause 8, Clause 9, Clause 10 and Clause 11 Article 20; Article 21, Article 22, Article 23, Article 24, Article 25, Article 26, Article 27, Article 34, Article 35, Article 36 and Article 40; Clause 2 and Clause 3 Article 42 of this Decree within the ambit of assigned functions, tasks and power.

#### **Article 51. Power to record administrative violations**

1. The persons having the power to impose administrative penalties mentioned in Article 43 - 49 of this Decree shall have the power to record administrative violations within the ambit of assigned functions, tasks and powers.

2. Animal quarantine cadres, heads and vice-heads of stations performing the function of veterinary management, officials and public employees in the fields of veterinary medicine, aquaculture, quality control of agricultural products, forest products and aquatic products who detect violations against regulations on veterinary medicine while they are on duty shall have the power to record administrative violations within the ambit of assigned duties/ tasks and shall assume responsibility for such records.

#### **Chapter IV**

## **IMPLEMENTATION PROVISIONS**

### **Article 52. Entry into force**

1. This Decree comes into force as from September 15, 2017.
2. This Decree shall nullify the following regulations:
  - a) Point a Clause 2 Article 1; Point a, Point b, Point D and Point g Clause 3 Article 3; Article 5, Article 6, Article 7, Article 8, Article 9, Article 10, Article 11, Article 12, Article 13, Article 14, Article 15, Article 16, Article 17, Article 18, Article 19 and Article 20 of the Government's Decree No. 119/2013/ND-CP dated October 09, 2013 providing for administrative penalties for violations against regulations on veterinary medicine, animal breeds and animal feeds;
  - b) Clause 1, Clause 2, Clause 3, Clause 4, Clause 5, Clause 6, Clause 7, Clause 8, Clause 9, Clause 10, Clause 11, Clause 12, Clause 13, Clause 14, Clause 15, Clause 16, Clause 17, Clause 18, Clause 19, Clause 20, Clause 21, Clause 22, Clause 23, Clause 24, Clause 25, Clause 26, Clause 27, Clause 28, Clause 29, Clause 30, Clause 31 and Clause 32 Article 2 of the Government's Decree No. 41/2017/ND-CP dated April 05, 2017 providing amendment and supplementation to a number of articles of the Decrees on administrative penalties in aquaculture, veterinary medicine, animal breeds, animal feeds; forest management, development and protection, and forestry management.

### **Article 53. Transition**

1. The administrative violations against regulations on veterinary medicine which are granted offence notices before the date of entry into force of this Decree shall be handled in accordance with regulations in the Government's Decree No. 119/2013/ND-CP dated October 09, 2013 providing for administrative penalties for violations against regulations on veterinary medicine, animal breeds and animal feeds; the Government's Decree No. 41/2017/ND-CP dated April 05, 2017 providing amendment and supplementation to a number of articles of the Decrees on administrative penalties in aquaculture, veterinary medicine, animal breeds, animal feeds; forest management, development and protection, and forestry management; In case this Decree provides for a mitigating penalties for such administrative violations, this Decree shall apply.
2. The administrative violations against regulations on veterinary medicine which are committed or discovered before the date of entry into force of this Decree but are not granted administrative violation notices shall be handled in accordance with regulations of this Decree.

### **Article 54. Implementation responsibility**

1. Minister of Agriculture and Rural Development shall instruct and organize the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of the Government's affiliates, Chairpersons of People's Committees of Central-affiliated Cities or Provinces shall be responsible for implementing this Decree./.

**ON BEHALF OF THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Xuan Phuc**

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