

THE GOVERNMENT

THE SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom - Happiness

No. 99/2020/ND-CP

Hanoi, August 26, 2020

DECREE

**PENALTIES FOR ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS
ON PETROLEUM, AND PETROL, OIL AND GAS TRADING**

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 Commerce dated June 14, 2005;

Pursuant to the Law on Petroleum dated July 06, 1993; Law on amendments to some Articles of the Law on Petroleum dated June 09, 2000; Law on amendments to some Articles of the Law on Petroleum dated June 03, 2008;

Pursuant to the Law on Quality of Products and Goods dated November 21, 2007;

Pursuant to the Law on Measurement dated November 11, 2011;

Pursuant to the Law on Investment dated November 26, 2014; Law on amendment and supplement to Article 6 and Annex 4 on the list of conditional business lines stipulated in the Law on Investment dated November 22, 2016;

Pursuant to the Law on Prices dated June 20, 2012;

Pursuant to the Law on Occupational Safety and Health dated June 25, 2015;

Pursuant to the Law on Fire Prevention and Fighting dated June 29, 2001; Law on amendments to some Articles of the Law on Fire Prevention and Fighting dated November 22, 2013;

Pursuant to the Law on Environmental Protection dated June 23, 2014;

At the request of the Minister of Industry and Trade;

The Government hereby promulgates a Decree on penalties for administrative violations against regulations on petroleum, and petrol, oil and gas trading.

Chapter I

GENERAL

Article 1. Scope

1. This Decree provides for administrative violations, penalties, fines, remedial measures, the power to impose penalties against administrative violations and the power to make records of administrative violations against regulations on petroleum, and petrol, oil and gas trading.

2. Administrative violations specified in this Decree include the following:

a) Violations against regulations on petroleum, and exploration and extraction thereof (including petroleum prospecting and exploration and field development, decommissioning of petroleum installations, construction, installation, and operation of installations for petroleum extraction, oil refining, petrochemical, petroleum treatment and processing, storage and transport of petroleum products and provision of engineering services directly involved in the aforementioned activities);

b) Violations against regulations on petrol and oil trading conditions;

c) Violations against regulations on petrol and oil trading;

d) Violations against regulations on gas trading conditions;

dd) Violations against regulations on gas trading.

3. Regulations on penalties for corresponding administrative violations in the relevant state management sector shall apply to other administrative violations against regulations on petroleum, and petrol, oil and gas trading with respect to environmental protection; standards, measurement and quality of product and goods; fire prevention and fighting at petroleum installations, petrol, oil and gas business establishments; registration and declaration of petrol, oil and liquefied petroleum gas (LPG) prices; disclosure of information about petrol, oil and gas selling prices and oil and gas price stabilization fund.

Article 2. Regulated entities

1. Vietnamese and foreign organizations and individuals (hereinafter referred to as “entities”) that commit the administrative violations mentioned in this Decree within the territory of the Socialist Republic of Vietnam; the persons who have the power to record administrative violations and persons who have the power to impose penalties for administrative violations, and other relevant organizations and individuals.

2. The organizations mentioned in Clause 1 of this Article comprise:

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

b) Business entities that are duly established under the Law on Co-operatives, consisting of: co-operatives and cooperative unions;

c) Organizations that are duly established under the Law on Investment, consisting of: domestic investors, foreign investors and foreign-invested economic organizations; representative offices and branches of foreign traders in Vietnam; representative offices of foreign trade promotion organizations in Vietnam;

d) Other organizations prescribed by law.

3. Household businesses and households shall incur the same penalties as those incurred by individuals for committing administrative violations specified in this Decree.

Article 3. Definitions

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

1. “petrol and oil trading licenses” include the license to export/import petrol and oil, certificate of eligibility to act as a petrol and oil distributor, certificate of eligibility to act as a petrol and oil general agent, certificate of eligibility to act as a petrol and oil retail agent and certificate of eligibility to act as a petrol and oil retail outlet.

2. “gas trading licenses” include the certificate of eligibility for LPG/LNG/CNG export/import, certificate of eligibility for LPG/LNG/CNG trading, certificate of eligibility for bottled LPG retail, certificate of eligibility to produce and repair LPG bottles, certificate of eligibility to produce mini LPG bottles, certificate of eligibility to bottle LPG, certificate of eligibility to fill LPG into tank trucks, certificate of eligibility to fill LNG, CNG or LPG into transport vehicles and valid certificates of eligibility granted prior to the effective date of the Government’s Decree No. 87/2018/ND-CP dated June 15, 2018 (including certificate of eligibility to act as a petrol and oil distributor, certificate of eligibility to act as a LPG general agent and certificate of eligibility to act as an LPG agent).

Article 4. Penalties and remedial measures

1. For each administrative violation against regulation on petroleum, petrol, oil and gas trading, the violator shall incur a main penalty being a fine. Maximum fine for a violation against regulations on petroleum exploration and extraction incurred by an individual and an organization is VND 1,000,000,000 and VND 2,000,000,000 respectively; maximum fine for a violation against regulations on petrol and oil trading incurred by an individual and an organization is VND 100,000,000 and VND 200,000,000 respectively.

2. Depending on the nature and severity of the violation, the violator may also incur one or more of the following additional penalties:

- a) Suspension of the petrol and oil trading license or the gas trading license for 01 – 06 months or suspension of operation for 01 – 06 months;
- b) Confiscation of the exhibits and instrumentalities used for administrative violation commission;
- c) Deportation.

3. In addition to the abovementioned penalties, the violator may be liable to one or more of the following remedial measures:

- a) Enforced restoration to original condition;
- b) Enforced removal from the territory of the Socialist Republic of Vietnam or enforced re-export of petrol, oil and raw materials used for producing petrol, oil and gas;
- c) Enforced recall of LPG bottles, bottled LPG or mini LPG bottles that fail to meet the conditions for circulation on the market;
- d) Enforced return of the illegal benefits obtained from the administrative violations;
- dd) Enforced carrying out of inspection, maintenance and replacement of LPG bottles and gas-fueled auxiliary equipment which are not safe for users;
- e) Enforced return of LPG bottles to the legal owners, managers or users.

Article 5. Fines

The fines prescribed in Chapters II, III and IV hereof are those imposed on organizations. If an administrative violation is committed by an individual, the fine imposed on such individual equals to one half of the fine imposed on an organization.

Chapter II

ADMINISTRATIVE VIOLATIONS, PENALTIES AND REMEDIAL MEASURES IN CASE OF VIOLATIONS AGAINST REGULATIONS ON PETROLEUM EXPLORATION AND EXTRACTION

Article 6. Violations against regulations on petroleum exploration

1. A fine ranging from VND 100,000,000 to VND 300,000,000 shall be imposed for failure to provide documents and specimens obtained during the drilling process to the competent authority as prescribed.

2. A fine ranging from VND 300,000,000 to VND 400,000,000 shall be imposed for drilling outside the area specified in the petroleum contract when the competent agency has not granted permission but no sources of income have been generated or the illegal profit obtained is less than VND 100,000,000.

3. A fine ranging from VND 400,000,000 to VND 600,000,000 shall be imposed for prospecting and/or exploring petroleum in case the petroleum contract or the work program and annual budget have not been approved by the competent authority but no sources of income have been generated or the illegal profit obtained is less than VND 100,000,000.

4. A fine ranging from VND 600,000,000 to VND 800,000,000 shall be imposed for prospecting and/or exploring petroleum within an area which the Socialist Republic of Vietnam has declared as a prohibited or temporarily prohibited area but no sources of income have been generated or the illegal profit obtained is less than VND 100,000,000.

5. A fine ranging from VND 1,800,000,000 to VND 2,000,000,000 shall be imposed for infringing upon any land, island, internal waters, territorial sea, exclusive economic zone or continental shelf of the Socialist Republic of Vietnam for the purposes of researching, prospecting and exploring petroleum but no sources of income have been generated or the illegal profit obtained is less than VND 100,000,000.

6. A fine equal to the maximum fine of the fine bracket shall be imposed for the violations prescribed in Clauses 2, 3, 4 and 5 of this Article if the illegal profit obtained is at least VND 100,000,000 while no criminal prosecution is brought.

7. Additional measures:

a) The exhibit or instrumentality used for committing the administrative violation in Clause 2, 3, 4, 5 or 6 of this Article shall be confiscated;

b) The foreign national who commits the violation specified in Clause 4, 5 or 6 of this Article shall be deported.

8. Remedial measures:

The violator is compelled to:

a) restore the original condition if any of the violations specified in Clause 2, 3, 4 or 6 of this Article is committed;

b) return the illegal profits obtained from the violations specified in Clauses 2 through 6 of this Article.

Article 7. Violations against regulations on field development and petroleum extraction

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to keep records of field development, petroleum extraction, equipment measurement, total flow measurement or flow checking equipment measurement as prescribed.

2. A fine ranging from VND 200,000,000 to VND 300,000,000 shall be imposed for any of the following violations:

a) Extracting petroleum with an output which reduces the reservoir pressure to a level lower than that approved without permission of the competent authority as prescribed;

b) Failure to correctly follow the process for burning and discharging associated gas;

c) During the process of well testing, extracting petroleum in excess of the volume allowed by the competent authority organization to be burnt or disposed of;

d) extracting associated gas in case the gas oil ratio is higher than the approved limit, without approval by the competent agency organization.

3. A fine ranging from VND 300,000,000 to VND 400,000,000 shall be imposed for any of the following violations:

a) Failure to comply with a request of the Government of Vietnam for selling crude oil and natural gas on the Vietnamese market

b) Failure to correctly implement the field development plan and/or early production plan approved by the competent authority organization.

4. A fine ranging from VND 400,000,000 to VND 500,000,000 shall be imposed for any of the following violations:

a) Carrying out field development and petroleum extraction when the competent authority has not granted approval of the field development plan or work program and corresponding annual budget;

b) Extracting petroleum outside the area specified in the contract without permission of the competent authority.

5. A fine ranging from VND 500,000,000 to VND 600,000,000 shall be imposed for extracting petroleum within an area which the Socialist Republic of Vietnam has declared as a prohibited or temporarily prohibited area.

6. A fine ranging from VND 1,800,000,000 to VND 2,000,000,000 shall be imposed for infringing upon any land, island, internal waters, territorial sea, exclusive economic zone or continental shelf of the Socialist Republic of Vietnam with a view to petroleum extraction.

7. Additional measures:

- a) The exhibit or instrumentality used for committing the administrative violation in Clause 4, 5 or 6 of this Article shall be confiscated;
- b) The foreign national who commits the violation specified in Clause 5 or 6 of this Article shall be deported.

8. Remedial measures:

The violator is compelled to:

- a) return the illegal profits obtained from the violations specified in Point b Clause 4 and Clause 5 of this Article;
- b) restore the original condition if the violation in Clause 5 of Article is committed.

Article 8. Violations against regulations on closure of petroleum prospecting, exploration and extraction projects

- 1. A fine ranging from VND 200,000,000 to VND 300,000,000 shall be imposed for failure to submit to the competent authority the decommissioning plan for dismantlement of fixed installations for petroleum prospecting, exploration and extraction in accordance with regulations.
- 2. A fine ranging from VND 300,000,000 to VND 500,000,000 shall be imposed for any of the following violations:
 - a) Failure to dismantle fixed installations for petroleum prospecting, exploration and extraction according to the decommissioning plan approved by the competent authority;
 - b) Failure to correctly implement the regulations on preservation and disposal of oil wells.

Article 9. Violations against regulations on petroleum safety and security

- 1. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for any of the following violations:
 - a) Failure to build, maintain or develop the safety management system in accordance with regulations;
 - b) Failure to formulate adequate safety management documents, including a safety management program, risk assessment report and emergency response plan as prescribed.

2. A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed for any of the following violations:

- a) Failure to establish a non-hazardous area and failure to maintain safety signals on installations serving petroleum activities as prescribed;
- b) Put a prospecting, exploration and extraction installation into operation before the competent authority certifies their technical and environmental safety under Vietnam's laws and international agreements to which Socialist Republic of Vietnam is a signatory;
- c) Anchoring a ship or boat within 02 nautical miles from the outer perimeter of the offshore oil and gas facility;
- d) Illegally infringing or illegally conducting any activity within the non-hazardous area of offshore oil and gas facilities without permission of the Prime Minister.

3. A fine ranging from VND 200,000,000 to VND 300,000,000 shall be imposed for obstructing legal prospecting, exploration, extraction and transport of petroleum.

4. Additional measures:

The prospecting, exploration and extraction installation shall be suspended for 01 - 03 months if the violation specified in Point b Clause 2 of this Article is committed.

Article 10. Violations against regulations on oil spill response

Penalties for administrative violations against regulations on oil spill response shall be imposed in accordance with the Government's regulations on penalties for administrative violations against regulations on environmental protection.

Article 11. Violations against regulations on safety of onshore oil and gas facilities

1. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for carrying out any activity that poses the risk of directly or indirectly harming the safety of oil and gas facilities, including:

- a) The activities that potentially cause fire, explosion or subsidence within the affected area from the boundary of the safety perimeter to that of the affected area;
- b) Planting perennial plants within the safety perimeter of onshore oil and gas facilities;
- c) Discharge of corrosive substances;
- d) Anchoring of vehicles and equipment that may affect safety of oil and gas facilities.

2. A fine ranging from VND 150,000,000 to VND 200,000,000 shall be imposed for any of the following violations:

- a) Failure to formulate or maintain adherence to the operation and maintenance process, safety regulations and incident handling process;
- b) Failure to formulate a maintenance plan organize inspection and repair of damage;
- c) Putting an oil and gas facility or pipeline system into operation without permission of the competent authority;
- d) Failure to maintain signboards or prohibition signs as prescribed to ensure safety of facilities and pipeline corridors.

3. Remedial measures:

The violator is compelled to restore the original condition if any of the violations specified in Point a, b or c Clause 1 of this Article is committed.

Article 12. Violations against regulations on reporting and provision of information

1. 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 provide one of the following documents as prescribed: Quarterly or annual reports on the extracted output, composition and proportion of petroleum extracted from each field and by petroleum, and volume of petroleum removed;
- b) Failure to report the execution of projects petroleum activities or report important events and incidents related to petroleum activities;
- c) Failure to report the management of safety and precautions;
- d) Failure to report incidents and accidents as prescribed in the event of incidents and accidents.

2. The Government's regulations on penalties for administrative violations against regulations on security, and social order and safety shall apply to imposition of penalties for failure to provide documents or provide inadequate documents thereby obstructing the petroleum-related inspection by law enforcers and competent authorities.

Article 13. Violations against regulations on insurance for petroleum activities

A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for failure to buy insurance for vehicles and works serving petroleum activities, environmental

insurance and other types of insurance in accordance with Vietnamese laws and Good International Petroleum Industry Practices.

Chapter III

ADMINISTRATIVE VIOLATIONS, PENALTIES AND REMEDIAL MEASURES IN CASE OF VIOLATIONS AGAINST REGULATIONS ON PETROL AND OIL TRADING

Section 1. VIOLATIONS AGAINST REGULATIONS ON PETROL AND OIL TRADING CONDITIONS

Article 14. Violations against regulations on conditions to be satisfied by petrol and oil retail outlets

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed:

a) on a petrol and oil retail outlet that operates without maintaining its satisfaction of conditions in conformity with the national technical regulation on design requirements for petrol and oil retail outlets; or

b) on a floating petrol filling station that operates without maintaining its satisfaction of conditions in conformity with the national technical regulation on design requirements for floating petrol filling stations; or

c) for employing the manager or staff who has not been trained in fire safety and environmental protection as prescribed to work at the petrol and oil retail outlet.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on a trader retailing petrol at an establishment failing to have the certificate of eligibility to act as a petrol and oil retail outlet unless otherwise prescribed by law.

3. Additional measures:

The certificate of eligibility to act as a petrol and oil retail outlet shall be suspended for 01 - 03 months if the violation specified in Point a or b Clause 1 of this Article is committed.

4. Remedial measures:

The violator is compelled to return the illegal profits obtained from the violation specified in Clause 2 of this Article.

Article 15. Violations against regulations on trading conditions to be satisfied by petrol retail franchisees and petrol retail agents

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for employing the manager or staff who has not been trained in fire safety and environmental protection as prescribed, except for the case prescribed in Point c Clause 1 Article 14 hereof.

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed on a petrol retail franchisee or petrol retail agent that does not have a petrol and oil retail outlet under its ownership or both its ownership and co-ownership which is granted the certificate of eligibility to act as a petrol and oil retail outlet in accordance with regulations.

3. Additional measures:

The certificate of eligibility to act as a petrol and oil retail agent or the petrol and oil trading shall be suspended for 01 - 03 months if the violation specified in Clause 2 of this Article is committed.

Article 16. Violations against regulations on trading conditions to be satisfied by petrol and oil general agents

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for employing the manager or staff who has not been trained in fire safety and environmental protection as prescribed, except for the case prescribed in Point c Clause 1 Article 14 hereof.

2. 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 satisfy the conditions for petrol and oil transport vehicles as prescribed;

b) Failure to satisfy the conditions for petrol and oil depots and tanks as prescribed.

3. A fine ranging from VND 50,000,000 to VND 80,000,000 shall be imposed for failure to satisfy the conditions for the petrol and oil distribution system as prescribed.

4. Additional measures:

The certificate of eligibility to act as a petrol and oil general agent shall be suspended for 01 - 03 months if the violation specified in Clause 2 or 3 of this Article is committed.

Article 17. Violations against regulations on trading conditions to be satisfied by petrol and oil distributors

1. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for employing the manager or staff who has not been trained in fire safety and environmental protection as prescribed, except for the case prescribed in Point c Clause 1 Article 14 hereof.

2. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for any of the following violations:

- a) Failure to satisfy the conditions for petrol and oil transport vehicles as prescribed;
- b) Failure to satisfy the conditions for petrol and oil depots and tanks as prescribed.

3. A fine ranging from VND 60,000,000 to VND 100,000,000 shall be imposed for any of the following violations:

- a) Failure to satisfy the conditions for the petrol and oil distribution system as prescribed;
- b) Failure to satisfy the conditions for testing laboratories as prescribed.

4. Additional measures:

The certificate of eligibility to act as a petrol and oil distributor shall be suspended for 01 - 03 months if the violation specified in Clause 2 or 3 of this Article is committed.

Article 18. Violations against regulations on trading conditions to be satisfied by petrol and oil exporters and importers

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

- a) Failing to satisfy the conditions for special-use wharves intended for receiving oil tankers or petrol and oil transport vehicles as prescribed;
- b) Failure to satisfy the conditions for vehicles intended for domestic petrol and oil transport as prescribed;
- c) Failure to satisfy the conditions for petrol and oil depots as prescribed.

2. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for failure to satisfy the conditions for the petrol and oil distribution system as prescribed or failure to have jet fuel filling equipment under the ownership or co-ownership for an exporter or importer of jet fuel.

3. Additional measures:

The license for petrol and oil export/import shall be suspended for 01 - 03 months if the violation specified in Point b or c Clause 1 or Clause 2 of this Article is committed.

Article 19. Violations against regulations on conditions for provision of petrol and oil services

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for employing the manager or staff who has not been trained in fire safety and environmental protection as prescribed.

2. A fine ranging from VND 50,000,000 to VND 80,000,000 shall be imposed for any of the following violations:

a) Providing port or petrol and oil depot lease services without satisfying the conditions for special-use wharves or depots as prescribed;

b) Providing petrol and oil transport services without satisfying the conditions for special-use vehicles intended for petrol and oil transport as prescribed.

3. Additional measures:

The provision of petrol and oil services shall be suspended for 01 - 03 months if the violation in Clause 2 of this Article is committed.

Article 20. Other violations against regulations on petrol and oil trading conditions

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for making interlineations, erasures or alternations on the petrol and oil trading license.

2. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

a) Leasing, lending, selling or transferring the petrol and oil trading license or putting up it as collateral;

b) Renting, borrowing or acquiring the petrol and oil trading license or receiving it as collateral.

3. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for any of the following violations:

a) Trading petrol and oil without a petrol and oil trading license as prescribed, except for the cases specified in Clause 2 Article 14 and Clause 2 Article 27 hereof;

b) Trading petrol and oil with an expired petrol and oil trading license;

c) Using another trader's petrol and oil trading license to trade petrol and oil;

d) Trading petrol and oil against the issued petrol and oil trading license.

4. A fine ranging from VND 60,000,000 to VND 100,000,000 shall be imposed for continuing to carry out business activities while the competent authority has suspended

operation, suspended or revoked the petrol and oil trading license, except for case specified in Clause 2 Article 27 hereof.

5. A fine that is twice as much as the fine imposed for the violations mentioned in Clause 1 through 4 of this Article shall be imposed for an administrative violation committed by a petrol and oil exporter/importer, petrol and oil distributor petrol oil general agent.

6. Additional measures:

- a) The exhibit used for committing the violation in Clause 1 of this Article shall be confiscated;
- b) The petrol and oil trading license shall be suspended for 01 - 03 months if the violation specified in Point a Clause 2 of this Article is committed.

7. Remedial measures:

The violator is compelled to return the illegal profits obtained from the violations specified in Point a Clause 2, Clause 3 and Clause 4 of this Article.

Section 2. VIOLATIONS AGAINST REGULATIONS ON PETROL AND OIL TRADING

Article 21. Violations against petrol and oil retail prices and process for adjusting petrol and oil retail prices

- 1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for listing petrol and oil retail prices inconsistently with those regulated by petrol and oil wholesalers or distributors.
- 2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for deliberately adjusting petrol and oil retail prices and oil retail prices at the time other than the one regulated by petrol and oil wholesalers or distributors.
- 3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for failure to send notifications or failure to send decisions on petrol and oil retail prices applied to units belonging to the petrol and oil distribution system ahead of the effective time of these prices in the case of any increase or decrease in petrol and oil retail prices.
- 4. A fine ranging from VND 100,000,000 to VND 120,000,000 shall be imposed for failure to correctly implement regulations on the sequence of adjusting prices or failure to implement regulations on the minimum time interval between two consecutive price adjustments in the case of adjusting the petrol and oil retail prices.

5. Additional measures:

The certificate of eligibility to act as a petrol and oil retail outlet shall be suspended for 01 - 03 months if the violation prescribed in Clause 2 is repeated.

6. Remedial measures:

The violator is compelled to return the illegal profits obtained from the violation specified in Clause 2 of this Article.

Article 22. Violations against regulations on registration of petrol and oil distribution systems and on sale and purchase of petrol and oil under distribution systems

1. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

- a) Failure to register the distribution system with a competent authority in accordance with regulations;
- b) Committing fraud in declaration and registration of a distribution system;
- c) Failure to send information on the petrol and oil distribution system to the principal or the franchiser to register the distribution system with a competent authority as prescribed.

2. A fine that is twice as much as the fine imposed for the violations mentioned in Points a and b Clause 1 of this Article shall be imposed for an violation committed by a wholesaler.

3. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed on a petrol and oil general agent, petrol and oil retail agent, petrol and oil retail franchisee or petrol and oil retail outlet that purchases or sells petrol and oil from or to an entity outside its distribution system, except the case of selling petrol and oil directly to consumers.

4. A fine ranging from VND 60,000,000 to VND 100,000,000 shall be imposed on:

- a) a petrol and oil distributor that purchases or sells petrol and oil from or to an entity outside the distribution system, except for the case of purchasing petrol and oil from wholesalers and other petrol and oil distributors and directly selling petrol and oil to consumers; or
- b) a wholesaler that sells petrol and oil to an entity outside its distribution system, except for the case of selling petrol and oil to other wholesalers, petrol and oil distributors and units directly producing petrol and oil and directly selling petrol and oil to consumers.

5. Remedial measures:

The violator is compelled to return the illegal profits obtained from the violations specified in Clauses 3 and 4 of this Article.

Article 23. Violations against regulations on appointing petrol and oil agents and acting as petrol and oil retail agents

1. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

a) Concluding contracts to act as a petrol and oil retail agent with a number of principals that exceeds the maximum permissible number of petrol and oil general agents or distributors or wholesalers as prescribed;

b) Acting as a petrol and oil agent without a petrol and oil agent contract as prescribed or with an expired petrol and oil agent contract.

2. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed on a petrol and oil general agent for any of the following violations:

a) Concluding contracts to act as a general agent with a number of wholesalers that exceeds the maximum permissible number as prescribed;

b) Concluding a petrol and oil agent contract with a petrol and oil retail agent that fails to satisfy all conditions as prescribed;

c) Appointing a petrol and oil agent without a petrol and oil agent contract as prescribed;

d) Concluding a petrol and oil agent contract with a petrol and oil trader during the period such petrol and oil trader is a petrol and oil agent for another wholesaler or another petrol and oil distributor another petrol and oil general agent.

3. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed on a petrol and oil distributor for any of the following violations:

a) Concluding a petrol and oil agent contract with a petrol and oil retail agent that fails to satisfy all conditions as prescribed;

b) Appointing a petrol and oil agent without a petrol and oil agent contract as prescribed;

c) Concluding a contract to act as a petrol and oil agent for another wholesaler or to act as a petrol and oil retail agent for another petrol and oil general agent;

d) Concluding a petrol and oil agent contract with a petrol and oil trader during the period such petrol and oil trader is a petrol and oil agent for another wholesaler or another petrol and oil distributor another petrol and oil general agent.

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

- a) Appointing a petrol and oil agent without a petrol and oil agent contract as prescribed;
- b) Concluding a petrol and oil agent contract with a petrol and oil trader during the period such petrol and oil trader is a petrol and oil agent for another wholesaler or another petrol and oil distributor another petrol and oil general agent;
- c) Concluding a petrol and oil agent contract with a petrol and oil retail agent that is ineligible to act as a petrol and oil agent as prescribed.

5. Remedial measures:

The violator is compelled to return the illegal profits obtained from the violations specified in this Article.

Article 24. Violations against regulations on concluding petrol and oil sale contracts and petrol and oil retail franchise contracts

1. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed on a petrol and oil retail franchisee for any of the following violations:

- a) Concluding a contract to act as a petrol and oil retail franchisee with a number of wholesalers or petrol and oil distributors that exceeds the maximum permissible number as prescribed;
- b) Concluding a contract to act as an agent for a petrol and oil general agent or petrol and oil distributor wholesaler.

2. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed on a petrol and oil distributor for any of the following violations:

- a) Purchasing petrol and oil from a wholesaler or subsidiary authorized by the wholesale trader or another petrol and oil distributor without a petrol and oil sale contract as prescribed;
- b) Concluding a petrol and oil retail franchise contract with a petrol and oil retail franchisee that fails to satisfy all conditions as prescribed.

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

- a) Concluding a petrol and oil retail franchise contract with a petrol and oil retail franchisee in case such trader belongs to another wholesaler or distributor's distribution system;

b) Selling petrol and oil to a petrol and oil distributor that fails to satisfy all conditions as prescribed or without a petrol and oil sale contract as prescribed.

4. Remedial measures:

The violator is compelled to return the illegal profits obtained from the violations specified in this Article.

Article 25. Violations against regulations on transshipment or ship-to-ship transfer of petrol and oil

A fine ranging from VND 20,000,000 to 40,000,000 shall be imposed for failure to transship or ship-to-ship transfer petrol and oil at the designated place or transshipping or ship-to-ship transferring petrol and oil from a large ship or another means of transport which cannot be accommodated by the Vietnamese port inconsistently with the port authority's regulations.

Article 26. Violations against regulations on provision of petrol and oil services

1. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for transporting petrol and oil but inlet door, exhaust valve handle or exhaust cover cap of the petrol and oil tank is not sealed with lead as regulated or is not sealed with the leaden seal or seal specified in the original petrol delivery record.

2. A fine ranging from VND 100,000,000 to VND 140,000,000 shall be imposed on a petrol and oil service provider for any of the following violations:

a) Concluding a depot lease contract with the total capacity exceeding the actual total capacity of the depot;

b) Failure to install equipment for inspecting and supervising vehicles transporting petrol and oil or having inoperative or ineffective equipment for inspecting and supervising vehicles transporting petrol and oil.

3. Remedial measures:

The violator is compelled to return the illegal profits obtained from the violation specified in Point a Clause 2 of this Article.

Article 27. Violations against regulations on production, export, import and transit of petrol and oil and raw materials used for producing petrol and oil, and temporary import and processing thereof for export

1. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed on a petrol and oil producer that exports petrol and oil which such producer does not produce or process for export.

2. A fine ranging from VND 100,000,000 to VND 120,000,000 shall be imposed for temporarily importing or transitting petrol and oil and raw materials used for producing petrol and oil without the petrol and oil import or export license as prescribed or after the suspension or revocation of such license.

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

a) Failure to import adequate quantities and/or categories of petrol and oil as annually assigned by competent authorities;

b) Failure to import petrol and oil in accordance with the quarterly schedule or the schedule set out in the document on specific import schedules issued by the competent authority.

4. Additional measures:

The exhibit used for committing the violation in Clause 1 of this Article shall be confiscated.

5. Remedial measures:

The violator is compelled to:

a) remove petrol and oil or raw materials used for producing petrol and oil from the territory of the Socialist Republic of Vietnam or re-export them if the violation in Clause 2 of this Article is committed;

b) return the illegal profits obtained from the violations specified in Clauses 1 and 2 of this Article.

Article 28. Violations against regulations on petrol and oil blending

1. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed:

a) on a wholesaler that blends petrol and oil without registering its blending factory as prescribed; or

b) for blending petrol and oil at a place other than the place of manufacturing, blending factory or petrol and oil depot serving the domestic demand of the wholesaler.

2. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed on a petrol and oil exporter or importer that blends petroleum products without having a laboratory fully capable of testing petrol and oil quality in accordance with national technical regulations as prescribed.

3. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for blending petrol and oil while not being a wholesaler.

4. Additional measures:

a) The exhibit used for committing the violation in Clause 2 or 3 of this Article shall be confiscated;

b) The instrumentality used for committing the administrative violation in Clause 3 of this Article shall be confiscated;

c) The blending of petrol and oil shall be suspended for 01 - 03 months if the violation in Clause 2 of this Article is committed.

Article 29. Violations against regulations on building quality management system and laboratory capacity management system, implementing the roadmap for blending biofuels with conventional fuels under the Prime Minister's regulations

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to build, apply and maintain the petrol and oil quality management system in an effective manner as prescribed.

2. A fine that is twice as much as the fine imposed for the violation mentioned in Clause 1 of this Article shall be imposed for an administrative violation committed by a wholesaler, petrol and oil distributor petrol oil general agent.

3. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for failure to build a laboratory capacity management system as prescribed, except for the case of hiring a testing service provider.

4. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed on a petrol and oil exporter or importer that fails to implement the roadmap for application of ratios for blending biofuels with conventional fuels under the Prime Minister's regulations.

Article 30. Violations against regulations on maintaining reserves of petrol and oil and raw materials used for producing petrol and oil

1. A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed on a petrol and oil producer that fails to maintain a level of raw material reserves or maintains a level of raw material reserves lower than the minimum level as prescribed.

2. A fine ranging from VND 120,000,000 to VND 140,000,000 shall be imposed on a wholesaler that fails to maintain a level of compulsory petrol and oil reserves or maintains a level of petrol and oil reserves lower than the minimum level as prescribed.

Article 31. Violations against regulations on cross-border transport, trading in and exchange of petrol and oil

1. Fines for transporting, trading and exchanging petrol and oil across the border or from a non-tariff zone to inland or vice versa against the law are as follows:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed if the petrol and oil involved in the violation is worth less than VND 10,000,000;

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed if the petrol and oil involved in the violation is worth from VND 10,000,000 to less than VND 30,000,000;

c) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed if the petrol and oil involved in the violation is worth from VND 30,000,000 to less than VND 50,000,000;

d) A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed if the petrol and oil involved in the violation is worth from VND 50,000,000 to less than VND 70,000,000;

dd) A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed if the petrol and oil involved in the violation is worth from VND 70,000,000 to less than VND 100,000,000.

2. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for the violation in Clause 1 of this Article if the petrol and oil involved in the violation is worth VND 100,000,000 or more but no criminal prosecution is brought.

3. Additional measures:

a) The exhibit used for committing the violation mentioned in Clause 1 of this Article shall be confiscated;

b) The vehicle used to transport petrol and oil across the border shall be confiscated if the exhibit is worth VND 100,000,000 or more.

Article 32. Violations against regulations on trading in smuggled petrol and oil or petrol and oil of unclear origin

The Government's regulations on penalties for administrative violations against regulations on commerce, production and trade in counterfeit and prohibited goods, and protection of consumer rights shall apply to imposition of penalties for trading smuggled petrol and oil or petrol and oil of unclear origin.

Article 33. Violations against regulations on management of trading in petrol and oil within border areas and territorial waters

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for any of the following violations if the petrol and oil involved in the violation is worth less than VND 10,000,000:

a) Transporting petrol and oil into a border area against regulations;

b) Trading in, exchanging or ship-to-ship transferring petrol and oil at sea with foreign ships, boats or vehicles.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for the violation in Clause 1 of this Article if the petrol and oil involved in violation is worth from VND 10,000,000 to less than VND 30,000,000.

3. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for the violation in Clause 1 of this Article if the petrol and oil involved in violation is worth from VND 30,000,000 to less than VND 50,000,000.

4. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for the violation in Clause 1 of this Article if the petrol and oil involved in violation is worth from VND 50,000,000 to less than VND 70,000,000.

5. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for the violation in Clause 1 of this Article if the petrol and oil involved in violation is worth from VND 70,000,000 to less than VND 100,000,000.

6. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for the violation in Clause 1 of this Article if the petrol and oil involved in violation is worth from VND 100,000,000 or more.

7. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on a petrol and oil retail out in a border area for any of the following violations:

a) Failure to comply with regulations on petrol and oil selling hours in the border area;

b) Failure to comply with regulations on methods and limits on retailing petrol and oil to infrequent foreign vehicles.

8. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for failure to correctly implement regulations on supply of petrol and oil provision when supplying petrol and oil to petrol and oil retail outlets in border areas.

9. Additional measures:

a) The exhibit used for committing the violation mentioned in Clause 1, 2, 3, 4, 5 or 6 of this Article shall be confiscated;

b) The instrumentality used for committing the administrative violation in Clause 6 of this Article shall be confiscated.

10. Remedial measures:

The violator is compelled to return the illegal profits obtained from the violation specified in Point b Clause 7 of this Article.

Article 34. Violations against regulations on signboards

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to display the name or displaying incorrect name of the wholesaler or the petrol and oil distributor that supplies petrol and oil on the signboard of a petrol and oil retail outlet.

2. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed on a petrol and oil distributor for failure to set out rules for uniform display of the name of the petrol and oil distributor on the signboard of the petrol and oil retail outlet within the distribution system.

3. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed on a wholesaler for failure to set out rules for uniform display of the name of the wholesaler on the signboard of the petrol and oil retail outlet within the distribution system.

4. The Government's regulations on penalties for administrative violations against regulations on industrial property shall apply to imposition of penalties for violations against regulations on use of trademarks, trade names, logos and trade indications.

Article 35. Violations against other regulations on petrol and oil retail

1. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for failure to display or clearly display selling time within a sale area as prescribed.

2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for selling petrol and oil using a mini filling column, hand-shake pump, barrel, bottle or another container, except for the case where the trader is a business household or petrol and oil distribution station belonging to the armed force (national defense or public security) in a mountainous area or highlands as prescribed which is allowed by the People's Committees of a province or central-affiliated city to act as petrol and oil retail agent with the scale and equipment relevant to the petrol and oil trading conditions within such area.

3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to register selling time of a petrol and oil retail outlet with a competent authority as prescribed.

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

a) Reducing the selling time shorter than the displayed or previously applied time without a plausible reason or without notifying a competent authority according to regulations;

b) Failure to sell or suspend sale without written approval by a competent authority or without notifying a competent authority as prescribed;

c) Reducing the sales of sold petrol and oil less than those of previously sold petrol and oil without a plausible reason or without notifying a competent authority according to regulations;

5. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for selling petrol and oil using an automatic or mobile petrol and oil filling column without permission of the competent authority, except for the case specified in Clause 2 of this Article.

6. Additional measures:

The exhibit or instrumentality used for committing the administrative violation mentioned in Clause 2 or 5 of this Article shall be confiscated.

7. Remedial measures:

The violator is compelled to return the illegal profits obtained from the violations specified in Clauses 2 and 5 of this Article.

Chapter IV

ADMINISTRATIVE VIOLATIONS, PENALTIES AND REMEDIAL MEASURES IN CASE OF VIOLATIONS AGAINST REGULATIONS ON GAS TRADING

Section 1. VIOLATIONS AGAINST REGULATIONS ON GAS TRADING CONDITIONS

Article 36. Violations against regulations on trading conditions to be satisfied by petrol and oil exporters and importers

1. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed on an LPG exporter or importer trading bottled LPG for any of the following violations:

a) Circulating LPG bottles under its/his/her ownership or LPG bottles hired under a contract without satisfying all conditions for circulation on the market;

b) Failure to have LPG bottles or conclude a contract for hiring LPG bottles as prescribed.

2. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed on a gas exporter or importer for any of the following violations:

a) Failure to have a wharf or a contract for leasing a wharf within Vietnam's port system for at least 5 years whose use has been permitted by a competent authority as prescribed;

b) Owning gas tanks or concluding a contract for leasing gas tanks that fails to satisfy the safety regulations as prescribed;

c) Failure to have gas tanks or conclude a contract for leasing gas tanks as prescribed.

3. A fine ranging from VND 80,000,000 to VND 120,000,000 shall be imposed on a gas exporter or importer trading gas through pipelines without having a gas supply station that satisfies the safety conditions as prescribed by law.

4. A fine ranging from VND 120,000,000 to VND 160,000,000 shall be imposed for any of the following violations:

a) Exporting or importing gas without a certificate of eligibility to act as a gas exporter and importer or an expired certificate of eligibility to act as a gas exporter and importer or after the suspension or revocation of such certificate, except for the case where the gas producing and processing entity satisfies the conditions applied to a gas exporter or importer as prescribed;

b) Using the falsified certificate of eligibility to act as a gas exporter or importer;

c) Leasing/lending or renting/borrowing the certificate of eligibility to act as a gas exporter or importer.

5. Additional measures:

a) The exhibit used for committing the violation mentioned in Point b Clause 4 of this Article shall be confiscated;

b) The certificate of eligibility to act as a petrol and oil exporter or importer shall be suspended for 01 - 03 months if the violation specified in Clause 1, 2 or 3 of this Article is committed;

c) The certificate of eligibility to act as a petrol and oil exporter or importer shall be suspended for 03 - 06 months if the violation specified in Point c Clause 4 of this Article is committed.

6. Remedial measures:

The violator is compelled to:

- a) recall LPG bottles that fail to satisfy the conditions for circulation on the market if the violation specified in Point a Clause 1 of this Article is committed;
- b) return the illegal profits obtained from the violation specified in Clause 4 of this Article;
- c) remove gas from the territory of the Socialist Republic of Vietnam or re-export it if the violation in Point a Clause 4 of this Article is committed.

Article 37. Violations against regulations on conditions to be satisfied by gas-producing and processing entities

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

- a) Producing and processing gas at a facility whose construction has not been approved and permitted by a competent authority;
- b) Failure to own a gas quality testing laboratory fully capable of testing the criteria specified in national technical regulations or conclude a contract for hiring it for at least 01 year as prescribed;
- c) Having lines, machinery and equipment not inspected as prescribed.

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

- a) Producing or processing LNG without having an LNG pumping and filling system for transport or equipment system to serve the gasification to supply to customers;
- b) Producing and processing CNG without having a CNG compressor station as prescribed.

3. Additional measures:

- a) The gas production and processing shall be suspended for 01 - 03 months if the violation in Clause 1 of this Article is committed;
- b) The LNG production and processing shall be suspended for 03 - 06 months if the violation in Point a Clause 2 of this Article is committed;
- c) The CNG production and processing shall be suspended for 03 - 06 months if the violation in Point b Clause 2 of this Article is committed.

Article 38. Violations against regulations on conditions to be satisfied by gas traders

1. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed on a gas trader for any of the following violations:

- a) Having gas tanks that fail to satisfy the safety regulations as prescribed;
- b) Having LPG bottles that fail to satisfy all conditions for circulation on the market;
- c) Failure to have gas tanks or conclude a contract for hiring gas tanks or LPG bottles as prescribed.

2. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for any of the following violations, except for the case specified in Clause 2 Article 39 hereof:

- a) Trading gas without having a certificate of eligibility to act as a gas trader or with an expired certificate of eligibility for acting as gas trader or after the suspension or revocation of such certificate;
- b) Using the falsified certificate of eligibility to act as a gas trader;
- c) Leasing/lending or renting/borrowing the certificate of eligibility to act as a gas trader.

3. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed on a trader trading gas through pipelines without having a gas supply station that satisfies the safety conditions as prescribed.

4. A fine ranging from VND 100,000,000 to VND 120,000,000 shall be imposed on:

- a) an LNG trader that does not have an LNG supply station or LNG filling stations for means of transport which fully satisfies the safety and fire safety conditions as prescribed; or
- b) a CNG trader that does not have a CNG tank truck, CNG compressor station, CNG filling station or CNG filling stations for means of transport which fully satisfies the safety and fire safety conditions as prescribed.

5. Additional measures:

- a) The exhibit used for committing the violation mentioned in Point b Clause 2 of this Article shall be confiscated;
- b) The certificate of eligibility to act as a gas trader shall be suspended for 01 - 03 months if the any of the violations specified in this Article is committed;

c) The trading in gas through pipelines shall be suspended for 01 - 03 months if the violation in Clause 3 of this Article is committed.

6. Remedial measures:

The violator is compelled to:

a) recall LPG bottles that fail to satisfy the conditions for circulation on the market if the violation specified in Point b Clause 1 of this Article is committed;

b) return the illegal profits obtained from the violation specified in Clause 2 of this Article.

Article 39. Violations against regulations on conditions to be satisfied by bottled LPG retail outlets

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for retailing bottled LPG without a bottled LPG sale contract with a trader having an effective certificate of eligibility as prescribed, except for the case where the retail outlet is owned by such trader.

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

a) Retailing bottled LPG at a facility failing to have a certificate of eligibility to act as an LPG retail outlet or with an expired certificate of eligibility to act as an LPG retail outlet or after the suspension or revocation of such certificate;

b) Using the falsified certificate of eligibility to act as a bottled LPG retail outlet;

c) Leasing/lending or renting/borrowing the certificate of eligibility to act as a bottled LPG retail outlet.

3. Additional measures:

a) The exhibit used for committing the violation mentioned in Point b Clause 2 of this Article shall be confiscated;

b) The certificate of eligibility to act as a bottled LPG retail outlet shall be suspended for 01 - 03 months if the violation specified in Clause 1 or Point c Clause 2 of this Article is committed.

4. Remedial measures:

The violator is compelled to return the illegal profits obtained from the violation specified in Clause 2 of this Article.

Article 40. Violations against regulations on conditions to be satisfied by LPG bottling stations, LPG filling stations for tank trucks, gas filling stations for means of transport, gas supply stations and CNG compressor stations

1. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed:

a) for having an LPG bottling station, LPG filling station for tank trucks, gas filling station for means of transport, gas supply station or CNG compressor station whose construction has not been allowed by a competent authority; or

b) on a trader whose LPG bottling station fails to have a bottled LPG warehouse that satisfies the regulations on safety and fire safety as prescribed.

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

a) Using a certificate of eligibility to fill gas into means of transport, certificate of eligibility to fill LPG into tank trucks or certificate of eligibility to bottle LPG which has been falsified;

b) Leasing/lending or renting/borrowing the certificate of eligibility to fill gas into means of transport, certificate of eligibility to fill LPG into tank trucks or certificate of eligibility to bottle LPG.

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

a) Bottling LPG without having a certificate of eligibility to bottle LPG in accordance with regulations;

b) Bottling LPG with an expired certificate of eligibility to bottle LPG or after the suspension or revocation of the certificate of eligibility to bottle LPG.

4. A fine ranging from VND 100,000,000 to VND 140,000,000 shall be imposed for any of the following violations:

a) Filling gas into means of transport without a certificate of eligibility to fill gas into means of transport or certificate of eligibility to fill LPG into tank trucks without a certificate of eligibility to fill LPG into tank trucks as prescribed;

b) Filling gas into means of transport without an expired certificate of eligibility to fill gas into means of transport or after the suspension or revocation of the certificate of eligibility to fill gas into means of transport;

c) Filling LPG into tank trucks with an expired certificate of eligibility to fill LPG into tank trucks or after the suspension or revocation of the certificate of eligibility to fill LPG into tank trucks;

d) Continuing to supply gas from fixed tanks or system of LPG bottles directly through the pipeline to end users or compress CNG into tanks during the period of suspension of operation.

5. Additional measures:

a) The exhibit used for committing the violation mentioned in Point a Clause 2 of this Article shall be suspended;

b) The certificate of eligibility to fill gas into means of transport, certificate of eligibility to fill LPG into tank trucks or certificate of eligibility to bottle LPG shall be suspended for 01 - 03 months or the gas supply station or CNG compressor station shall be suspended for 01 - 03 months if the violation specified in Clause 1 of this Article is committed;

c) The certificate of eligibility to fill gas into means of transport, certificate of eligibility to fill LPG into tank trucks or certificate of eligibility to bottle LPG shall be suspended for 03 - 06 months if the violation specified in Point b Clause 2 of this Article is committed.

6. Remedial measures:

The violator is compelled to return the illegal profits obtained from the violations specified in Clauses 2, 3 and 4 of this Article.

Article 41. Violations against regulations on conditions for circulation of LPG bottles, bottled LPG and mini bottled LPG on market

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for trading bottled LPG that is not sealed in accordance with regulations.

2. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for any of the violations against regulations on conditions for circulation (including mini bottled LPG) on market:

a) Circulating LPG bottles on the market without documents proving their origin and other mandatory documents of the manufacturer as prescribed;

b) Circulating on the market LPG bottles that fails to conform to technical regulations or fails to undergo technical inspection of occupational safety as prescribed.

3. Remedial measures:

The violator is compelled to recall bottled LPG, mini bottled LPG or LPG bottles that fail to satisfy the conditions for circulation on the market if any of the violations specified in this Article is committed.

Article 42. Violations against regulations on conditions for production and repair of LPG bottles

1. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for producing or repairing LPG bottles without fully satisfying the regulations on safety, production process, repair process or product quality inspection process as prescribed.

2. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for any of the following violations:

a) Producing or repairing LPG bottles without having inspection equipment to satisfy the requirements for safety inspection as prescribed;

b) Using the falsified certificate of eligibility to produce or repair LPG bottles;

c) Leasing/lending or renting/borrowing the certificate of eligibility to produce or repair LPG bottles.

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

a) Producing or repairing LPG bottles without a certificate of eligibility to produce or repair LPG bottles as prescribed;

b) Continuing to produce or repair LPG bottles with an expired certificate of eligibility to produce or repair LPG or after the suspension or revocation of the certificate of eligibility to produce or repair LPG.

4. Additional measures:

a) The exhibit used for committing the violation mentioned in Point b Clause 2 of this Article shall be confiscated;

b) The certificate of eligibility to produce or repair LPG shall be suspended for 01 - 03 months if the violation specified in Point a or c Clause 2 of this Article is committed.

5. Remedial measures:

The violator is compelled to return the illegal profits obtained from the violations specified in Points b and c Clause 2 and Clause 3 of this Article.

Article 43. Violations against regulations on conditions for production of mini LPG bottles

1. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

- a) Producing mini LPG bottles without fully satisfying the regulations on safety, production process and product quality inspection process as prescribed;
- b) Failure to have adequate lines, machinery and equipment for production of mini LPG bottles in accordance with national technical regulations;
- c) Failure to have adequate inspection equipment to satisfy the requirements for safety inspection of mini LPG bottles as prescribed;
- b) Using the falsified certificate of eligibility to produce mini LPG bottles;
- dd) Leasing/lending or renting/borrowing the certificate of eligibility to produce mini LPG bottles.

2. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for any of the following violations:

- a) Producing mini LPG bottles without a certificate of eligibility to produce mini LPG bottles as prescribed;
- b) Continuing to produce mini LPG bottles with an expired certificate of eligibility to produce mini LPG bottles or after the suspension or revocation of the certificate of eligibility to produce mini LPG bottles.

3. Additional measures:

- a) The exhibit used for committing the violation mentioned in Point a or d Clause 1 or Clause 2 of this Article shall be confiscated;
- b) The certificate of eligibility to produce mini LPG bottles shall be suspended for 01 - 03 months if the violation specified in Point b, c or dd Clause 1 of this Article is committed.

4. Remedial measures:

The violator is compelled to return the illegal profits obtained from the violations specified in Point dd Clause 1 and Clause 2 of this Article.

Section 2. VIOLATIONS AGAINST REGULATIONS ON GAS TRADING

Article 44. Violations against regulations on gas trading committed by gas exporters, gas importers and gas producing and processing entities

1. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

- a) Failure to report the distribution system, trademarks, gas import, export and trading on the market to the Ministry of Industry and Trade or failure to do so within the prescribed time limit;
- b) Failure to include adequate information about bottled LPG in the logbook or electronic database applying information technology to monitor bottled LPG sold to other LPG traders or users: owner, bottle type, bottle serial number, bottle inspection date, name and address of the purchaser or user and delivery date of bottled LPG;
- c) Blending gas without undertaking to make sure that the quality of additives does not affect the safety of humans, animals, plants, environment and gas quality as prescribed.

2. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for any of the following violations:

- a) Failure to provide or hire an organize to provide training in safety techniques to employees at the gas trading establishment as prescribed;
- b) Employing the manager or staff who has not been trained in safety techniques and fire safety as prescribed to work at the gas trading establishment;
- c) Failure to develop a safety management program, a risk assessment report and an emergency response plan as prescribed;
- d) Trading bottled LPG without preparing a logbook or developing an electronic database applying information technology to monitor bottled LPG sold to other LPG traders or users.

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

- a) Failure to carry out technical inspection of occupational safety as prescribed of LPG bottles, gas tanks, LPG-fueled auxiliary equipment, LNG and CNG trading auxiliary equipment owned by traders as prescribed;
- b) Failure to stipulate selling prices for gas and bottled LPG offered to traders in the network under the management as prescribed;
- c) Selling gas or bottled LPG to traders who fail to fully satisfy the gas trading conditions as prescribed.

4. A fine ranging from VND 80,000,000 to VND 120,000,000 shall be imposed for any of the following violations:

- a) Failure to carry out inspection, maintenance and replacement of LPG bottles and gas-fueled auxiliary equipment which are not safe for users;
- b) Illegally impounding, purchasing, selling, exchanging, storing or collecting LPG bottles which are not under ownership without concluding an LPG bottle sale contract or LPG bottle lease contract or without reaching an agreement on exchanging LPG bottles with the owner, except for case where a filling service provider is hired;
- c) Purchasing or selling LPG bottles and bottled LPG failing to meet the conditions for circulation on the market.

5. Additional measures:

- a) The exhibit used for the committing the violation mentioned in Point b or c Clause 4 of this Article shall be confiscated, except for the case where the remedial measure in Point a Clause 6 of this Article is taken;
- b) The certificate of eligibility to act as a gas exporter or importer or the production, processing or blending of gas shall be suspended for 01 - 03 months if the violation specified in Point b Clause 2, Point a or b Clause 3 of this Article is repeated;
- c) The bottled gas trading shall be suspended for 01 - 03 months if the violation in Point b or c Clause 4 of this Article is committed.

6. Remedial measures:

The violator is compelled to:

- a) return LPG bottles to their owner in the case of the violation in Point b Clause 4 of this Article if the legal owner, manager or user does not deliberately let the violator use the exhibit to commit the administrative violation;
- b) carry out inspection, maintenance or replacement of LPG bottles and gas-fueled auxiliary equipment which are not safe for users if the violation in Point a Clause 4 of this Article is committed;
- c) return the illegal profits obtained from the violations specified in Point c Clause 3 and Points b and c Clause 4 of this Article.

Article 45. Violations against regulations on gas trading committed by gas traders

1. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

- a) Failure to provide or hire an organization to provide training in safety techniques to employees at the gas trading establishment as prescribed;
- b) Employing the manager or staff who has not been trained in safety techniques and fire safety as prescribed to work at the gas trading establishment;
- c) Failure to develop a safety management program, a risk assessment report and an emergency response plan as prescribed;
- d) Failure to report the distribution system, trademarks, gas import, export and gas trading on market to the Ministry of Industry and Trade or failure to do so within the prescribed time limit;
- dd) Failure to include adequate information about bottled LPG in the logbook or electronic database applying information technology to monitor bottled LPG sold to other LPG traders or users: owner, bottle type, bottle serial number, bottle inspection date, name and address of the purchaser or user and delivery date of bottled LPG.

2. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for any of the following violations:

- a) Failure to carry out technical inspection of occupational safety as prescribed of LPG bottles, gas tanks, LPG-fueled auxiliary equipment, LNG and CNG trading auxiliary equipment owned by traders;
- b) Failure to stipulate selling prices for gas and bottled LPG offered to traders in the network under the management as prescribed;
- c) Trading bottled LPG without preparing a logbook or developing an electronic database applying information technology to monitor bottled LPG sold to other LPG traders or users;
- d) Selling gas or bottled LPG to traders who fail to fully satisfy the gas trading conditions as prescribed.

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

- a) Failure to carry out inspection, maintenance and replacement of LPG bottles and gas-fueled auxiliary equipment which are not safe for users;
- b) Illegally impounding, purchasing, selling, exchanging, storing or collecting LPG bottles which are not under ownership without concluding an LPG bottle sale contract or LPG bottle lease contract or without reaching an agreement on exchanging LPG bottles with the owner, except for case where a filling service provider is hired;

c) Purchasing or selling LPG bottles and bottled LPG failing to satisfy the conditions for circulation on the market.

d) Concluding a gas sale contract with a gas exporter or importer or gas trader that does not have the certificate of eligibility to act as a gas exporter or importer or the certificate of eligibility for to act as a gas trader as prescribed or concluding a gas sale contract with a gas producing and processing entity that fails to fully satisfy the gas trading conditions as prescribed.

4. Additional measures:

a) The exhibit used for the committing the violation mentioned in Point b or c Clause 3 of this Article shall be confiscated, except for the case where the remedial measure in Point a Clause 5 of this Article is taken;

b) The certificate of eligibility to act as a gas trader shall be suspended for 01 - 03 months if the violation specified in Point b Clause 1, Point a or b Clause 2 of this Article is repeated;

c) The certificate of eligibility to act as a gas trader shall be suspended for 01 - 03 months if the violation in Point b or c Clause 3 of this Article is repeated.

5. Remedial measures:

The violator is compelled to:

a) return LPG bottles to their owner in the case of the violation in Point b Clause 3 of this Article if the legal owner, manager or user does not deliberately let the violator use the exhibit to commit the administrative violation;

b) carry out inspection, maintenance or replacement of LPG bottles and gas-fueled auxiliary equipment which are not safe for users if the violation in Point a Clause 3 of this Article is committed;

b) return the illegal profits obtained from the violations specified in Point d Clause 2 and Points b, c and d Clause 3 of this Article.

Article 46. Violations against regulations on LPG trading at bottled LPG retail outlets

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 check the tightness of the bottle valves, couplings and flexible hoses after installing or replacing LPG bottles for users;

b) installing or replacing an LPG bottle without having the checking process witnessed and the delivery record signed by its user as prescribed;

c) Failure to provide guiding documents and directly give instructions about necessary information on safe use of LPG, precautions and steps to be taken to deal with LPG leakage; procedures for using gas stoves, storage bottles and accessories for users using the outlet's gas stoves and LPG bottles;

d) Providing bottled LPG to users without providing them with or keeping at the outlet the goods delivery slip containing adequate information about the owner, bottle type, bottle serial number, the company purchasing the bottle for the outlet, names and addresses of users, date of delivery, name, address and contact phone number of the outlet;

dd) Failure to put up the signboard and logo of the LPG trader concluding the bottled LPG sale contracts with the outlet;

e) Preparing a logbook or developing an electronic database applying information technology to monitor LPG bottles sold at the bottled LPG retail outlet without including adequate information about LPG bottles therein 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:

a) Failure to provide or hire an organize to provide training in safety techniques to employees at the bottled LPG retail outlet as prescribed;

b) Employing the manager or staff who has not been trained in safety techniques and fire safety as prescribed to work at the bottled LPG retail outlet as prescribed;

c) Selling unsealed or leaked bottled LPG or bottled LPG whose quality or volume is consistent with that written on the label to customers as prescribed;

d) Replacing or providing for customers the spare parts which are not safe to use or are not specialized ones for LPG as prescribed;

dd) Failure to prepare a logbook or develop an electronic database applying information technology to monitor LPG bottles sold at the bottled LPG retail outlet.

3. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

a) Purchasing or selling bottled LPG, mini LPG bottles or LPG bottles failing to satisfy the conditions for circulation on the market;

b) Selling bottled LPG of another LPG trader without a contract or selling bottled LPG not stated in the signed contract;

c) Storing or collecting another LPG trader's LPG bottles not stated in the contract signed by the outlet.

4. Additional measures:

a) The exhibit used for the committing the violation mentioned in Clause 3 of this Article shall be confiscated, except for the case specified in Point a Clause 5 of this Article;

b) The certificate of eligibility to act as a bottled LPG retail outlet shall be suspended for 01 - 03 months if the violation prescribed in Clause 2 of this Article is repeated.

c) The certificate of eligibility to act as a bottled LPG retail outlet shall be suspended for 03 - 06 months if the violation specified in Clause 3 of this Article is repeated.

5. Remedial measures:

The violator is compelled to:

a) return LPG bottles to their owner in the case of the violation in Point b or c Clause 3 of this Article if the legal owner, manager or user does not deliberately let the violator use the exhibit to commit the administrative violation;

b) return the illegal profits obtained from the violations specified in Point c Clause 2 and Points a and b Clause 3 of this Article;

c) recall bottled LPG that fails to satisfy the conditions for circulation on the market if the violation specified in Point c Clause 2 or Point a Clause 3 of this Article is committed.

Article 47. Violations against regulations on bottling LPG

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

a) Failure to provide or hire an organize to provide training in safety techniques to employees at the LPG bottling station as prescribed;

b) Employing the manager or staff who has not been trained in safety techniques and fire safety as prescribed to work at the LPG bottling station as prescribed;

c) Failure to develop a safety management program, a risk assessment report and an emergency response plan as prescribed;

d) Preparing a logbook or developing an electronic database applying information technology to manage LPG bottling at the LPG bottling station without including adequate information about LPG bottles therein as prescribed.

2. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

a) Storing LPG bottles and bottled LPG of another trader without a contract for hiring an LPG bottling service provider;

b) Concluding a contract for bottling LPG with a trader that does not have an effective gas trading license or a certificate of trademark registration as prescribed;

c) Failure to prepare a logbook or develop an electronic database applying information technology to manage LPG bottling at the LPG bottling station.

3. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for any of the following violations:

b) Filling LPG into the LPG bottles failing to fully satisfy the conditions for circulation on the market;

b) Filling LPG into the LPG bottles not under the ownership of the trader owning the filling station, except for the case where a contract for hiring a filling service provider is concluded;

c) Filling LPG bottles with LPG whose volume or quality is not conformable with the label, national technical regulation or quality standard issued by the gas producing and processing entity, gas exporter or importer;

d) Illegally separating, portioning or filling LPG from a gas tank or tank truck into an LPG bottle or from a large LPG bottle to another smaller one or mini LPG bottle.

4. Additional measures:

a) The exhibit used for the committing the violation mentioned in Point a Clause 2 or Clause 3 of this Article shall be suspended, except for the case specified in Clause 5 of this Article;

b) The certificate of eligibility to bottle LPG shall be suspended for 03 - 06 months if the violation specified in Point a Clause 2 or Clause 3 of this Article is committed.

5. Remedial measures:

The violator is compelled to:

a) return LPG bottles to their owner in the case of the violation in Point a Clause 2, Point b or c Clause 3 of this Article if the legal owner, manager or user does not deliberately let the violator use the exhibit to commit the administrative violation;

b) return the illegal profits obtained from the violations specified in Point b Clause 2 and Clause 3 of this Article.

Article 48. Violations against regulations on filling gas into means of transport

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to fully and clearly write the signboard or the logo of a gas filling station for means of transport in accordance with regulations.

2. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

a) Failure to provide or hire an organize to provide training in safety techniques to employees at the gas filling station for means of transport as prescribed;

b) Employing the manager or staff who has not been trained in safety techniques as prescribed to work at the gas filling station for means of transport;

c) Failure to develop a safety management program, a risk assessment report and an emergency response plan as prescribed.

3. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for failure to comply with regulations on safety management of gas filling stations for means of transport in accordance with regulations.

4. A fine ranging from VND 60,000,000 to VND 100,000,000 shall be imposed for any of the following violations:

a) Filling LPG into means of transport not running on LPG;

b) Filling LNG into means of transport not running on LNG;

c) Filling CNG into means of transport not running on CNG.

5. Additional measures:

The certificate of eligibility to fill gas into means of transport shall be suspended for 03 - 06 months if the violation specified in Clause 4 of this Article is committed.

6. Remedial measures:

The violator is compelled to return the illegal profits obtained from the violation specified in Clause 4 of this Article.

Article 49. Violations against regulations on filling LPG into tank trucks

1. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

- a) Failure to provide or hire an organize to provide training in safety techniques to employees at the LPG filling station for tank trucks as prescribed;
- b) Employing the manager or staff who has not been trained in safety techniques as prescribed to work at the LPG filling station for tank trucks;
- c) Failure to develop a safety management program, a risk assessment report and an emergency response plan as prescribed.

2. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for failure to comply with regulations on safety management of LPG filling stations for tank trucks in accordance with regulations.

3. A fine ranging from VND 60,000,000 to VND 100,000,000 shall be imposed for filling LPG into tank trucks for a trader that fail to have the effective gas trading license as prescribed.

4. Remedial measures:

The violator is compelled to return the illegal profits obtained from the violation specified in Clause 3 of this Article.

Article 50. Violations against regulations on gas supply

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

- a) Failure to notify gas purchasers of the adjustment to the gas selling prices;
- b) Failure to provide customers with safety instructions for gas use or providing customers with safety instructions for gas use without including the phone number of the gas supply station and gas supply station manager therein in accordance with regulations;

2. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

- a) Failure to provide or hire an organize to provide training in safety techniques to employees at the gas supply station as prescribed;

b) Employing the manager or staff who has not been trained in safety techniques as prescribed to work at the gas supply station;

c) Failure to develop a safety management program, a risk assessment report and an emergency response plan as prescribed.

3. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for any of the following violations:

a) Selling gas to a customer that does not have a gas purchase contract or has a gas purchase contract but fails to comply with regulations on safe use of gas;

b) Failure to inspect the satisfaction of safety conditions, measuring means or equipment, tightness of locking valves and safety valves, gas-fueled auxiliary equipment, contact couplings and pipelines used for supplying gas to customers as prescribed.

4. A fine ranging from VND 60,000,000 to VND 100,000,000 shall be imposed for any of the following violations:

a) Supplying LPG to LPG purchasers without using pipelines or specialized vehicles fully satisfying the conditions for receipt of LPG in accordance with regulations;

b) Supplying LNG or CNG to LNG or CNG purchasers without using pipelines as prescribed.

5. Additional measures:

The gas supply station shall be suspended for 03 - 06 months if the violation in Clause 4 of this Article is committed.

6. Remedial measures:

The violator is compelled to return the illegal profits obtained from the violations specified in Point a Clause 3 and Clause 4 of this Article.

Article 51. Violations against regulations on CNG compression

1. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

a) Failure to provide or hire an organize to provide training in safety techniques to employees at the CNG compressor station as prescribed;

b) Employing the manager or staff who has not been trained in safety techniques as prescribed to work at the CNG compressor station;

c) Failure to develop a safety management program, a risk assessment report and an emergency response plan as prescribed.

2. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for failure to comply with regulations on safety management of other gas supply stations in accordance with regulations.

3. A fine ranging from VND 60,000,000 to VND 80,000,000 shall be imposed for failure to inspect, maintain or replace equipment of a CNG compressor station to ensure safety during its operation as prescribed.

4. Additional measures:

The CNG compressor station shall be suspended for 01 - 03 months if the violation in Clause 3 of this Article is committed.

Article 52. Violations against regulations on provision of gas export and import port, gas tank and bottled LPG warehouse leasing services and gas transport services

1. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for any of the following violations:

a) Failure to provide or hire an organize to provide training in safety techniques to employees at the gas trading establishment as prescribed;

b) Employing the manager or staff, including operator the gas transport vehicle who has not been trained in safety techniques as prescribed at the gas trading establishment;

c) Failure to develop a safety management program, a risk assessment report and an emergency response plan as prescribed.

2. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed on a gas transport service provider for any of the following violations:

a) Transporting gas for a trader who fails to have the effective gas trading license in accordance with regulations;

b) Transporting gas of unknown origin or bottled LPG that fails to fully satisfy the conditions for circulation on the market;

c) Purchasing, selling or transporting types of LPG bottles and bottled LPG of other LPG traders without any contract.

3. A fine ranging from VND 80,000,000 to VND 120,000,000 shall be imposed for leasing out the gas tank or bottled LPG warehouse that fails to satisfy the safety and fire safety conditions as prescribed.

4. A fine ranging from VND 120,000,000 to VND 200,000,000 shall be imposed for leasing out the import and export port that fails to satisfy the safety and fire safety conditions as prescribed.

5. Additional measures:

a) The operation shall be suspended for 01 - 03 months if the violation mentioned in Clause 2 of this Article is repeated;

b) The operation shall be suspended for 03 - 06 months if the violation mentioned in Clause 3 or 4 of this Article is committed;

c) The exhibit used for the committing the violation mentioned in Point b or c Clause 2 of this Article shall be confiscated, except for the case where the remedial measure in Point a Clause 6 of this Article is taken.

6. Remedial measures:

The violator is compelled to:

a) return the bottled LPG or LPG bottles to their owner in the case of the violation in Point c Clause 2 of this Article if the legal owner, manager or user of the LPG bottles does not deliberately let the violator use the exhibit to commit the administrative violation;

b) return the illegal profits obtained from the violations specified in Clauses 2 and 3 of this Article.

Article 53. Violations against regulations on production and repair of LPG bottles and production of mini LPG bottles

1. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to declare conformity of LPG bottles or mini LPG bottles as prescribed.

2. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for any of the following violations:

a) Failure to prepare records for LPG bottles and mini LPG bottles as prescribed;

b) Putting LPG bottles with the same serial numbers on the market;

c) Repairing LPG bottles of unknown origin.

3. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for any of the following acts of violations that changes the original shape, structure or weight of an LPG bottle without reaching a legal agreement with the LPG bottle owner:

- a) Replacing the handle;
- b) Eroding or changing the logo;
- c) Welding more metals;
- d) Swapping the valves on the top of the LPG bottle;
- dd) Modifying original specifications of the LPG bottle or other acts of violations resulting in the change of the initial shape, structure or weight of the LPG bottle.

4. Additional measures:

- a) The exhibit used for committing the violation mentioned in Point c Clause 2 or Clause 3 of this Article shall be confiscated;
- b) The certificate of eligibility to produce or repair LPG bottles or certificate of eligibility to produce mini LPG bottles for 01 - 03 months if the violation prescribed in Clause 2 of this Article is repeated;
- c) The certificate of eligibility to produce or repair LPG bottles or the operation shall be suspended for 03 - 06 months if the violation specified in Clause 3 of this Article is committed.

5. Remedial measures:

The violator is compelled to recall LPG bottles or mini LPG bottles that fail to satisfy the conditions for circulation on the market if the violation specified in Point b or b Clause 2 of this Article is committed.

Article 54. Violations against other regulations on gas trading

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

- a) Using refilled mini-bottled LPG in the case of mini LPG bottles that are prohibited from being refilled at food and drink establishments;
- b) Transporting bottled LPG together in an elevator if there is someone in the elevator, except for the one directly transporting it.

2. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for transporting bottled LPG by (two wheeled) mopeds without any bottled LPG rack or arranging bottled LPG on the means of transport against regulations.

3. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for transporting bottled LPG by automobiles without arranging bottled LPG thereon according to regulations.

4. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for storing LPG bottles or bottled LPG at a warehouse that fails to ensure the safety conditions applied to LPG bottle warehouses in accordance with regulations.

5. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on:

a) a gas exporter, gas importer, gas producing and processing entity or gas trader that fails to notify any change of the LPG selling prices in writing to units in the distribution system, the Department of Industry and Trade and Department of Finance of the province where the distribution system is set up; or

b) a gas exporter, gas importer or gas producing and processing entity that fails to the Ministry of Science and Technology of the standards applied to the additives used for gas blending in accordance with regulations; or

c) for purchasing, selling, transporting or storing LPG bottles and bottled LPG in the case of not being an LPG trading establishment, except for the case of purchasing them for production and consumption purposes.

6. Additional measures:

The exhibit used for the committing the violation mentioned in Point a Clause 1 or Point c Clause 5 of this Article shall be confiscated, except for the case where the remedial measure in Point a Clause 7 of this Article is taken.

7. Remedial measures:

The violator is compelled to:

a) return LPG bottles to their owner in the case of the violation in Point c Clause 5 of this Article if the legal owner, manager or user does not deliberately let the violator use the exhibit to commit the administrative violation.

b) return the illegal profits obtained from the violation specified in Point c Clause 5 of this Article.

Chapter V

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

Article 55. The power to record administrative violations

The persons below are entitled to make records of administrative violations:

1. The persons prescribed in Article 56 through 62 hereof.
2. Persons of people's army or people's security forces performing their duties at the authorities prescribed in Articles 57, 58 and 59 hereof; public officials and public employees who are performing their duties and inspection tasks in the field of petroleum and petrol, oil and gas trading.

Article 56. Power to impose penalties of Presidents of People's Committees

1. Presidents of communal People's Committees are entitled to:

- a) impose a maximum fine of VND 5,000,000 and VND 10,000,000 on an individual and an organization respectively;
- b) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed the fine specified in Point a of this Clause;
- c) enforce the remedial measures mentioned in Point a Clause 3 Article 4 hereof.

2. Presidents of district-level People's Committees are entitled to:

- a) impose a maximum fine of VND 50,000,000 and VND 100,000,000 on an individual and an organization respectively;
- b) suspend the petrol and oil trading license or the gas trading license or suspend the operation;
- c) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed the fine specified in Point a of this Clause;
- d) enforce the remedial measures mentioned in Points a, c, d, dd and e Clause 3 Article 4 hereof.

3. Presidents of provincial People's Committees are entitled to:

- a) impose a maximum fine of VND 1,000,000,000 and VND 2,000,000,000 on an individual and an organization respectively in the case of the violations specified in

Chapter II of this Decree; impose a maximum fine of VND 100,000,000 and VND 200,000,000 on an individual and an organization respectively in the case of other violations specified in this Decree;

b) suspend the petrol and oil trading license or the gas trading license or suspend the operation;

c) confiscate the exhibits and instrumentalities used for administrative violation commission;

d) enforce the remedial measures mentioned in Clause 3 Article 4 hereof.

Article 57. Power to impose penalties of People's Public Security Force

1. People's police officers on duty are entitled to impose a maximum fine of VND 500,000 and VND 1,000,000 on an individual and an organization respectively.

2. Senior officers of the persons mentioned in Clause 1 of this Article are entitled to impose a maximum fine of VND 1,500,000 and VND 3,000,000 on an individual and an organization respectively.

3. Chiefs of the communal police, commanders of police stations and heads of police stations at border checkpoints and export-processing zones are entitled to:

a) impose a maximum fine of VND 2,500,000 and VND 5,000,000 on an individual and an organization respectively;

b) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed the fine specified in Point a of this Clause;

c) enforce the remedial measures mentioned in Point a Clause 3 Article 4 hereof.

4. Chiefs of the district-level Police; chiefs of specialized divisions affiliated to the Traffic Police Department; chiefs of provinces' public security, including chiefs of Social Order-related Crime Investigation Divisions, Traffic Police Divisions, Road and Rail Traffic Police Divisions, Road Traffic Police Divisions, Internal Waterways Police Divisions, Environmental Crime Divisions, Fire Safety and Rescue Divisions, Internal Political Security Divisions, Economic Security Divisions, Social Order Divisions, Corruption, Economy and Smuggling-related Crime Investigation Divisions are entitled to:

a) impose a maximum fine of VND 25,000,000 and VND 50,000,000 on an individual and an organization respectively in the case of the violations specified in Chapter II of this Decree; impose a maximum fine of VND 20,000,000 and VND 40,000,000 on an

individual and an organization respectively in the case of other violations specified in this Decree;

b) suspend the petrol and oil trading license or the gas trading license or suspend the operation;

c) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed the fine specified in Point a of this Clause;

d) enforce the remedial measures mentioned in Points a, dd and e Clause 3 Article 4 hereof.

5. Directors of the Police of provinces are entitled to:

a) impose a maximum fine of VND 50,000,000 and VND 100,000,000 on an individual and an organization respectively;

b) suspend the petrol and oil trading license or the gas trading license or suspend the operation;

c) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed the fine specified in Point a of this Clause;

d) make decision on imposition of deportation penalty;

dd) enforce the remedial measures mentioned in Points a, d, dd and e Clause 3 Article 4 hereof.

6. Director General of Social Order-related Crime Investigation Agency, Director General of Traffic Police Department, Director General of Fire Safety and Rescue Agency, Director General of Environmental Crime Agency, Director General of Internal Political Security Agency, Director General of Economic Security Agency, Director General of Social Order Agency and Director General of Corruption, Economy and Smuggling-related Crime Investigation Agency are entitled to:

a) impose a maximum fine of VND 1,000,000,000 and VND 2,000,000,000 on an individual and an organization respectively in the case of the violations specified in Chapter II of this Decree; impose a maximum fine of VND 100,000,000 and VND 200,000,000 on an individual and an organization respectively in the case of other violations specified in this Decree;

b) suspend the petrol and oil trading license or the gas trading license or suspend the operation;

c) confiscate the exhibits and instrumentalities used for administrative violation commission;

d) enforce the remedial measures mentioned in Points a, d and dd Clause 3 Article 4 hereof.

7. Director General of Immigration Department is entitled to impose penalties as prescribed in Clause 6 of this Article and to make decision on imposition of deportation penalty.

Article 58. The power to impose penalties of the Border Guard

1. The Border Guard officers on duty are entitled to impose a maximum fine of VND 500,000 and VND 1,000,000 on an individual and an organization respectively.

2. Senior officers of the persons mentioned in Clause 1 of this Article are entitled to impose a maximum fine of VND 2,500,000 and VND 5,000,000 on an individual and an organization respectively.

3. Captains of border-guard posts, commanders of border-guard flotillas and commanders of border guards at port checkpoints are entitled to:

a) impose a maximum fine of VND 25,000,000 and VND 50,000,000 on an individual and an organization respectively in the case of the violations specified in Chapter II of this Decree; impose a maximum fine of VND 20,000,000 and VND 40,000,000 on an individual and an organization respectively in the case of other violations specified in this Decree;

b) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed the fine specified in Point a of this Clause;

c) enforce the remedial measures mentioned in Points a and e 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) impose a maximum fine of VND 1,000,000,000 and VND 2,000,000,000 on an individual and an organization respectively in the case of the violations specified in Chapter II of this Decree; impose a maximum fine of VND 100,000,000 and VND 200,000,000 on an individual and an organization respectively in the case of other violations specified in this Decree;

b) suspend the petrol and oil trading license or the gas trading license or suspend the operation;

c) confiscate the exhibits and instrumentalities used for administrative violation commission;

d) enforce the remedial measures mentioned in Points a, d and e Clause 3 Article 4 hereof.

Article 59. The power to impose penalties of the Vietnam Coast Guard

1. Coastguard team leaders are entitled to impose a maximum fine of VND 5,000,000 and VND 10,000,000 on an individual and an organization respectively.

2. Coastguard squad leaders and captains of coastguard stations are entitled to:

a) impose a maximum fine of VND 10,000,000 and VND 20,000,000 on an individual and an organization respectively;

c) enforce the remedial measures mentioned in Point a Clause 3 Article 4 hereof.

3. Commanders of coastguard platoons are entitled to:

a) impose a maximum fine of VND 25,000,000 and VND 50,000,000 on an individual and an organization respectively in the case of the violations specified in Chapter II of this Decree; impose a maximum fine of VND 20,000,000 and VND 40,000,000 on an individual and an organization respectively in the case of other violations specified in this Decree;

b) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed the fine specified in Point a of this Clause;

c) enforce the remedial measures mentioned in Points a, b and e Clause 3 Article 4 hereof.

4. Commanders in chief of coastguard squadrons are entitled to:

a) impose a maximum fine of VND 50,000,000 and VND 100,000,000 on an individual and an organization respectively in the case of the violations specified in Chapter II of this Decree; impose a maximum fine of VND 30,000,000 and VND 60,000,000 on an individual and an organization respectively in the case of other violations specified in this Decree;

b) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed the fine specified in Point a of this Clause;

c) enforce the remedial measures mentioned in Points a, b and e Clause 3 Article 4 hereof.

5. Commanders of regional coastguard command centers are entitled to:

a) impose a maximum fine of VND 100,000,000 and VND 200,000,000 on an individual and an organization respectively in the case of the violations specified in Chapter II of this Decree; impose a maximum fine of VND 50,000,000 and VND 100,000,000 on an individual and an organization respectively in the case of other violations specified in this Decree;

b) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed the fine specified in Point a of this Clause;

c) enforce the remedial measures mentioned in Points a, b and e Clause 3 Article 4 hereof.

6. Commander of Vietnam Coast Guard is entitled to:

a) impose a maximum fine of VND 1,000,000,000 and VND 2,000,000,000 on an individual and an organization respectively in the case of the violations specified in Chapter II of this Decree; impose a maximum fine of VND 100,000,000 and VND 200,000,000 on an individual and an organization respectively in the case of other violations specified in this Decree;

b) suspend the petrol and oil trading license or the gas trading license or suspend the operation;

c) confiscate the exhibits and instrumentalities used for administrative violation commission;

d) enforce the remedial measures mentioned in Points a, b and e Clause 3 Article 4 hereof.

Article 60. The power to impose administrative penalties of the customs

1. Directors of Sub-departments of Customs, Sub-departments of Post-Clearance Inspection, leaders of customs enforcement teams affiliated to provincial, inter-provincial or city Customs Departments, smuggling prevention team leaders, leaders of customs control teams at sea and leaders of intellectual property right protection teams of the Smuggling Investigation and Prevention Department of the General Department of Customs are entitled to:

a) impose a maximum fine of VND 25,000,000 and VND 50,000,000 on an individual and an organization respectively;

b) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed the fine specified in Point a of this Clause;

c) enforce the remedial measures mentioned in Points b, d, dd and e Clause 3 Article 4 hereof.

2. Director of Smuggling Investigation Department, Director of Post-clearance Inspection Department affiliated to the General Department of Customs and Directors of provincial, inter-provincial or city Customs Departments are entitled to:

a) impose a maximum fine of VND 50,000,000 and VND 100,000,000 on an individual and an organization respectively;

b) suspend the petrol and oil trading license or the gas trading license or suspend the operation;

c) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed the fine specified in Point a of this Clause;

d) enforce the remedial measures mentioned in Points b, d, dd and e Clause 3 Article 4 hereof.

3. Director General of General Department of Customs is entitled to:

a) impose a maximum fine of VND 100,000,000 and VND 200,000,000 on an individual and an organization respectively;

b) confiscate the exhibits and instrumentalities used for administrative violation commission;

c) enforce the remedial measures mentioned in Points b, d, dd and e Clause 3 Article 4 hereof.

Article 61. Power to impose penalties of market surveillance authorities

1. Market surveillance officials on duty are entitled to impose a maximum fine of VND 500,000 and VND 1,000,000 on an individual and an organization respectively.

2. Leaders of market surveillance teams are entitled to:

a) impose a maximum fine of VND 25,000,000 and VND 50,000,000 on an individual and an organization respectively;

b) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed the fine specified in Point a of this Clause;

c) enforce the remedial measures mentioned in Points a, c, d, dd and e Clause 3 Article 4 hereof.

3. Provincial Market Surveillance Departments and Director of Market Surveillance Operations Department affiliated to Vietnam Directorate of Market Surveillance are entitled to:

a) impose a maximum fine of VND 50,000,000 and VND 100,000,000 on an individual and an organization respectively;

b) suspend the petrol and oil trading license or the gas trading license or suspend the operation;

c) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed the fine specified in Point a of this Clause;

d) enforce the remedial measures mentioned in Clause 3 Article 4 hereof.

4. Director General of the Vietnam Directorate of Market Surveillance is entitled to:

a) impose a maximum fine of VND 100,000,000 and VND 200,000,000 on an individual and an organization respectively;

b) suspend the petrol and oil trading license or the gas trading license or suspend the operation;

c) confiscate the exhibits and instrumentalities used for administrative violation commission;

d) enforce the remedial measures mentioned in Clause 3 Article 4 hereof.

Article 62. The power to impose administrative penalties of inspectors

1. Inspectors and persons on duty assigned to carry out specialized inspections are entitled to:

a) impose a maximum fine of VND 500,000 and VND 1,000,000 on an individual and an organization respectively;

b) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed the fine specified in Point a of this Clause;

c) enforce the remedial measures mentioned in Point a Clause 3 Article 4 hereof.

2. Chief Inspectors of Provincial Departments and equivalent titles assigned by the Government to carry out specialized inspections are entitled to:

a) impose a maximum fine of VND 50,000,000 and VND 100,000,000 on an individual and an organization respectively;

b) suspend the petrol and oil trading license or the gas trading license or suspend the operation;

c) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed the fine specified in Point a of this Clause;

d) enforce the remedial measures mentioned in Clause 3 Article 4 hereof.

3. Chief Inspectors of Ministries, ministerial agencies, Director General of Directorate for Standards, Metrology and Quality, Director General of General Department of Geology and Minerals of Vietnam, Director General of Vietnam Environment Administration, Director General of Vietnam Chemicals Agency, Director General of Industrial Safety Techniques and Environment Agency and equivalent titles assigned by the Government to carry out specialized inspections are entitled to:

a) impose a maximum fine of VND 1,000,000,000 and VND 2,000,000,000 on an individual and an organization respectively in the case of the violations specified in Chapter II of this Decree; impose a maximum fine of VND 100,000,000 and VND 200,000,000 on an individual and an organization respectively in the case of other violations specified in this Decree;

b) suspend the petrol and oil trading license or the gas trading license or suspend the operation;

c) confiscate the exhibits and instrumentalities used for administrative violation commission;

d) enforce the remedial measures mentioned in Clause 3 Article 4 hereof.

4. Chiefs of provincial inspectorates and chiefs of inspectorates of regulatory agencies assigned to carry out specialized inspections are entitled to impose penalties as prescribed in Clause 2 of this Article.

5. Chiefs of ministerial inspectorates are entitled to:

a) impose a maximum fine of VND 250,000,000 and VND 500,000,000 on an individual and an organization respectively in the case of the violations specified in Chapter II of this Decree; impose a maximum fine of VND 70,000,000 and VND 140,000,000 on an individual and an organization respectively in the case of other violations specified in this Decree;

b) suspend the petrol and oil trading license or the gas trading license or suspend the operation;

c) confiscate the exhibits and instrumentalities used for administrative violation commission, the value of which does not exceed the fine specified in Point a of this Clause;

d) enforce the remedial measures mentioned in Clause 3 Article 4 hereof.

Article 63. Delegation of power to impose penalties to Presidents of People's Committees, People's Public Security Force, customs, Border Guard, Vietnam Coast Guard, market surveillance authorities and inspectors

1. Power delegated to Presidents of People's Committees at all levels:

a) Presidents of communal People's Committees shall impose penalties and remedial measures against the administrative violations prescribed in Clause 1 Article 21; Point a Clause 1 Article 31; Clause 1 Article 33; Clauses 1 and 3 Article 35; Clause 1 Article 46 and Clauses 1, 2, 3 and 4 Article 54 hereof within their power specified in Clause 1 Article 56 hereof and their jurisdiction;

b) Presidents of district-level People's Committees shall impose penalties and remedial measures against the administrative violations prescribed in Clause 1 Article 7; Clause 1 Article 9; Clause 1 Article 11; Article 12 through 19; Clause 1 through 4 Article 20; Clause 5 Article 20 (except for the case where the violator commits the violation prescribed in Clause 3 or 4 Article 20); Clauses 1, 2 and 3 Article 21; Article 22 through 25; Clause 1 Article 26; Clause 1 Article 27; Article 28, 29, 31, 33, 34 and 35; Clauses 1 and 2 Article 36; Article 37; Clauses 1, 2 and 3 Article 38; Article 39; Clauses 1, 2 and 3 Article 40; Articles 41, 42 and 43; Clauses 1, 2 and 3 Article 44; Article 45 through 51; Clause 1 and 2 Article 52; Article 53 and Article 54 of this Decree within their power specified in Clause 2 Article 56 of this Decree and their jurisdiction;

c) Presidents of provincial People's Committees shall impose penalties and remedial measures against the administrative violations prescribed in this Decree (except for the case where a foreign national commits any of the violations specified in Clause 4, 5 or 6 Article 6 or Clause 5 or 6 Article 7) within their power specified in Clause 3 Article 56 hereof and their jurisdiction.

2. Power delegated to the People's Public Security Force:

a) People's police officers on duty shall impose penalties and remedial measures against the administrative violations prescribed in Point b Clause 1 Article 54 within their power specified in Clause 1 Article 57 hereof and their jurisdiction;

b) Senior officers of the persons mentioned in Clause 1 of this Article shall impose penalties and remedial measures against the administrative violations prescribed in Clause 1 Article 35, Point b Clause 1 and Clause 2 Article 54 hereof within their power specified in Clause 2 Article 57 hereof and their jurisdiction;

c) Chiefs of the communal police, commanders of police stations and heads of police stations at border checkpoints and export-processing zones shall impose penalties and remedial measures against the administrative violations prescribed in Clause 1 Article 35 and Clauses 1, 2 and 3 Article 54 hereof within their power specified in Clause 3 Article 57 hereof and their jurisdiction;

d) Chiefs of the district-level Police; chiefs of specialized divisions affiliated to the Traffic Police Department; chiefs of provinces' public security, including chiefs of Social Order-related Crime Investigation Divisions, Traffic Police Divisions, Road and Rail Traffic Police Divisions, Road Traffic Police Divisions, Internal Waterways Police Divisions, Environmental Crime Divisions, Fire Safety and Rescue Divisions, Internal Political Security Divisions, Economic Security Divisions, Social Order Divisions, Corruption, Economy and Smuggling-related Crime Investigation Divisions shall impose penalties and remedial measures against the administrative violations prescribed in Clause 1 Article 7; Clause 1 Article 11; Article 12; Clause 1 Article 14; Clause 1 Article 15; Clause 1 Article 16; Clause 1 Article 17; Clause 1 Article 19; Clause 1 Point b Clause 2 Article 20; Clause 5 Article 20 (except for the case where the violator commits the violation prescribed in Clause 2, 3 or 4 Article 20); Clause 1 Article 21; Clause 1 Article 22; Article 25; Clause 1 Article 26; Clauses 1 and 2 Article 29; Points a, b and c Clause 1 Article 31; Clauses 1, 2 and 3 Point a Clause 7, Clause 8 Article 33; Clauses 1 and 2 Article 34; Clauses 1, 3 and 4 Article 35; Clause 1 Article 39; Clause 1 Article 42; Points a, b, c and d Clause 1 Article 43; Clause 1 Article 44; Clause 1 Article 45; Clause 1 Points a, b, d and dd Clause 2, Point c Clause 3 Article 46; Clause 1 Points a and c, Clause 2 Article 47; Clauses 1 and 2 Article 48; Clause 1 Article 49; Clauses 1 and 2 Article 50; Clause 1 Article 51; Clause 1 Article 52; Clause 1 Article 53 and Clauses 1, 2, 3 and 4, Points a and b Clause 5 Article 54 hereof within their power specified in Clause 4 Article 57 hereof and their jurisdiction;

dd) Directors of the Police of provinces shall impose penalties and remedial measures against the administrative violations prescribed in Clause 1 Article 7; Clause 1 Article 9; Clause 1 Article 11; Article 12; Article 13; Article 14; Article 15; Article 16; Article 17; Article 18; Article 19; Clauses 1, 2, 3 and 4 Article 20; Clause 5 Article 20 (except for the case where the violator commits the violation prescribed in Clause 3 or 4 Article 20); Clause 1, 2 and 3 Article 21; Article 22; Article 23; Article 24; Article 25; Clause 1 Article 26; Clause 1 Article 27; Article 28; Article 29; Article 31; Article 33; Article 34;

Article 35; Point b Clause 1, Clause 2 Article 36; Article 37; Points a and c Clause 1, Clauses 2 and 3 Article 38; Article 39; Clauses 1, 2 and 3 Article 40; Article 42; Article 43; Clauses 1,2 and 3 Article 44; Article 45; Clause 1 Points a, b, d and dd Clause 2, Points b and c Clause 3 Article 46; Article 47; Article 48; Article 49; Article 50; Article 51; Clauses 1 and 2 Article 52; Clause 1, Point c Clause 2, Clause 3 Article 53 and Article 54 hereof within their power specified in Clause 5 Article 57 hereof and their jurisdiction;

e) Director General of Social Order-related Crime Investigation Agency, Director General of Traffic Police Department, Director General of Fire Safety and Rescue Agency, Director General of Environmental Crime Agency, Director General of Internal Political Security Agency, Director General of Economic Security Agency, Director General of Social Order Agency and Director General of Corruption, Economy and Smuggling-related Crime Investigation Agency shall impose penalties and remedial measures against the administrative violations prescribed in this Decree (except for the case where a foreign national commits any of the violations specified in Clause 4, 5 or 6 Article 6; Clause 5 or 6 Article 7; Clause 2 Article 27; Point a Clause 1, Point a Clause 4 Article 36; Point b Clause 1 Article 38; Article 41; Point c Clause 2, Point a Clause 3 Article 46; Points a and b Clause 2 Article 53) within their power specified in Clause 6 Article 57 hereof and their jurisdiction;

g) Director General of Immigration Department shall impose penalties and remedial measures against the administrative violations prescribed in this Decree (except for the violation in Clause 2 Article 27; Point a Clause 1, Point a Clause 4 Article 36; Point b Clause 1 Article 38; Article 41; Point c Clause 2, Point a Clause 3 Article 46; Points a and b Clause 2 Article 53) within his/her power specified in Clause 7 Article 57 hereof and his/her jurisdiction.

3. Power delegated to the Border Guard:

a) The Border Guard officers on duty shall impose penalties and remedial measures against the administrative violations prescribed in Point b Clause 1 Article 54 within their power specified in Clause 1 Article 58 hereof and their jurisdiction;

b) Senior officers of the persons mentioned in Clause 1 of this Article shall impose penalties and remedial measures against the administrative violations prescribed in Clause 1 Article 35; Point b Clause 1, Clauses 2 and 3 Article 54 hereof within their power specified in Clause 2 Article 58 hereof and their jurisdiction;

c) Captains of border-guard posts, commanders of border-guard flotillas and commanders of border guards at port checkpoints shall impose penalties and remedial measures against the administrative violations prescribed in Clause 1 Article 11; Point c Clause 1 Article 14; Clause 1 Article 15; Clause 1 Article 16; Clause 1 Article 17; Clause 1 Article 19; Clause 1, Point b Clause 2 Article 20; Clause 5 Article 20 (except for the case where the violator commits the violation in Clause 2, 3 or 4 Article 20); Article 25; Clause 1 Article 26; Points a, b and c Clause Article 31; Clauses 1, 2 and 3, Point a Clauses 7

and 8 Article 33; Clause 1,3 and 4 Article 35; Clause 1 Article 52 and Clauses 1, 2, 3 and 4, Points a and b Clause 5 Article 54 hereof within the power specified in Clause 3 Article 58 hereof and their jurisdiction;

d) Commanders of provincial border guards and commanders of coastal guard fleets affiliated to the Border Guard High Command shall impose penalties and remedial measures against the administrative violations prescribed in Clauses 2, 3, 4, 5 and 6 Article 6 (except for cases where a foreign national commits any of the violations specified in Clauses 4, 5,6, Article 6); Clauses 4 and 5,6 Article 7 (except for the case where a foreign national commits any of the violations in Clause 5 or 6 Article 7); Clause 2 Article 8; Clause 1, Points a, c and d Clause 2, Clause 3 Article 9; Clause 1, Points c and d Clause 2 of Article 11; Article 13; Article 14; Article 15; Article 16; Article 17; Article 18; Article 19; Article 20; Clauses 3 and 4 Article 22; Point a Clause 2 and Point b Clause 3 Article 24; Article 25; Article 26; Clauses 1 and 2 Article 27; Clauses 1 and 3 Article 28; Article 31; Article 33; Article 35; Articles 52 and 54 hereof within their power specified in Clause 4 Article 58 of this Decree and their jurisdiction.

4. Power delegated to the Vietnam Coast Guard:

a) Coastguard team leaders shall impose penalties and remedial measures against the administrative violations prescribed in Clause 1 Article 21 hereof within their power specified in Clause 1 Article 59 hereof and their jurisdiction;

b) Coastguard squad leaders and captains of coastguard stations shall impose penalties and remedial measures against the administrative violations prescribed in Point c Clause 1 Article 14; Clause 1 Article 21; Point a Clause 7 Article 33 and Clause 1 Article 34 hereof within their power specified in Clause 2 Article 59 hereof and their jurisdiction;

c) Commanders of coastguard platoons shall impose penalties and remedial measures against the administrative violations prescribed in Point c Clause 1 Article 14; Clause 1 Article 19; Clause 1, Point b Clause 2 Article 20; Clause 5 Article 20 (except for the case where the violator commits the violation in Clause 2, 3 or 4 Article 20); Clause 1 Article 21; Article 25; Points a, b and c Clause 1 Article 31; Clauses 1, 2 and 3, Point a Clause 7, Clause 8 Article 33; Clause 1 Article 34 and Clause 1 Article 52 hereof within the power specified in Clause 3 Article 59 hereof and their jurisdiction;

d) Commanders in chief of coastguard squadrons shall impose penalties and remedial measures against the administrative violations prescribed in Point b Clause 1 Article 9; Article 13; Point c Clause 1 Article 14; Clause 1 Article 19; Clause 1, Point b Clause 2 Article 20; Clause 5 Article 20 (except for the case where the violator commits the violation in Clause 2, 3 or 4 Article 20); Clause 1 Article 21; Article 25; Clause 1 Article 28; Points a, b, c and d Clause 1 Article 31; Clauses 1, 2, 3 and 4, Point a Clause 7, Clause 8 Article 33; Clause 1 Article 34 and Clause 1 Article 52 hereof within the power specified in Clause 4 Article 59 hereof and their jurisdiction;

dd) Commanders of regional coastguard command centers shall impose penalties and remedial measures against the administrative violations prescribed in Point b Clause 1, Points a, c and d Clause 2 Article 9; Article 13; Point c Clause 1 Article 14; Clause 1 Article 15; Clause 1 Article 16; Clause 1 Article 17; Point a Clause 1 Article 18; Clause 1 Article 19; Clause 1, Point b Clause 2 Article 20; Clause 5 Article 20 (except for the case where the violator commits the violation prescribed in Point a Clause 2, Clauses 3 and 4 Article 20); Clauses 1 and 3 Article 21; Article 25; Clause 1 Article 28; Article 31; Clause 1 through 6, Point a Clause 7, Clause 8 Article 33; Clause 1 Article 34; Clauses 1 and 4 Article 35; Point b Clause 1 Article 47 and Clause 1 Article 52 hereof within their power specified in Clause 5 Article 59 hereof and their jurisdiction;

e) Commander of Vietnam Coast Guard shall impose penalties and remedial measures against the administrative violations prescribed in Clause 1 Article 6; Clauses 2 and 3 Point a Clause 4, Clause 6 Article 7 (except for case where a foreign national commits the violation specified in Clause 6 Article 7); Clause 2 Article 8; Point b Clause 1, Clause 2, Clause 3 Article 9; Article 13; Clause 1 Article 14; Article 15; Article 16; Article 17; Article 18; Article 19; Clause 1, Point b Clause 2, Clause 5 Article 20; Clauses 1,3 and 4 Article 21; Article 25; Clause 1, Point b Clause 2 Article 26; Clause 3 Article 27; Article 28; Article 31; Clauses 1 through 6, Point a Clause 7, Clause 8 Article 33; Clause 1 Article 34; Clauses 1 and 4 Article 35; Point b Clause 1, Clauses 2 and 3 Article 36; Points a and c Clause 1, Clauses 3 and 4 Article 38; Point b Clause 2, Point c Clause 3 Article 46; Point b Clause 1, Point a Clause 2 Article 47; Clauses 1 and 4 Article 52 hereof within their power specified in Clause 6 Article 59 hereof and their jurisdiction.

5. Power delegated to the customs:

a) Directors of Sub-departments of Customs, Sub-departments of Post-Clearance Inspection, leaders of customs enforcement teams affiliated to provincial, inter-provincial or city Customs Departments, smuggling prevention team leaders, leaders of customs control teams at sea and leaders of intellectual property right protection teams of the Smuggling Investigation and Prevention Department of the General Department of Customs shall impose penalties and remedial measures against the administrative violations related to export, import, temporary import for re-export, temporary export for re-import and transit of goods as specified in Clause 1, Point b Clause 2 Article 20; Clause 5 Article 20 (except for the case where the violator commits the violation prescribed in Clause 2, 3 or 4 Article 20); Article 25; Clause 1 Article 26; Points a, b and c Clause 1 Article 31 and Clauses 1, 2, 3 and 7 Article 33 hereof within their power specified in Clause 1 Article 60 hereof and their jurisdiction;

b) Director of Smuggling Investigation Department, Director of Post-clearance Inspection Department affiliated to the General Department of Customs and Directors of provincial, inter-provincial or city Customs Departments shall impose penalties and remedial measures against the administrative violations related to export, import, temporary import for re-export, temporary export for re-import and transit of goods as specified in Article 18; Clause 1 through 4 Article 20; Clause 5 Article 20 (except for the case where the violator commits the violation prescribed in Clause 3 or 4 Article 20); Article 25; Clause

1 Article 26; Clause 1 Article 27; Article 31 and Article 33 hereof within their power specified in Clause 2 Article 60 hereof and their jurisdiction;

c) Director General of General Department of Customs shall impose penalties and remedial measures against the administrative violations related to export, import, temporary import for re-export, temporary export for re-import and transit of goods as specified in Clause 1, Point b Clause 2, Clauses 3, 4 and 5 Article 20; Article 25; Article 26; Article 27; Article 31; Article 33 and Points a and b Clause 4 Article 36 hereof within his/her power specified in Clause 3 Article 60 hereof and his/her jurisdiction.

6. Power delegated to market surveillance authorities:

a) Market surveillance officials on duty shall impose penalties and remedial measures against the administrative violations prescribed in Clause 1 Article 54 hereof within their power specified in Clause 1 Article 61 hereof and their jurisdiction;

b) Leaders of market surveillance teams shall impose penalties and remedial measures against the administrative violations prescribed in Point c Clause 1, Clause 2 Article 14; Clause 1 Article 15; Clause 1 Article 16; Clause 1 Article 17; Clause 1 Article 19; Clause 1, Point b Clause 2 Article 20; Clause 5 Article 20 (except for the case where the violator commits the violation prescribed in Clause 2, 3 or 4 of Article 20); Clause 1 Article 21; Clause 2 Article 21 (except for the case where the violation is repeated); Clause 1 Article 22; Clause 1 Article 23; Clause 1 Article 24; Article 25; Clause 1 Article 26; Clauses 1 and 2 Article 29; Points a, b and c Clause 1 Article 31; Clauses 1,2, 3 and 7 Article 33; Clauses 1 and 2 Article 34; Article 35; Points a and b Clause 2 Article 39; Article 41; Clause 1 Article 42; Points a and d Clause 1 Article 43; Clause 1 Article 44; Clause 1 Article 45; Clause 1 Article 46; Clause 2 Article 46 (except for the case where the violation is repeated); Clause 1, Points b and c Clause 2 Article 47; Clauses 1 and 2 Article 48; Clause 1 Article 49; Clauses 1 and 2 Article 50; Clause 1 Article 51; Clause 1 Article 52; Clause 1 Article 53 and Article 54 hereof within their power specified in Clause 2 Article 61 hereof and their jurisdiction;

c) Provincial Market Surveillance Departments and Director of Market Surveillance Operations Department affiliated to Vietnam Directorate of Market Surveillance shall impose penalties and remedial measures against the administrative violations prescribed in Article 14; Article 15; Article 16; Article 17; Article 18; Article 19; Clause 1 through 4 Article 20; Clause 5 Article 20 (except for the case where the violator commits the violation prescribed in Clause 3 or 4 of Article 20); Clauses 1, 2 and 3 Article 21; Article 22; Article 23; Article 24; Article 25; Clause 1 Article 26; Clause 1 Article 27; Article 28; Article 29; Article 31; Article 33; Article 34; Article 35; Clauses 1 and 2 Article 36; Article 37; Clauses 1, 2 and 3 Article 38; Article 39; Clauses 1, 2 and 3 Article 40; Article 41; Article 42; Article 43; Clauses 1, 2 and 3 Article 44; Article 45; Article 46; Article 47; Article 48; Article 49; Article 50; Article 51; Clauses 1 and 2 Article 52; Articles 53 and 54 hereof within their power specified in Clause 3 Article 61 hereof and their jurisdiction;

d) Director General of the Vietnam Directorate of Market Surveillance shall impose penalties and remedial measures against the administrative violations prescribed in Chapter III and Chapter IV hereof within his/her power specified in Clause 4 Article 61 hereof and his/her jurisdiction.

7. Industry and trade inspectors, price inspectors, natural resources and environment inspectors and science and technology inspectors shall impose penalties and remedial measures against the administrative violations prescribed in this Decree within his/her power specified in Article 62 hereof and his/her jurisdiction.

Chapter VI

IMPLEMENTATION CLAUSE

Article 64. Effect

1. This Decree comes into force from October 11, 2020.
2. The Government's Decree No. 67/2017/ND-CP dated May 25, 2017 shall cease to have effect from the effective date of this Decree.
3. Fines imposed for violations committed by gas distributors or gas traders being general agents or agents having the effective certificate of eligibility issued prior to the effective date of the Government's Decree No. 87/2018/ND-CP dated June 15, 2018 on gas trading during their operation are the same as those imposed for the violations committed by gas traders.

Article 65. Responsibility for implementation

1. The Minister of Industry and Trade shall provide guidance on and organize the implementation of this Decree.
2. Ministers, heads of ministerial agencies, heads of Governmental agencies, Presidents of provinces and central-affiliated cities and relevant organizations and individuals are responsible for the implementation of this Decree./.

**ON BEHALF OF THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Xuan Phuc

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