

**THE GOVERNMENT OF
VIETNAM**

No. 04/2022/ND-CP

THE SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness

Hanoi, January 06, 2022

DECREE

**AMENDMENTS TO SOME ARTICLES OF DECREES ON PENALTIES FOR
ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON LAND; WATER
RESOURCES AND MINERALS; HYDROMETEOROLOGY; TOPOGRAPHY AND
CARTOGRAPHY**

Pursuant to the Law on Government Organization of Vietnam dated June 19, 2015; the Law on amendments to some articles of the Law on Government Organization of Vietnam and Law on Local Government Organization of Vietnam dated November 22, 2019;

Pursuant to Law on handling administrative violations of Vietnam dated June 20, 2012; the Law on amendments and supplements to certain articles of Law on handling administrative violations of Vietnam dated November 13, 2020;

Pursuant to the Land Law of Vietnam dated November 29, 2013;

Pursuant to Law on Water of Vietnam resources dated June 21, 2012;

Pursuant to the Mineral Law of Vietnam dated November 17, 2010;

Pursuant to the Law on Hydrometeorology dated November 23, 2015;

Pursuant to the Law on Topography and Cartography of Vietnam dated June 14, 2018;

At the request of the Minister of Natural Resources and Environment of Vietnam;

The Government of Vietnam promulgates a Decree on amendments to some articles of Decrees on penalties for administrative violations against regulations on land; water resources and minerals; hydrometeorology; topography and cartography.

Article 1. Amendments to some articles of the Government’s Decree No. 91/2019/ND-CP dated November 19, 2019 on penalties for administrative violations against regulations on land

1. Point c Clause 2 Article 3 shall be amended as follows:

“c) Use land allocated or leased by the Government whose use period has expired without being extended by the Government and with decision on expropriation that has been

declared and implemented but the land user fails to comply (except for cases in which households or individuals directly conducting agricultural activities use agricultural land);

2. Clauses 1, 2, 3, 4 and 10 Article 7 shall be added and amended as follows:

"1. In case of using land for other purpose without permission of competent authorities as specified in Articles 9, 10, 11, 12 and 13 of this Decree, amount of illegal revenue generated by committing the violations is determined to be the difference between prices of types of land before and after the violations calculated on the area of repurposed land during the violation period (from the date of repurposing to the date of making records of administrative violations). Land prices before and after the violations shall equal land price listed under land price schedules specified by the People's Committees of provinces (applicable to price of land before the violations) and at the time of making records of administrative violations (applicable to price of land after repurposing). Revenues illegally generated by repurposing land shall be calculated using formula below:

$$\text{Revenue illegally generated by violations} = \frac{\text{Price of land are after repurposing (G2)} - \text{Price of land are before repurposing (G1)}}{\text{Total land use period according to land price schedules of land type of definite use term after repurposing; in case of long use term, the period shall be 70 years}} \times \text{Years of violation}$$

$$G (1,2) = \text{Area of land of violation} \times \text{Land price listed under land price schedules specified by the People's Committees of provinces}$$

Type of land before the violations shall be determined according to Article 3 of Decree No. 43/2014/ND-CP and has been revised in Clause 1 Article 2 of decree No. 01/2017/ND-CP ; type of land after the violations shall be determined according to factual conditions at the time of making records of administrative violations.

2. In case of using land gained by invading or appropriating as specified in Article 14 of this Decree, illegal revenues generated by committing the violations shall be determined by price of the invaded or appropriated area during the violation period (from the date on which the invaded or appropriated land is used to the date of making records of administrative sanctions) calculated based on land price listed under land price schedules specified by the People's Committees of provinces for each land type that is being used after being invaded and appropriated at the time of making records of administrative sanctions using formula below:

$$\text{Revenue illegally generated by violations} = \frac{\text{Area of land of violation} \times \text{Land price listed under land price schedules specified by the People's Committees of provinces}}{\text{Total land use period according to land price schedules of land type of definite use term being used; in case of long use term, the period shall be 70 years}} \times \text{Years of violation}$$

3. In case of trading or contributing capital in form of land use rights that are considered ineligible in cases specified in Clause 3 Article 18, Clause 3 Article 19, Clause 1 Article 22, Article 25, Clause 3 Article 27 of this Decree, illegal revenues generated by violations shall be determined by price of actual transferred land use rights according to signed contracts, period of transfer but no less than value calculated based on land price listed under land price schedules specified by the People's Committees of provinces at the time of making records of administrative sanctions using formula below:

$$\text{Revenue illegally generated by violations} = \frac{\text{Area of land of violation} \times \text{Land price}}{\text{Total land use period according to land price schedules of land type of definite use term that is transferred; in case of long use term, the period shall be 70 years}} \times \text{Years of violation}$$

4. In case of leasing or subletting land use rights of land that is ineligible in cases specified in Clause 3 Article 18, Clauses 2 and 4 Article 19, Article 20, Clause 2 Article 27 of this Decree, illegal revenues generated by violations shall equal actual lease value or sublet value according to signed contract, calculated during lease or sublet period but no less than land rents according to unit price of land rent for annual payment as per the law at the time of making records of administrative violations multiplies (x) area of leased or sublet land (x) years of leasing or subletting (in which land price listed under land price schedules specified by the People's Committees of provinces)

10. The surrender of revenue illegally generated by committing violations before the effective date of Decree No. 91/2019/ND-CP shall only be applied to violations that the previous Decrees on penalties for administrative violations against regulations on land (before Decree No. 91/2019/ND-CP) stipulate surrender of illegal revenue. The period for calculation of illegal revenue begins from the effective date of Decree stipulating violations subject to surrender of illegal revenue, or from the date of occurrence of the violation if the violation occurs after the effective date of the first Decree on penalties for administrative violations against regulations on land that stipulates enforced submission

of illegal revenue. The determination of illegally generated by committing violations shall comply with regulations of this Decree.”

3. d) Point b, Clause 5, Article 9; Point b, Clause 4, Article 10; Point b Clause 4 Article 11; Point b Clause 5 Article 12; Clause b, Clause 7 Article 14 shall be amended as follows;

“b) Enforced land registration as per the law in case of eligible to be recognized for land use rights and in case the land user violates the law but he/she can temporarily use the land until the Government expropriate the land according to Article 22 of Decree No. 43/2014/ND-CP;”.

4. The first paragraph of Clauses 1, 2 Article 13 shall be amended as follows:

“1. Conversion of crops mechanism on paddy land without the consent of the commune-level People's Committees according to regulations of Point c, Clause 3, Article 13 of Decree No. 94/2019/ND-CP dated December 13, 2019 of the Government on guidelines for some Articles of the Law on Crop Production regarding plant varieties and crop cultivation shall be sanctioned as follows:

2. Conversion of crops mechanism on paddy land violating regulations under of Point a,b,c Clause 1, Article 13 of Decree No. 94/2019/ND-CP dated December 13, 2019 of the Government on guidelines for some Articles of the Law on Crop Production regarding plant varieties and crop cultivation shall be sanctioned as follows:

5. Some Points, Clauses of Article 21 shall be amended as follows:

a) The first paragraph of Clause 1 Article 21 shall be amended as follows:

“1. Trade of land use rights in form of dividing into parcels and selling vacant land in projects for construction investment of houses for sale or a combination of for sale and for rent without satisfying any of conditions specified in Clause 1 Article 41 of Decree No. 43/2014/ND-CP and (amendments thereto in Clause 17, Article 1 of the Government's Decree No. 148/2020/ND-CP dated December 18, 2020 on amendments and supplements to several Decrees, providing detailed regulations on implementation of the Land Law) or satisfying all conditions specified in Clause 1 Article 41 of Decree No. 43/2014/ND-CP and (amendments thereto in Clause 17, Article 1 of the Government's Decree No. 148/2020/ND-CP dated December 18, 2020 on amendments and supplements to several Decrees, providing detailed regulations on implementation of the Land Law) without permission of provincial People’s Committees as specified in Point a Clause 1 Article 194 of Land Law shall be sanctioned as follows:

2. Trade of land use rights in form of dividing into parcels and selling vacant land in projects for construction investment of houses for sale or a combination of for sale and for rent without satisfying 2 or more conditions specified in Clause 1 Article 41 of

Decree No. 43/2014/ND-CP and (amendments thereto in Clause 17, Article 1 of the Government's Decree No. 148/2020/ND-CP) shall be sanctioned as follows:

b) Points b, c Clause 4 shall be amended as follows:

“4. Remedial measures:

b) Enforce project developers to compete infrastructural constructions according to the approved 1/500 detailed planning map; satisfy financial obligations relating to land in case of unsatisfactory to conditions specified in Points b and c Clause 1 Article 41 of Decree No. 43/2014/ND-CP (adjusted to Points a and b Clause 1 Article 43 Decree No. 43/2014/ND-CP in Clause 17 Article 1 of Decree No. 148/2020/ND-CP);

c) Enforce project developers to take responsibility in completing house construction in accordance with the approved design in case of unsatisfactory to conditions specified in Point d Clause 1 Article 41 of Decree No. 43/2014/ND-CP (adjusted to Point c Clause 1 Article 43 Decree No. 43/2014/ND-CP in Clause 17 Article 1 of Decree No. 148/2020/ND-CP);”.

6. Clause 2 Article 22 shall be amended as follows:

“2. A fine ranging from VND 50.000.000 to VND 100.000.000 shall be imposed on persons receiving the trade of land use rights accompanied by partial or total trade of completed investment projects if they do not operate within the business lines appropriate to intended use of the land or aim of the investment projects, make deposit margin according to investment laws, have financial capacity as specified in Clause 2 Article 14 of Decree No. 43/2014/ND-CP, or they violate any regulations and law on land in case of using land and land tax allocated by the government for implementation of other investment projects.

7. Some Clauses of Article 37 shall be amended as follows:

a) Clause 2 shall be amended as follows:

“2. Organizations violating conditions for consulting services for planning and land use schemes production shall be sanctioned as follows:

a) A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed on consulting for production of planning and land use schemes without being certified for consulting services for production of planning and land use schemes or not having 2 personnels operating in consulting services for production of planning and land use schemes specified in Clause 2 Article 10 of Decree No. 43/2014/ND-CP (and amendments thereto in Clause 8 Article 1 of Decree No. 148/2020/ND-CP)

b) A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed on consulting for production of planning and land use schemes without being certified for

consulting services for production of planning and land use schemes and not having 2 personnels operating in consulting services for production of planning and land use schemes specified in Clause 2 Article 10 of Decree No. 43/2014/ND-CP (and amendments thereto in Clause 8 Article 1 of Decree No. 148/2020/ND-CP)

b) Clause 4 shall be amended as follows:

“4. Additional penalties:

a) Revocation of operation license from 6 to 9 months for organizations issued with operation license from the date on which decision on administrative sanctions enters into force;

b) Suspension of operation from 9 to 12 months for organizations that are not issued with operation license from the date on which decision on administrative sanctions enters into force.”.

8. Point b Clause 2 Article 38 shall be amended as follows:

“b) Impose a fine of up to VND 100.000.000;

9. Clause 1 Article 40 shall be amended as follows:

“1. Records of administrative violations regarding land administration shall be produced as specified in Article 58 of Law on Administrative Sanctions and Decree elaborating some articles and enforcement of the Law on Handling administrative violations.”.

10. Clause 4 Article 43 shall be amended as follows:

“4. Point c Clause 2, Point k Clause 3, Clause 5 Article 4; Clause 4, Article 38 and Clause 6, Article 39 of Decree No. 91/2019/ND-CP dated November 19, 2019 of the Government shall be annulled.

Article 2. Amendments to some articles of Government’s Decree No. 36/2020/ND-CP dated March 24, 2020 on penalties for administrative violations against regulations on water resources and minerals

1. Point b Clause 2 Article 2 shall be amended as follows:

"b) Organizations established under foreign laws and carrying our business investment activities in Vietnam; foreign-invested business entities; representative offices and branches of foreign traders in Vietnam; representative offices of foreign trade promotion organizations in Vietnam;

2. Some Points, Clauses of Article 4 shall be amended as follows:

a) Point c Clause 1 shall be amended as follows:

“c) Confiscation of the mineral exploration license or the mining license for 01 – 24 months from the date on which decision on administrative sanctions enters into force;

b) Clause 2 shall be amended as follows:

“2. Additional penalties:

Depending on the nature and severity of the violation, the entity who commits administrative violations regulated by this Decree may also incur one or several additional penalties below:

a) Suspension of the license to explore; extract or use water resources; the groundwater drilling license; the mineral exploration license or the mining license for 01 – 24 months from the date on which decision on administrative sanctions enters into force;

b) Suspension of the formulation and/or realization of water resources projects/schemes; suspension of the exploration; extraction or use of water resources; practicing of groundwater drilling; exploration or mining of minerals for 01 – 24 months; from the date on which decision on administrative sanctions enters into force;

c) Confiscate material evidences (including specimens which are minerals and other evidences) and/or means used for administrative violations;

c) Clause 3 shall be amended as follows:

“a) Enforced restoration of original condition with measures including: enforced adoption of remedial measures against land subsidence or other emergencies; enforced implementation of measures for land restoration and environmental remediation;

b) Enforced demolition of works or parts of works constructed without licenses or constructed in contravention of licenses with measures. including: enforced leveling or demolition of illegally built works; enforced demolition or relocation of obstacles to flows; enforced movement of machinery, equipment and/or assets to out of the mineral exploration/mining areas;

c) Enforced implementation of remedial measures against environmental pollution, degradation and depletion of water resources; enforced filling and sealing of boreholes; enforced implementation of measures to prevent environmental pollution and adverse impacts on human health; measures for environmental remediation of mining areas;

d) Enforced compliance with procedures for operation of reservoir and inter- reservoirs issued by the competent authority; enforced implementation of measures to lower the water level of reservoir to the water level before flood; measures to operate reservoirs to reduce floods hitting lowlands; measures to operate reservoirs to ensure annual low-water

flow after operation of works during dry season; measures to operate reservoirs to maintain the minimum water level of reservoir during dry season; and remedial measures against water scarcity in lower reservoirs;

dd) Enforced compensation for damage if violations cause floods, drought influencing production and daily activities of the people in lowland of the reservoir;

e) Enforced leveling of exploration works; implementation of measures for unmined mineral protection and environmental remediation, and transfer of mineral specimens and its related information to mineral authorities;

g) Enforced leveling of exploration works and environmental remediation within explored area beyond the licensed exploration area; enforced remediation of environment in the explored area; enforced performance of leveling, environmental improvement and remediation activities;

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

i) Enforced mining of minerals using the mining methods specified in the mining license; mine opening and preparation systems (for underground mining), opening systems (for open-cast mining); mining procedures; mining systems; parameters of a mining system, including bench height and bench face angle; enforced dumping of waste at designated locations mentioned in the approved mine design/economic and technical report; within mining time frame or in quantity or with mining equipment specified in the license or written permission granted by the competent authority (regarding river, stream and lake bed sand and gravel);

k) Enforced implementation of measures to renovate environmental protection works, remedial measures against environmental pollution and/or infrastructure damage caused by the mining in excess of permitted mining output;

l) Enforced implementation of remedial measures against technical infrastructure damage; enforced upgrading, repair and maintenance, and construction of roads;

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

o) Enforced correction of falsified information and data because of violations;

p) Enforced payment of fees for using mineral-related information as notified by regulatory authorities, and late payment fines to state budget;

q) Enforced return of illegal benefits obtained from violations or enforced return of the money equivalent to the value of material evidences, means used to commit

administrative violations which have been sold, dispersed or destroyed contrary to the law provisions. To be specific:

If an entity extracts water for purposes of producing hydroelectric power, and producing and trading domestic water, the illegal benefit obtained from a violation against regulations on water resources equals total value of water extracted minus (-) the extraction cost. If an entity extracts water for purposes of non-agricultural production other than those of production of hydroelectric power and production of and trading in domestic water, the illegal benefit obtained from a violation equals (=) total quantity of water extracted multiplied by (x) prices of domestic water for production and trading in a province minus (-) the extraction cost.

The illegal benefit obtained from a violation against regulations on minerals equals the total volume of minerals mined multiplied by (x) the unit price (VND/tonne, m³, kg, etc.) minus (-) the mining cost.

If the entity has paid fees for granting the water extraction right or mining right, severance tax, environmental protection fees and other fees and charges, the abovementioned payments shall be deducted upon calculation of the illegal benefit.

Enforced return of the money equivalent to the value of all minerals which have been sold, dispersed or destroyed contrary to the law provisions. The money equals the total volume of minerals which have been sold, dispersed or destroyed multiplied by (x) the unit price (VND/tonne, m³, kg, etc.) The unit price to calculate the illegal benefit obtained from the violation against regulations on minerals and calculate the money equivalent to the value of all minerals which have been sold, dispersed or destroyed shall follow the priority order specified in Clause 2, Article 60 of the Law on Handling of Administrative Violations.

r) Enforced payment of fees for expert examination, inspection and measurement if any violation is committed;

s) Enforced implementation of measures to improve and remediate environment of the mined area, and measures to bring mining areas to the safe state.

t) Enforced revocation of erased or falsified license to the competent authority or person that has granted license for cases specified in Clause 1 Article 12 of this Decree.”.

d) Clause 4 shall be added to Clause 3 as follows:

“4. Enforcement of remedial measure which is return of erased or falsified license for cases specified in Clause 1 Article 12 of this Decree.

The violator shall submit its license which has been erased and falsified to the person who has the power to impose penalties for administrative violations. If a person having the power to issue the decision imposing penalties for administrative violations is not

concurrently the agency or person having the power to grant the licence, within 05 working days from the date of issuance of the decision imposing penalties for administrative violations, the person having the power to issue the decision imposing penalties for administrative violations shall send a notification of the application of enforced return of erased or falsified license to the agency or person having the power to grant the licence (except for licence issued by the foreign agency).

3. Clause 1, 3 Article 5 and Articles 5a, 5b shall be amended and added as follows:

“1. The fines prescribed in Chapter II and Chapter III hereof are imposed for administrative violations committed by individuals. Fines imposed on household businesses; branches or representative offices committing administrative violations outside the scope and time limit authorized by the enterprise are the same as those imposed on individuals. The fine incurred by an organization (including a branch or representative office committing administrative violations within the scope and time limit authorized by the enterprise) is twice as much as the fine incurred by an individual for the same violation.

3. In case of mining in the corridor of protection for infrastructure works without licence, in addition to the fines prescribed in this Decree, the penalties according to the specialized law shall also be considered for application.

“Article 5a. Limitation period for imposition of an administrative penalty, acts of administrative violations that have ended, acts of administrative violations in progress against regulations on water resources

1. The limitation period for imposition of an administrative penalty for violation against regulations on water resources shall be 02 years

2. Acts of administrative violations that have ended and the time of abandonment of violations:

The time of abandonment of violations is the time on which an organization or individual abandons the time limit for report, notification, declaration, submission of dossiers or publication and collection of opinions as prescribed in Decree No. 36/2020/ ND-CP for the following violations:

a) Violations against regulations on conditions for capability to implement projects, projects on fundamental investigation or provide advice on formulation of a water resources planning specified in Clauses 1, 2 and 4 Article 6;

b) Failing to report the results of monitoring and supervision to the competent authority as prescribed in Clause 1, Article 8;

c) Failing to fully and truthfully provide data and information on water resources in areas of exploration, extraction and use of water resources according to the request of the competent authority specified in Clause 1, Article 10;

d) Failing to report extraction and use of water resources to the competent authority as prescribed at Point a, Clause 2, Article 10;

dd) Failing to fully and truthfully report or report extraction and use of water resources under the regime to the competent authority as prescribed at Point b, Clause 2, Article 10;

e) Failing to submit annual consolidated reports on groundwater drilling works as prescribed at Point a, Clause 2, Article 11;

g) Failing to comply with regulations on reporting of operation of works as prescribed as prescribed at Point b, Clause 2, Article 13;

h) Failing to submit reports on borehole filling and sealing to the competent authority as prescribed at Point a, Clause 1, Article 22;

i) Failing to promptly submit reports on any emergency that adversely influences the water quality and/or borehole's water level to the competent authority as prescribed at Point b, Clause 1, Article 22;

k) Failing to notify the date and place of borehole filling and sealing to the competent authority as prescribed at Point d, Clause 1 Article 22;

l) Failing to publish information concerning the project's extraction and use of water resources or discharge of wastewater into water bodies as prescribed at Point b, Clause 5, Article 29;

m) Failing to seek opinions from relevant residential communities, organizations and individuals as prescribed at Point b, Clause 6, Article 29;

n) Failing to submit the application for calculating fees for granting water extraction rights as prescribed at Point d, Clause 6, Article 29;

o) Failing to submit the application for adjustment to fees for granting water extraction rights if the adjustment is required as prescribed at Point dd, Clause 6, Article 29;

3. In case of other violations specified in Decree No. 36/2020/ND-CP that occur due to failure to comply or properly comply with regulations of the Law on water resources, the ending time of violations is the time on which organization or individual no longer has the obligation to comply with regulations.

4. Administrative violations against regulations on water resources that fall outside the cases specified in Clauses 2 and 3 of this Article and have ended before the time on

which the competent person on duty detects the violations shall be determined as acts of administrative violations that have ended.

5. The administrative violations against regulations on water resources specified in this Decree but not specified in clauses 2, 3 and 4 of this Article are treated as in-progress ones. "

Article 5b. Limitation period for imposition of an administrative penalty, acts of administrative violations that have ended, acts of administrative violations in progress against regulations on minerals

The limitation period for imposition of an administrative penalty, the time to calculate the limitation period for imposition of an administrative penalty, acts of administrative violations that have ended and the time of abandonment of violations and acts of administrative violations in progress against regulations on minerals are regulated as follows:

1. The limitation period for imposition of an administrative penalty for violation against regulations on minerals shall be 02 year

2. The administrative violations that have ended and the time of abandonment of violations:

a) Failing to send written notification of the mineral exploration plan as prescribed at Clause 1 Article 31; failing to send a written notification or register the date of commencement of mine fundamental construction or the date of commencement of exploration, activities carried out to upgrade mineral reserves/resources category as prescribed at Point a, Clauses 1 and 2 Article 36 of this Decree; failing to notify the plan as prescribed at Clause 5 Article 36 of this Decree; failing to send notify the licensing authority of the case in which the extraction is suspended for 01 year or more; failing to register the geological baseline survey of minerals as prescribed at Clause 1 Article 53 of this Decree. The time of abandonment of violations is the time of commencement of geological baseline survey of minerals, exploration, exploration carried out to upgrade, fundamental construction, extraction or re-extraction

b) Submitting a report containing inaccurate contents as prescribed at Clause 3 Article 31 of this Decree. The ending time of violations is the time of report;

c) Conducting field surveys and taking samples from land surface as prescribed at Article 30 of this Decree; failing to satisfy all eligibility requirements for practicing mineral exploration as prescribed at Clause 6 Article 31 of this Decree; failing to conduct or conduct in accordance with regulations of mineral exploration project, mineral exploration license, mining license; exploring, mining with an unexpired license or without license; exploring minerals before the mineral exploration license is obtained; taking advantage of exploration activities for mining purposes; committing violations against regulations on mine design as prescribed at Clause 3 Article 38 of this Decree;

committing violations against regulations on mine executive director as prescribed at Point b Clause 1 Article 39 of this Decree; committing violations against regulations at Articles 43 and 44 of this Decree; committing violations against regulations on mine closure as prescribed at Clause 5 Article 49 of this Decree; removing minerals in the process of implementation of project on closure of mine; committing violations against regulations on use of minerals-related information as prescribed at Clause 1 Article 51 of this Decree; exploring and using minerals as prescribed at Point b Clause 3 Article 52 of this Decree; committing violations against regulations as prescribed at Point a Clause 2, Points a and d Clause 3 Article 53 of this Decree; committing violations as prescribed at Article 54a of this Decree; exceeding the limits on loss of minerals as prescribed at Clause 2 Article 54 of this Decree. The ending time of violations is the time of completion of the violations specified at this point.

d) Committing violations against regulations on planting boundary markers at corner points of a licensed mineral exploration area; committing violations against regulations on obligations to be fulfilled upon the expiry of mineral exploration license; committing violations against regulations on exploration of toxic minerals; failing to submit the application for calculating fees for granting mining right according to regulations; failing to include sufficient information in the periodical report on mineral mining according to the template; submitting the application for calculating fees for granting mining right against regulations on fees for granting mining right; failing to retain results of mineral exploration carried out to upgrade mineral reserves/resources category; committing violations against regulations on mine design at Clauses 1, 2 and 4 Article 38 of this Decree; committing violations against regulations on mine executive director at Point a Clauses 1, 2 and 3 Article 39 of this Decree; failing to install weigh station, camera system in a warehouse or place where crude minerals are moved from the mine; committing violations against regulations at Clauses 3, 4, 5, 7, 8 Article 40; committing violations against regulations on submission of applications for adjustment to the mining license; committing violations against regulations on obligations of a mining right auction winner as prescribed at Clauses 1 and 2 Article 46 of this Decree; committing violations against regulations on mine closure as prescribed at Clauses 1, 2, 3 and 4 Article 49 of this Decree; committing violations against regulations on legitimate interests of local authorities and people in mining areas; failing to report types of or all types of minerals discovered; failing to implement or insufficiently implementing request of the competent authority; insufficiently reimbursing or failing to reimburse the costs of conducting the geological baseline survey of minerals or mineral exploration; committing violations against regulations at Points b and c Clause 2, Points b and c Clauses 3 and 4 Article 53 of this Decree; committing violations against regulations at Clauses 3 and 4 Article 54 of this Decree. The ending time of violations is the time at which the tasks mentioned in this Point has been fully performed according to regulations on minerals.

dd) Failing to submit or submit a periodic report on mineral exploration and mining before the deadline; failing to submit the ad hoc report before the deadline; failing to send or send statistical/stocktaking results of the mineral reserves before the deadline; failing to submit a report on geological baseline survey of minerals and geological specimens to

the mineral authority before the deadline. The ending time of violations is the deadline for submission according to regulations.

e) Transferring mineral exploration and extraction rights or receiving the transferred mineral exploration or extraction rights; transferring the mining right auction result without obtaining a written approval from the competent authority. The ending time of violations is the time on which the obligations of the parties are fulfilled under the signed contract or document.

g) Failing to apply for approval for mineral reserves that have been explored or exploration to upgrade mineral reserves; failing to submit a report on mineral exploration results enclosed with the decision on approval for mineral deposit to be included in geological achieves. The ending time of violations specified in this point is the time at which all dossiers and documents have been fully submitted and approved by the competent authority according to regulations.

h) If the violators cannot prove the ending time of administrative violations specified in Points a, b, c, d, dd, e and g of this Clause, the violations are still within the limitation period for imposition of administrative penalties.

3. The administrative violations against regulations on minerals specified in this Decree but not specified in clause 2 of this Article are treated as in-progress ones

4. Point c shall be added to Point 2 and some points of Article 8 shall be annulled as follows:

a) Point a Clause 2 shall be added as follows:

“c) Failing to install monitoring equipment in accordance with regulations.”.

b) The phrase “xả nước thải vào nguồn nước” at Point a, Clause 6 and Clause 7 shall be annulled.

5. Clauses 3, 4 Article 12 shall be amended and added as follows:

“3. Additional penalties:

Suspend the license from 06 to 12 months for the violations mentioned at Clause 2 of this Article.

4. Remedial measures:

Enforced return of erased or falsified license in relation to violations specified in Clauses 1 of this Article.”.

6. Point a Clauses 2 and Clause 11 Article 13 shall be amended as follows:

a) Point a Clause 2 shall be amended as follows:

“Using the surface area of the reservoir for aquaculture or provision of tourism and/or entertainment services without the written approval by the water resources authority, if the reservoir is in the system of irrigation works, regulations on penalties for administrative violations against regulations on irrigation shall apply;”.

b) Clause 11 shall be amended as follows:

The violator is compelled to follow procedures for operation of reservoir if any of the violations prescribed in Point g Clause 7, Point c Clause 8 and Clause 9 of this Article results in unexpected flash floods that cause adverse impacts on production activities and life of the people in lowland of the reservoir/spillway

7. m, All contents of Article 20 shall be annulled.

8. All contents of Article 21 shall be annulled.

9. Point b Clause 11 Article 22 shall be amended as follows:

b) Enforced demolition of the works in relation to violations prescribed in Clause 7 and Clause 8 of this Article;”.

10. Some Points, Clauses of Article 25 shall be amended as follows:

a) Clause 3 shall be amended as follows:

“3. A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for carrying out mineral mining or construction of a work/architectural object floating on the river, a bridge/river port/wharf to receive ships and another hydraulic work within the scope of water source protection corridor or in the river/lake bed, bank and terrace against the technical regulations on flood control and relevant technical requirements as prescribed by law resulting in obstruction of water flows.

b) Point a Clause 4 shall be amended as follows:

“a) Dredging or clearing channels to open, upgrade inland channels and routes (except for periodic maintenance of existing inland routes); building embankments, fortifying river bank (except for embankment works, river diversion for natural disaster prevention and control); improving landscape in riparian zones against the plan approved by the competent authority;”.

c) Clause 7 shall be amended as follows:

“7. Violations prescribed in Clauses 1, 2, 3 and 5 of this Article in connection with channels or canals of irrigation work systems shall be handled in accordance with regulations on penalties for administrative violations against regulations on irrigation.”.

d) Points b and c Clause 9 shall be amended as follows:

“b) Enforced demolition of the works or removal or relocation of the obstacles to the flow in relation to violations prescribed in this Article.

c) Enforced demolition of the works or removal or relocation of the obstacles on the area of the encroached river in relation to violation mentioned in Point b Clause 6 of this Article.

11. Point a Clause 5 Article 26 shall be amended as follows:

“a) Enforced demolition of the violating works prescribed in Clauses 3 and 4 of this Article;

12. Some Points, Clauses of Article 29 shall be amended as follows:

a) Point d Clause 5; point c Article 6 shall be annulled.

b) Points a and e Clause 6 shall be amended as follows:

“a) Including inaccurate information in the application for license to explore, extract or use water resources;

e) Failing to submit the application for adjustment or re-issuance of the license to explore, extract or use water resources, practice groundwater drilling in case the adjustment or re-issuance is required.

c) Point b Clause 9 shall be amended as follows:

“b) Enforced demolition or relocation of the works in relation to violation prescribed in Point a Clause 7 of this Article is committed.

13. Clause 2 shall be amended and Clause 2a shall be added to Clause 2 Article 31 as follows:

“2. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for failure to submit a periodic report on mineral exploration within a period of from 30 days to less than 60 days from February 01 of the year succeeding the reporting period to the competent authority.

2a. A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for failure to submit a periodic report on mineral exploration to the competent authority

according to regulations. If an organization or individual submits a periodic report on mineral exploration at least 60 days after the deadline, which is February 01 of the year succeeding the reporting period, it shall be considered as failure to submit periodical reports on mineral exploration.

14. Clause 4 shall be amended and Clause 4a shall be added to Clause 4 Article 36 as follows:

“4. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for failure to submit a periodic report on mineral mining within a period of from 30 days to less than 60 days from February 1 of the year succeeding the reporting period to the competent authority.

4a. A fine ranging from VND 50.000.000 to VND 60.000.000 shall be imposed for failure to submit a periodic report on mineral mining to the competent authority. If an organization or individual submits a periodic report on mineral mining at least 60 days after the deadline, which is February 01 of the year succeeding the reporting period, it shall be considered as failure to submit periodical reports on mineral mining.

15. The first paragraphs of Clauses 3, 4, 5, 6, 7 and 8 Article 37 shall be amended as follows:

“3. Fines shall be imposed for extraction of minerals (other than sand and gravel in river/stream/lake bed, estuary, internal waters) with a total extraction area exceeding the boundary of licensed mining area up to under 0.1 hectare (by surface); from 0.5 m to under 01 m (by depth or height) with an area of at least 0.01 hectare. To be specific:

4. Fines shall be imposed for extraction of minerals (other than sand and gravel in river/stream/lake bed, estuary, internal waters) with a total extraction area exceeding the boundary of licensed mining area (by surface) from 0.1 hectare to under 0.5 hectare; from 01 m to under 02 m (by depth or height) with an area of at least 0.01 hectare. To be specific:

5. Fines shall be imposed for extraction of minerals (other than sand and gravel in river/stream/lake bed, estuary, internal waters) with a total extraction area exceeding the boundary of licensed mining area (by surface) from 0.5 hectare to under 01 hectare; from 02 m to under 03 m (by depth or height) with an area of at least 0.01 hectare. To be specific:

6. Fines shall be imposed for extraction of minerals (other than sand and gravel in river/stream/lake bed, estuary, internal waters) with a total extraction area exceeding the boundary of licensed mining area (by surface) from 01 hectare to under 1.5 hectare; from 03 m to under 05 m (by depth or height) with an area of at least 0.01 hectare. To be specific:

7. If the act of extraction of minerals (other than sand and gravel in river/stream/lake bed, estuary, internal waters) with a total extraction area exceeding the boundary of licensed mining area at least 01 hectare (by surface) in case of the household business (at least 1.5 hectare in other cases); at least 05 m (by depth or height) with an area of at least 0.01 hectare is considered the act of mining minerals without obtaining the mining license from a competent authority, the following fines shall be imposed.

a) A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for mining minerals which are used as common building materials without using industrial explosives;

b) A fine ranging from VND 70.000.000 to VND 100.000.000 shall be imposed on a household business for mining minerals which are used as common building materials by using industrial explosives;

c) A fine ranging from VND 200.000.000 to VND 300.000.000 shall be imposed if the mining is licensed by the provincial People's Committee, except for the cases prescribed in Points a,b and dd of this Clause;

d) A fine ranging from VND 300.000.000 to VND 500.000.000 shall be imposed if the collection of mineral samples is licensed by the Ministry of Natural Resources and Environment of Vietnam, except for mineral samples specified in point dd of this Clause;

dd) A fine ranging from VND 800.000.000 to VND 1.000.000.000 shall be imposed for mining gold, silver, precious stones, platinum or toxic minerals.

8. Fines shall be imposed for extraction of sand and gravel in river/stream/lake bed, estuary, internal waters with a total extraction area exceeding the boundary of licensed mining area (by surface) or exceeding the permissible depth. To be specific:

16. Some Points, Clauses of Article 38 shall be amended as follows:

a) The first paragraph and points b and d Clause 3 shall be amended as follows:

“3. Fines shall be imposed for any of the following violations: failing to mine minerals using the mining methods specified in the mining license, the mine opening and preparation systems (for underground mining) or opening system (for open-pit mining), the mining procedures, the mining system; mining minerals in excess of 10% of one of the parameters of a mining system, including bench height and bench face angle, dumping waste at a location other than that specified in the approved mine design/economic and technical report without written approval by a competent authority; failing to mine minerals within mining time frame or with mining equipment; mining minerals in excess of the quantity of mining equipment specified in the license or written permission granted by the competent authority with respect to river, stream and lake bed sand and gravel. To be specific:

a) A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for mining peat or minerals which are used as common building materials without using industrial explosives, except for cases specified in point a of this Clause;

d) A fine ranging from VND 50.000.000 to VND 70.000.000 shall be imposed for mining minerals by employing open-pit mining methods (both extraction of mineral water and hot water), except for the cases prescribed in Points a,b,c and e of this Clause;”.

b) Point d Clause 4 shall be amended as follows:

“d) A fine ranging from VND 100.000.000 to VND 200.000.000 shall be imposed for mining minerals by employing open-pit mining methods (both extraction of mineral water and hot water), except for the cases prescribed in Points a,b,c and e of this Clause;”.

17. Some Points, Clauses of Article 40 shall be amended as follows:

a) The first paragraph of Clause 2 shall be amended as follows:

“2. A warning or fine shall be imposed for failure to install weigh station in a place where crude minerals are moved from the mine to serve storage of relevant information (excluding the household business’ mining of minerals which are used as common building materials; extraction of sand and gravel in river/stream/lake bed, estuary, internal waters with equipment for directly pumping, loading on ships, boats and transporting to a place of consumption where it is unable to install a weigh station); failure to install equipment for monitoring the journey and storing data and information about the location and movement of the vehicle in case of extraction of sand and gravel in river/stream/lake bed, estuary, internal waters with equipment for directly pumping, loading on ships, boats and transporting to a place of consumption where it is unable to install a weigh station. To be specific:

b) Point d Clause 3 shall be amended as follows:

“d) A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for mining minerals by employing open-pit mining methods (both extraction of mineral water and hot water), except for the cases prescribed in Points a,b,c and e of this Clause;”.

c) The first paragraphs of Clauses 4 and 5 shall be amended as follows:

“4. A warning or fines shall be imposed for developing a mine status quo map or cross-section drawing of the licensed mining area which contains inadequate or incorrect information about the mining situation (except for extraction of sand and gravel in river/stream/lake bed, estuary, internal waters; extraction of hot water or mineral water); failure to prepare sufficient relevant books and documents to determine actual mineral production or for provision of inaccurate information; failure to comply with procedures

and templates for producing statistics of actual mineral production in accordance with regulations laid down by the Ministry of Natural Resources and Environment. To be specific:

5. Fines shall be imposed for failure to develop or update the mine status quo map or a cross-section drawing of the licensed mining area within 01 year in case of extraction of hot water, mineral water and minerals which are used as common building materials with permissible mining capacity that is less than 50.000 m³ of crude minerals/year; 06 months in case of extraction of the remaining minerals. To be specific:

18. Some Points, Clauses of Article 41 shall be amended as follows:

a) Clause 1 shall be annulled.

b) Points b and c Clause 2 shall be amended as follows:

“b) A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for mining peat, hot water, mineral water or minerals which are used as common building materials without using industrial explosives, except for river, stream, lake or sea bed sand and gravel and the case specified in Point a of this Clause;

c) A fine ranging from VND 70.000.000 to VND 100.000.000 shall be imposed for mining river, stream or lake bed sand and gravel; minerals which are used as common building materials by using industrial explosives, except for the case specified in Point a of this Clause;

c) Points b and c Clause 3 shall be amended as follows:

“b) A fine ranging from VND 50.000.000 to VND 70.000.000 shall be imposed for mining peat, hot water, mineral water or minerals which are used as common building materials without using industrial explosives, except for river, stream, lake or sea bed sand and gravel and the case specified in Point a of this Clause;

c) A fine ranging from VND 100.000.000 to VND 200.000.000 shall be imposed for mining river, stream or lake bed sand and gravel; minerals which are used as common building materials by using industrial explosives, except for the case specified in Point a of this Clause;

d) Points b and c Clause 4 shall be amended as follows:

“b) A fine ranging from VND 100.000.000 to VND 200.000.000 shall be imposed for mining peat, hot water, mineral water or minerals which are used as common building materials without using industrial explosives, except for river, stream, lake or sea bed sand and gravel and the case specified in Point a of this Clause;

c) A fine ranging from VND 300.000.000 to VND 400.000.000 shall be imposed for mining river, stream or lake bed sand and gravel; minerals which are used as common building materials by using industrial explosives, except for the case specified in Point a of this Clause;

dd) Points b and c Clause 5 shall be amended as follows:

“b) A fine ranging from VND 200.000.000 to VND 300.000.000 shall be imposed for mining peat, hot water, mineral water or minerals which are used as common building materials without using industrial explosives, except for river, stream, lake or sea bed sand and gravel and the case specified in Point a of this Clause;

c) A fine ranging from VND 400.000.000 to VND 500.000.000 shall be imposed for mining river, stream or lake bed sand and gravel; minerals which are used as common building materials by using industrial explosives, except for the case specified in Point a of this Clause;

e) Clause 6 shall be amended as follows:

“6. Additional penalties:

Suspend the mineral exploration in case of re-commission of violations: for 02 - 03 months, 03 - 04 months, 04 - 05 months, 05 - 06 months if any of the violations prescribed in Clause 2, Clause 3, Clause 4 and Clause 5 of this Article is committed respectively.

g) Clause 7 shall be amended as follows:

“7. Remedial measures:

a) Enforced adoption of measures to improve environmental protection works, remedial measures against environmental pollution and/or damage caused by the act of exceeding permissible mining capacity to technical infrastructures mentioned in Clauses 2,3,4 and 5 of this Article;

“b) Enforced payment of fees for expert examination, verification and measurement in relation to violations mentioned in Clauses 2, 3, 4 and 5 Clause 5 of this Article..

19. Article 42 shall be amended as follows:

“Article 42. Violations against regulations on adjustment to the mining license

1. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed in case of change of name of the mining entity at least 01 year without submission of applications for adjustment to the mining license; or in case of change of name of the mining entity at

least 01 year that the applications for adjustment to the mining license of which have been submitted without being received by the competent authority.

2. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for mining according to the contents under proposal for adjustment without being approved by the competent authority to adjust the mining license according to regulations, except for the case specified in Clause 1 of this Article and violations against regulations on permissible mining capacity specified in this Decree.”.

20. Some Clauses of Article 44 shall be amended as follows:

a) Clause 2 shall be annulled.

b) Clause 3 shall be changed into Clause 2 and amended as follows:

“2. Remedial measures:

a) Enforced return of benefits illegally obtained from the commission of the violation in Clause 1 of this Article;”.

b) Enforced payment of fees for expert examination, verification and measurement in relation to violations mentioned in Clause 1 of this Article.

21. Clauses 1 and 2; Clause 4 Article 46 shall amended and annulled as follows:

a) Clauses 1 and 2 shall be amended as follows:

“1. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed if the winning organization or individual having the right to mine minerals in an area where the minerals has not been explored fails to submit an application for the exploration license that is valid and contains full information according to regulations of the Law on Minerals to the licensing authority within the time limit from the date of the end of the auction; or the winning organization or individual having the right to mine minerals in an area where the minerals has not been explored fails to submit an application for the mining license that is valid and contains full information according to regulations of the Law on Minerals to the licensing authority after issuance of the exploration license within the time limit from the date on which the competent authority approves mineral reserves.

2. A fine ranging from VND 10.000.000 to VND 30.000.000 shall be imposed if the winning organization or individual having the right to mine minerals in an area with mineral exploration results fails to submit an application for the mining license that is valid and contains full information according to regulations of the Law on Minerals to the licensing authority within the time limit from the date of the end of the auction;

b) Clause 4 shall be annulled.

22. Clauses 4, Point c Clause 5 Article 47 shall be amended as follows:

a) Clause 4 shall be amended as follows:

“4. Additional penalties:

Confiscate all minerals which have not been sold, dispersed or destroyed; confiscate instrumentalities used for commission of administrative violations if any of the violations prescribed in Clause 1, Clause 2 and Clause 3 of this Article is committed.

b) Point c Clause 5 shall be amended as follows:

“c) Enforced return of the money equivalent to the value of minerals obtained from administrative violations in relation to violations specified in Clauses 1, 2 and 3 of this Article in case of the minerals which have been sold, dispersed or destroyed contrary to the law provisions.

23. Article 48 shall be amended as follows:

“Article 48. Violations against regulations on mining of sand and gravel in river/stream/lake bed, estuary or internal waters without obtaining a mining license from the competent authority

1. Fines shall be imposed for mining sand and gravel in river/stream/lake bed, estuary or internal waters without obtaining a mining license from the competent authority. To be specific:

a) A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed if, at the time of discovering the violation, the total volume of mined minerals is less than 10 m³;

b) A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed if, at the time of discovering the violation, the total volume of mined minerals is from 10 m³ to less than 20 m³;

c) A fine ranging from VND 50.000.000 to VND 80.000.000 shall be imposed if, at the time of discovering the violation, the total volume of mined minerals is from 20 m³ to less than 30 m³;

d) A fine ranging from VND 80.000.000 to VND 100.000.000 shall be imposed if, at the time of discovering the violation, the total volume of mined minerals is from 30 m³ to less than 40 m³;

dd) A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed if, at the time of discovering the violation, the total volume of mined minerals is from 40 m³ to less than 50 m³;

e) A fine ranging from VND 150.000.000 to VND 200.000.000 shall be imposed if, at the time of discovering the violation, the total volume of mined minerals is at least 50 m³;

2. Additional penalties:

Confiscate all minerals which have not been sold, dispersed or destroyed; confiscate means (both direct extraction and indirect participation) used for commission of administrative violations in relation to violation prescribed in Clause 1 this Article.

3. Remedial measures:

a) Enforced implementation of measures to improve and remediate environment; measures to bring mined areas to the safe state; compensation and payment for repairing damage caused by the violations specified in Clause 1 of this Article to dykes, other technical infrastructural constructions and civil constructions;

b) Enforced payment of fees for expert examination, verification and measurement if any of the violations mentioned in Clause 1 of this Article is committed.

c) Enforced return of the money equivalent to the value of minerals obtained from administrative violations in relation to violations specified in Clause 1 of this Article in case of the minerals which have been sold, dispersed or destroyed contrary to the law provisions.

24. Some Clauses of Article 49 shall be amended as follows:

a) Clause 4 shall be amended as follows:

“4. Fines shall be imposed for failure to submit an application for mine closure to the competent authority as prescribed 06 months or more after the expiry date of the mining license; failure to implementation or sufficient implementation of addition and completion of application for mine closure as prescribed 90 days or more after the deadline stated in the written request or the date of signing the written request (in case of the written request without specifying the time limit) of the competent authority.

a) A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed on a household business for mining minerals used as common building materials;

b) A fine ranging from VND 60.000.000 to VND 80.000.000 shall be imposed if the mining is licensed by the provincial People’s Committee, except for the case prescribed in Point a of this Clause;

c) A fine ranging from VND 80.000.000 to VND 150.000.000 shall be imposed if the mining is licensed by the Ministry of Natural Resources and Environment.”.

b) Clause 4a shall be added to Clause 4 as follows:

“4a. Fines shall be imposed for removal of minerals during the process of implementation of the project on mine closure without the consent of the competent authority. To be specific:

a) A fine ranging from VND 80.000.000 to VND 100.000.000 shall be imposed if the mining is licensed by the provincial People’s Committee;

b) A fine ranging from VND 100.000.000 to VND 160.000.000 shall be imposed if the mining is licensed by the Ministry of Natural Resources and Environment.”.

c) Clause 6 shall be amended as follows:

“6. Remedial measures:

a) Enforced implementation of measures to bring a mining area to safe state or land restoration measures as defined in the mine closure project approved by the competent authority in relation to violations mentioned in Clauses 1 and 2 of this Article;

b) Enforced return of benefits illegally obtained from the commission of the violation in relation to violation specified in Clause 4a of this Article;”.

25. Clause 2 Article 51 shall be amended as follows:

“2. A fine ranging from VND 50.000.000 to VND 100.000.000 shall be imposed for failure to sufficient reimburse or reimburse the costs of conducting the geological baseline survey of minerals or mineral exploration upon using minerals-related information to serve mining activities (excluding the geological baseline surveys of minerals or mineral exploration has been previously conducted by an organization as regulated).

26. Clause 4 Article 52 shall be annulled.

27. Point a Clause 5 shall be amended and Clause 6 Article 54 shall be added as follows:

“5. Additional penalties:

a) Confiscate all minerals which have not been sold, dispersed or destroyed in relation to violations prescribed in Clause 1 of this Article.

6. Remedial measures:

Enforced return of the money equivalent to the value of minerals obtained from administrative violations in relation to violations specified in Clause 1 of this Article in case of the minerals which have been sold, dispersed or destroyed contrary to the law provisions.

28. Article 54a shall be added to Article 54 as follows:

“54a. Violations against regulations on management of minerals in national mineral reserves

1. A fine of from VND 20.000.000 to VND 30.000.000 shall be imposed for failure to register and report the volume of mineral removed to the People's Committee of the province where the project is located
2. A fine of from VND 30.000.000 to VND 50.000.000 shall be imposed for failure to report to the People's Committee of the province where the project is located, which will notify the Ministry of Natural Resources and Environment in writing, to organize inspection and determination of the area containing the affected minerals in case of construction of work items of an investment project in a national mineral reserve that requires land grading, excavating and/or filling directly impacting on reserved minerals without protection for the original state of the reserved minerals; and issue a written approval for the removal to provide the basis for the provincial People’s Committee to decide the removal
3. A fine of from VND 50.000.000 to VND 100.000.000 shall be imposed for failure to remove minerals in the area and with the volume determined by the Ministry of Natural Resources and Environment with the permission from the People's Committee of the province where the project is located or make report with correct information about the volume of removed minerals submitted to the People's Committee of the province.
4. A fine of from VND 100.000.000 to VND 150.000.000 shall be imposed for extraction of minerals in national mineral reserves under the guise of investment projects or construction:
5. Remedial measures:
 - a) Enforced implementation of measures to improve and remediate environment; measures to bring mined areas beyond the licensed removal area or project area to safe state.
 - b) Enforced return of benefits illegally obtained from the commission of the violation in relation to violations specified in Clauses 3 and 4 of this Article;”.
 - c) Enforced payment of fees for expert examination, verification and measurement in case of violations mentioned in Clauses 3 and 4 of this Article.”.

29. Some Points, Clauses of Article 63 shall be amended as follows:

- a) Points c and d Clause 1 shall be amended as follows:

“c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause

d) Enforce remedial measures mentioned in Points a and c Clause 3 Article 4 of this Decree.

b) Point d Clause 2 shall be amended as follows:

“d) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;”.

c) Point d Clause 3 shall be amended as follows:

“d) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;”.

d) Point d Clause 4 shall be amended as follows:

“d) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;”.

dd) Point b Clause 5 shall be amended as follows:

“b) Impose a fine up to the maximum fine specified in Clause 1 Article 4 of this Decree;”.

30. Some Points, Clauses of Article 64 shall be amended as follows:

a) Points c and d Clause 1 shall be amended as follows:

“c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause

d) Enforce remedial measures mentioned in Points a, b and c Clause 3 Article 4 of this Decree.”.

b) Points b, d and dd Clause 2 shall be amended as follows:

“b) Impose a fine of up to VND 100.000.000;

d) Confiscate exhibits and/or means used for administrative violations;

dd) Enforce remedial measures mentioned in Clause 3 Article 4 of this Decree

31. Article 65 shall be amended as follows:

“Article 65. Power of inspectors who are assigned to conduct specialized inspections of industry and trade; operation and protection of hydraulic structures and flood control systems

The inspectors who are assigned to conduct specialized inspections of industry and trade; operation and protection of hydraulic structures and flood control systems shall have the power to impose penalties for violations against regulations on water resources and minerals in relation to violations specified in Articles 36, 38, 39 and 48 and Section 2 Chapter III hereof. To be specific:

1. The inspectors, persons who are assigned to conduct specialized inspections of industry and trade; operation and protection of hydraulic structures and flood control systems in the performance of their duties shall have the power to:

a) Issue warnings;

b) Impose fines of up to VND 500.000;

2. Chief inspectors of provincial Departments of Industry and Trade; chiefs of inspectorates established by the Director of the Industrial Safety Techniques and Environment Agency, Directors or Chief Inspectors of provincial Departments of Industry and Trade; chief inspectors of provincial Departments of Agriculture and Rural Development; chiefs of inspectorates of provincial Departments of Agriculture and Rural Development; chiefs of inspectorates of Directorate of Water Resources; Directors or chiefs of inspectorates of Sub-Department in charge of water resource or flood control systems shall have the power to:

a) Issue warnings;

b) Impose a fine of up to VND 50.000.000;

c) Suspend licenses/practicing certificates or suspend operations for fixed periods according to regulations of this Decree;

d) Enforce remedial measures mentioned in Clause 6 Article 38 of this Decree.

3. Chiefs of inspectorates established by the Minister and Chief Inspector of the Ministry of Industry and Trade, Chiefs of inspectorates of the Ministry of Agriculture and Rural Development and Directorate of Water Resources shall have the power to:

a) Issue warnings;

b) Impose a fine of up to VND 250.000.000;

c) Suspend licenses/practicing certificates or suspend operations for fixed periods according to regulations of this Decree;

d) Enforce remedial measures mentioned in Clause 6 Article 38 of this Decree.

4. The Chief Inspector of the Ministry of Industry and Trade, Director of Industrial Safety Techniques and Environment Agency, the Chief Inspector of Ministry of Agriculture and Rural Development, Director General of Directorate of Water Resources shall have the power to:

a) Issue warnings;

b) Impose a fine up to the maximum fine specified in Clause 1 Article 4 of this Decree;”.

c) Suspend licenses/practicing certificates or suspend operations for fixed periods;

d) Enforce remedial measures mentioned in Clause 6 Article 38 of this Decree.

32. The first paragraph, some Points and Clauses of Article 66 shall be amended as follows:

a) The first paragraph of Article 66 shall be amended as follows:

The People’s Public Security Force shall have the power to impose penalties for the violations against regulations on water resources and minerals specified in Articles 8, 9, 10, 24, 25, 26, 27, 32, 33, 34, 35, 36, 37, 38, 39, 41, 43, 44, 45, 47, 48, 52 and 54 of this Decree. To be specific:

b) The first paragraph of Clause 2 shall be amended as follows:

”2. Senior officers of the persons mentioned in Clause 1 of this Article are entitled to: shall have the power to:

c) The first paragraph, Points c and d of Clause 3 shall be amended as follows:

“ 3. Chiefs of police stations of communes, captains of squadrons, chiefs of police stations at border checkpoints and export-processing zones shall have the power to:

c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;

d) Enforce remedial measures specified in Points a and c of Clause 3 Article 4 of this Decree.”.

d) The first paragraph, points d and dd Clause 4 shall be amended as follows:

“4. Heads of District-level Police Authorities, Managers of Specialized Divisions of Traffic Police Department and Heads of Provincial-level Police Departments, including Heads of Internal Waterways Police Divisions, Heads of Traffic Police Divisions, Head of Police Divisions for Investigation into Corruption, Economy and Smuggling-related Crimes, Heads of Environment Police Divisions, Heads of Road-Rail Traffic Divisions, Heads of Road Traffic Divisions, Heads of Economic Security Divisions, fleet commanders shall have power to:

d) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;

dd) Enforce remedial measures specified in Points a, c, d, dd, e, g, h, i, k, l, m, p, r, s and t Clause 3 Article 4 of this Decree.”.

c) Points b, d and dd Clause 5 shall be amended as follows:

“b) Impose a fine of up to VND 100.000.000;

d) Confiscate exhibits and/or means used for administrative violations;

dd) Enforce remedial measures specified in Points a, c, d, dd, e, g, h, i, k, l, m, p, q, r, s and t Clause 3 Article 4 of this Decree.

e) Points b and dd Clause 6 shall be amended as follows:

“b) Impose a fine up to the maximum fine specified in Clause 1 Article 4 of this Decree;”.

dd) Enforce remedial measures specified in Points a, c, d, dd, e, g, h, i, k, l, m, p, q, r, s and t Clause 3 Article 4 of this Decree.

33. Some Points, Clauses of Article 67 shall be amended as follows:

a) The first paragraph of Article 67 shall be amended as follows:

“The Border Guard shall have the power to impose penalties for the violations against regulations on water resources and minerals specified in Articles 8, 9, 10, 24, 26, 27, 32, 34, 35, 37, 45, 47, 48 and 54 of this Decree in border regions under its management. To be specific:

b) Clause 2a shall be added to Clause 2 as follows:

“2a. Team leaders of Crime and Drug Prevention and Control Task Forces affiliated to Crime and Drug Prevention and Control Brigade shall have the power to:

a) Issue warnings;

b) Impose fines of up to VND 10.000.000;

c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;

d) Enforce remedial measures specified in Points a and c Clause 3 Article 4 of this Decree.”.

c) Points c and d Clause 3 shall be amended as follows:

“c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause

dd) Enforce remedial measures specified in Points a, c, d, dd, e, g, h, i, k, l, m, p, r, s and t Clause 3 Article 4 of this Decree.”.

d) Clause 3a shall be added to Clause 3 as follows:

“3a. Commanders of Crime and Drug Prevention and Control Brigades affiliated to Crime and Drug Prevention and Control Department of Border Guard High Command shall have the power to:

a) Issue warnings;

b) Impose a fine of up to VND 100.000.000;

c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;

dd) Enforce remedial measures specified in Points a, c, d, dd, e, g, h, i, k, l, m, p, q, r, s and t Clause 3 Article 4 of this Decree.”.

dd) The first paragraph, Points d and dd of Clause 4 shall be amended as follows:

“4. Commanders of provincial Border Guards, Commanders of Coastal Guard Fleets and Director of Crime and Drug Prevention and Control Department affiliated to the Border Guard High Command shall have the power to:

d) Enforce remedial measures specified in Points a, c, d, dd, e, g, h, i, k, l, m, p, q, r, s and t Clause 3 Article 4 of this Decree;

dd) Suspend licenses/practicing certificates or suspend operations for fixed periods.”.

34. Some Points, Clauses of Article 68 shall be amended as follows:

a) The first paragraph of Article 68 shall be amended as follows:

“The Coast Guard shall have the power to impose penalties for the violations against regulations on water resources and minerals specified in Articles 8, 9, 10, 12, 23, 24, 27, 29, 31, 34, 35, 36, 38, 39, 40, 45, 47, 48, 49 and 54 of this Decree in regions under its management. To be specific:

b) Point c Clause 3 shall be amended as follows:

“c) Enforce remedial measures specified in Points a and c Clause 3 Article 4 of this Decree;”.

c) Points c and c Clause 4 shall be amended as follows:

“c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;

dd) Enforce remedial measures specified in Points a, c, d, dd, e, g, h, i, k, l, m, p, r, s and t Clause 3 Article 4 of this Decree.”.

dd) The first paragraph, Points d and dd of Clause 5 shall be amended as follows:

“5. Commanders in chief of Coastguard Squadrons, Commanders of Reconnaissance Brigades, Commanders of Crime and Drug Prevention and Control Brigades affiliated to Vietnam Coast Guard shall have the power to:

c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;

dd) Enforce remedial measures specified in Points a, c, d, dd, e, g, h, i, k, l, m, p, r, s and t Clause 3 Article 4 of this Decree.”.

dd) The first paragraph, Points c, d and dd of Clause 6 shall be amended as follows:

“6. Commander of Regional Coast Guard, Director of Operation and Law Department affiliated to Vietnam Coast Guard shall have the power to:

c) Confiscate material evidences and/or means used for administrative violations;

dd) Enforce remedial measures specified in Points a, c, d, dd, e, g, h, i, k, l, m, p, r, s and t Clause 3 Article 4 of this Decree.”;

dd) Suspend licenses/practicing certificates for fixed periods;

e) Points b, d and dd Clause 7 shall be amended as follows:

“b) Impose a fine up to the maximum fine specified in Clause 1 Article 4 of this Decree;”.

d) Confiscate exhibits and/or means used for administrative violations;

dd) Enforce remedial measures specified in Points a, b, c, d, dd, e, g, h, i, k, l, m, p, r, s and t Clause 3 Article 4 of this Decree.”.

35. Clause 1 Article 69 shall be amended as follows:

“1. Records on administrative violations against regulations on water resources and minerals shall be made as prescribed in Article 58 of the Law on Penalties for Administrative Violations.”.

36. Clause 2 and the phrases “xả nước thải vào nguồn nước” at Clauses 4 and 5, Article 70 of Decree No. 36/2020/ND-CP shall be annulled.

Article 3. Amendments to some articles of Government’s Decree No. 173/2013/ND-CP dated November 13, 2013 on penalties for administrative violations against regulations on hydrometeorology; topography and cartography (amended by the Government’s Decree No. 84/2017/ND-CP dated July 18, 2017)

1. Article 2a shall be added to Article 2 of Decree No. 173/2013/ND-CP as follows:

“Article 2a. Limitation period for imposition of an administrative penalty, acts of administrative violations that have ended, acts of administrative violations in progress

The limitation period for imposition of an administrative penalty, the time to calculate the statute of limitations for imposition of administrative violations, acts of administrative violations that have ended and the time of abandonment of violations and acts of administrative violations in progress against regulations on hydrometeorology are regulated as follows:

1. The limitation period for imposition of an administrative penalty for violation against regulations on hydrometeorology shall be 01 year.

2. The administrative violations that have ended and the time of abandonment of violations:

The time of abandonment of violations is the time on which an organization or individual abandons the time limit for report, notification, declaration, submission of dossiers or publication and collection of opinions as prescribed at Government’s Decree No. 173/2013/ND-CP dated November 13, 2013 on penalties for administrative violations against regulations on hydrometeorology; topography and cartography (amended by the Government’s Decree No. 84/2017/ND-CP dated July 18, 2017) in relation to the following violations:

- a) Failing to organize hydrometeorological forecasting and warning within 12 consecutive months from the date of issuance of the license without notifying the reason to the licensing authority mentioned in Clause 4, Article 5 on violations against regulations on license for hydrometeorological forecasting and warning operation;
- b) Committing fraud in declaration of the contents of application for license mentioned in Point a, Clause 5, Article 5 on violations against regulations on license for hydrometeorological forecasting and warning operation;
- c) Failing to make report or make full report on the results of hydrometeorological forecasting and warning mentioned in Clause 2, Article 5a of this Decree on violations of regulations on hydrometeorological forecasting and warning of an organization or individual which has been licensed to operate hydrometeorological forecasting and warning;
- d) Failing to notify the Ministry of Natural Resources and Environment of Vietnam and the provincial-level state administration agencies where the stations are located after dissolution of the special-purpose hydrometeorological stations mentioned in Clause 1, Article 7a on violations against regulations on establishment, movement and dissolution of special-purpose hydrometeorological stations of organizations or individuals.
- dd) Failing to notify the Ministry of Natural Resources and Environment of Vietnam and the provincial-level state administration agencies where the stations are located after movement of the special-purpose hydrometeorological stations mentioned in Clause 2, Article 7a on violations against regulations on establishment, movement and dissolution of special-purpose hydrometeorological stations of organizations or individuals.
- e) Failing to notify the Ministry of Natural Resources and Environment of Vietnam and the provincial-level state administration agencies where the stations are located after establishment of the special-purpose hydrometeorological stations mentioned in Clause 3, Article 7a on violations against regulations on establishment, movement and dissolution of special-purpose hydrometeorological stations of organizations or individuals.
- g) Failing to report exchange of data and information about hydrometeorology and monitoring of climate change to international organizations, foreign organizations and individuals within the time limit specified in Clause 2, Article 9b on violations against regulations on exchange of data and information on hydrometeorology and monitoring of climate change with international organizations, foreign organizations and individuals that are not subject to international treaty that the Socialist Republic of Vietnam is a member;
- h) Failing to publicly notify the community in the area before impacts on weather specified in Clause 3, Article 9c on violations against regulations on impacts on weather.

3. In case of other violations specified in the Government's Decree No. 173/2013/ND-CP dated November 13, 2013 on penalties for administrative violations against regulations

on hydrometeorology, topography and cartography (amended by Decree No. 84/2017/ND-CP dated July 18, 2017 of the Government) due to failure to comply or strictly comply the law on hydrometeorology, the ending time of violations is the time at which the organization or individual terminates the obligation to comply with regulations or the organization or individual begins to strictly comply with the regulations.

4. In case of administrative violations against regulations on hydrometeorology that fall outside the cases specified in Clauses 2 and 3 of this Article and are completed before the time on which the competent person on duty detects the violations, it shall be determined as acts of administrative violations that have ended.

5. If the violation is detected before the organization or individual fulfils obligation to comply with regulations or properly comply with the regulations, it shall be considered as an administrative violation in progress.”.

2. Some Points and Clauses, Article 3 of Decree No. 173/2013/ND-CP dated November 13, 2013 (amended in Clause 4, Article 1 of Decree No. 84/2017/ND-CP)) shall be amended as follows:

a) Point b Clause 3 shall be amended as follows:

“b) Enforced demolition of buildings or parts thereof without permits, illegal parts of works or high-rise buildings within technical corridors of hydrometeorological works in relation to violations;” .

b) Point c Clause 3 shall be amended as follows:

“c) Enforced recall of products obtained from violations, return of erased or falsified license to the competent authority that has granted license.”.

c) Clause 4 shall be added to Clause 3 as follows:

“4. Enforcement of remedial measure which is return of erased or falsified license:

The violator shall submit its license which has been erased and falsified to the person who has the power to impose penalties for administrative violations. If a person having the power to issue the decision imposing penalties for administrative violations is not concurrently the agency or person having the power to grant the license, within 05 working days from the date of issuance of the decision imposing penalties for administrative violations, the person having the power to issue the decision imposing penalties for administrative violations shall send a notification of the application of enforced return of erased or falsified license to the agency or person having the power to grant the license (except for license issued by the foreign agency).

3. Point b Clause 8 Article 5 shall be amended as follows:

“b) Enforced return and submission of the application for re-issuance of the erased or falsified license to the competent authority that has granted license in relation to violations specified in point b Clauses 1 of this Article.”.

4. Point b, Clause 10, Article 8 of Decree No. 173/2013/ND-CP (amended in Clause 10, Article 1 of Decree No. 84/2017/ND-CP) shall be amended as follows:

“b) Enforced restoration of original condition in relation to violations specified in Points a, b Clause 1; Points a, b, c, d Clauses 4 and 5 of this Article.”.

5. Points, Clauses of Article 17 of Decree No. 173/2013/ND-CP (amended in Clause 16, Article 1 of Decree No. 84/2017/ND-CP) shall be amended as follows:

a) Points c and d Clause 1 shall be amended as follows:

“c) Enforce remedial measures specified in Points a and b Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of Decree No. 84/2017/ND-CP);

d) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;”.

b) Points c, d and dd Clause 2 shall be amended as follows:

“c) Suspend licenses/practicing certificates or suspend operations for fixed periods;

d) Enforce remedial measures specified in Points a, b, c, d, dd, e, g, h, i, k, m, l Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of Decree No. 84/2017/ND-CP);

dd) Confiscate exhibits and/or means used for administrative violations;”.

c) Points c and dd Clause 3 shall be amended as follows:

“c) Suspend licenses/practicing certificates or suspend operations for fixed periods;

dd) Confiscate exhibits and/or means used for administrative violations;”.

6. Points, Clauses of Article 18 of Decree No. 173/2013/ND-CP (amended in Clause 17, Article 1 of Decree No. 84/2017/ND-CP) shall be amended as follows:

a) Point d Clause 1 shall be added as follows:

“d) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;”.

b) Points c and dd Clause 2 shall be amended as follows:

“c) Suspend licenses/practicing certificates or suspend operations for fixed periods;

dd) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;”.

c) Points c and dd Clause 3 shall be amended as follows:

“c) Suspend licenses/practicing certificates or suspend operations for fixed periods;

dd) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;”.

d) Points c and dd Clause 4 shall be amended as follows:

“c) Suspend licenses/practicing certificates or suspend operations for fixed periods;

dd) Confiscate exhibits and/or means used for administrative violations;”.

7. Article 19a of Decree No. 173/2013/ND-CP (amended in Clause 18, Article 1 of the Decree No. 84/2017/ND-CP) shall be amended as follows:

Article 19a. Power to impose penalties for administrative violations against regulations on hydrometeorology of the People’s Public Security

The People’s Public Security Force shall have the power to impose penalties for the violations specified in Clauses 5, 10, 14 and 15 Article 1 of this Decree. To be specific:

1. The People’s Police officers on duty shall have the power to:

2. Chiefs of police stations of communes, chiefs of police stations at border gates or export processing zones, heads of international airport police, battalion chiefs of mobile police battalions and captains of squadrons shall have the power to:

a) Issue warnings;

b) Impose fines of up to VND 2.500.000;

c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;

d) Enforce remedial measures specified in Point a Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of the Decree No. 84/2017/ND-CP).

3. Heads of District-level Police Authorities, Managers of Specialized Divisions of Traffic Police Department, Managers of Specialized Divisions of Immigration Department and Heads of Provincial-level Police Departments, including Heads of Internal Waterways Police Divisions, Heads of Traffic Police Divisions, Heads of Police Divisions for Investigation into Corruption, Economy and Smuggling-related Crimes, Heads of Environment Police Divisions, Heads of Road-Rail Traffic Divisions, Heads of Road Traffic Divisions, Heads of Economic Security Divisions, Chiefs of Mobile Police Divisions; Directors of Security Guard Divisions, Directors of Immigration Divisions, Colonels of Mobile Police Regiments and fleet commanders shall have power to:

- a) Issue warnings;
- b) Impose fines of up to VND 10.000.000;
- c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;
- d) Enforce remedial measures specified in Points a, c, dd, e, g, h, i, l Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of the Decree No. 84/2017/ND-CP)
- dd) Suspend licenses/practicing certificates or suspend operations for fixed periods.”.

4. Directors of provincial Police Departments shall have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 25.000.000;
- c) Confiscate material evidences and/or means used for administrative violations;
- d) Enforce remedial measures specified in Points a, c, d, dd, e, g, h, i, l Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of the Decree No. 84/2017/ND-CP)
- dd) Suspend licenses/practicing certificates or suspend operations for fixed periods.”.

5. Director of Traffic Police Department, Director of Police Department for Investigation into Corruption, Economy and Smuggling-related Crimes, Director of Economic Security Department, Director of Environment Police Department, Director of Immigration Department, Commander of the Mobile Police shall have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 50.000.000;

- c) Confiscate material evidences and/or means used for administrative violations;
- d) Suspend licenses/practicing certificates or suspend operations for fixed periods;
- dd) Enforce remedial measures specified in Points a, c, d, dd, e, g, h, i, l Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of Decree No. 84/2017/ND-CP)

8. Article 19b of Decree No. 173/2013/ND-CP (amended in Clause 18, Article 1 of Decree No. 84/2017/ND-CP) shall be amended as follows:

“Article 19b. Power to impose penalties for administrative violations against regulations on hydrometeorology of the Border Guard forces:

The Border Guard forces shall have the power to impose penalties for the violations specified in Clauses 10, 14 and 15 Article 1 of this Decree in border regions under its management. To be specific:

1. On-duty soldiers of the Border Guard forces shall have the power to:

- a) Issue warnings;
- b) Impose fines of up to VND 500.000;

2. Heads of Border Guard stations and leaders of the soldiers specified in Clause 1 of this Article shall have the power to:

- a) Issue warnings;
- b) Impose fines of up to VND 2.500.000;

3. Team leaders of Crime and Drug Prevention and Control Task Forces affiliated to Crime and Drug Prevention and Control Brigade shall have the power to:

- a) Issue warnings;
- b) Impose fines of up to VND 5.000.000;

c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;

d) Enforce remedial measures specified in Point a Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of the Decree No. 84/2017/ND-CP).

4. Heads of Border Guard Posts, Commanders of Border-Guard Flotillas and Commanders of Border Guard Commands at port border gates shall have the power to:

- a) Issue warnings;
- b) Impose fines of up to VND 10.000.000;
- c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;
- d) Enforce remedial measures specified in Points a, h and i Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of Decree No. 84/2017/ND-CP)

5. Commanders of Crime and Drug Prevention and Control Brigades affiliated to Crime and Drug Prevention and Control Department of Border Guard High Command shall have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 25.000.000;
- c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;
- d) Enforce remedial measures mentioned in Points a, d, h and l Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of Decree No. 84/2017/ND-CP)

6. Commanders of Provincial-level Border Guard Forces, Commanders of Coastal Guard Fleets, Director of Crime and Drug Prevention and Control Department of Border Guard High Command shall have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 50.000.000;
- c) Confiscate material evidences and/or means used for administrative violations;
- d) Enforce remedial measures specified in Points a, c, d, dd, e, g, h, i, l Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of the Decree No. 84/2017/ND-CP);
- dd) Suspend licenses/practicing certificates or suspend operations for fixed periods.”.

9. Article 19c of Decree No. 173/2013/ND-CP (amended in Clause 18, Article 1 of Decree No. 84/2017/ND-CP) shall be amended as follows:

“Article 19c. Power to impose penalties for administrative violations against regulations on hydrometeorology of Coast Guards:

The Coast Guards shall have the power to impose penalties for the violations specified in Clauses 10, 14 and 15 Article 1 of this Decree under its management. To be specific:

1. The police officers of Coast Guard who are on duty shall have the power to:

- a) Issue warnings;
- b) Impose fines of up to VND 1.000.000;

2. Squad leaders of professional squads of Coast Guard shall have the power to:

- a) Issue warnings;
- b) Impose fines of up to VND 2.500.000;

3. Team leaders of professional teams of Coast Guard, station heads of the Coast Guard stations shall have the power to:

- a) Issue warnings;
- b) Impose fines of up to VND 5.000.000;
- c) Enforce remedial measures specified in Point a Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of Decree No. 84/2017/ND-CP).

4. Captain of Coast Guard Flotilla shall have the power to:

- a) Issue warnings;
- b) Impose fines of up to VND 10.000.000;
- c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;
- d) Enforce remedial measures specified in Points a, c, dd, e, g, h, i, l Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of the Decree No. 84/2017/ND-CP)

5. Captain of Coast Guard Squadron, Head of Reconnaissance Commission, Commander of Crime and Drug Prevention and Control Brigade affiliated to Vietnam Coast Guard shall have the power to:

- a) Issue warnings;
- b) Impose fines of up to VND 15.000.000;

c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;

d) Enforce remedial measures specified in Points a, c, dd, e, g, h, i, l Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of the Decree No. 84/2017/ND-CP)

6. Commander of Regional Coast Guard, Director of Operation and Law Department affiliated to Vietnam Coast Guard shall have the power to:

a) Issue warnings;

b) Impose a fine of up to VND 25.000.000;

c) Confiscate material evidences and/or means used for administrative violations;

d) Enforce remedial measures specified in Points a, c, dd, e, g, h, i, l Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of the Decree No. 84/2017/ND-CP)

dd) Suspend licenses/practicing certificates for fixed periods;

7. Commander of Vietnam Coast Guard shall have the power to:

a) Issue warnings;

b) Impose a fine of up to VND 50.000.000;

c) Suspend licenses/practicing certificates or suspend operations for fixed periods;

d) Confiscate exhibits and/or means used for administrative violations;

dd) Enforce remedial measures specified in Points a, b, c, dd, e, g, h, i, l Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of Decree No. 84/2017/ND-CP)

10. Article 19d of Decree No. 173/2013/ND-CP (amended in Clause 18, Article 1 of Decree No. 84/2017/ND-CP) shall be amended as follows:

“Article 19d. Power to impose penalties for administrative violations against regulations on hydrometeorology of Maritime Administrations, Airports Authorities, Inland Waterway Port Authorities:

The Maritime Administrations, Airports Authorities, Inland Waterway Port Authorities shall have the power to impose penalties for the violations specified in Clauses 5, 6, 7, 8,

9, 10, 11, 12, 13, 14 and 15 Article 1 of this Decree under their management. To be specific:

1. Chief Representatives of the Maritime Administrations, Airports Authorities, Inland Waterway Port Authorities shall have the power to:

a) Issue warnings;

b) Impose fines of up to VND 10.000.000;

c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause

2. Directors of the Maritime Administrations, Airports Authorities, Inland Waterway Port Authorities shall have the power to:

a) Issue warnings;

b) Impose a fine of up to VND 50.000.000;

c) Confiscate material evidences and/or means used for administrative violations;

d) Enforce remedial measures specified in Points a, b, d, dd, h and i Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of Decree No. 84/2017/ND-CP)

dd) Suspend licenses/practicing certificates or suspend operations for fixed periods.”.

11. Article 19dd of Decree No. 173/2013/ND-CP (amended in Clause 18, Article 1 of Decree No. 84/2017/ND-CP) shall be amended as follows:

“Article 19d. Power to impose penalties for administrative violations against regulations on hydrometeorology of inspectors who are assigned to conduct specialized inspections of transport, industry and trade, agriculture and rural development, science and technology and construction:

The inspectors who are assigned to conduct specialized inspections of transport, industry and trade, agriculture and rural development, science and technology and construction shall have the power to impose penalties for the violations specified in Clauses 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 Article 1 of this Decree under their management. To be specific:

1. The inspectors, persons who are assigned to conduct specialized inspections of transport, industry and trade, agriculture and rural development, science and technology and construction in the performance of their duties shall have the power to:

- a) Issue warnings;
- b) Impose fines of up to VND 500.000;
- c) Enforce remedial measures specified in Point a Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of Decree No. 84/2017/ND-CP).
- d) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;”.

2. Chief Inspectors of Departments, Chiefs of inspectorates established by Directors and Chief Inspectors of Department of Transport, Department of Industry and Trade, Department of Agriculture and Rural Development, Department of Science and Technology, Department of Construction shall have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 25.000.000;
- c) Suspend licenses/practicing certificates or suspend operations for fixed periods;
- dd) Enforce remedial measures specified in Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of Decree No. 84/2017/ND-CP)
- dd) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;”.

3. Chiefs of inspectorates established by the Ministers and Chief Inspectors of Ministry of Transport, Ministry of Industry and Trade, Ministry of Agriculture and Rural Development, Ministry of Science and Technology and Ministry of Construction shall have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 35.000.000;
- c) Suspend licenses/practicing certificates or suspend operations for fixed periods;
- d) Enforce remedial measures specified in Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of Decree No. 84/2017/ND-CP)
- dd) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;”.

4. Chief Inspectors of Ministry of Transport, Ministry of Industry and Trade, Ministry of Agriculture and Rural Development, Ministry of Science and Technology and Ministry of Construction shall have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 50.000.000;
- c) Suspend licenses/practicing certificates or suspend operations for fixed periods;
- dd) Enforce remedial measures specified in Clause 3 Article 3 of Decree No. 173/2013/ND-CP (amended in Clause 4, Article 1 of Decree No. 84/2017/ND-CP)
- dd) Confiscate exhibits and/or means used for administrative violations;”.

Article 4. Amendments to some articles of the Government’s Decree No. 18/2020/ND-CP dated February 11, 2010 on penalties for administrative violations against regulations on topography and cartography

1. Point a shall be amended and Points h and i shall be added to Point g of Clause 2 Article 2 as follows:

- “a) Enterprises that are duly established and operate in accordance with Vietnam’s laws;
- h) Branches and representative offices of foreign enterprises operating in Vietnam;
- i) Branches, representative offices and business locations of organizations specified in points a and b of this Clause.”.

2. Some Points, Clauses of Article 3 shall be amended as follows:

a) Clause 2 shall be amended as follows:

“2. Additional penalties:

According to the nature and severity of the violation, the entity who commits administrative violations against regulations on topography and cartography may also incur one or several additional penalties below in addition to the penalties specified in Clause 1 of this Article:

- a) Confiscation of material evidences and/or means used for administrative violations;
- b) Expulsion;
- b) Point b shall be amended and point i shall be added to point h Clause 3 as follows:

“b) Enforced demolition of buildings or parts thereof;

i) Enforced return of licenses/practicing certificates to the competent authorities which have granted licenses and certificates.”.

c) Clause 4 shall be added to Clause 3 as follows:

“4. Enforcement of remedial measure which is return of licenses/practicing certificates:

The violator shall submit its license/practicing certificate to the person who has the power to impose penalties for administrative violations. In case a person having the power to issue the decision imposing penalties for administrative violations is not concurrently the agency or person having the power to grant the license/practicing certificate, within 05 working days from the date of issuance of the decision imposing penalties for administrative violations, the person having the power to issue the decision imposing penalties for administrative violations shall send a notification of the application of enforced return of license/practicing certificate to the agency or person having the power to grant the licence/practicing certificate (except for licence issued by the foreign agency).

3. Clause 4a shall be added to Clause 4 as follows:

“Article 4a. Limitation period for imposition of an administrative penalty, acts of administrative violations that have ended, acts of administrative violations in progress

The limitation period for imposition of an administrative penalty, the time to calculate the limitation period for imposition of an administrative penalty, acts of administrative violations that have ended and the time of abandonment of violations and acts of administrative violations in progress against regulations on topography and cartography are regulated as follows:

1. The limitation period for imposition of an administrative penalty for violation against regulations on topography and cartography shall be 01 year

2. The administrative violations that have ended and the time of abandonment of violations:

The time of abandonment of violations is the time on which an organization or individual abandons the violations. That time is clearly stated in the records, documents and reports which are made according to the regulations on topography and cartography in relation to the following violations::

a) Failing to submit or submit a report on topography and cartography; change of technical personnel or the address of the headquarter before the deadline;

- b) Falsifying the topography and cartography practicing certificate/license;
- c) Forging or falsifying topography and cartography information/data/products while preparing and realizing a topography and cartography project, technical design, cost estimate or task;
- d) Forging or falsifying topography and cartography information/data/products during the inspection of topography and cartography product quality;
- dd) Inspecting quality of topography and cartography products at investor level when the contractor or entity has yet to sufficiently inspect product quality at construction subcontractor level in accordance with regulations of law on topography and cartography.
- e) Inspecting quality of topography and cartography products with insufficient contents or insufficient inspection level in accordance with regulations of law on topography and cartography;
- g) Failing to transfer topography and cartography information/data/products for storage purpose in accordance with regulations of law on topography and cartography;
- h) Failing to verify measuring instruments on the list of measuring instruments for topography and cartography that are required to undergo verification in accordance with regulations laid down by the Minister of Science and Technology;
- i) If the violators cannot prove the ending time of violations specified in Points a, b, c, d, dd, e, g and h of this Clause, the violations are still within the limitation period for imposition of administrative penalties.

3. The administrative violations against regulations on topography and cartography specified in this Decree but not specified in Clause 2 of this Article are treated as in-progress ones

4. Some Points, Clauses of Article 5 shall be amended as follows:

a) Point b Clause 2 shall be amended as follows:

“b) Practicing topography and cartography without the practicing certificate or during the period of enforced return of license/practicing certificate to the competent authority that has granted license and certificate;

b) Clause 4 shall be amended as follows:

“4) A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for carrying out topography and cartography activities without the license or during the period of enforced return of license/practicing certificate to the competent authority that has granted the license and certificate;

c) Clause 5 shall be amended as follows:

“5. Additional penalties:

Confiscate the exhibits and means used for committing administrative violations specified in Point a Clauses 1 and 2, Point b Clause 3 of this Article.

d) Clause 6 shall be amended as follows:

“6. Remedial measures:

a) Enforced return of licenses/practicing certificates to the competent authorities which have granted licenses and certificates obtained from violations specified in point a Clause 1, points a and c Clause 2, point b Clause 3 of this Article;

Regarding topography and cartography activities without maintaining the fulfillment of prescribed conditions for issuance of the topography and cartography license, if the organization proves that it is capable of fulfillment of prescribed conditions for maintenance of topography and cartography activities within 90 days (3 months), the licensing authority shall return the license to carry out topography and cartography activities to the organization.

b) Enforced destruction of topography and cartography data/products obtained from the violations mentioned in Point b Clause 2 and Clause 4 of this Article without ensuring quality in accordance with regulations of law on topography and cartography;

5. Points b and c Clause 5 Article 6 shall be amended as follows:

“b) Enforced demolition of buildings or parts thereof in relation to violations specified in Point a Clause 2 of this Article.

c) Enforced demolition of the GPS satellites in relation to violations specified in Clause 4 of this Article.”.

6. Clause 4 of Article 7 shall be annulled and Point c shall be added to Point b Clause 5 of Article 7 as follows:

“c) Enforced return of licenses/practicing certificates to the competent authorities which have granted licenses and certificates obtained from violations specified in point a Clause 3 of this Article;

7. Clause 3 Article 8 shall be annulled; Clause 4 Article 8 shall be amended as follows:

“4. Remedial measures:

a) Enforced destruction of topography and cartography data/products obtained from the violations mentioned in Points a and b Clause 1 and Point b Clause 2 of this Article;

b) Enforced return of licenses/practicing certificates to the competent authorities which have granted licenses and certificates obtained from violations specified in point b Clause 2 of this Article;

8. Point c Clause 5 shall be amended; Point dd shall be added to point d Clause 5 Article 11 as follows:

“c) Enforced destruction of topography and cartography products, cartography publication in relation to the violations specified in Clauses 2 and 3 of this Article;

dd) Enforced return of licenses/practicing certificates to the competent authorities which have granted licenses and certificates obtained from violations specified in Clauses 2 and 3 of this Article;

9. Clauses 3, 4 Article 13 shall be amended as follows:

“3. Additional penalties:

a) Confiscate the exhibits and means used for committing administrative violations specified in Clause 2 of this Article.

b) According to the violation's seriousness, the foreign individual that commits the administrative violation specified in Clause 2 of this Article may be expelled from the Socialist Republic of Vietnam

4. Remedial measures:

a) Enforced return of illegal benefits in relation to violations specified in Clause 2 of this Article;

b) Enforced return of licenses/practicing certificates to the competent authorities which have granted licenses and certificates obtained from violations specified in Clause 2 of this Article;

10. Some Points, Clauses of Article 14 are amended as follows:

a) Clause 1 shall be amended as follows:

“1. Chairpersons of the People’s Committees of communes shall have the power to:

a) Issue warnings;

b) Impose fines of up to VND 5.000.000;

c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;

c) Enforce remedial measures specified in Point a, Clause 3 Article 3 of this Decree.

b) Clause 2 shall be amended as follows:

“2. Chairpersons of the People’s Committees of districts shall have the power to:

a) Issue warnings;

b) Impose a fine of up to VND 25.000.000;

c) Confiscate material evidences and/or means used for administrative violations;

d) Enforce remedial measures specified in Clause 3 Article 3 of this Decree.”;

c) Clause 3 shall be amended as follows:

“3. Chairpersons of the People’s Committees of provinces shall have the power to:

a) Issue warnings;

b) Impose a fine of up to VND 50.000.000;

c) Confiscate material evidences and/or means used for administrative violations;

d) Enforce remedial measures specified in Clause 3 Article 3 of this Decree.”;

11. Some Points, Clauses of Article 15 shall be amended as follows:

a) Points b and d Clause 1 shall be amended as follows:

“b) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point d of this Clause;”.

d) Impose a fine of up to VND 500.000;

b) Clause 2 shall be amended as follows:

“2. Chief inspectors of provincial Departments of Natural Resources and Environment, Chiefs of inspectorates at the departmental level, Chiefs of inspectorates of agencies who are authorized by the Government to perform the functions of specialized inspection shall have power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 25.000.000;
- c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;
- d) Enforce remedial measures specified in Clause 3 Article 3 of this Decree.”;

c) Clause 3 shall be amended as follows:

“3. Chiefs of inspectorates at the ministerial level shall have power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 35.000.000;
- c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;
- d) Enforce remedial measures specified in Clause 3 Article 3 of this Decree.”;

d) Clause 4 shall be amended as follows:

“4. Chief Inspector of Ministry of Natural Resources and Environment, Director General of General Department of Geology and Minerals of Vietnam, Director General of Vietnam Environment Administration and Director General of General Department of Land Administration shall have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 50.000.000;
- c) Confiscate material evidences and/or means used for administrative violations;
- d) Enforce remedial measures specified in Clause 3 Article 3 of this Decree.”;

12. Some Points, Clauses of Article 16 shall be amended as follows:

a) The first paragraph of Article 16 shall be amended as follows:

“The power of the People’s Public Security Force to impose penalties for administrative violations and enforce remedial measures shall comply with regulations of Article 39 of Law on Penalties for Administrative Violations.”.

b) Clause 1 shall be amended as follows:

“1. Chiefs of communal police authorities, Chiefs of police stations at border checkpoints and export-processing zones, Chiefs of International Airport Border Gate Police, Captains of Squadrons shall have the power to:

a) Impose a fine of up to VND 2.500.000;

b) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point a of this Clause;”.

c) Enforce remedial measures specified in Clause 3 Article 3 of this Decree

c) Clause 2 shall be amended as follows:

“2. Heads of District-level Police Authorities, Managers of Specialized Divisions of Internal Political Security Department, Managers of Specialized Divisions of Police Department for Administrative Management of Social Order, Managers of Specialized Divisions of Traffic Police Department, Managers of Specialized Divisions of Cybersecurity and Hi-tech Crime Prevention and Control Department, Managers of Specialized Divisions of Immigration Department and Heads of Provincial-level Police Authorities, including Heads of Police Divisions for Investigation into Corruption, Economy and Smuggling-related Crimes, Heads of Police Divisions for Investigation into Social Order-Related Crimes, Heads of Police Divisions for Administrative Management of Social Order, Heads of Economic Security Divisions, Heads of Internal Political Security Divisions, Heads of Cybersecurity and Hi-tech Crime Prevention and Control Divisions, Heads of Traffic Police Divisions, Heads of Immigration Divisions, Captains of Squadrons, Heads of Road-Rail Traffic Divisions, Heads Road Traffic Divisions, Heads of Internal Waterways Police Divisions, Heads of Economic Security Divisions and Heads of Foreign Affairs Divisions shall have the power to:

a) Impose a fine of up to VND 10.000.000;

b) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point a of this Clause;”.

c) Enforce remedial measures specified in Points h and I Clause 3 Article 3 of this Decree.”.

d) Clause 3 shall be amended as follows:

“3. Directors of Provincial Police Authorities shall have the power to:

a) Impose a fine of up to VND 25.000.000;

b) Confiscate exhibits and/or means used for administrative violations;”.

c) Expulse;

d) Enforce remedial measures specified in Points g, h and i Clause 3 Article 3 of this Decree.”.

dd) Clause 4 shall be amended as follows:

“4. Director of Department of Cybersecurity and Hi-tech Crime Prevention and Control, Director of Police Department for Investigation into Social Order-related Crimes, Director of Police Department for Investigation into Corruption, Economy and Smuggling-related Crimes, Director of Police Department for Administrative Management of Social Order, Director of Internal Political Security Department, Director of Economic Security Department, Director of Traffic Police Department, Director of Department of Homeland Security, Director of Environment Police Department shall have the power to:

a) Impose a fine of up to VND 50.000.000;

b) Confiscate exhibits and/or means used for administrative violations;”.

c) Enforce remedial measures specified in Points g, h and i Clause 3 Article 3 of this Decree.”.

e) Clause 5 shall be amended as follows:

“5. Director of Immigration Department shall have the power to:

a) Impose a fine of up to VND 50.000.000;

b) Confiscate exhibits and/or means used for administrative violations;”.

c) Expulse;

d) Enforce remedial measures specified in Points g, h and i Clause 3 Article 3 of this Decree.”.

13. Some Points, Clauses of Article 17 shall be amended as follows:

a) Points b and c Clause 1 shall be amended as follows:

“b) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point a of this Clause;”.

c) Enforce remedial measures specified in Points h and i Clause 3 Article 3 of this Decree.”.

b) Clause 1a shall be added to Clause 1 as follows:

“1a. Commanders of Crime and Drug Prevention and Control Brigades affiliated to Crime and Drug Prevention and Control Department of Border Guard High Command shall have the power to:

a) Impose a fine of up to VND 25.000.000;

b) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point a of this Clause;”.

c) Enforce remedial measures specified in Points g, h and i Clause 3 Article 3 of this Decree.”.

c) The first paragraph and Point c Clause 2 shall be amended as follows:

“2. Commanders of Provincial-level Border Guard Forces, Commanders of Coastal Guard Fleets and Director of Crime and Drug Prevention and Control Department of Border Guard High Command shall have the power to:

c) Enforce remedial measures specified in Points g, h and i Clause 3 Article 3 of this Decree.”.

14. Some Points, Clauses of Article 18 shall be amended as follows:

a) Clause 1 shall be amended as follows:

“1. Team leaders of professional teams of Coast Guard, station heads of the Coast Guard stations shall have the power to:

a) Issue warnings;

b) Impose fines of up to VND 5.000.000;

c) Enforce remedial measures specified in Point h Clause 3 Article 3 of this Decree

b) Points b and c Clause 2 shall be amended as follows:

“b) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point a of this Clause;”.

c) Enforce remedial measures specified in Points h and i Clause 3 Article 3 of this Decree.”.

c) The first paragraph, Points b and c Clause 3 shall be amended as follows:

“3. Commanders in chief of Coastguard Squadrons, Commanders of Reconnaissance Brigades, Commanders of Crime and Drug Prevention and Control Brigades affiliated to Vietnam Coast Guard shall have the power to:

b) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point a of this Clause;”.

c) Enforce remedial measures specified in Points h and i Clause 3 Article 3 of this Decree.”.

d) The first paragraph, Points b and c Clause 4 shall be amended as follows:

“4. Commander of Regional Coast Guard, Director of Operation and Law Department affiliated to Vietnam Coast Guard shall have the power to:

b) Confiscate exhibits and/or means used for administrative violations;

c) Enforce remedial measures specified in Points h and i Clause 3 Article 3 of this Decree.”.

dd) The first paragraph and Point c Clause 5 shall be amended as follows:

“5. Commander of Vietnam Coast Guard shall have the power to:

c) Enforce remedial measures specified in Points h and i Clause 3 Article 3 of this Decree.”.

15. Some Points, Clauses of Article 19 shall be amended as follows:

a) The first paragraph, Points b and c Clause 1 shall be amended as follows:

“1. Directors of Sub-departments of Customs; Directors of Post Clearance Audit Sub-Departments; Team Leaders of Control Teams of Customs Departments of provinces and inter-provinces; Team Leaders of Criminal Investigation Teams; Team Leaders of Anti-smuggling Control Teams; Commanders of Sea Patrol Squadrons and Team Leaders of Anti-smuggling, Counterfeit Product Control and Intellectual Property Teams affiliated to the Smuggling Investigation and Prevention Department; Directors of Post Clearance Audit Sub-Departments affiliated to Post Clearance Audit Department shall have the power to:

b) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point a of this Clause;”.

c) Enforce remedial measures specified in Points g, h and i Clause 3 Article 3 of this Decree.”.

b) Points b and c Clause 2 shall be amended as follows:

“b) Confiscate exhibits and/or means used for administrative violations;

c) Enforce remedial measures specified in Points g, h and i Clause 3 Article 3 of this Decree.”.

c) Point c, Clause 3 shall be amended as follows:

“c) Enforce remedial measures specified in Points g, h and i Clause 3 Article 3 of this Decree.”.

16. The first paragraph, some Points and Clauses of Article 20 shall be amended as follows:

a) The first paragraph of Article 20 shall be amended as follows:

Persons that have the power to impose administrative penalties of the Customs shall have the power to impose penalties and enforce remedial measures against the administrative violations in Point b Clause 1 and Clause 3 Article 10, and Clauses 1, 2 and 3 Article 11 of this Decree within their area and their jurisdiction as specified in Clauses 1, 2 and 3 of this Article.

b) The first paragraph, Points b and c Clause 1 shall be amended as follows:

“1. Team leaders of Market Surveillance Teams and Heads of Specialized Divisions affiliated to Department of Market Surveillance Operation shall have the power to:

b) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point a of this Clause;”.

c) Enforce remedial measures specified in Points d, dd, g, h and i Clause 3 Article 3 of this Decree.

c) The first paragraph, Points b and c Clause 2 shall be amended as follows:

“2. Directors of Provincial Market Surveillance Departments and Director of Market Surveillance Operations Department affiliated to Vietnam Directorate of Market shall have the power to:

b) Confiscate exhibits and/or means used for administrative violations;

c) Enforce remedial measures specified in Points d, dd, g, h and i Clause 3 Article 3 of this Decree.

d) Point c Clause 3 shall be amended as follows:

“c) Enforce remedial measures specified in Points d, dd, g, h and i Clause 3 Article 3 of this Decree.

17. Some Points, Clauses of Article 21 shall be amended as follows:

a) Clause 1 shall be amended as follows:

“1. Chief Representatives of Maritime Administrations, Airports Authorities, Inland Waterway Port Authorities shall have the power to:

a) Impose a fine of up to VND 10.000.000;

b) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point a of this Clause;”.

b) Clause 2 shall be amended as follows:

“2. Directors of Maritime Administrations, Airports Authorities, Inland Waterway Port Authorities shall have the power to:

a) Impose a fine of up to VND 50.000.000;

b) Confiscate exhibits and/or means used for administrative violations;

c) Enforce remedial measures specified in Points g, h and i Clause 3 Article 3 of this Decree.”.

18. Some Points, Clauses of Article 22 shall be amended as follows:

a) Points b and d Clause 2 shall be amended as follows:

“b) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point d of this Clause;”.

d) Impose a fine of up to VND 500.000;

b) Clause 3 shall be amended as follows:

“3. Chief Inspectors of Departments, Chiefs of inspectorates at the departmental level, Chiefs of inspectorates of agencies who are authorized by the Government to perform the functions of specialized inspection shall have power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 25.000.000;
- c) Confiscate any exhibit or mean which has been used for committing administrative violation if its value is not 02 times as high as the fine specified in Point b of this Clause;
- d) Enforce remedial measures specified in Points c, d, h and i Clause 3 Article 3 of this Decree.”.

c) Clause 4 shall be amended as follows:

"4. The Chief Inspectors of the Ministry of Transport, Ministry Industry and Trade and Ministry of Agriculture and Rural Development; Director General of Directorate for Roads of Vietnam, Director General of Directorate of Water Resources, Director General of Vietnam Administration of Forestry, Director of Vietnam Railway Authority, Director of Vietnam Maritime Administration and Director of Civil Aviation Authority of Vietnam shall have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 50.000.000;
- c) Confiscate material evidences and/or means used for administrative violations;
- d) Enforce remedial measures specified in Points c, d, h and i Clause 3 Article 3 of this Decree.”.

19. Clause 2 Article 23 shall be amended as follows:

“2. Chiefs of topography and cartography inspectorates, officials, public employees and persons of the Army or People's Public Security Force, Customs, market controllers working at regulatory authorities mentioned in Articles 14 through 22 hereof in their performance of their duties related to topography and cartography inspections.

Article 5. Implementation provision

1. This Decree comes into force from January 06, 2022.
2. Transitional provisions:

In case of violations against regulations on land; water resources and minerals; hydrometeorology; topography and cartography specified in this Decree occurring before the effective date of this Decree but then detected or being considered and settled, the Government's Decree on penalties for administrative violations that takes effect at the time of committing violations shall be applied; In case, this Decree does not provide for legal liability or impose less serious legal liability for violations that have occurred, the regulations of this Decree shall be applied.

3. The Ministers, Heads of the ministerial-level agencies, Heads of the governmental agencies, the Presidents of the People's Committees of provinces shall be responsible for the implementation of this Decree

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

Le Van Thanh

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