

THE GOVERNMENT

No. 36/2020/ND-CP

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom – Happiness

Hanoi, March 24, 2020

DECREE

PENALTIES FOR ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON WATER RESOURCES AND MINERALS

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

Pursuant to the Law on Penalties for Administrative Violations dated June 20, 2012;

Pursuant to the Law on Water Resources dated June 21, 2012;

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

*Pursuant to the Law on amendments to some articles concerning planning of 37 Laws
dated November 20, 2018;*

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

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

Chapter I

GENERAL

Article 1. Scope

1. This Decree provides for administrative violations, penalties, fines, remedial measures against administrative violations, the power to impose penalties against administrative violations and the power to make records of administrative violations against regulations on water resources and minerals.

2. Administrative violations against regulations on water resources prescribed in this Decree include: Violations against regulations on survey, planning, exploration, extraction and use of water resources; violations against regulations on reservoirs and operation of reservoirs; violations against regulations on water resource protection; violations against regulations on prevention and remediation of damage caused by water; violations against regulations on seeking opinions of residential communities and other

violations against regulations on water resource management, which are specified in Chapter II of this Decree.

3. Administrative violations against regulations on minerals prescribed in this Decree include: Violations against regulations on mineral exploration and mining; violations against regulations on auctioning of mineral rights; violations against regulations on use of figures and results of geological surveys of minerals, and mineral exploration; violations against regulations on interests of local governments and people at places where minerals are mined; violations against regulations on protection of unmined minerals; violations against regulations on technical safety of mines and other violations pertaining minerals, which are specified in Chapter III of this Decree.

4. Other Government's Decrees on penalties for corresponding administrative violations shall apply to administrative violations pertaining water resources and minerals which are not regulated by this Decree.

Article 2. Regulated entities

1. This Decree applies to domestic and foreign organizations and individuals (hereinafter referred to as “entities”) that commit administrative violations against regulations on water resources and minerals within the territory, contiguous zones, exclusive economic zones and continental shelves of the Socialist Republic of Vietnam; the persons that have the power to record violations and the ones competent to impose penalties for administrative violations against regulations on water resources and minerals and relevant entities.

2. Organizations facing penalties for administrative violations regulated by this Decree include:

a) Business entities that are duly established under the Law on Enterprises and Law on Cooperatives, consisting of: Sole proprietorships, joint-stock companies, limited liability companies, partnerships and their affiliates (including branches and representative offices), cooperatives, cooperative unions;

b) Foreign investors; foreign-invested business entities; representative offices and branches of foreign traders in Vietnam; representative offices of foreign trade promotion organizations in Vietnam;

c) Regulatory authorities committing violations which are not within their assigned scope of management;

d) Socio-political organizations, socio-political-professional organizations, social organizations and socio-professional organizations;

dd) Public service providers and other organizations established as per the law.

Article 3. Definitions

For the purposes of this Decree, the terms below shall be construed as follows:

1. “mineral exploration area” refers to a space limited by permissible surface area and depth which are stated in a mineral exploration license and conformable with the exploration project already appraised by a competent authority.
2. “mineral mining area” refers to a space within the boundary of a mine defined in the investment project/technical- and economic-based mining report suitable for the permissible mineral reserves included in the mining design within the boundaries of coordinates, area and depth stated in the mining license.
3. “single-metallic mine” refers to a mine that has only 01 metallic mineral and only metal reserves of one of the following metallic minerals are approved: iron; manganese; titanium; tin; wolfram; chromite; gold; silver; poly-metallic mine refers to a mine that has at least 02 metallic minerals that may be obtained during the mining and process and approved or recognized as reserves as specified in the Appendix I (group 7 – other metallic minerals) of the Government's Decree No. 67/2019/ND-CP dated July 31, 2019 (hereinafter referred to as “the Decree No. 67/2019/ND-CP”). Valuable minerals that may be obtained from poly-metallic mines include at least 02 of the following metals: iron, copper, lead, zinc, tin, wolfram, nickel, cobalt, bismuth, antimony, gold, silver and platinum.
4. “stone slabs” refer to magmatic, metamorphic and sedimentary rocks with a monolithic recovery of $\geq 0.4 \text{ m}^3$, including granite, gabbro, marble, white limestone, white marble; ornamental stones and fine art stones with monolithic recovery of $\geq 0.1 \text{ m}^3$; minerals used as cement materials, including all types of stones used as cement raw materials: cement limestone, cement clay, stones used as cement additives and limestone, dolomite used as raw materials for production of industrial lime specified in Clause 5 Article 6 of Decree No. 67/2019/ND-CP.

Article 4. Penalties and remedial measures

1. Primary penalties:

Any entity that commits administrative violations against regulations on water resources and minerals shall be liable to any of the following primary penalties:

- a) A warning;
- b) A fine.

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

minerals incurred by an individual is VND 1,000,000,000; that incurred by an organization is VND 2,000,000,000.

c) Suspension of the license to explore or extract water resources, the license to discharge wastewater into water bodies; the groundwater drilling license; the mineral exploration license or the mining license for 01 – 24 months.

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 or extract water resources, the license to discharge wastewater into water bodies; the groundwater drilling license; the mineral exploration license or the mining license for 01 – 24 months;

b) Suspension of the formulation and/or realization of water resources projects/schemes; suspension of the exploration or extraction of water resources, exploration or mining of minerals for 01 – 12 months;

c) Confiscation of the exhibits and/or specimens which are minerals, and instrumentalities used for committing administrative violations.

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

3. Remedial measures:

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

a) Enforced implementation of remedial measures against environmental pollution, degradation and depletion of water resources; enforced implementation of measures to prevent environmental pollution and adverse impacts on human health; enforced implementation of remedial measures against droughts, floods and water scarcity; enforced filling and sealing of boreholes and implementation of measures to protect unmined minerals and measures for environmental remediation of mining areas;

b) Enforced adoption of remedial measures against land subsidence or other emergencies;

c) Enforced compliance with reservoir operation procedures; enforced implementation of measures to lower the water level of reservoir to the water level before flood; measures to 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;

- d) Enforced compensation for damage if violations cause floods influencing production and daily activities of the people in lowland of the reservoir;
- dd) Enforced implementation of measures for land restoration and environmental remediation;
- 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 restoration of original condition which has been changed by violations;
- n) Enforced transfer of mineral specimens and mineral-related information to mineral authorities;
- o) Enforced leveling or demolition of illegally built works; enforced demolition or relocation of obstacles to flows; enforced movement of machinery, equipment and/or assets to out of the mineral exploration/mining areas;
- p) Enforced correction of falsified information and data because of violations;

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

r) Enforced return of illegal benefits obtained from violations. 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 value of minerals mined multiplied by (x) the unit price (VND/tonne, m³, kg, etc.) applicable at the extraction time 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.

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

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

Article 5. Maximum fines

1. The fines prescribed in Chapter II and Chapter III hereof are imposed for administrative violations committed by individuals. Fines imposed on household businesses are the same as those imposed on individuals. The fine incurred by an organization is twice as much as the fine incurred by an individual for the same violation.

2. The maximum fines imposed by persons specified in Articles 63, 64, 65, 66, 67 and 68 hereof are incurred by individuals. The maximum fines they may impose upon organizations are twice as much as the fines incurred by individuals.

Chapter II

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

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

Article 6. Violations against regulations on capacity requirements for implementing baseline survey projects/schemes, or providing advice on formulation of water resources planning

1. A warning or a fine ranging from VND 100,000 to VND 500,000 shall be imposed for failure to provide sufficient information as required after being selected to implement a baseline survey project/scheme, or provide advice on formulation of a water resources planning.
2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to send notification to a competent authority as prescribed after being selected to implement a baseline survey project/scheme, or provide advice on formulation of a water resources planning.
3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed on the technical responsible person of a baseline survey project/scheme or person providing advice on the formulation of a water resource planning if, at the same time, he/she is in charge of technical issues of at least 03 baseline survey projects/schemes, or provides advice on the formulation of at least 04 water resource plannings.
4. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for including inaccurate information in the capacity profile for preparing a scheme/report in course of implementation of a baseline survey project/scheme, or for providing advice on formulation of water resource plannings.

5. Additional penalties:

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

Article 7. Violations against regulations on capacity requirements for preparing schemes/reports that constitute applications for water resources licenses

1. A warning or a fine ranging from VND 100,000 to VND 500,000 shall be imposed for failure to include sufficient information about selection for preparing a scheme/report that constitutes the application for water resources license.
2. A fine ranging from VND 2,000,000 to VND 4,000,000 shall be imposed for failure send a notification to a competent authority as prescribed after being selected to prepare a scheme/report that constitutes the application for water resources license.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for including inaccurate information in the capacity profile for preparing a scheme/report that constitutes the application for water resources license.

4. Additional penalties:

Suspend the formulation of the scheme/report that constitutes the application for water resources license for 01 - 06 months if the violation prescribed in Clause 3 of this Article is committed.

Article 8. Violations against regulations on monitoring and supervision of water resources during extraction and use of water resources and discharge of wastewater into water bodies

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to submit reports on water resources monitoring and supervision to the competent authority as prescribed.

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

a) Failure to store monitoring and supervision figures/data as prescribed;

b) Failure to conduct monitoring of less than 25% of parameters to be monitored as prescribed.

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

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

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

a) Failure to conduct monitoring of at least 75% of parameters to be monitored as prescribed;

b) Failure to install monitoring equipment as prescribed;

c) Failure to conduct monitoring with the prescribed frequency;

d) Failure to conduct monitoring on time;

dd) Failure to conduct monitoring at designated locations;

e) Failure to connect and transmit monitoring and supervision data to regulatory authorities as prescribed.

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

a) Failure to conduct monitoring and supervision of water resources during extraction and use of water resources, and discharge of wastewater into water bodies as prescribed;

b) Falsifying water resources monitoring and supervision figures.

7. Violations against regulations on monitoring and supervision during discharge of wastewater into water bodies

Regulations on penalties for administrative violations against regulations on environmental protection shall apply to violations against regulations on monitoring and supervision during discharge of wastewater into water bodies.

Article 9. Exploration, extraction and use of water resources without registration or license

1. A warning or a fine ranging from VND 100,000 to VND 500,000 shall be imposed for failure to register groundwater exploration/extraction as prescribed by law in the cases where the groundwater exploration/extraction requires registration.

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

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

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

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

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

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

3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for extracting and using groundwater for production, trading and service provision with a volume of more than 10 m³/24 hours but less than 30 m³/24 hours.

4. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for one of the following acts of extracting and using water resources without a license:

a) Extracting and using groundwater for production, trading and service provision with a volume from 30 m³/24 hours to less than 50 m³/24 hours;

b) Extracting and using surface water for agricultural production and aquaculture with a volume of more than 0.1 m³/second but less than 0.2 m³/second;

c) Extracting and using surface water for trading, service provision and non-agricultural production with a volume of more than 100 m³/24 hours but less than 1,000 m³/24 hours;

d) Extracting and using surface water for electricity generation with an installed capacity of more than 50 kW but less than 500 kW;

dd) Extracting and using sea water for inland production, trading and service provision with a volume of more than 10,000 m³/24 hours but less than 30,000 m³/24 hours.

5. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for one of the following acts of extracting and using water resources without a license:

a) Extracting and using groundwater for production, trading and service provision with a volume from 50 m³/24 hours to less than 100 m³/24 hours;

b) Extracting and using surface water for agricultural production and aquaculture with a volume from 0.2 m³/second to less than 0.3 m³/second;

c) Extracting and using surface water for trading, service provision and non-agricultural production with a volume from 1,000 m³/24 hours to less than 2,000 m³/24 hours;

d) Extracting and using surface water for electricity generation with an installed capacity from 500 kW to less than 1,000 kW;

dd) Extracting and using sea water for inland production, trading and service provision with a volume from 30,000 m³/24 hours to less than 50,000 m³/24 hours.

6. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for one of the following acts of extracting and using water resources without a license:

a) Extracting and using groundwater for production, trading and service provision with a volume from 100 m³/24 hours to less than 200 m³/24 hours;

b) Extracting and using surface water for agricultural production and aquaculture with a volume from 0.3 m³/second to less than 0.5 m³/second;

c) Extracting and using surface water for trading, service provision and non-agricultural production with a volume from 2,000 m³/24 hours to less than 3,000 m³/24 hours;

d) Extracting and using surface water for electricity generation with an installed capacity from 1,000 kW to less than 2,000 kW;

dd) Extracting and using sea water for inland production, trading and service provision with a volume from 50,000 m³/24 hours to less than 100,000 m³/24 hours.

7. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for one of the following acts of extracting and using water resources without a license:

a) Extracting and using groundwater for production, trading and service provision with a volume from 200 m³/24 hours to less than 400 m³/24 hours;

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

c) Extracting and using surface water for trading, service provision and non-agricultural production with a volume from 3,000 m³/24 hours to less than 10,000 m³/24 hours;

d) Extracting and using surface water for electricity generation with an installed capacity from 2,000 kW to less than 5,000 kW;

dd) Extracting and using sea water for inland production, trading and service provision with a volume from 100,000 m³/24 hours to less than 200,000 m³/24 hours.

8. A fine ranging from VND 70,000,000 to VND 90,000,000 shall be imposed for one of the following acts of extracting and using water resources without a license:

a) Extracting and using groundwater for production, trading and service provision with a volume from 400 m³/24 hours to less than 800 m³/24 hours;

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

c) Extracting and using surface water for trading, service provision and non-agricultural production with a volume from 10,000 m³/24 hours to less than 20,000 m³/24 hours;

d) Extracting and using surface water for electricity generation with an installed capacity from 5,000 kW to less than 7,000 kW;

dd) Extracting and using sea water for inland production, trading and service provision with a volume from 200,000 m³/24 hours to less than 300,000 m³/24 hours.

9. A fine ranging from VND 90,000,000 to VND 110,000,000 shall be imposed for one of the following acts of extracting and using water resources without a license:

a) Extracting and using groundwater for production, trading and service provision with a volume from 800 m³/24 hours to less than 1,000 m³/24 hours;

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

c) Extracting and using surface water for trading, service provision and non-agricultural production with a volume from 20,000 m³/24 hours to less than 50,000 m³/24 hours;

d) Extracting and using surface water for electricity generation with an installed capacity from 7,000 kW to less than 10,000 kW;

dd) Extracting and using sea water for inland production, trading and service provision with a volume from 300,000 m³/24 hours to less than 400,000 m³/24 hours.

10. A fine ranging from VND 110,000,000 to VND 140,000,000 shall be imposed for one of the following acts of extracting and using water resources without a license:

a) Extracting and using groundwater for production, trading and service provision with a volume from 1,000 m³/24 hours to less than 1,500 m³/24 hours;

b) Extracting and using surface water for agricultural production and aquaculture with a volume of at least 2 m³/second;

c) Extracting and using surface water for trading, service provision and non-agricultural production with a volume from 50,000 m³/24 hours to less than 100,000 m³/24 hours;

d) Extracting and using surface water for electricity generation with an installed capacity from 10,000 kW to less than 20,000 kW;

dd) Extracting and using sea water for inland production, trading and service provision with a volume from 400,000 m³/24 hours to less than 500,000 m³/24 hours.

11. A fine ranging from VND 140,000,000 to VND 170,000,000 shall be imposed for one of the following acts of extracting and using water resources without a license:

a) Extracting and using groundwater for production, trading and service provision with a volume from 1,500 m³/24 hours to less than 3,000 m³/24 hours;

b) Extracting and using surface water for trading, service provision and non-agricultural production with a volume from 100,000 m³/24 hours to less than 200,000 m³/24 hours;

c) Extracting and using surface water for electricity generation with an installed capacity from 20,000 kW to less than 30,000 kW;

d) Extracting and using sea water for inland production, trading and service provision with a volume from 500,000 m³/24 hours to less than 700,000 m³/24 hours.

12. A fine ranging from VND 170,000,000 to VND 200,000,000 shall be imposed for one of the following acts of extracting and using water resources without a license:

a) Extracting and using groundwater for production, trading and service provision with a volume from 3,000 m³/24 hours to less than 5,000 m³/24 hours;

b) Extracting and using surface water for trading, service provision and non-agricultural production with a volume from 200,000 m³/24 hours to less than 300,000 m³/24 hours;

c) Extracting and using surface water for electricity generation with an installed capacity from 30,000 kW to less than 40,000 kW;

d) Extracting and using sea water for inland production, trading and service provision with a volume from 700,000 m³/24 hours to less than 1,000,000 m³/24 hours.

13. A fine ranging from VND 200,000,000 to VND 230,000,000 shall be imposed for one of the following acts of extracting and using water resources without a license:

a) Extracting and using groundwater for production, trading and service provision with a volume from 5,000 m³/24 hours to less than 12,000 m³/24 hours;

b) Extracting and using surface water for trading, service provision and non-agricultural production with a volume from 300,000 m³/24 hours to less than 800,000 m³/24 hours;

c) Extracting and using surface water for electricity generation with an installed capacity from 40,000 kW to less than 50,000 kW;

d) Extracting and using sea water for inland production, trading and service provision with a volume from 1,000,000 m³/24 hours to less than 2,000,000 m³/24 hours.

14. A fine ranging from VND 230,000,000 to VND 250,000,000 shall be imposed for one of the following acts of extracting and using water resources without a license:

- a) Extracting and using groundwater for production, trading and service provision with a volume of at least 12,000 m³/24 hours;
- b) Extracting and using surface water for trading, service provision and non-agricultural production with a volume of at least 800,000 m³/24 hours;
- c) Extracting and using surface water for electricity generation with an installed capacity of at least 50,000 kW;
- d) Extracting and using sea water for inland production, trading and service provision with a volume of at least 2,000,000 m³/24 hours.

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

16. Remedial measures:

The violator is compelled to:

- a) return the illegal benefits obtained from the violations prescribed in this Article;
- b) adopt remedial measures against environmental pollution, degradation or depletion of water resources if any of the violations in this Article causes pollution and/or degradation of water quality and decrease in water quantity.

Article 10. Violations against regulations on licenses to explore, extract and use water resources

1. A fine ranging from VND 2,000,000 to VND 4,000,000 shall be imposed for failure to provide sufficient and accurate data/information about water resources in areas where water resources are explored, extracted and used to the competent authority as requested.
2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for any of the following violations:
 - a) Failure to submit reports on exploration, extraction and use of water resources to the competent authority as prescribed by law;
 - b) Untruthfully and insufficiently submitting reports on exploration, extraction and use of water resources to the competent authority and failure to comply with reporting regulations;
 - c) Failure to provide explanation to the licensing authority if the amount of water actually extracted by the license holder is smaller than 70% of the licensed amount in a 12 consecutive month period.

3. If the amount of water extracted/used exceeds the licensed amount, fines prescribed in Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 Article 9 hereof shall be imposed for exceeding the amount of water extracted/used.

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

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

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

- a) Failure to implement measures to ensure safety, prevention and remedy against negative incidents occurred in course of water exploration, extraction and use;
- b) Extracting and using groundwater with the rough water level higher than the licensed rough water level as prescribed.

6. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for violations against regulations of the license except for the violations specified in Clauses 1, 2, 3, 4 and 5 of this Article.

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

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

- a) Committing any of the violations specified in Clauses 3, 4 and 5 of this Article upon extraction, use and exploration of groundwater, thereby resulting in subsidence, pollution or saltwater intrusion into aquifers or seriously affect operation of groundwater extraction works by the people;

b) Committing any of the violations specified in Point a Clause 4, Point b Clause 4, Point d Clause 4 and Point b Clause 5 of this Article upon extraction and use of surface water, thereby affecting the extraction and use of other types of water or resulting in floods, artificial waterlogging, droughts or water scarcity or increase in saltwater intrusion, thereby influencing production and daily activities of the people in the lowland.

9. Additional penalties:

Suspend the license to explore or extract water resources for 01 - 03 months if the violation mentioned in Clause 8 of this Article is committed.

10. Remedial measures:

The violator is compelled to adopt remedial measures against environmental pollution, degradation or depletion of water resources if any of the violations in Clauses 4 and 5 of this Article causes pollution and/or degradation of water quality and decrease in water quantity.

Article 11. Violations against regulations on groundwater drilling practice

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

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

- a) Failure to submit annual consolidated reports on groundwater drilling works as prescribed;
- b) Failure to send written notification of location and scale of the groundwater drilling work, and expected time limit for construction thereof to a competent authority as prescribed;
- c) Failure to send written notification to a competent authority if there is any change of the technical responsible person, registered business lines or assigned tasks as prescribed.

3. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of following violations against regulations on drilling practice for the drilling work with the casing diameter smaller than 110 mm and the flow less than 200 m³/24 hours:

- a) Lending or leasing out the license;
- b) Practicing groundwater drilling without the license;

c) Practicing groundwater drilling with an unexpired license, except for the case where the application for license renewal has been submitted as prescribed.

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

a) Failure to comply with the approved procedures and technical design when constructing a borehole;

b) Failure to comply with technical procedure for borehole filling and sealing as prescribed;

c) Using wastewater, dirty water or water contaminated with oil, toxic chemicals or additives containing pollutants used as drilling fluids or to mix with drilling fluids to pour them into boreholes;

d) Failure to obtain a drilling license to conduct the filling and sealing of a borehole which is constructed for the purpose of extracting groundwater and has casing diameter larger than 60 mm or a depth of 30 m or more;

dd) Failure to practice drilling in the scale specified in the groundwater drilling license;

e) Providing groundwater exploration and/or extraction drilling services to an entity without obtaining the license to explore or extract groundwater as prescribed.

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

a) Lending or leasing out the license;

b) Practicing groundwater drilling without the license;

c) Practicing groundwater drilling with an unexpired license, except for the case where the application for license renewal has been submitted as prescribed.

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

a) Lending or leasing out the license;

b) Practicing groundwater drilling without the license;

c) Practicing groundwater drilling with an unexpired license, except for the case where the application for license renewal has been submitted as prescribed.

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

a) Keep carrying out drilling activities when such drilling activities cause land subsidence or other emergencies which cause adverse impacts on construction works and life of the people in the area where drilling activities are conducted;

b) Failure to take remedial measures against the land subsidence or other emergencies which cause adverse impacts on construction works and life of the people in the area where drilling activities are conducted.

8. Additional penalties:

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

b) Suspend the groundwater exploration drilling for 03 – 06 months if the violation prescribed in Point e Clause 4 of this Article is committed.

9. Remedial measures:

The violator is compelled to:

a) adopt remedial measures against environmental pollution, degradation or depletion of water resources if any of the violations in Points b and c Clause 3, Points b and c Clause 5, Points b and c Clause 6 and Clause 7 of this Article causes pollution and/or degradation of water quality and decrease in water quantity.

b) take remedial measures against land subsidence or other emergencies if the violation mentioned in Clause 7 of this Article is committed.

Article 12. Violations against regulations on transfer of right to extract water resources and falsification of water resources license

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

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

3. Additional penalties:

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

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

Article 13. Violations against regulations on reservoirs and spillways

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to transfer boundary markers of safety perimeters of water source to the People's Committee of the commune where the reservoir is located as prescribed.

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

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

b) Failure to comply with regulations on reporting of operation of works as prescribed.

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

a) Committing any of the violations mentioned in Clause 2 of this Article in respect of a reservoir with a capacity from 1,000,000 m³ to less than 10,000,000 m³;

b) Failure to formulate the plan for planting of boundary markers of safety perimeters of reservoirs in case where boundary markers are yet to be planted.

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

a) Committing any of the violations mentioned in Clause 2 of this Article in respect of a reservoir with a capacity from 10,000,000 m³ to less than 50,000,000 m³;

b) Failure to conduct or incorrectly conducting monitoring and observation of minimum flows as regulated with respect to reservoirs and spillways;

c) Failure to plant boundary markers or failure to comply with the boundary marker planting plan approved by a competent authority.

5. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for any of the violations prescribed in Clause 2 of this Article in respect of a reservoir with a capacity from 50,000,000 m³ to less than 1,000,000,000 m³.

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

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

a) Failure to maintain the minimum flows as regulated with respect to reservoirs and spillways;

b) Failure to implement or incorrectly implementing the annual plan for regulating water stored in the reservoir;

c) Failure to conduct the meteorological and hydrological monitoring, and calculation and forecasting of the reservoir or spillway inflow to serve its operation;

d) Failure to formulate plans for prevention and control of floods, inundation, droughts and water shortage in lowlands;

dd) Failure to provide warnings and notifications of reservoir/spillway discharge;

e)) Failure to maintain the water levels as prescribed during flood season according to the reservoir operation procedure approved by a competent authority;

g) Operating the reservoir/spillway to discharge water with a volume in excess of that specified in the reservoir operation procedure under normal weather conditions.

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

a) Failure to formulate the plan for response to dam failures and other incidents seriously threatening the safety of works, lives and property of the people in lowland of the reservoir/spillway;

b) Failure to formulate the annual plan for regulating water stored in the reservoir;

c) Discharging water with a volume in excess of that specified in the reservoir operation procedure upon occurrence of flooding.

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

- a) Failure to follow the reservoir operation order of the competent authority in case of a flood, drought or water scarcity or in another emergency case;
- b) Failure to comply with procedure for closing and opening valves of the discharge work as prescribed with respect to reservoirs and spillways;
- c) Failure to implement or incorrectly implementing the plan for regulating and distributing water sources in river basins promulgated by the competent authority;
- d) Committing any of the violations prescribed in Point g Clause 7 and Point c Clause 8 of this Article resulting in unexpected flash floods that cause adverse impacts on production activities and life of the people in lowland of the reservoir/spillway.

10. Additional penalties:

- a) Suspend the license to extract water resources for 01 – 03 months if any of the violations prescribed in Points a and g Clause 7; Point c Clause 8; Point a Clause 9 of this Article results in unexpected flash floods that cause adverse impacts on production and life of the people in lowland of the reservoir/spillway;
- b) Suspend the extraction and use of water resources for 03 – 06 months if the violation mentioned in Point d Clause 9 of this Article is committed.

11. Remedial measures:

The violator is compelled to take remedial measures against the flood, inundation, drought or water shortage 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.

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

Article 14. Violations against regulations on monitoring, forecasting and provision of information and figures as specified in inter-reservoir operation procedure

- 1. Fines shall be imposed for one of the following violations against regulations on provision of information/figures. To be specific:
 - a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for incorrectly adopting methods of providing information/figures as prescribed;
 - b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to provide information/figures within prescribed time limit;

- c) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed on the agency/unit that is obliged to provide information/figures for its failure to provide accurate and sufficient information/figures as prescribed;
- d) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to provide accurate and sufficient information/figures as prescribed;
- dd) A fine of from VND 40,000,000 to VND 50,000,000 shall be imposed for failure to provide information/figures as prescribed.
2. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for incorrectly implementing regulations on monitoring and forecasting under normal weather conditions during flood season. To be specific:
- a) Incorrectly carrying out monitoring and calculation of reservoir water level, reservoir inflow, weir and plant overflow rate and intake flow rate within prescribed periods;
- b) Issuing forecasts that fail to contain required contents.
3. A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for incorrectly implementing regulations on monitoring and forecasting during dry season. To be specific:
- a) Incorrectly carrying out monitoring and calculation of reservoir water level, reservoir inflow, weir and plant overflow rate, intake flow rate and upper and lower reservoir water levels within prescribed periods;
- b) Issuing forecasts that fail to contain required contents.
4. A fine ranging from VND 60,000,000 to VND 70,000,000 shall be imposed for failure to carry out monitoring and forecasting activities under normal weather conditions during flood season as prescribed. To be specific:
- a) Failure to carry out monitoring and calculation of reservoir water level, reservoir inflow, weir and plant overflow rate and intake flow rate as prescribed;
- b) Failure to issue reservoir flood forecasts as prescribed.
5. A fine ranging from VND 70,000,000 to VND 80,000,000 shall be imposed for failure to carry out monitoring and forecasting activities during dry season. To be specific:
- a) Failure to carry out monitoring of reservoir inflow, weir and plant overflow rate, intake flow rate and upper and lower reservoir water levels as prescribed;
- b) Failure to forecast reservoir inflow as prescribed;

- c) Failure to formulate and notify the plan to supply water to lowlands to the competent authority as prescribed;
 - d) Failure to propose and notify the competent authority of the plan to regulate water for lowlands in case of an emergency, drought or water shortage that influences the operation of reservoirs as prescribed.
6. A fine ranging from VND 80,000,000 to VND 90,000,000 shall be imposed for falsification of monitoring and/or forecasting information and figures.
7. The fine for each violation prescribed in Clauses 1, 2 and 4 of this Article shall increase thrice in case a flood-producing rain may occur.

Article 15. Violations against regulations on maintaining water level before flood under normal weather conditions as specified in inter-reservoir operation procedure

1. Fines shall be imposed for violations against regulations on maintaining water level before flood under normal weather conditions with respect to the reservoir whose total capacity is less than 200 million m³. To be specific:

- a) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for incorrectly operating the reservoir, thereby resulting in an increase in reservoir water level which is higher than the water level before flood by under 30% of the difference between the retention water level and the water level before flood;
- b) A fine ranging from VND 70,000,000 to VND 90,000,000 shall be imposed for incorrectly operating the reservoir, thereby resulting in an increase in reservoir water level which is higher than the water level before flood by under 60% of the difference between the retention water level and the water level before flood;
- c) A fine ranging from VND 90,000,000 to VND 110,000,000 shall be imposed for incorrectly operating the reservoir, thereby resulting in an increase in reservoir water level which is higher than the water level before flood by at least 60% of the difference between the retention water level and the water level before flood;
- d) A fine ranging from VND 110,000,000 to VND 130,000,000 shall be imposed for incorrectly operating reservoir, thereby resulting in an increase in the reservoir water level which is equal to or higher than the retention water level.

2. Fines shall be imposed for violations against regulations on maintaining water level before flood under normal weather conditions with respect to the reservoir whose total capacity is from 200 m³ to less than 300 million m³. To be specific:

- a) A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for incorrectly operating the reservoir, thereby resulting in an increase in reservoir water

level which is higher than the water level before flood by under 30% of the difference between the retention water level and the water level before flood;

b) A fine ranging from VND 100,000,000 to VND 120,000,000 shall be imposed for incorrectly operating the reservoir, thereby resulting in an increase in reservoir water level which is higher than the water level before flood by from 30% to less than 60% of the difference between the retention water level and the water level before flood;

c) A fine ranging from VND 120,000,000 to VND 140,000,000 shall be imposed for incorrectly operating the reservoir, thereby resulting in an increase in reservoir water level which is higher than the water level before flood by at least 60% of the difference between the retention water level and the water level before flood;

d) A fine ranging from VND 140,000,000 to VND 160,000,000 shall be imposed for incorrectly operating reservoir, thereby resulting in an increase in the reservoir water level which is equal to or higher than the retention water level.

3. Fines shall be imposed for violations against regulations on maintaining water level before flood under normal weather conditions with respect to the reservoir whose total capacity is from 300 million m³ to less than 500 million m³. To be specific:

a) A fine ranging from VND 100,000,000 to VND 120,000,000 shall be imposed for incorrectly operating the reservoir, thereby resulting in an increase in reservoir water level which is higher than the water level before flood by under 30% of the difference between the retention water level and the water level before flood;

b) A fine ranging from VND 120,000,000 to VND 140,000,000 shall be imposed for incorrectly operating the reservoir, thereby resulting in an increase in reservoir water level which is higher than the water level before flood by from 30% to less than 60% of the difference between the retention water level and the water level before flood;

c) A fine ranging from VND 140,000,000 to VND 160,000,000 shall be imposed for incorrectly operating the reservoir, thereby resulting in an increase in reservoir water level which is higher than the water level before flood by at least 60% of the difference between the retention water level and the water level before flood;

d) A fine ranging from VND 160,000,000 to VND 180,000,000 shall be imposed for failure to incorrectly operating reservoir, thereby resulting in an increase in the reservoir water level which is equal to or higher than the retention water level.

4. Fines shall be imposed for violations against regulations on maintaining water level before flood under normal weather conditions with respect to the reservoir whose total capacity is 500 million m³ or more. To be specific:

a) A fine ranging from VND 120,000,000 to VND 140,000,000 shall be imposed for incorrectly operating the reservoir, thereby resulting in an increase in reservoir water

level which is higher than the water level before flood by under 30% of the difference between the retention water level and the water level before flood;

b) A fine ranging from VND 140,000,000 to VND 160,000,000 shall be imposed for incorrectly operating the reservoir, thereby resulting in an increase in reservoir water level which is higher than the water level before flood by from 30% to less than 60% of the difference between the retention water level and the water level before flood;

c) A fine ranging from VND 160,000,000 to VND 180,000,000 shall be imposed for incorrectly operating the reservoir, thereby resulting in an increase in reservoir water level which is higher than the water level before flood by at least 60% of the difference between the retention water level and the water level before flood;

d) A fine ranging from VND 180,000,000 to VND 200,000,000 shall be imposed for failure to incorrectly operating reservoir, thereby resulting in an increase in the reservoir water level which is equal to or higher than the retention water level.

5. A fine ranging from VND 220,000,000 to VND 250,000,000 shall be imposed for any of the violations prescribed in Clauses 1, 2, 3 and 4 of this Article if such violation causes flood which adversely influences production activities and life of the people in lowland of the reservoir.

6. Remedial measures:

The violator is compelled to:

a) adopt reservoir operation measures to lower the reservoir water level to the water level before flood;

b) adopt remedial measures against damage caused by any of the violations mentioned in Clause 5 of this Article.

Article 16. Violations against regulations on operation of reservoirs for the purpose of reducing floods hitting lowlands as specified in inter-reservoir operation procedure

1. Fines shall be imposed for operating the reservoir to discharge water with a volume exceeding the reservoir inflow during operation of the reservoir for reducing flood hitting the lowland with respect to the reservoir whose total capacity is less than 200 million m³. To be specific:

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

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

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

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

dd) A fine ranging from VND 180,000,000 to VND 190,000,000 shall be imposed for discharging water with a volume exceeding the reservoir inflow if the exceeding volume is at least 80% of the reservoir inflow;

2. Fines shall be imposed for operating the reservoir to discharge water with a volume exceeding the reservoir inflow during operation of the reservoir for reducing flood hitting the lowland with respect to the reservoir whose total capacity is from 200 million m³ to less than 300 million m³. To be specific:

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

b) A fine ranging from VND 160,000,000 to VND 170,000,000 shall be imposed for discharging water if the exceeding volume is from 20% to under 40% of the reservoir inflow;

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

d) A fine ranging from VND 180,000,000 to VND 190,000,000 shall be imposed for discharging water if the exceeding volume is from 60% to under 80% of the reservoir inflow;

dd) A fine ranging from VND 190,000,000 to VND 200,000,000 shall be imposed for discharging water with a volume exceeding the reservoir inflow if the exceeding volume is at least 80% of the reservoir inflow.

3. Fines shall be imposed for operating the reservoir to discharge water with a volume exceeding the reservoir inflow during operation of the reservoir for reducing flood hitting the lowland with respect to the reservoir whose total capacity is from 300 million m³ to less than 500 million m³. To be specific:

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

b) A fine ranging from VND 170,000,000 to VND 180,000,000 shall be imposed for discharging water if the exceeding volume is from 20% to under 40% of the reservoir inflow;

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

d) A fine ranging from VND 190,000,000 to VND 200,000,000 shall be imposed for discharging water if the exceeding volume is from 60% to under 80% of the reservoir inflow;

dd) A fine ranging from VND 200,000,000 to VND 210,000,000 shall be imposed for discharging water with a volume exceeding the reservoir inflow if the exceeding volume is at least 80% of the reservoir inflow.

4. Fines shall be imposed for operating the reservoir to discharge water with a volume exceeding the reservoir inflow during operation of the reservoir for reducing flood hitting the lowland with respect to the reservoir whose total capacity is 500 million m³ or more. To be specific:

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

b) A fine ranging from VND 180,000,000 to VND 190,000,000 shall be imposed for discharging water if the exceeding volume is from 20% to under 40% of the reservoir inflow;

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

d) A fine ranging from VND 200,000,000 to VND 210,000,000 shall be imposed for discharging water if the exceeding volume is from 60% to under 80% of the reservoir inflow;

dd) A fine ranging from VND 210,000,000 to VND 220,000,000 shall be imposed for discharging water with a volume exceeding the reservoir inflow if the exceeding volume is at least 80% of the reservoir inflow.

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

- a) Committing any of the violations mentioned in this Article resulting in flooding which adversely influences production activities and life of the people in lowland of the reservoir;
- b) Discharging water with a volume that exceeds the reservoir inflow when the reservoir water level reaches the retention water level as specified in the inter-reservoir operation procedure.

6. Remedial measures:

The violator is compelled to:

- a) adopt measures to operate the reservoir to reduce flood hitting the lowland;
- b) adopt remedial measures against damage caused by the violations mentioned in Point a Clause 5 of this Article.

Article 17. Violations against regulations on operating reservoirs to reduce reservoir water level for flood preparedness and reduce reservoir water level to maximum water level before flood as specified in inter-reservoir operation procedure

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

- a) Reducing the reservoir water level for flood preparedness against regulations when having urgent news of storm, tropical depression or any other weather event that may cause rain and/or flood;
- b) Reducing the reservoir water level to maximum water level before flood against regulations after the reduction of flood hitting the lowland is done.

2. A fine ranging from VND 140,000,000 to VND 160,000,000 shall be imposed for failure to operate the reservoir to discharge an amount of water equal to the reservoir inflow with the aim of maintaining current reservoir water level after the reduction of reservoir water level for flood preparedness is done while conditions for reducing flood hitting the lowland are not satisfied.

3. Remedial measures:

The violator is compelled to:

a) adopt reservoir operation measures to reduce reservoir water level for flood preparedness and reduce the reservoir water level to maximum water level before flood as prescribed;

b) adopt remedial measures against damage caused by any of the violations in this Article which cause flooding affecting production activities and life of the people in lowland of the reservoir.

Article 18. Violations against regulations on maintaining annual low-water flow upon the completion of works during dry season as specified in inter-reservoir operation procedure

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. A fine ranging from VND 220,000,000 to VND 250,000,000 shall be imposed for failure to discharge water with the regulated volume resulting in serious water shortage in the lowland.

6. Remedial measures:

The violator is compelled to:

a) adopt measures to maintain the annual low-water flow upon the completion of works during dry season;

b) adopt remedial measures against droughts or water shortage if any of the violations prescribed in this Article results water shortage in the lowland.

Article 19. Violations against regulations on daily water discharge period during dry season as specified in inter-reservoir operation procedure

1. A fine ranging from VND 70,000,000 to VND 90,000,000 shall be imposed for failure to discharge water on a daily basis within a period of less than 5 days.
2. A fine ranging from VND 90,000,000 to VND 110,000,000 shall be imposed for failure to discharge water on a daily basis within a period of from 05 days to less than 10 days.
3. A fine ranging from VND 110,000,000 to VND 130,000,000 shall be imposed for failure to discharge water on a daily basis within a period of from 10 days to less than 20 days.
4. A fine ranging from VND 130,000,000 to VND 150,000,000 shall be imposed for failure to discharge water on a daily basis within a period of from 20 days to less than 30 days.
5. A fine ranging from VND 150,000,000 to VND 170,000,000 shall be imposed for failure to discharge water on a daily basis within a period of from 30 days to less than 60 days.
6. A fine ranging from VND 170,000,000 to VND 190,000,000 shall be imposed for failure to discharge water on a daily basis within a period of 60 days or more.
7. A fine ranging from VND 220,000,000 to VND 250,000,000 shall be imposed for failure to discharge water within the prescribed period resulting in serious water shortage in the lowland.

8. Remedial measures:

The violator is compelled to adopt remedial measures against droughts or water shortage if any of the violations prescribed in this Article results in serious water shortage in the lowland and serious influence on operation of other reservoirs in the river basin.

Section 3. VIOLATIONS AGAINST REGULATIONS ON WATER RESOURCES PROTECTION

Article 20. Acts of discharging wastewater into water bodies without license as prescribed

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

a) Discharging wastewater into water bodies with a discharged wastewater volume of more than 5 m³/24 hours to less than 50 m³/24 hours, except for the case specified in Point b of this Clause;

b) Discharging aquaculture wastewater into water bodies with a discharged wastewater volume of more than 10,000 m³/24 hours to less than 30,000 m³/24 hours.

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

a) Discharging wastewater into water bodies with a discharged wastewater volume of more than 50 m³/24 hours to less than 100 m³/24 hours, except for the case specified in Point b of this Clause;

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

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

a) Discharging wastewater into water bodies with a discharged wastewater volume of from 100 m³/24 hours to less than 500 m³/24 hours, except for the case specified in Point b of this Clause;

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

4. A fine ranging from VND 60,000,000 to VND 90,000,000 shall be imposed for discharging wastewater containing toxic chemicals and/or radioactive substances into water bodies with a discharged wastewater volume not exceeding 5 m³/24 hours.

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

a) Discharging wastewater into water bodies with a discharged wastewater volume of from 500 m³/24 hours to less than 1,000 m³/24 hours, except for the case specified in Point b of this Clause;

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

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

a) Discharging wastewater into water bodies with a discharged wastewater volume of from 1,000 m³/24 hours to less than 2,000 m³/24 hours, except for the case specified in Point b of this Clause;

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

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

a) Discharging wastewater into water bodies with a discharged wastewater volume of from 2,000 m³/24 hours to less than 3,000 m³/24 hours, except for the case specified in Point b of this Clause;

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

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

a) Discharging wastewater into water bodies with a discharged wastewater volume of at least 3,000 m³/24 hours, except for the case specified in Point b of this Clause;

b) Discharging aquaculture wastewater into water bodies with a discharged wastewater volume of at least 200,000 m³/24 hours.

9. Fines for discharge of wastewater which requires a license into the centralized wastewater collection and treatment system that is yet to be licensed to discharge wastewater into water bodies are the same as those for corresponding violations prescribed in Point a Clauses 2, 3, 4, 5, 6, 7 and 8 of this Article.

10. Fines for discharge of wastewater into water bodies with an unexpired license are the same as those for discharge of wastewater into water bodies without the license as prescribed in Clauses 1, 2, 3, 4, 5, 6, 7 and 8 of this Article.

11. Remedial measures:

The violator is compelled to adopt remedial measures against environmental pollution and/or depletion of water resources if any of the violations in this Article causes pollution and/or degradation of water quality.

Article 21. Violations against regulations on license to discharge wastewater into water bodies

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

- a) Failure to submit reports on discharge of wastewater into water bodies to the competent authority as prescribed by law;
- b) Failure to promptly submit a report on the water pollution caused by discharge of wastewater to the licensing authority and local competent authority.
- c) Submitting an untruthful or insufficient report on discharge of wastewater into water bodies to the competent authority as prescribed.

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

- a) Failure to discharge wastewater at the locations/co-ordinates specified in the license;
- a) Failure to discharge wastewater into water bodies according to the regulations and methods specified in the license.

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

- a) Failure to collect wastewater according to the design specified in the license;
- b) Failure to correctly operate the wastewater treatment system according to operating procedure specified in the license;
- c) Failure to have human resources and equipment necessary to respond to water pollution incidents;
- d) Giving permission to other entities to discharge wastewater into the wastewater collection and treatment system in which the license holder is invested and which is managed and operated by the license holder inconsistently with regulations in the license.

4. If the discharged wastewater volume exceeds the licensed one, fines imposed for exceeding volumes are the same as fines for corresponding violations prescribed in Clauses 1, 2, 3, 4, 5, 6, 7 and 8 Article 20 hereof.

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

6. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for violations against regulations of the license except for the violations specified in Clauses 1, 2, 3 and 4 of this Article.

7. Additional penalties:

Suspend the license to discharge wastewater into water bodies for 03 - 06 months if any of the violations prescribed in Clauses 2, 3, 4 and 5 of this Article results in water pollution or serious damage to aquatic ecosystems and aquaculture within an area.

8. Remedial measures:

The violator is compelled to adopt remedial measures against pollution, degradation or depletion of water resources if any of the violations in this Article causes pollution and/or degradation of water quality and decrease in water quantity.

Article 22. Violations against regulations on water resources protection

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

- a) Failure to submit reports on borehole filling and sealing to the competent authority as prescribed;
- b) Failure 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;
- c) Failure to conduct the filling and sealing of boreholes which are no longer used or are damaged (for each borehole) in case where the license to explore or extract groundwater is not required;
- d) Failure to notify the date and place of borehole filling and sealing to the competent authority as prescribed.

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

- a) Managing and operating a work in the manner that causes water loss or water waste;
- b) Installing borehole mouth against regulations;
- c) Using borehole cleaning and disinfection chemicals which are not on the list of allowed chemicals.

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

- a) Failure to take remedial measures against operating activities-induced emergencies that affect quality and/or water level in the borehole;

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

4. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to cooperate with the People's Committee of the district or commune where the water extraction work is available and relevant authorities in determining boundary of the domestic water supply protection zone for the work on site after the approval or announcement thereof.

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

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

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

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

7. A fine ranging from VND 160,000,000 to VND 180,000,000 shall be imposed for discharging wastewater or transporting wastes into the domestic water supply protection zone.

8. A fine ranging from VND 180,000,000 to VND 200,000,000 shall be imposed for construction of groundwater extraction works in the area where the groundwater extraction is restricted as prescribed.

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

10. Additional penalties:

b) Suspend manufacturing and trading activities for 03 – 06 months if the violation prescribed in Point b Clause 6 of this Article is committed.

11. Remedial measures:

The violator is compelled to:

- a) carry out filling and sealing of the borehole/well if the violation prescribed in Point c Clause 1 and Point b Clause 3 of this Article is committed;
- b) dismantle the works if any of the violations prescribed in Clause 7 and Clause 8 of this Article is committed;
- c) adopt remedial measures against pollution, degradation or depletion of water resources if any of the violations in this Article causes pollution and/or degradation of water quality and decrease in water quantity.

Article 23. Violations against regulations on prevention and control of pollution, degradation and depletion of water resources

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to adopt measures to prevent leaks or spillage of wastewater storage pond, lake or area if the stored wastewater does not contain hazardous waste.
2. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for use of agrochemicals, veterinary medicines and other chemicals in crop production, breeding and aquaculture against technical regulations resulting in the water pollution.
3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for any of the following violations:
 - a) Failure to formulate plans for prevention and control of pollution, degradation and depletion of water resources upon building economic zones, industrial parks, export-processing zones, hi-tech zones, industrial clusters, urban areas, populated areas, tourism areas, recreational areas, waterway routes, roads, underground works, water supply and drainage works, mining works, power plants, wastewater storage areas, businesses and other works that may cause pollution, degradation and depletion of water resources;
 - b) Failure to have plans, equipment and human resources for preventing and reducing sea water pollution when carrying out activities at sea.
4. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for any of the following violations:
 - a) Failure to implement measures to ensure safety and prevent leaks or loss resulting in pollution of water sources of businesses, service providers, mining facilities and other production activities that use toxic chemicals;
 - b) Failure to implement measures to prevent leaks or spillage of the pond, lake or zone storing wastewater that contains hazardous waste.
5. A fine ranging from VND 200,000,000 to VND 220,000,000 shall be imposed for any of the following violations:

- a) Pumping water and draining in mining or construction resulting in decrease of underground water levels and water depletion;
- b) Failure to adopt remedial measures as instructed by the water resources authority when pumping water and draining in mining or construction resulting in decrease of underground water level and water depletion.

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

7. Additional penalties:

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

8. Remedial measures:

The violator is compelled to adopt remedial measures against pollution, degradation or depletion of water resources if any of the violations in this Article causes pollution and/or degradation of water quality and decrease in water quantity.

Article 24. Violations against regulations on response to water pollution incidents

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

- a) Failure to formulate a water pollution incident response plan;
- b) Failure to provide equipment necessary for response to the water pollution incident caused by an act of violation;
- c) Failure to notify the competent authority of the occurrence of a water pollution incident.

2. A fine ranging from VND 120,000,000 to VND 150,000,000 shall be imposed for failure to implement measures to promptly respond to the water pollution incident caused by an act of violation.

3. A fine ranging from VND 220,000,000 to VND 250,000,000 shall be imposed for failure to implement measures to promptly respond to the water pollution incident caused by an act of violation resulting in serious water pollution.

4. Remedial measures:

The violator is compelled to adopt remedial measures against environmental pollution and/or degradation of water resources caused by any of the violations prescribed in Clauses 2 and 3 of this Article.

Article 25. Violations against regulations on maintenance of water flow and prevention of river bank and terrace erosion

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

2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for laying pipelines or cables across a river, stream or canal or laying cages or rafts against the technical regulations on flood control and relevant technical requirements as prescribed by law resulting in obstruction of water flow.

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 bridge/wharf or another river/stream/canal closure work or work across a river/stream/canal against the technical regulations on flood control and relevant technical requirements as prescribed by law resulting in obstruction of water flows..

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

a) Building embankments, fortifying river bank, dredging or clearing channels to open inland channels and routes, building hydraulic works or extracting sand, gravel and other minerals from rivers or lakes against the plan approved by the competent authority;

b) Leveling a pond, lake or lagoon on the list of ponds, lakes and lagoons prohibited from leveling approved by a competent authority.

c) Failure to suspend the dredging or clearing of channels to open inland channels and routes or extraction of sand, gravel and other minerals from rivers or lakes if any sign of erosion appears.

5. Fines for leveling rivers, streams, canals or channels resulting in narrowing of the flow without approval by a competent authority are as follows:

a) A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for narrowing less than 5% of the cross-section of a river, stream, channel or canal;

b) A fine ranging from VND 60,000,000 to VND 100,000,000 shall be imposed for narrowing from 5% to less than 20% of the cross-section of a river, stream, channel or canal;

c) A fine ranging from VND 100,000,000 to VND 120,000,000 shall be imposed for narrowing from 20% to less than 30% of the cross-section of a river, stream, channel or canal;

d) A fine ranging from VND 150,000,000 to VND 200,000,000 shall be imposed for narrowing from 30% to less than 50% of the cross-section of a river, stream, channel or canal;

dd) A fine ranging from VND 200,000,000 to VND 250,000,000 shall be imposed for narrowing at least 50% of the cross-section of a river, stream, channel or canal.

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

a) Building embankments, fortifying river bank, dredging or clearing channels to open inland channels and routes, building hydraulic works or extracting sand, gravel and other minerals from rivers or lakes against the plan approved by the competent authority resulting in river bed, bank or terrace erosion or serious waterlogging in riparian zones;

b) Using the area of the encroached river for the purpose not approved by the competent authority.

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 operation and protection of irrigation works.

8. Additional penalties:

a) Suspend the activities for 01 to 03 months if the violation mentioned in Clause 6 of this Article is committed;

b) Suspend the activity for 03 - 06 months if any of the violations mentioned in Clause 5 of this Article is committed.

9. Remedial measures:

The violator is compelled to:

a) restore the original condition which has been changed by any of the violations mentioned in this Article;

b) dismantle the works or remove or relocate the obstacles to the flow if any of the violations prescribed in this Article is committed.

c) dismantle the works or remove or relocate the obstacles on the area of the encroached river if the violation mentioned in Point b Clause 6 of this Article is committed.

Article 26. Violations against regulations on safety perimeters of water resources

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed on the facility operating inside the safety perimeter of water resources for its failure to adopt measures to treat, control and supervise quality of wastewater or waste before it is discharged into land or water bodies.

2. A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for carrying out mineral mining, drilling or construction of buildings or architectures inside the safety perimeter of water resources resulting in erosion on the banks of river, stream, channel, canal or reservoir.

3. A fine ranging from VND 60,000,000 to VND 70,000,000 shall be imposed for performance of any of the following acts without obtaining written consent from the Provincial Department of Natural Resources and Environment, except for the acts performed within the safety perimeters of irrigation works:

a) Building a warehouse, wharf, port, bridge, traffic route, underground work or another infrastructure;

b) Leveling or constructing embankments of a river, stream, channel, canal, irrigation reservoir, hydroelectric reservoir, natural or artificial reservoir, except for the construction of urgent works serving natural disaster management or erosion prevention or training works on rivers where disaster management works and dikes are available;

c) Carrying out drilling or digging to serve the geological surveys, exploration/mining of minerals, foundation handling or mine dewatering;

d) Mining minerals or building materials.

4. A fine ranging from VND 150,000,000 to VND 180,000,000 shall be imposed for construction of a hospital or health facility specialized in treatment of infectious diseases, cemetery, landfills, toxic chemical manufacturing establishment or manufacturing and processing establishment that have hazardous wastewater inside the safety perimeter of water resources.

5. Remedial measures:

The violator is compelled to:

a) dismantle the violating works prescribed in Clauses 3 and 4 of this Article;

b) adopt remedial measures against pollution, degradation or depletion of water resources if any of the violations in this Article causes pollution and/or degradation of water quality and decrease in water quantity.

Article 27. Violations against regulations on prevention and control of saltwater intrusion

1. A fine ranging from VND 6,000,000 to VND 10,000,000 shall be imposed for extracting or using brackish water or saltwater for production or aquaculture outside the area reserved for aquaculture resulting in the movement of saline water into water sources.

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

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

4. Remedial measures:

The violator is compelled to adopt remedial measures against pollution, degradation or depletion of water resources if any of the violations in this Article causes pollution and/or degradation of water quality and decrease in water quantity.

Section 4. VIOLATIONS AGAINST OTHER REGULATIONS ON WATER RESOURCES MANAGEMENT

Article 28. Violations against regulations on land subsidence prevention and control

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

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

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

b) Failure to immediately notify the nearest local authority of the occurrence of land subsidence in course of drilling for groundwater exploration and extraction.

3. Additional penalties:

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

4. Remedial measures:

The violator is compelled to restore the original condition which has been changed by the violation mentioned in Point a Clause 2 of this Article.

Article 29. Violations against other regulations on water resources management

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

- a) Making untruthful statements to be offered incentives for economical and efficient use of water;
- b) Using incentives for economical and efficient use of water for improper purposes.

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

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

- a) Failure to publish sufficient information concerning the project's extraction and use of water resources or discharge of wastewater into water bodies as prescribed;
- b) Failure to adopt the prescribed methods of publishing information concerning the project's extraction and use of water resources or discharge of wastewater into water bodies;
- c) Failure to submit the application for calculating fees for granting water extraction rights within the prescribed time limit.

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

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

- a) Providing inaccurate information about seeking of opinions from relevant residential communities, organizations and individuals as prescribed;

- b) Failure to publish information concerning the project's extraction and use of water resources or discharge of wastewater into water bodies as prescribed;
- c) Including inaccurate information in the application for calculating charge processing of application for grant of water extraction rights;
- d) Failure to make full payment of fees for processing of application for grant of water extraction rights.

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

- a) Including inaccurate information in the application for license to explore or extract water resources, or discharge wastewater into water bodies;
- b) Failure to seek opinions from relevant residential communities, organizations and individuals as prescribed;
- c) Failure to pay fees for granting water extraction rights;
- c) Failure to submit the application for calculating fees for granting water extraction rights as prescribed;
- dd) Failure to submit the application for adjustment to fees for granting water extraction rights if the adjustment is required;
- e) Failure to submit the application for adjustment or re-issuance of the license to explore or extract water resources if the adjustment or re-issuance is required.

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

- a) Building a reservoir, dam or water extraction work inconsistently with the water resources planning;
- b) Failure to comply with the decision on restriction on groundwater extraction issued by the competent authority.

8. Additional penalties:

- a) Suspend the extraction or use of groundwater for 01 – 06 months if any of the violations prescribed in Point b Clause 7 of this Article is committed;
- b) Suspend the license to extract water resources for a period from 01 to less than 03 months if the violation prescribed in Point d Clause 5 of this Article is committed, or for

03 – 06 months if any of the violations prescribed in Points a, b and c Clauses 5 and 6 of this Article is committed.

9. Remedial measures:

The violator is compelled to:

a) correct falsified information/data resulted from the violations prescribed in Clause 2 of this Article;

b) dismantle or relocate the works if the violation prescribed in Point a Clause 7 of this Article is committed.

Chapter III

ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON MINERALS, PENALTIES, FINES AND REMEDIAL MEASURES

Section 1. VIOLATIONS AGAINST REGULATIONS ON RESPONSIBILITY OF ENTITIES PERFORMING MINERAL ACTIVITIES AND MANAGING MINERALS

Article 30. Violations against regulations on field surveys and collection of samples from land surface to select the area for formulating mineral exploration project

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

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

b) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed if the collection of mineral samples 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 3,000,000 to VND 5,000,000 shall be imposed if the collection of mineral samples is licensed by the Ministry of Natural Resources and Environment.

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

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

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the collection of mineral samples 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 10,000,000 to VND 20,000,000 shall be imposed if the collection of mineral samples is licensed by the Ministry of Natural Resources and Environment.

Article 31. Violations against regulations on notification of the exploration plan, reporting of mineral exploration results, requirements for execution of mineral exploration projects, obligations to be fulfilled upon the expiry of mineral exploration license

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

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

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

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

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to submit a periodic report on mineral exploration within 30 days from February 1 of the year succeeding the reporting period or failure to the mineral authority.

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

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

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

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

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

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

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

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

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

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

6. Fines shall be imposed for failure to satisfy all eligibility requirements for practicing mineral exploration when executing the mineral exploration project or signing a contract with the organization that fails to satisfy all eligibility requirements for practicing mineral exploration. To be specific:

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

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

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

7. Fines shall be imposed for failure to execute the mineral exploration project against the approved contents specified and failure to comply with regulations specified in the mineral exploration license. To be specific:

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

b) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed if the mineral exploration license is issued by the provincial People's Committee, except for the case prescribed in Point a of this Clause;

c) A fine ranging from VND 100,000,000 to VND 150,000,000 if the mineral exploration license is issued by Ministry of Natural Resources and Environment.

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

a) Failure to move all its assets and assets of relevant parties from the exploration area, or failure to conduct the leveling of exploration site and protect unmined minerals as prescribed by law, or failure to provide specimens and information concerning collected minerals to the mineral authority as prescribed by law within 06 months from the expiry of the mineral exploration license;

b) Arbitrarily making a change to the exploration method or the exploration volumes which results in a change in the cost by more than 10% of the total estimated cost without approval by a competent authority.

9. Remedial measures:

The violator is compelled to carry out leveling of exploration works; adopt measures to protect unmined minerals and environmental remediation measures, and transfer mineral specimens and their related information to the competent authority if any of the violations prescribed in Clause 8 of this Article is committed.

Article 32. Violations against regulations on mineral exploration areas

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

a) Planting boundary markers at corner points of a licensed mineral exploration area inconsistently with required specifications or failure to plant sufficient boundary markers at corner points of a licensed mineral exploration area;

b) Exceeding the designed depth by less than 25% or 10 m in the appraised mineral exploration project without the permission of the authority issuing the mineral exploration license when exploring minerals while the exploration work (trench, well, drift or borehole) is located within the licensed exploration area.

2. Fines shall be imposed for failure to plant boundary markers at corner points of the licensed mineral exploration area. To be specific:

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

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

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

3. Exceeding the designed depth by from 25% to less than 50% or from 10 m to less than 50 m in the appraised mineral exploration project without the permission of the authority issuing the mineral exploration license when exploring minerals while the exploration work (trench, well, drift or borehole) is located within the licensed exploration area. To be specific:

a) A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed on a household business for exploring minerals used as common building materials;

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

c) A fine ranging from VND 50,000,000 to VND 80,000,000 if the mineral exploration license is issued by Ministry of Natural Resources and Environment.

4. Exceeding the designed depth by from 50% to less than 100% or from 50 m to less than 70 m in the appraised mineral exploration project without the permission of the authority issuing the mineral exploration license when exploring minerals while the exploration work (trench, well, drift or borehole) is located within the licensed exploration area. To be specific:

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

b) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed if the mineral exploration license is issued by the provincial People's Committee, except for the case prescribed in Point a of this Clause;

c) A fine ranging from VND 100,000,000 to VND 150,000,000 if the mineral exploration license is issued by Ministry of Natural Resources and Environment.

5. Fines shall be imposed for exceeding the designed depth by at least 100% or 70 m in the appraised mineral exploration project without the permission of the authority issuing the mineral exploration license when exploring minerals while the exploration work (trench, well, drift or borehole) is located within the licensed exploration area. To be specific:

- a) A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed on a household business for exploring minerals used as common building materials;
- b) A fine ranging from VND 100,000,000 to VND 120,000,000 shall be imposed if the mineral exploration license is issued by the provincial People's Committee, except for the case prescribed in Point a of this Clause;
- c) A fine ranging from VND 150,000,000 to VND 200,000,000 if the mineral exploration license is issued by Ministry of Natural Resources and Environment.

6. Fines shall be imposed for exploring minerals beyond the boundary of the licensed mineral exploration area. To be specific:

- a) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed on a household business for exploring minerals used as common building materials;
- b) A fine ranging from VND 100,000,000 to VND 150,000,000 shall be imposed if the mineral exploration 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 200,000,000 to VND 300,000,000 shall be imposed if the mineral exploration is licensed by the Ministry of Natural Resources and Environment.

7. Additional penalties:

- a) Suspend the mineral exploration if the exploration is carried out using at least 05 exploration works or the violation is recommitted: For from 01 to less than 03 months if any of the violations mentioned in Clause 3 is committed, for 03 – 06 months if any of the violations mentioned in Clause 4 is committed and for 06 – 09 months if any of the violations in Clauses 5 and 6 of this Article is committed;
- b) Confiscate the specimens that are minerals if any of the violations prescribed in Clauses 3, 4, 5 and 6 of this Article is committed.

8. Remedial measures:

The violator is compelled to level the exploration works and adopt measures for environmental remediation in the exploration area beyond the licensed exploration area if any of the violations prescribed in Clauses 3, 4, 5 and 6 of this Article is committed.

Article 33. Violations against regulations on transfer of mineral exploration rights

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

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

Article 34. Violations against regulations on exploration of toxic minerals

1. A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed for failure to implement or insufficiently implementing environmental pollution prevention measures specified in the mineral exploration project provided that the exploration is yet to cause environmental pollution.
2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for insufficiently implementing environmental pollution prevention measures which are specified in the mineral exploration project resulting in environmental pollution caused by the exploration.
3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for insufficiently implementing remedial measures against environmental pollution caused by the exploration.
4. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for failure to implement remedial measures against environmental pollution caused by the exploration.

5. Additional penalties:

Suspend the mineral exploration in case of re-commission of violations: For from 01 to less than 03 months if the violation mentioned in Clause 1 is committed, for from 03 to less than 06 months if the violation mentioned in Clause 2 is committed, for from 06 to less than 09 months if the violation mentioned in Clause 3 is committed and for 09 - 12 months if the violation mentioned in Clause 4 of this Article is committed.

6. Remedial measures:

The violator is compelled to:

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

b) adopt all remedial measures against environmental pollution if any of the violations prescribed in Clauses 2, 3 and 4 of this Article is committed.

Article 35. Violations against other regulations on mineral exploration

1. Fines shall be imposed for conducting mineral exploration activities with an unexpired mineral exploration license or while applying for extension of the mineral exploration license without approval by a competent authority. To be specific:

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

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

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

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

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

b) A fine ranging from VND 100,000,000 to VND 150,000,000 shall be imposed if the mineral exploration 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 200,000,000 to VND 300,000,000 shall be imposed if the mineral exploration is licensed by the Ministry of Natural Resources and Environment, except for the case specified in Point d and dd of this Clause;

d) A fine ranging from VND 300,000,000 to VND 500,000,000 shall be imposed if the mineral exploration is licensed by the Ministry of Natural Resources and Environment.

dd) A fine ranging from VND 600,000,000 to VND 800,000,000 shall be imposed if the mineral exploration is licensed by the Ministry of Natural Resources and Environment.

3. Fines shall be imposed for constructing drilling works or furnaces intended for mineral exploration before the mineral exploration license is obtained. To be specific:

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

b) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if the mineral exploration 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 100,000,000 to VND 200,000,000 shall be imposed if the mineral exploration is licensed by the Ministry of Natural Resources and Environment in the case of from 01 - 04 boreholes and drifts.

d) A fine ranging from VND 200,000,000 to VND 300,000,000 shall be imposed if the mineral exploration is licensed by the Ministry of Natural Resources and Environment in the case of at least 05 boreholes and drifts.

4. Remedial measures:

The violator is compelled to level the exploration works and adopt measures for environmental remediation in the area where the exploration has been carried out if any of the violations prescribed in Clause 2 of this Article is committed.

Article 36. Violations against regulations on mine fundamental construction, reporting of mineral mining, payment of fees for granting mineral mining or exploration rights and upgrading of mineral reserves/resources category

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

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

b) Failure to send notify the licensing authority of the case in which the extraction is suspended for 01 year or more;

c) Failure to include sufficient information in the periodical report on mineral mining according to the template provided by the Ministry of Natural Resources and Environment.

d) Failure to submit the ad hoc report within 15 days from the date on which the written request is received or within the time limit required by the mineral authority.

2. Fines shall be imposed for failure to register the date of commencement of mine fundamental construction; failure to register the date of commencement of extraction with the licensing authority. To be specific:

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

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

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

a) Submitting the periodical report on mineral mining to the competent authority 15 - 29 days after the deadline, which is February 01 of the year succeeding the reporting period.;

b) Failure to retain results of mineral exploration carried out to upgrade mineral reserves/resources category within the licensed mineral mining area.

4. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for submitting the periodical report on mineral mining to the competent authority at least 30 days after the deadline, which is February 01 of the year succeeding the reporting period.

5. Fines shall be imposed for any of the following violations: Failure to notify the plan, volume and time for carrying out exploration to upgrade mineral reserves/resources category within the licensed mineral exploration area to the licensing authority before the exploration; failure to submit exploration results to the competent authority for approval before termination of exploration carried out to upgrade mineral reserves category. To be specific:

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

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

6. Suspend the mining license for 01 - 03 months for failure to sufficiently pay fees for granting mining right in the case where, after the last period of the year in which such fees have to be paid but they have not been paid or the fees for the year preceding the time of inspection have not been paid as notified by the regulatory authority; or for 03 – 06 months for failure to pay fees for granting mining right after the last period of the year in which such fees have to be paid and fees for the year preceding such year.

7. A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed for failure to submit the application for calculating fees for granting mining right to the General Department of Geology and Minerals of Vietnam (Ministry of Natural Resources and Environment) or provincial Department of Natural Resources and Environment (provincial People's Committee) with respect to the areas licensed for extraction before the effective date of the Government's Decree No. 203/2013/ND-CP dated November 28, 2013.

8. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for submitting the application for calculating fees for granting mining right against

regulations on fees for granting mining right with respect to the poly-metallic mines that have at least 02 of the following metals: iron, copper, lead, zinc, tin, wolfram, nickel, cobalt, bismuth, antimony, gold, silver and platinum which are 2% in group 7 – other metallic minerals provided in the Appendix I enclosed with the Decree No. 67/2019/ND-CP.

Article 37. Violations against regulations on mineral mining areas

1. Fines shall be imposed for failure to plant boundary markers at corner points of the licensed mineral mining area. To be specific:

a) A fine ranging from VND 2,000,000 to VND 5,000,000 for planting boundary markers against the technical specifications or losing boundary markers although there are documents proving boundary markers have been planted at corner points of the licensed mineral mining area.

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to plant boundary markers in full quantity as prescribed in the mining license although the boundary markers are planted at corner points according to technical specifications in the licensed mineral mining area; for failure to notify the local competent authority or mineral authority of planting of boundary markers at corner points in the licensed mineral mining area.

2. A warning or a fine shall be imposed for failure to plant boundary markers at corner points of the licensed mineral exploration area. To be specific:

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

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the mining license is issued by the provincial People's Committee, except for the case prescribed in Point a of this Clause;

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

3. Fines shall be imposed for extraction of minerals (other than river, stream and lake bed sand and gravel) 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 0.1 hectare. To be specific:

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

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the 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 10,000,000 to VND 20,000,000 shall be imposed if the mining is licensed by the Ministry of Natural Resources and Environment.

4. Fines shall be imposed for extraction of minerals (other than river, stream and lake bed sand and gravel) 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 0.1 hectare. To be specific:

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

b) A fine ranging from VND 50,000,000 to VND 70,000,000 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 70,000,000 to VND 100,000,000 if the mining is licensed by Ministry of Natural Resources and Environment.

5. Fines shall be imposed for extraction of minerals (other than river, stream and lake bed sand and gravel) with a total extraction area exceeding the boundary of licensed mining area from 0.5 hectare to under 01 hectare (by surface); from 02 m to under 03 m (by depth or height) with an area of at least 0.1 hectare. To be specific:

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

b) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed if the 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 100,000,000 to VND 200,000,000 shall be imposed if the mining is licensed by the Ministry of Natural Resources and Environment, except for the case specified in Point d of this Clause;

d) A fine ranging from VND 200,000,000 to VND 300,000,000 if minerals are gold, silver, platinum, precious stones or toxic minerals which are extracted under the license issued by Ministry of Natural Resources and Environment.

6. Fines shall be imposed for extraction of minerals (other than river, stream and lake bed sand and gravel) 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 0.1 hectare. To be specific:

a) A fine ranging from VND 100,000,000 to VND 200,000,000 if the mining is licensed by the provincial People's Committee;

b) A fine ranging from VND 200,000,000 to VND 300,000,000 shall be imposed if the mining is licensed by the Ministry of Natural Resources and Environment, except for the case specified in Point c of this Clause;

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

7. If the act of mining minerals (other than river, stream and lake bed sand and gravel) 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 0.1 hectare is considered the act of mining minerals without obtaining the mining license from a competent authority, the corresponding maximum fines prescribed in Article 47 hereof shall be imposed.

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

a) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for extracting sand or gravel with a total extraction area exceeding the nearest point of the boundary of the licensed mining area up to under 100 m (by surface) or up to under 02 m (by depth);

b) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for extracting sand or gravel with a total extraction area exceeding the nearest point of the boundary of the licensed mining area from 100 m to under 200 m (by surface) or from 02 m to under 05 m (by depth);

c) If the act of extracting sand or gravel with a total extraction area exceeding the nearest point of the boundary of the licensed mining area at least 200 m (by surface) or at least 05 m (by depth) is considered the act of extracting sand or gravel without obtaining the mining license from a competent authority, the corresponding maximum fines prescribed in Point e Clause 1 and Point e Clause 2 Article 48 hereof shall be imposed.

9. Additional penalties:

Suspend the mining license in case of re-commission of violations: For from 03 to less than 06 months if any of the violations mentioned in Clause 4 is committed, for from 06 to less than 09 months if any of the violations mentioned in Clause 5 and Point a Clause 8 is committed, for 09 – 12 months if any of the violations mentioned in Clause 6 and Point b Clause 8 is committed and for 12 - 15 months if any of the violations mentioned in Clause 7 and Point c Clause 8 of this Article is committed.

10. Remedial measures:

The violator is compelled to:

- a) improve and remediate the environment; adopt measures to bring the extraction area beyond the licensed mining area to safe state. In case of extraction of sand and gravel from river, stream or lake beds, compensate for and pay the costs of repairing damage caused by the violations to dams, other technical infrastructures or civil constructions;
- b) return illegal benefits obtained from the administrative violations prescribed in Clauses 3, 4, 5, 6, 7 and 8 of this Article;
- c) pay the costs of expert examination, verification and measurement if any of the violations mentioned in Clauses 3, 4, 5, 6, 7 and 8 of this Article is committed.

Article 38. Violations against regulations on mine design

1. A warning or fine shall be imposed for any of the following violations: Formulating or giving approval for mine design whose contents are not conformable with the approved investment project and fundamental design, and the mining license; making an adjustment or change to mining technology or mining capacity which is not conformable to the approved mine design without approval by a competent authority. To be specific:

- a) A warning shall be imposed on a household business for mining minerals used as common building materials;
- b) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed if the mining license is issued by the provincial People's Committee, except for the case prescribed in Point a of this Clause;
- c) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed if the mining license is issued by the Ministry of Natural Resources and Environment.

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

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

3. Fines shall be imposed for any of the following violations: Failure 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; 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; failure to mine minerals within mining time frame or in quantity or with 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 5,000,000 to VND 10,000,000 shall be imposed on a household business for mining minerals used as common building materials;
- b) 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;
- c) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for mining minerals which are used as common building materials by using industrial explosives;
- 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, except for the cases prescribed in Points a, b, c and e of this Clause;
- dd) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for mining minerals by employing underground mining methods, except for the cases prescribed in Points a, b, c and e of this Clause;
- e) A fine ranging from VND 100,000,000 to VND 150,000,000 shall be imposed for mining gold, silver, precious stones, platinum or toxic minerals.

4. Fines shall be imposed for mining minerals without formulating a mine design as prescribed. To be specific:

- a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on a household business for mining minerals used as common building materials;
- b) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for mining peat or minerals which are used as common building materials without using industrial explosives, except for 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 peat or minerals which are used as common building materials by using industrial explosives, except for the case specified in Point a of this Clause;

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, except for the cases prescribed in Points a, b, c and e of this Clause;

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

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

5. Additional penalties:

Suspend the mining for 03 - 06 months if any of the violations prescribed in Clauses 3 and 4 of this Article is re-committed.

6. Remedial measures:

The violator is compelled 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; the parameters of a mining system, including bench height and bench face angle; dump waste at the location specified in the approved mine design/economic and technical report; mine minerals within mining time frame or in quantity or with mining equipment specified in the license (regarding river, stream and lake bed sand and gravel if the violation prescribed in Clause 3 of this Article is committed).

Article 39. Violations against regulations on mine executive director

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

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

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

2. Fines shall be imposed for appointing a person as a mine executive director against the prescribed standard. To be specific:

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

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

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

d) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if the mining is licensed by the provincial People's Committee, except for the cases prescribed in Points a and b of this Clause;

dd) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed if the mining is licensed by the Ministry of Natural Resources and Environment, except for the case specified in Point e of this Clause;

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

3. Fines shall be imposed for mining minerals without a mine executive director. To be specific:

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

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

c) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for mining peat or minerals which are used as common building materials by using industrial explosives, except for the case specified in Point a of this Clause;

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

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

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

4. Additional penalties:

a) Suspend the mining for 01 - 03 months if any of the violations prescribed in Points a and b Clause 3 of this Article is re-committed.

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

Article 40. Violations against regulations on development of status quo maps and cross-section drawings of status quo of licensed mining areas; producing statistics and stocktaking of mined mineral reserves and mineral production

1. A warning shall be imposed for failure to install cameras in warehouses and places where crude minerals are moved from mines to serve storage of relevant information.

2. A warning or fine shall be imposed for failure to install weigh station and camera system in a warehouse or 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 river, stream or lake bed sand and gravel). To be specific:

a) A warning shall be imposed for mining minerals which are used as common building materials with a permissible mining capacity of less than 30,000 m³/year;

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

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

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, except for the cases prescribed in Points a, b, c and e of this Clause;

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

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

3. Fines shall be imposed for failure to sufficiently manage and retain mine status quo map and cross-section drawing of the licensed mining area as prescribed by law. To be specific:

- a) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed on a household business for mining minerals used as common building materials;
- b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for mining peat or minerals which are used as common building materials without using industrial explosives, except for the case specified in Point a of this Clause;
- c) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for mining minerals which are used as common building materials by using industrial explosives, except for the case specified in Point a of this Clause;
- 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, except for the cases prescribed in Points a, b, c and e of this Clause;
- dd) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for mining minerals by employing underground mining methods, except for the cases prescribed in Points a, b, c and e of this Clause;
- e) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for mining toxic minerals.

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 mining of river, stream, lake or sea bed sand and gravel or 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:

- a) A warning shall be imposed on a household business for mining minerals used as common building materials;
- b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for mining peat or minerals which are used as common building materials without using industrial explosives, except for the case specified in Point a of this Clause;
- c) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for mining minerals which are used as common building materials by using industrial explosives, except for the case specified in Point a of this Clause;
- 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, except for the cases prescribed in Points a, b, c and e of this Clause;

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

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

5. Fines shall be imposed for developing or updating the mine status quo map within 06 months; failure to develop a cross-section drawing of the licensed mining area. To be specific:

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

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

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

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

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

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

6. Fines shall be imposed for failure to send or sending statistical/stocktaking results of the remaining mineral reserves in the licensed mining area to the provincial Department of Natural Resources and Environment if the mining license is issued by the provincial People's Committee or to the General Department of Geology and Minerals of Vietnam if the mining license is issued by the Ministry of Natural Resources and Environment 30 days after the deadline, which is the last day of the periodic reporting period; failure to retain or insufficiently and incorrectly retaining statistical figures and documents for determining actual mineral production. To be specific:

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

b) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed if the mining license is issued by the provincial People's Committee, except for the case prescribed in Point a of this Clause;

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

7. Fines shall be imposed for preparing a statistical report or stocktaking report on remaining mineral reserves in the licensed mining area which fails to sufficiently contain information in the form promulgated by the Ministry of Natural Resources and Environment. To be specific:

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

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the 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 10,000,000 to VND 20,000,000 shall be imposed if the mining is licensed by the Ministry of Natural Resources and Environment.

8. Fines shall be imposed for failure to produce statistics and carry out stocktaking of the remaining mineral minerals in the licensed mining area; failure to produce statistics or calculate monthly actual mineral production; failure to prepare relevant books and documents to determine the annual actual mineral production. To be specific:

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

b) A fine ranging from VND 50,000,000 to VND 70,000,000 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 70,000,000 to VND 100,000,000 shall be imposed if the mining is licensed by the Ministry of Natural Resources and Environment.

9. Additional penalties:

Suspend the mineral exploration in case of re-commission of violations: for 02 - 04 months if any of the violations prescribed in Clause 4 of this Article is committed; for 04 - 06 months if any of the violations prescribed in Clause 5 of this Article is committed.

10. Remedial measures:

The violator is compelled to pay the costs of expert examination, verification and measurement if any of the violations mentioned in Clauses 3, 4 and 5 of this Article is committed.

Article 41. Violations against regulations on permissible mining capacity

1. A warning shall be imposed for exceeding the annual permissible mining capacity specified in the mining license by less than 15% upon mining.
2. A fine shall be imposed for exceeding the annual permissible mining capacity specified in the mining license by from 15% to less than 25% upon mining. To be specific:
 - a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on a household business for mining minerals used as common building materials;
 - b) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for mining peat or minerals which are used as common building materials without using industrial explosives, except for 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 mineral water; 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) A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed for mining other types of minerals, except for the cases prescribed in Points a, b, c, dd, e, g and h of this Clause;
 - dd) A fine ranging from VND 200,000,000 to VND 300,000,000 shall be imposed for mining gold, silver, precious stones, platinum or toxic minerals;
 - e) A fine ranging from VND 300,000,000 to VND 400,000,000 shall be imposed for mining the minerals specified in Clause 5 Article 6 of the Decree No. 67/2019/ND-CP: magmatic, metamorphic and sedimentary rocks with a monolithic recovery of $\geq 0.4 \text{ m}^3$, including granite, gabbro, marble, white limestone, white marble and ornamental stones, fine art stones with monolithic recovery of $\geq 0.1 \text{ m}^3$;
 - g) A fine ranging from VND 400,000,000 to VND 500,000,000 shall be imposed for mining the minerals specified in Clause 5 Article 6 of the Decree No. 67/2019/ND-CP: minerals used as cement materials, including all types of stones used as cement raw materials: cement limestone, cement clay, stones used as cement additives and limestone, dolomite used as raw materials for production of industrial lime;
 - h) A fine ranging from VND 500,000,000 to VND 600,000,000 shall be imposed for mining coal.

3. A fine shall be imposed for exceeding the annual permissible mining capacity specified in the mining license by from 25% to less than 50% upon mining. To be specific:

- 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 50,000,000 to VND 70,000,000 shall be imposed for mining peat or minerals which are used as common building materials without using industrial explosives, except for 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 mineral water; 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) A fine ranging from VND 200,000,000 to VND 300,000,000 shall be imposed for mining other types of minerals, except for the cases prescribed in Points a, b, c, dd, e, g and h of this Clause;
- dd) A fine ranging from VND 300,000,000 to VND 400,000,000 shall be imposed for mining gold, silver, platinum or toxic minerals;
- e) A fine ranging from VND 400,000,000 to VND 500,000,000 shall be imposed for mining the minerals specified in Clause 5 Article 6 of the Decree No. 67/2019/ND-CP: magmatic, metamorphic and sedimentary rocks with a monolithic recovery of $\geq 0.4 \text{ m}^3$, including granite, gabbro, marble, white limestone, white marble and ornamental stones, fine art stones with monolithic recovery of $\geq 0.1 \text{ m}^3$;
- g) A fine ranging from VND 500,000,000 to VND 600,000,000 shall be imposed for mining the minerals specified in Clause 5 Article 6 of the Decree No. 67/2019/ND-CP: minerals used as cement materials, including all types of stones used as cement raw materials: cement limestone, cement clay, stones used as cement additives and limestone, dolomite used as raw materials for production of industrial lime;
- h) A fine ranging from VND 600,000,000 to VND 700,000,000 shall be imposed for mining coal.

4. A fine shall be imposed for exceeding the annual permissible mining capacity specified in the mining license by from 50% to less than 100% upon mining. To be specific:

- a) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed on a household business for mining minerals used as common building materials;
- b) A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed for mining peat or minerals which are used as common building materials without using industrial explosives, except for 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 mineral water; 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) A fine ranging from VND 400,000,000 to VND 500,000,000 shall be imposed for mining other types of minerals, except for the cases prescribed in Points a, b, c, dd, e, g and h of this Clause;

dd) A fine ranging from VND 500,000,000 to VND 600,000,000 shall be imposed for mining gold, silver, precious stones, platinum or toxic minerals;

e) A fine ranging from VND 600,000,000 to VND 700,000,000 shall be imposed for mining the minerals specified in Clause 5 Article 6 of the Decree No. 67/2019/ND-CP: magmatic, metamorphic and sedimentary rocks with a monolithic recovery of $\geq 0.4 \text{ m}^3$, including granite, gabbro, marble, white limestone, white marble and ornamental stones, fine art stones with monolithic recovery of $\geq 0.1 \text{ m}^3$;

g) A fine ranging from VND 700,000,000 to VND 800,000,000 shall be imposed for mining the minerals specified in Clause 5 Article 6 of the Decree No. 67/2019/ND-CP: minerals used as cement materials, including all types of stones used as cement raw materials: cement limestone, cement clay, stones used as cement additives and limestone, dolomite used as raw materials for production of industrial lime;

h) A fine ranging from VND 800,000,000 to VND 900,000,000 shall be imposed for mining coal.

5. A fine shall be imposed for exceeding the annual permissible mining capacity specified in the mining license by 100% or more upon mining. To be specific:

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

b) A fine ranging from VND 200,000,000 to VND 300,000,000 shall be imposed for mining peat or minerals which are used as common building materials without using industrial explosives, except for 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 mineral water; 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) A fine ranging from VND 500,000,000 to VND 600,000,000 shall be imposed for mining other types of minerals, except for the cases prescribed in Points a, b, c, dd, e, g and h of this Clause;

dd) A fine ranging from VND 600,000,000 to VND 700,000,000 shall be imposed for mining gold, silver, precious stones, platinum or toxic minerals;

e) A fine ranging from VND 700,000,000 to VND 800,000,000 shall be imposed for mining the minerals specified in Clause 5 Article 6 of the Decree No. 67/2019/ND-CP: magmatic, metamorphic and sedimentary rocks with a monolithic recovery of $\geq 0.4 \text{ m}^3$, including granite, gabbro, marble, white limestone, white marble and ornamental stones, fine art stones with monolithic recovery of $\geq 0.1 \text{ m}^3$;

g) A fine ranging from VND 800,000,000 to VND 900,000,000 shall be imposed for mining the minerals specified in Clause 5 Article 6 of the Decree No. 67/2019/ND-CP: minerals used as cement materials, including all types of stones used as cement raw materials: cement limestone, cement clay, stones used as cement additives and limestone, dolomite used as raw materials for production of industrial lime;

h) A fine ranging from VND 900,000,000 to VND 1,000,000,000 shall be imposed for mining coal.

6. Additional penalties:

Suspend the mineral exploration in case of re-commission of violations: for 01 - 02 months, 02 - 03 months, 03 - 04 months, 04 - 05 months and 05 – 06 months if any of the violations prescribed in Clause 1, Clause 2, Clause 3, Clause 4 and Clause 5 of this Article is committed respectively.

7. Remedial measures:

The violator is compelled to:

a) adopt 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.

b) pay the costs of expert examination, verification and measurement if any of the violations mentioned in Clauses 1, 2, 3, 4 and 5 Clause 5 of this Article is committed.

Article 42. Violations against regulations on submission of applications for adjustment to the mining license

Fines shall be imposed for carrying out mining without submitting the application for adjustment to the mining license as prescribed. To be specific:

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.

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed in remaining cases, except for the case of increase in capacity and the case specified in Clause 1 of this Article.

Article 43. Violations against regulations on mining of minerals used as common building materials which does not require mining license

1. A warning or fine shall be imposed for failure to use minerals used as common building materials mined from the area of land owned by a household or individual to build the works of such household or individual:

a) A warning shall be imposed if mined minerals are donated to another person;

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

2. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to register the mining area, capacity, volume, methods, equipment and plans with the People's Committee of the province where the mined minerals are available in case minerals used as common building materials are mined from area of the land reserved for the construction project approved or licensed by a competent authority and used for the construction; or for obtaining sand and gravel from the channel dredging and clearing project without registering the volume dredged or amount of sand extracted with the People's Committee of province where channel dredging and clearing are carried out.

3. Fines shall be imposed for mining minerals used as common building materials from area of the land reserved for the construction project whose investment guidelines have been approved by a competent authority but failure to use the mined minerals for the construction without approval by an authority that has the power to issue the mining license. To be specific:

a) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed if mined minerals are used by another entity or reserved for another project/work;

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

4. Remedial measures:

The violator is compelled to return illegal benefits obtained from the administrative violations prescribed in Clause 1 and 3 of this Article.

Article 44. Violations against regulations on mining minerals that are not minerals used as common building materials within scope of construction project

1. Fines shall be imposed for mining minerals that are not the ones used as common building materials within the scope (area, depth) of the construction project whose investment guidelines have been approved by a competent authority without obtaining the mining license from a competent authority. To be specific:

a) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed if an application for the mining license has been submitted to the licensing authority but the mining license has not yet been issued;

b) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to submit an application for the mining license to the licensing authority as prescribed;

2. Additional penalties:

Confiscate all cash-equivalent minerals obtained from the administrative violations in Clause 1 of this Article.

3. Remedial measures:

The violator is compelled to pay the costs of expert examination, verification and measurement if any of the violations mentioned in Clause 1 of this Article is committed.

Article 45. Violations against regulations on transfer of mining rights

Fines shall be imposed for transfer of mining rights or receipt of the transferred mining rights without obtaining a written approval from the competent authority. To be specific:

1. 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.

2. A fine ranging from VND 120,000,000 to VND 150,000,000 shall be imposed if the mining of other minerals is licensed by the provincial People's Committee, except for the case prescribed in Clause 1 of this Article.

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

Article 43. Violations against regulations on obligations of a mining right auction winner

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to submit an application for the mining license to the licensing authority within 06 months from the issuance date of the written certification of the mining right auction result as prescribed.

2. A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed for failure to submit an application for the mining license to the licensing authority within 12 months from the issuance date of the written certification of the mining right auction result as prescribed.

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

a) A fine ranging from VND 10,000,000 to VND 30,000,000 if the mineral mining is licensed by the provincial People's Committee;

b) A fine ranging from VND 260,000,000 to VND 300,000,000 if the mineral mining is licensed by Ministry of Natural Resources and Environment.

4. In addition to penalties for failure to pay hammer price for the mining right as notified by the competent authority as regulated by the Law on Tax Administration, the violating entity may face an additional penalty that is suspension of the mining license for 04 - 06 months. If the mining license has not been issued, the competent authority shall invalidate the mining right auction winning result.

Article 47. Violations against regulations on mining of minerals (other than river, stream or river sand and gravel) without obtaining a mining license from the competent authority

1. Fines shall be imposed for mining minerals used as common building materials without using industrial explosives. To be specific:

a) A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed if, at the time of discovering the violation, the total volume of mined minerals is less than 10 m³;

b) A fine ranging from VND 3,000,000 to VND 5,000,000 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 10,000,000 to VND 20,000,000 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 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 from 30 m³ to less than 40 m³;

dd) A fine ranging from VND 30,000,000 to VND 40,000,000 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 40,000,000 to VND 50,000,000 shall be imposed if, at the time of discovering the violation, the total volume of mined minerals is at least 50 m³.

2. Fines shall be imposed for mining minerals which are used as common building materials by using industrial explosives or mining other minerals, except for the cases specified in Clause 1 and Clause 3 of this Article. To be specific:

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

b) 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 Point a of this Clause and Clause 3 of this Article;

c) A fine ranging from VND 300,000,000 to VND 500,000,000 shall be imposed if the mining is licensed by the Ministry of Natural Resources and Environment, except for the case specified in Clause 3 of this Article.

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

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

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

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

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

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

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

4. Additional penalties:

Confiscate all cash-equivalent minerals; 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.

5. Remedial measures:

The violator is compelled to:

a) adopt environmental improvement and remediation measures within areas where the mining was carried out; adopt measures to bring such areas to safe state.

b) pay the costs of expert examination, verification and measurement if any of the violations mentioned in Clauses 1, 2 and 3 of this Article is committed.

The maximum fines for the violations specified in Clauses 1, 2 and 3 of this Article shall be imposed for mining minerals without mining license within areas where the mining is prohibited or temporarily prohibited. Additional penalties are the same for those specified in Clause 4 of this Article.

Article 48. Violations against regulations on mining of river, stream and lake sand and gravel without obtaining a mining license from the competent authority

1. Fines shall be imposed for mining sand and gravel within the safety perimeters of irrigation works; safety corridors of channels; safety perimeters of channels or inland waterway infrastructure works without obtaining the mining license from a 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;

dd) 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. Fines shall be imposed for mining sand and gravel outside the safety perimeters of irrigation works; safety corridors of channels; safety perimeters of channels or inland

waterway infrastructure works without obtaining the mining license from a competent authority. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 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 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 from 10 m³ to less than 20 m³;

c) 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 20 m³ to less than 30 m³;

dd) A fine ranging from VND 50,000,000 to VND 70,000,000 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 70,000,000 to VND 100,000,000 shall be imposed if, at the time of discovering the violation, the total volume of mined minerals is from 40 m³ to less than 50 m³;

e) 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 at least 50 m³.

3. Additional penalties:

Confiscate all cash-equivalent minerals; confiscate instrumentalities used for commission of violations if any of the violations prescribed in Clauses 1 and Clause 2 of this Article is committed.

4. Remedial measures:

The violator is compelled to:

a) improve and remediate the environment; adopt measures to bring areas where the mining was carried out to safe state; compensate for and pay the costs of repairing damage caused by the violations to dykes, other technical infrastructural constructions and civil constructions;

b) pay the costs of expert examination, verification and measurement if any of the violations mentioned in Clauses 1 and 2 of this Article is committed.

The maximum fines for the violations specified in Clause 1 of this Article shall be imposed for mining minerals without mining license within areas where the mining is

prohibited or temporarily prohibited. Additional penalties are the same for those specified in Clause 3 of this Article.

Article 49. Violations against regulations on mine closure

1. Fines shall be imposed for failure to perform adequate volume of work items, sufficiently implement 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, failure to request the licensing authority to inspect and give permission to partially close the mine before conducting environmental improvement and remediation in areas where minerals are mined in full; or closing the mine 90 days or more after the approved closure date without submitting a report on the closure. To be specific:

- a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on a household business for mining minerals used as common building materials;
- b) A fine ranging from VND 40,000,000 to VND 60,000,000 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 60,000,000 to VND 80,000,000 shall be imposed if the mining is licensed by the Ministry of Natural Resources and Environment.

2. Fines shall be imposed for failure to perform volume of work items, implement 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. To be specific:

- a) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed on a household business for mining minerals used as common building materials;
- b) A fine ranging from VND 50,000,000 to VND 70,000,000 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 70,000,000 to VND 100,000,000 shall be imposed if the mining is licensed by the Ministry of Natural Resources and Environment.

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

- a) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed on a household business for mining minerals used as common building materials;
- b) A fine ranging from VND 50,000,000 to VND 70,000,000 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 70,000,000 to VND 100,000,000 shall be imposed if the mining is licensed by the Ministry of Natural Resources and Environment.

4. Fines shall be imposed for failure to submit an application for mine closure to the competent authority as prescribed 12 months or more after the expiry date of the mining license. To be specific:

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.

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

6. Remedial measures:

The violator is compelled to sufficiently implement 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 if any of the violations mentioned in Clauses 1 and 2 of this Article is committed;

Article 50. Violations against regulations on legitimate interests of local authorities and people in mining areas

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

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

3. Remedial measures:

The violator is compelled to perform adequate volume of road construction and upgradation items if any of the violations mentioned in this Article is committed.

Article 51. Violations against regulations on use of minerals-related information

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for using results of state-invested geological surveys of minerals or mineral exploration results which are not provided by the competent authority to set up mineral exploration or mining projects.

2. A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed on an entity that is mining minerals for sufficiently reimbursing or failure to 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).

3. Additional penalties:

Suspend the mining for 03 - 06 months if any of the violations prescribed in Clause 2 of this Article is committed.

4. Remedial measures:

The violator is compelled to pay fees for using minerals-related information as notified by the competent authority to state budget; pay late payment fines as regulated by the Law on Tax Administration.

Article 52. Violations against other regulations on mining

1. A warning shall be imposed for failure to report all types of minerals discovered in the area where the mineral survey, assessment or exploration is conducted to the licensing authority.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to report types of discovered in the area where the mineral survey, assessment or exploration is conducted to the licensing authority.

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

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

b) Keeping mining or using accompanied minerals or types of minerals newly discovered in course of mining, including minerals that are soil and rocks at the mine waste dump or using the licensed reserves without submitting an application for permission to the competent authority or without the competent authority's permission;

c) Using minerals for the purposes other than those specified in the mining license without obtaining permission from the licensing authority;

d) Failure to implement or insufficiently implementing remedial measures at the request of the competent authority for reasons other than force majeure events by the deadline specified in the inspection report (except for the cases where the license has to be revoked or invalidated in accordance with the Law on Minerals).

4. In case of failure to incur or insufficiently incurring penalties as specified in the decision on penalty imposition at least 30 days after the date on which the competent authority's notification is sent, in addition to incurring fines in accordance with regulations of the Law on Tax Administration, the violating entity has the mining suspended for at least 01 month until all penalties specified in the decision on penalty imposition have been incurred but for no more than 12 months (except for the case where the mining or mining license has been suspended).

5. Fines shall be imposed for carrying out mining while applying for extension of the mining license with an unexpired mining license and without the competent authority's permission. To be specific:

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

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

c) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for mining mineral water; 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 Points a and b of this Clause;

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

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

6. Additional penalties:

Suspend the mining for 03 - 06 months if the violation in Point c Clause 3 of this Article is committed.

Article 53. Violations against regulations on geological baseline surveys of minerals

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to register the geological baseline survey of minerals with a mineral authority as prescribed by law before conducting it.

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

- a) Taking technological samples in excess of licensed volume;
- b) Failure to level the opening works: trenches or boreholes; failure to seal furnace door after the construction is done according to the design;
- c) Failure to seal the borehole with the materials stated in the project approved by the competent authority.

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

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

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

- a) Failure to submit a report on the geological baseline survey of minerals to a competent authority for approval as prescribed;
- b) Failure to submit a report on geological baseline survey of minerals and geological specimens to the mineral authority as prescribed.

Article 54. Violations against other regulations on mineral management

1. Fines shall be imposed for taking advantage of exploration activities for mining purposes. To be specific:

- 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 100,000,000 shall be imposed if the mineral exploration is licensed by the provincial People's Committee, except for the cases prescribed in Points a and d of this Clause;

c) A fine ranging from VND 120,000,000 to VND 200,000,000 shall be imposed if the mineral exploration is licensed by the Ministry of Natural Resources and Environment, except for the case specified in Point d of this Clause;

dd) A fine ranging from VND 400,000,000 to VND 500,000,000 shall be imposed for mining precious stones, gold, silver or platinum.

2. A warning or fine shall be imposed for exceeding the limits on loss of minerals prescribed in the approved mining project or the approved mine design upon mining. To be specific:

a) A warning shall be imposed for exceeding the limits on loss of minerals by less than 5%;

b) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for exceeding the limits on loss of minerals by from 5% to less than 10%;

c) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for exceeding the limits on loss of minerals by at least 10%.

3. Fines shall be imposed for any of the following violations: Failure to sufficiently provide documents, books and records to determine the actually mined mineral production, produce statistics and carry out stocktakes of annually mined mineral reserves; enumerate actually mined mineral production of the reporting period, total production or reserves of mined minerals or remaining mineral reserves specified in the periodic report which are 10% less than actually mined mineral production specified in the severance tax payment records; aggregate figures through the weigh station; determine actually mined mineral production using the status quo maps and cross-section drawings of status quo; failure to store or protect unused mined minerals or minerals at waste dumps or accompanied minerals which are not yet collected in course of mining. To be specific:

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

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if the mining license is issued by the provincial People's Committee, except for the case prescribed in Point a of this Clause;

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

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

5. Additional penalties:

a) Confiscate all cash-equivalent exhibits if any of the violations prescribed in Clause 1 of this Article is committed;

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

c) Suspend the mineral mining for 03 - 06 months if any of the violations prescribed in Clauses 2 and 3 of this Article is re-committed.

Section 2. VIOLATIONS AGAINST REGULATIONS ON TECHNICAL SAFETY UPON MINING

Article 55. Violations against regulations on preparation of technical safety documents and technical instructions

1. Fines shall be imposed for incorrectly or insufficiently preparing or failure to prepare technical safety documents upon mining as prescribed. To be specific:

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

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

2. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to carry out construction using the technical instructions or the approved construction methods.

Article 56. Violations against regulations on use of mining technologies or means of transport

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

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for producing a design without approval by a competent authority;

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

2. Fines shall be imposed for violations against regulations on design and manufacturing of means of transport; new means of transport and those imported from foreign countries to be used at pits and diesel-powered means of transport. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for producing a design without approval by a competent authority or violations against regulations on technical safety during use of means of transport;

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

3. Fines shall be imposed for violations against regulations on equipment, machinery and vehicles used in a minerals preparation plant. To be specific:

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

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

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

4. Fines shall be imposed for putting potentially unsafe machinery, equipment and chemicals on the List of category 2 commodities; or machinery, equipment and materials subject to occupational safety requirements into operation when the satisfaction of technical safety conditions has not yet been inspected or verified or failure to prepare equipment management documents as prescribed. To be specific:

a) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for equipping or using personal self-rescue devices against regulations;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to inspect all technical parameters or failure to conduct first inspection or re-inspection on schedule; insufficiently or incorrectly preparing equipment management documents;

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

5. Additional penalties:

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

Article 57. Violations against regulations on methane-based classification of mines, mine ventilation, drainage and mine water irruption prevention

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

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

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for violations against regulations on ventilation of blind drifts, mirrors and mine air control;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for violations against regulations on installation and operation of ventilation works and local ventilation fans;

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

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

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

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for violations against regulations on safety of pumping stations serving drainage;

b) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for any of the violations against technical safety regulations on prevention of mine water irruption, including: Failure to formulate an exploratory drilling plan for water irruption prevention or plan to carry out exploratory drilling in front of excavating face; failure to work out methods of exploratory drilling for water irruption prevention or methods of carrying out exploratory drilling in front of excavating face; failure to carry out construction using the approved methods.

4. Additional penalties:

Suspend the mining for 01 - 03 months if any of the violations prescribed in Clause 1, Point d Clause 2 and Point b Clause 3 of this Article is committed.

Article 58. Violations against regulations on mining power supply

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for violations against regulations on power leakage prevention and regulations on protection of intensity of power supply network and electrical equipment.
2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for violations against regulations on technical safety during the process of using electric cables, electric engines, electric equipment and electrical substations.
3. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to formulate or incorrectly drawing power supply diagrams for the entire mine and production areas, or the grounding diagram for the entire mine as prescribed.
4. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for changing the structures and connection diagrams of electrical equipment, control, protection and inspection diagrams or re-graduating protective equipment used in mines without permission of the manufacturer or competent authority.

Article 59. Violations against regulations on preparation of materials; loading, unloading and transport of materials in minerals preparation plants

1. Fines shall be imposed for violations against regulations on preparation of materials. To be specific:
 - a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for violations against regulations on design and installation of protective structures intended for preventing objects from flying out of breakers or crushers causing danger to people;
 - b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for violating procedures or regulations operation, maintenance and repair of breakers and crushers;
 - c) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to work out solutions for removal of explosive dust generated from the ore crushing and breaking.
2. Fines shall be imposed for violations against regulations on loading, unloading and transport of materials. To be specific:
 - a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for violating regulations or procedures for loading, unloading and transport of materials;
 - b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to inspect or failure to comply with regulations on inspection of corrosion of pipelines used to transport materials;

c) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for violating regulations on technical safety in course of building and operating winches.

Article 60. Violations against other regulations on storage and use of flotation reagents, minerals warehouse, waste dumps and tailings ponds

1. Fines shall be imposed for violations against regulations on storage and use of flotation reagents. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for violations against regulations on equipment construction or installation in reagent preparation and storage areas;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for violations against regulations on technical safety applied to persons working in reagent preparation and storage areas.

2. Fines shall be imposed for violations against other regulations on technical safety in minerals warehouses, waste dumps and tailings ponds. To be specific:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to insufficiently report information and data on tailings dams to the competent authority or reporting them within the prescribed time limit;

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to report information and data on tailings dams to the competent authority; failure to work out measures for fire fighting and prevention in self-ignited minerals warehouses;

c) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed violations against regulations on construction and operation of tailings ponds;

d) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to work out measures for fire fighting and prevention for dry waste dumps where self-ignited minerals are stored; or failure to work out measures for coping with breach or cracks in embankments of waste dumps or tailings ponds.

3. Additional penalties:

Suspend the mining for 01 - 03 months if the violation in Point c Clause 2 of this Article is committed.

Article 61. Violations against regulations on mining safety record preparation and safety management as prescribed

1. Fines shall be imposed for any of the violations against regulations on preparation of mining safety management records as prescribed, including: occupational safety and

health plans; assessment of occupational safety and health risks; emergency response plans. To be specific:

- a) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for incorrectly or insufficiently preparing required safety management records;
- b) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to prepare safety management records.

2. Fines shall be imposed for violations against regulations on mining safety management. To be specific:

- a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to make regulations on occupational safety and health management or failure to establish a hierarchy of occupational safety health management;
- b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to formulate either safety procedure or internal safety regulations.

3. Fines shall be imposed for violations against regulations on organization of safety work. To be specific:

- a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for conducting shift handovers and receiving production orders at the beginning of each working shift against regulations
- b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to conduct shift handover and receive production orders at the beginning of each working shift.
- c) A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to inspect technical safety at the working place or technical safety of machinery and equipment before its operation or failure to promptly handle safety threats.

4. Fines shall be imposed for violations against regulations on daily orders, orders of a shift and production shift handover. To be specific:

- a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for incorrectly or insufficiently recording daily orders or orders of the shift, or incorrectly or insufficiently conducting shift handovers;
- b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to record measures for coping with safety threats discovered before or during the working shift in of production orders of the day.

Article 62. Violations against regulations on technical safety inspection and monitoring upon mining

1. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed failure to make regulations or make insufficient regulations on delegation of responsibility for technical safety inspection and monitoring to the management, including Director, Deputy Directors, Department Managers, Foremen, Deputy Shift Foremen or equivalent.

2. Fines shall be imposed for failure to perform the inspection and monitoring of technical safety as prescribed by law. To be specific:

a) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on the doorkeeper at entrance to the mine for his/her failure to inspect persons who bring flammable or combustible substances and ignition sources into the mine;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed on the shift leader or the holder of equivalent position for failure to carry out technical safety inspections;

c) A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed on the department manager, foreman or their authorized persons for failure to conduct technical safety inspections;

d) A fine ranging from VND 60,000,000 to VND 70,000,000 shall be imposed on director and deputy directors for his/her failure to conduct technical safety inspections or insufficiently conducting technical safety.

Chapter IV

POWER AND DISTRIBUTION OF POWER TO IMPOSE PENALTIES FOR ADMINISTRATIVE VIOLATIONS AND REMEDIAL MEASURES AGAINST ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON WATER RESOURCES AND MINERALS

Article 63. Power of natural resources and environment inspectors

1. Natural resources and environment inspectors and persons who are assigned to conduct natural resources and environment inspections in the performance of their duties are entitled to impose penalties for the violations specified in Chapters II and III hereof. To be specific:

a) Issue warnings;

b) Impose a maximum fine of VND 500,000;

c) Confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which value does not exceed VND 500,000;

d) Enforce the remedial measures mentioned in Points a, b, dd, g, h and m Clause 3 Article 4 hereof.

2. Chief Inspectors of provincial Departments of Natural Resources and Environment, chiefs of inspectorates established by Directors or Chief Inspectors of provincial Departments of Natural Resources and Environment are entitled to impose penalties for the violations specified in Chapters II and III hereof. To be specific:

a) Issue warnings;

b) Impose a maximum fine of VND 50,000,000;

c) Suspend licenses, practicing certificates, or suspend the operation;

d) Confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed VND 50,000,000;

dd) Enforce the remedial measures mentioned in this Decree.

3. Chiefs of inspectorates established by the General Director of the General Department of Geology and Minerals of Vietnam are entitled to impose the violations specified in Chapter III hereof. To be specific:

a) Issue warnings;

b) Impose a maximum fine of VND 50,000,000;

c) Suspend licenses, practicing certificates, or suspend the operation;

d) Confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed VND 50,000,000;

dd) Enforce the remedial measures mentioned in this Decree.

4. Chiefs of inspectorates established by the Minister of Natural Resources and Environment or Chief Inspector of the Ministry of Natural Resources and Environment are entitled to impose penalties for the violations specified in Chapters II and III hereof. To be specific:

a) Issue warnings;

b) Impose a maximum fine of VND 175,000,000 for administrative violations against regulations on water resources; VND 250,000,000 for administrative violations against regulations on minerals;

c) Suspend licenses, practicing certificates, or suspend the operation;

d) Confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed the fine specified in Point b of this Clause;

dd) Enforce the remedial measures mentioned in this Decree.

5. The Chief Inspector of the Ministry of Natural Resources and Environment is entitled to impose penalties for administrative violations against regulations water resources and minerals specified in Chapters II and III hereof, the General Director of the General Department of Geology and Minerals of Vietnam is entitled to impose penalties for administrative violations against regulations minerals specified in Chapter III hereof. To be specific:

a) Issue warnings;

b) Impose a maximum fine of VND 1,000,000,000;

c) Suspend licenses, practicing certificates, or suspend the operation;

d) Confiscate the exhibits and instrumentalities used for administrative violation commission;

dd) Enforce the remedial measures mentioned in this Decree.

Article 64. Power of Presidents of People's Committees at all levels

Presidents of People's Committees of provinces are entitled to impose penalties for the violations specified in Chapters II and III hereof. To be specific:

1. Presidents of communal People's Committees are entitled to:

a) Issue warnings;

b) Impose a maximum fine of VND 5,000,000;

c) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed VND 5,000,000;

d) enforce the remedial measures mentioned in Points a, b, c, dd, g, h, k, m and o Clause 3 Article 4 hereof.

2. Presidents of district-level People's Committees are entitled to:

- a) issue warnings;
- b) impose a maximum fine of VND 50,000,000;
- c) suspend licenses, practicing certificates, or suspend the operation;
- d) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed VND 50,000,000;
- dd) enforce the remedial measures mentioned in this Decree.

3. Presidents of provincial People's Committees are entitled to:

- a) issue warnings;
- b) impose a fine up to the maximum fine specified in Clause 1 Article 4 hereof;
- c) suspend licenses, practicing certificates, or suspend the operation;
- d) confiscate the exhibits and instrumentalities used for administrative violation commission;
- dd) enforce the remedial measures mentioned in this Decree.

Article 65. Power of industry and trade inspectors

Industry and trade inspectors are entitled to impose penalties for the violations specified in Articles 36, 38 and 39 and Section 2 Chapter III hereof. To be specific:

1. Industry and trade inspectors and the persons assigned as industry and trade inspectors in the performance of their duties are entitled to:

- a) issue warnings;
- b) impose a maximum fine of VND 500,000;
- c) enforce the remedial measures mentioned in Clause 6 Article 38 hereof.

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 or Directors or Chief Inspectors of provincial Departments of Industry and Trade shall be entitled to:

- a) issue warnings;

- b) impose a maximum fine of VND 50,000,000;
- c) suspend mining activities as prescribed in this Decree;
- d) enforce the remedial measures mentioned in Clause 6 Article 38 hereof.

3. Chiefs of inspectorates established by the Minister of Industry and Trade or Chief Inspector of the Minister of Industry and Trade are entitled to:

- a) issue warnings;
- b) impose a maximum fine of VND 250,000,000;
- c) suspend mining activities as prescribed in this Decree;
- d) enforce the remedial measures mentioned in Clause 6 Article 38 hereof.

4. The Chief Inspector of the Ministry of Industry and Trade and the Director of Industrial Safety Techniques and Environment Agency are entitled to:

- a) issue warnings;
- b) impose a maximum fine of VND 1,000,000,000;
- c) suspend licenses, practicing certificates, or suspend the operation;
- d) enforce the remedial measures mentioned in Clause 6 Article 38 hereof.

Article 66. Power of People's Public Security Force

The People's Public Security Force is entitled to impose penalties for the violations specified in Articles 8, 9, 10, 20, 21, 24, 25, 26, 27, 32, 33, 34, 35, 36, 37, 38, 39, 41, 43, 44, 45, 47, 48 and 54 hereof. To be specific:

1. People's police officers on duty are entitled to:

- a) issue warnings;
- b) impose a maximum fine of VND 500,000;

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

- a) issue warnings;
- b) impose a maximum fine of VND 1,500,000;

3. Chief of police stations of communes, chiefs of police stations at border checkpoints and export-processing zones are entitled to:

a) issue warnings;

b) impose a maximum fine of VND 2,500,000;

c) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed the fine specified in Point b of this Clause;

d) enforce the remedial measures mentioned in Points a, b, dd, g, h and m Clause 3 Article 4 hereof.

4. Chiefs of police stations of districts, chiefs of Traffic Police Divisions, chiefs of Internal Waterways Police Divisions, chiefs of Environmental Police Divisions; chiefs of Corruption, Economy and Smuggling-related Crime Investigation Divisions; chiefs of Economic Security Divisions are entitled to:

a) issue warnings;

b) impose a maximum fine of VND 25,000,000;

c) suspend licenses, practicing certificates, or suspend the operation;

d) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed VND 25,000,000;

dd) enforce the remedial measures mentioned in Clause 3 Article 4 hereof.

5. Directors of provincial police authorities are entitled to:

a) issue warnings;

b) impose a maximum fine of VND 50,000,000;

c) suspend licenses, practicing certificates, or suspend the operation;

d) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed VND 50,000,000;

dd) enforce the remedial measures mentioned in Clause 3 Article 4 hereof.

6. Director of Environmental Police Department; Director of Corruption, Economy and Smuggling-related Crime Investigation Department; Director of Economic Security Department; Director of Traffic Police Department are entitled to:

- a) issue warnings;
- b) impose a maximum fine of VND 1,000,000,000;
- c) suspend licenses, practicing certificates, or suspend the operation;
- d) confiscate the exhibits and instrumentalities used for administrative violation commission;
- dd) enforce the remedial measures mentioned in Clause 3 Article 4 hereof.

Article 67. Power of the Border Guard

The Border Guard is entitled to impose penalties for the violations specified in Articles 88, 9, 10, 20, 21, 24, 26, 27, 32, 34, 35, 37, 45, 47, 48 and Article 54 hereof in border regions under its management. To be specific:

1. The Border Guard officers on duty are entitled to:

- a) issue warnings;
- b) impose a maximum fine of VND 500,000;

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

- a) issue warnings;
- b) impose a maximum fine of VND 2,500,000;

3. Captains of border-guard posts, commanders of border-guard flotillas and commanders of border guards at port checkpoints are entitled to:

- a) issue warnings;
- b) impose a maximum fine of VND 25,000,000;
- c) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed VND 25,000,000;

d) enforce the remedial measures mentioned in Clause 3 Article 4 hereof.

4. Commanders of provincial border guards and commanders of coastal guard fleets affiliated to the Border Guard High Command are entitled to:

- a) issue warnings;

- b) impose a maximum fine of VND 1,000,000,000;
- c) confiscate the exhibits and instrumentalities used for administrative violation commission;
- d) enforce the remedial measures mentioned in Clause 3 Article 4 hereof.

Article 68. Power of the Coast Guard

The Coast Guard is entitled to impose penalties for the violations specified in Articles 8, 9, 10, 12, 20, 21, 23, 24, 27, 29, 31, 34, 35, 36, 38, 39, 40, 45, 47, 48, 49 and 54 in regions under its management. To be specific:

1. Coastguard officers on duty are entitled to:

- a) issue warnings;
- b) impose a maximum fine of VND 1,500,000;

2. Coastguard team leaders are entitled to:

- a) issue warnings;
- b) impose a maximum fine of VND 5,000,000;

3. Coastguard squad leaders and captains of coastguard stations are entitled to:

- a) issue warnings;
- b) impose a maximum fine of VND 10,000,000;
- d) enforce the remedial measures mentioned in Points a, b, dd, g, h and m Clause 3 Article 4 hereof.

4. Commanders of coastguard platoons are entitled to:

- a) issue warnings;
- b) impose a maximum fine of VND 25,000,000;
- c) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed VND 25,000,000;

d) enforce the remedial measures mentioned in Clause 3 Article 4 hereof.

5. Commanders in chief of coastguard squadrons are entitled to:

- a) issue warnings;
- b) impose a maximum fine of VND 50,000,000;
- c) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed VND 50,000,000;
- d) enforce the remedial measures mentioned in Clause 3 Article 4 hereof.

6. Commanders of regional coastguard command centers are entitled to:

- a) issue warnings;
- b) impose a maximum fine of VND 100,000,000;
- c) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed VND 100,000,000;
- d) enforce the remedial measures mentioned in Clause 3 Article 4 hereof.

7. Commander of the Coast Guard is entitled to:

- a) issue warnings;
- b) impose a maximum fine of VND 1,000,000,000;
- c) suspend licenses, practicing certificates, or suspend the operation;
- d) confiscate the exhibits and instrumentalities used for administrative violation commission;
- dd) enforce the remedial measures mentioned in Clause 3 Article 4 hereof.

Article 69. The power to record administrative violations

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 and Government's Decree on guidelines for implementation of the Law on Penalties for Administrative Violations.

2. The persons below are entitled to make records the administrative violations specified in Chapters II and III hereof:

- a) Persons on duty that have the power to impose penalties for administrative violations against regulations on water resources and minerals;

b) Inspection officials on duty of the Ministry of Natural Resources and Environment, Department of Water Resources Management, General Department of Geology and Minerals of Vietnam, provincial Departments of Natural Resources and Environment and district-level Departments of Natural Resources and Environment affiliated to district-level People's Committees.

3. The persons that have the power to make records on violations prescribed in Clause 2 of this Article are entitled to make records on administrative violations within their jurisdiction using the prescribed forms and shall assume responsibility for such administrative violation records.

4. Only one record is made for an administrative violation.

If the violating entity whose administrative violation has been recorded fails to terminate acts of violation upon the order of the person having power to impose administrative penalty as prescribed, the person having power to impose administrative penalty shall, when making decision on imposition of penalty for such violation, apply aggravating circumstances as prescribed in Point i Clause 1 Article 10 of the Law on Penalties for Administrative Violations.

5. If an entity commits multiple acts of violation in the same case of violation or repeats acts of violation, all acts of violation or times of committing violation must be recorded in the administrative violation records.

Article 70. Suspension of licenses, practicing certificates and operation;

1. Licenses, practicing certificates or operation shall be suspended in compliance with regulations laid down in Chapter II and Chapter III herein.

2. The duration of suspension of a license or practicing certificate or operation as a penalty for a violation specified in this Decree is the average level of the bracket. The minimum level shall apply if there is a mitigating factor; the maximum level shall apply if there is an aggravating factor.

3. Beginning date of the suspension period:

a) The suspension period shall begin on the effective date of the decision on penalty imposition if the person imposing the penalty is able to confiscate the violator's license or practicing certificate on such day;

b) If the person imposing the penalty is not able to confiscate the violator's license or practicing certificate when the decision on penalty imposition is issued, the decision must specify that the beginning date of the suspension period is the day on which the violator submits the license or practicing certificate to the person imposing the penalty;

c) When confiscating and returning the license or practicing certificate as prescribed in Point b of this Clause, the person imposing the penalty shall make records and retain documents about the penalty.

4. During the suspension period, if the violator still keeps doing the activities in the license or practicing certificate, such violator shall incur a penalty for operating without a license or practicing certificate.

5. During the suspension period, the Department of Natural Resources and Environment of the province or People's Committee of the commune where water resources and minerals activities are conducted shall supervise compliance with suspension decision by violating entities.

Chapter V

IMPLEMENTATION CLAUSE

Article 71. Effect

1. This Decree comes into force from May 10, 2020.
2. This Decree replaces the Government's Decree No. 33/2017/ND-CP dated April 03, 2017.

Article 72. Transitional clauses

1. Regarding the administrative violations committed before this Decree takes effect and discovered afterwards, the regulations herein that are advantageous to the organizations and individuals at fault shall apply.
2. In case the penalty imposition decision that has been issued but not fully implemented before the effective date of this Decree and the entity incurring penalties files any complaint, the complaint shall be handled in accordance with the regulations herein that are advantageous.

Article 73. Supplementary organization and responsibility for implementation

1. The Minister of Natural Resources and Environment shall provide guidance and organize the implementation of this Decree.
2. Ministers, heads of ministerial agencies, heads of Governmental agencies and Presidents of People's Committees of provinces and central-affiliated cities are responsible for the implementation of this Decree./.

**ON BEHALF OF THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Xuan Phuc

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