

THE GOVERNMENT

THE SOCIALIST REPUBLIC OF VIETNAM

Independence – Freedom – Happiness

No.: 07/2022/ND-CP

Hanoi, January 10, 2022

DECREE

**PROVIDING AMENDMENTS TO DECREES ON PENALTIES FOR
ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON FORESTRY,
PLANT PROTECTION AND QUARANTINE, VETERINARY MEDICINE AND
ANIMAL HUSBANDRY**

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

Pursuant to the Law on penalties for administrative violations dated June 20, 2012 and the Law on amendments to the Law on penalties for administrative violations dated November 13, 2020;

Pursuant to the Law on forestry dated November 15, 2017;

Pursuant to the Law on Plant Protection and Quarantine dated November 25, 2013;

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

Pursuant to the Law on animal husbandry dated November 19, 2018;

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

The Government promulgates a Decree providing amendments to decrees on penalties for administrative violations against regulations on forestry, plant protection and quarantine, veterinary medicine and animal husbandry.

Article 1. Amendments to Government’s Decree No. 35/2019/ND-CP dated April 25, 2019

1. Some Clauses of Article 3 are amended as follows:

a) Clause 3 is amended as follows:

“3. Products of forest animals; endangered, rare and precious animals that need protection; animals of in the lists of Group-IB or Group-IIB endangered, rare and precious forest plants and animals, animals in annexes to the Convention on International

Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as “CITES”); and other terrestrial wild animals are products originating from such animals whether or not prepared or processed.”

b) Clause 5 is amended as follows:

“5. Exhibits and instrumentalities for committing administrative violations include:

a) Exhibits: forest products; endangered, rare and precious plants and animals that need protection; plants and animals in lists of endangered, rare and precious forest plants and animals; endangered and wild plants and animals in CITES annexes; other terrestrial wild animals; body parts and products of animals specified in this Clause, whether or not prepared or processed; products made from timber of plant species specified in this Clause; forest tree cultivars.

b) Instrumentalities: road vehicles, rudimentary road vehicles, inland waterway vehicles, rudimentary waterway vehicles and other vehicles, devices and instruments used for committing administrative violations.”

c) Clause 8 is added as follows:

“8. Other terrestrial wild animals are species specified in Point dd Clause 29 Article 3 of the Government’s Decree No. 06/2019/ND-CP dated January 22, 2019 as amended in Clause 4 Article 1 of the Government's Decree No. 84/2021/ND-CP dated September 22, 2021.”

2. Some Clauses of Article 4 are amended as follows:

a) Point b and Point k Clause 3 are amended as follows:

“b) Enforced demolition of buildings or structures which have been built without the license or inconsistently with the license;

k) Enforced destruction of forest tree cultivar lots;”

b) Clause 4 is added as follows:

“4. In case the entities committing the violations in Article 17 and Article 20 of this Decree cannot be determined, remedial measures which are bio-forestry measures prescribed in Point a or Point d Clause 1 Article 45 of the Law on forestry shall be adopted for forest restoration.”

3. Clause 1 Article 5 is amended as follows:

“1. Forest area or immature forest area is calculated by square meter (m²) or hectare (ha).”

4. Some Clauses of Article 6 are amended as follows:

a) Clause 4a is added following Clause 4 as follows:

“4a. Entities committing the violations involving other terrestrial wild animals or endangered wild animals in CITES Annex III shall face the same penalties as those for violations involving forest animals of common species.

If a violation involves other terrestrial wild animals worth VND 300.000.000 or more, the maximum fine for violations involving common species of animals, additional penalties and remedial measures corresponding to that fine shall be imposed.”

b) Clause 5 is amended as follows:

“5. Corresponding fines, additional penalties and remedial measures shall be imposed for cases of violation which have been handled, considered and transferred from criminal proceeding agencies according to Article 63 of the Law on penalties for administrative violations according to the nature, severity, consequences, violating entity and aggravating/mitigating factors of each violation.

If the consequence arising from the violation exceeds that of the highest fine in the fine bracket for that violation, the highest fine and corresponding additional penalties and remedial measures shall be imposed for that violation.

In case the exhibits of violation are animals, body parts and products of animals in lists of endangered, rare and precious animals that need protection, they shall be treated as forest animals in list of Group-IB endangered, rare and precious forest plants and animals.”

c) Clause 10 is added as follows:

“10. Persons performing forest management and protection tasks and ensuring the compliance with the Law on forestry shall determine and specify the impacted or damaged forest scope, boundaries and area or immature forest area in administrative violation records. During consideration and imposition of penalties, the person competent to impose penalties may solicit expertise for determining impacted or damaged forest area or immature forest area. Solicitation of expertise may be carried out in accordance with regulations of law on expertise.”

5. Heading of Clause 2 Article 9 is amended as follows:

“2. The following penalties shall be imposed for failing to make statement, or making inaccurate or late statement of amounts payable for forest environmental services in case of indirect payment:”

6. Some Clauses of Article 13 are amended as follows:

a) Clause 7 is amended as follows:

“7. A forest owner who has the forest allocated or leased by the State for management, protection or use as prescribed by law but fails to fulfill or partially fulfills obligations to manage, protect, develop and use forest according to regulations on forest management resulting in illegal forest harvesting acts shall incur corresponding penalties in Clause 1 or Point a Clause 4 of this Article.”

b) Point b Clause 8 is amended as follows:

“b) Rudimentary road vehicles and other devices and instruments used for committing administrative violations in Clause 1, Clause 2, Clause 3, Clause 4, Clause 5 and Clause 6 of this Article shall be confiscated;”.

7. Article 14 is amended as follows:

“Article 14. Violations against regulations on management of forest tree cultivars

1. A fine ranging from VND 500.000 to VND 1.000.000 shall be imposed for the commission of one of the following violations:

a) Failing to submit report on production and trading of forest tree cultivars at the request of local forestry authorities;

b) Failing to send notice or sending a notice that does not contain adequate information as prescribed before producing/trading forest tree cultivars.

2. A fine ranging from VND 1.000.000 to VND 5.000.000 shall be imposed for commission of one of the following violations:

a) Failing to use the exact name of forest tree cultivar written in the decision on forest tree cultivar recognition issued by a competent authority;

b) Failing to prepare and retain documents on forest tree cultivars as prescribed or preparing and retaining documents on forest tree cultivars which are inadequate or inconsistent with actual state;

c) Failing to comply with methods and contents of testing for forest tree cultivars as prescribed.

3. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed for commission of one of the following violations:

a) Conducting testing for forest tree cultivars without satisfying conditions for forest tree cultivar testing facility as prescribed;

b) Producing forest tree cultivars without satisfying conditions for forest tree cultivar producer as prescribed;

c) Failing to establish a lawful trading location when trading forest tree cultivars.

4. The following penalties shall be imposed for producing unqualified forest tree cultivars; trading forest tree cultivars which are unqualified or without documents on forest tree cultivars as prescribed:

a) A fine ranging from VND 1.000.000 to VND 5.000.000 shall be imposed if the violation involving forest tree cultivar lot worth less than VND 10.000.000;

b) A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed if the violation involving forest tree cultivar lot worth from VND 10.000.000 to under VND 20.000.000;

c) A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed if the violation involving forest tree cultivar lot worth from VND 20.000.000 to under VND 30.000.000;

d) A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed if the violation involving forest tree cultivar lot worth from VND 30.000.000 to VND 40.000.000;

dd) A fine ranging from VND 20.000.000 to VND 25.000.000 shall be imposed if the violation involving forest tree cultivar lot worth from VND 40.000.000 to under VND 60.000.000;

e) A fine ranging from VND 25.000.000 to VND 30.000.000 shall be imposed if the violation involving forest tree cultivar lot worth from VND 60.000.000 to under VND 80.000.000;

g) A fine ranging from VND 30.000.000 to VND 35.000.000 shall be imposed if the violation involving forest tree cultivar lot worth from VND 80.000.000 to under VND 100.000.000;

h) A fine ranging from VND 35.000.000 to VND 40.000.000 shall be imposed if the violating involving forest tree cultivar lot worth VND 100.000.000 or more.

5. Remedial measure:

The violating entity is compelled to destroy forest tree cultivar lots in case of commission of any of the violations specified in Clause 4 of this Article.”

8. Article 15 is amended as follows:

“Article 15. Violations against regulations on alternative afforestation

The following penalties shall be imposed for delaying the alternative afforestation under the plan approved by a competent authority:

1. Delaying the alternative afforestation with an area of < 01 ha:

- a) A fine ranging from VND 1.000.000 to VND 3.000.000 shall be imposed for delaying the alternative afforestation for 01 to under 02 years;
- b) A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed for delaying the alternative afforestation for 02 to under 03 years;
- c) A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for delaying the alternative afforestation for 03 years or longer.

2. Delaying the alternative afforestation with an area of from 01 to under 03 ha:

- a) A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for delaying the alternative afforestation for 01 to under 02 years;
- b) A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for delaying the alternative afforestation for 02 to under 03 years;
- c) A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for delaying the alternative afforestation for 03 years or longer.

3. Delaying the alternative afforestation with an area of from 03 to under 05 ha:

- a) A fine ranging from VND 30.000.000 to VND 35.000.000 shall be imposed for delaying the alternative afforestation for 01 to under 02 years;
- b) A fine ranging from VND 35.000.000 to VND 40.000.000 shall be imposed for delaying the alternative afforestation for 02 to under 03 years;
- c) A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for delaying the alternative afforestation for 03 years or longer.

4. Delaying the alternative afforestation with an area of from 05 to under 07 ha:

- a) A fine ranging from VND 50.000.000 to VND 55.000.000 shall be imposed for delaying the alternative afforestation for 01 to under 02 years;
- b) A fine ranging from VND 55.000.000 to VND 60.000.000 shall be imposed for delaying the alternative afforestation for 02 to under 03 years;

c) A fine ranging from VND 60.000.000 to VND 70.000.000 shall be imposed for delaying the alternative afforestation for 03 years or longer.

5. Delaying the alternative afforestation with an area of from 07 to under 10 ha:

a) A fine ranging from VND 70.000.000 to VND 75.000.000 shall be imposed for delaying the alternative afforestation for 01 to under 02 years;

b) A fine ranging from VND 75.000.000 to VND 80.000.000 shall be imposed for delaying the alternative afforestation for 02 to under 03 years;

c) A fine ranging from VND 80.000.000 to VND 90.000.000 shall be imposed for delaying the alternative afforestation for 03 years or longer.

6. Delaying the alternative afforestation with an area of from 10 to under 15 ha:

a) A fine ranging from VND 90.000.000 to VND 95.000.000 shall be imposed for delaying the alternative afforestation for 01 to under 02 years;

b) A fine ranging from VND 95.000.000 to VND 100.000.000 shall be imposed for delaying the alternative afforestation for 02 to under 03 years;

c) A fine ranging from VND 100.000.000 to VND 115.000.000 shall be imposed for delaying the alternative afforestation for 03 years or longer.

7. Delaying the alternative afforestation with an area of from 15 to under 20 ha:

a) A fine ranging from VND 115.000.000 to VND 120.000.000 shall be imposed for delaying the alternative afforestation for 01 to under 02 years;

b) A fine ranging from VND 120.000.000 to VND 125.000.000 shall be imposed for delaying the alternative afforestation for 02 to under 03 years;

c) A fine ranging from VND 125.000.000 to VND 140.000.000 shall be imposed for delaying the alternative afforestation for 03 years or longer.

8. Delaying the alternative afforestation with an area of from 20 to under 25 ha:

a) A fine ranging from VND 140.000.000 to VND 145.000.000 shall be imposed for delaying the alternative afforestation for 01 to under 02 years;

b) A fine ranging from VND 145.000.000 to VND 150.000.000 shall be imposed for delaying the alternative afforestation for 02 to under 03 years;

c) A fine ranging from VND 150.000.000 to VND 165.000.000 shall be imposed for delaying the alternative afforestation for 03 years or longer.

9. Delaying the alternative afforestation with an area of from 25 to under 30 ha:

- a) A fine ranging from VND 165.000.000 to VND 170.000.000 shall be imposed for delaying the alternative afforestation for 01 to under 02 years;
- b) A fine ranging from VND 170.000.000 to VND 175.000.000 shall be imposed for delaying the alternative afforestation for 02 to under 03 years;
- c) A fine ranging from VND 175.000.000 to VND 190.000.000 shall be imposed for delaying the alternative afforestation for 03 years or longer.

10. Delaying the alternative afforestation with an area of from 30 to under 35 ha:

- a) A fine ranging from VND 190.000.000 to VND 195.000.000 shall be imposed for delaying the alternative afforestation for 01 to under 02 years;
- b) A fine ranging from VND 195.000.000 to VND 200.000.000 shall be imposed for delaying the alternative afforestation for 02 to under 03 years;
- c) A fine ranging from VND 200.000.000 to VND 215.000.000 shall be imposed for delaying the alternative afforestation for 03 years or longer.

11. Delaying the alternative afforestation with an area of from 35 to under 40 ha:

- a) A fine ranging from VND 215.000.000 to VND 220.000.000 shall be imposed for delaying the alternative afforestation for 01 to under 02 years;
- b) A fine ranging from VND 220.000.000 to VND 225.000.000 shall be imposed for delaying the alternative afforestation for 02 to under 03 years;
- c) A fine ranging from VND 225.000.000 to VND 240.000.000 shall be imposed for delaying the alternative afforestation for 03 years or longer.

12. Delaying the alternative afforestation with an area of from 40 to under 45 ha:

- a) A fine ranging from VND 240.000.000 to VND 245.000.000 shall be imposed for delaying the alternative afforestation for 01 to under 02 years;
- b) A fine ranging from VND 245.000.000 to VND 250.000.000 shall be imposed for delaying the alternative afforestation for 02 to under 03 years;
- c) A fine ranging from VND 250.000.000 to VND 265.000.000 shall be imposed for delaying the alternative afforestation for 03 years or longer.

13. Delaying the alternative afforestation with an area of from 45 to under 50 ha:

- a) A fine ranging from VND 265.000.000 to VND 270.000.000 shall be imposed for delaying the alternative afforestation for 01 to under 02 years;
- b) A fine ranging from VND 270.000.000 to VND 275.000.000 shall be imposed for delaying the alternative afforestation for 02 to under 03 years;
- c) A fine ranging from VND 275.000.000 to VND 290.000.000 shall be imposed for delaying the alternative afforestation for 03 years or longer.

14. Delaying the alternative afforestation with an area of from 50 to under 60 ha:

- a) A fine ranging from VND 290.000.000 to VND 300.000.000 shall be imposed for delaying the alternative afforestation for 01 to under 02 years;
- b) A fine ranging from VND 300.000.000 to VND 310.000.000 shall be imposed for delaying the alternative afforestation for 02 to under 03 years;
- c) A fine ranging from VND 310.000.000 to VND 325.000.000 shall be imposed for delaying the alternative afforestation for 03 years or longer.

15. Delaying the alternative afforestation with an area of from 60 to under 70 ha:

- a) A fine ranging from VND 325.000.000 to VND 335.000.000 shall be imposed for delaying the alternative afforestation for 01 to under 02 years;
- b) A fine ranging from VND 335.000.000 to VND 345.000.000 shall be imposed for delaying the alternative afforestation for 02 to under 03 years;
- c) A fine ranging from VND 345.000.000 to VND 360.000.000 shall be imposed for delaying the alternative afforestation for 03 years or longer.

16. Delaying the alternative afforestation with an area of from 70 to under 80 ha:

- a) A fine ranging from VND 360.000.000 to VND 370.000.000 shall be imposed for delaying the alternative afforestation for 01 to under 02 years;
- b) A fine ranging from VND 370.000.000 to VND 380.000.000 shall be imposed for delaying the alternative afforestation for 02 to under 03 years;
- c) A fine ranging from VND 380.000.000 to VND 395.000.000 shall be imposed for delaying the alternative afforestation for 03 years or longer.

17. Delaying the alternative afforestation with an area of from 80 to under 90 ha:

- a) A fine ranging from VND 395.000.000 to VND 405.000.000 shall be imposed for delaying the alternative afforestation for 01 to under 02 years;

b) A fine ranging from VND 405.000.000 to VND 415.000.000 shall be imposed for delaying the alternative afforestation for 02 to under 03 years;

c) A fine ranging from VND 415.000.000 to VND 430.000.000 shall be imposed for delaying the alternative afforestation for 03 years or longer.

18. Delaying the alternative afforestation with an area of from 90 to under 100 ha:

a) A fine ranging from VND 430.000.000 to VND 440.000.000 shall be imposed for delaying the alternative afforestation for 01 to under 02 years;

b) A fine ranging from VND 440.000.000 to VND 450.000.000 shall be imposed for delaying the alternative afforestation for 02 to under 03 years;

c) A fine ranging from VND 450.000.000 to VND 465.000.000 shall be imposed for delaying the alternative afforestation for 03 years or longer.

19. Delaying the alternative afforestation with an area of 100 ha or more:

a) A fine ranging from VND 465.000.000 to VND 475.000.000 shall be imposed for delaying the alternative afforestation for 01 to under 02 years;

b) A fine ranging from VND 475.000.000 to VND 485.000.000 shall be imposed for delaying the alternative afforestation for 02 to under 03 years;

c) A fine ranging from VND 485.000.000 to VND 500.000.000 shall be imposed for delaying the alternative afforestation for 03 years or longer.”

9. Some Clauses of Article 16 are amended as follows:

a) Point a Clause 1 is amended as follows:

“a) The forest owner fails to submit reports, or fails to submit reports within the prescribed time limit, on changes in forest areas to competent authorities as prescribed by law;”

b) Clause 3 is amended as follows:

“3. A fine ranging from VND 500.000 to VND 1.000.000 shall be imposed for commission of one of the following violations:

a) Bringing devices and tools to natural forest that is production forest or protective forest without permission from the forest owner;

b) Bringing toxic chemicals, explosives or flammable substances to protective forests inconsistently with regulations of law or pasturing cattle, poultry or other domestic animals in production or protective forest area which is newly planted and requires care;

c) Setting up camps or tents in production forest or protective forest without permission from the forest owner;

d) The forest owner fails to reforest in the next planting season after clearcutting of a forest area of from 01 ha to under 03 ha.”

c) Clause 4 is amended as follows:

“4. A fine ranging from VND 1.000.000 to VND 1.500.000 shall be imposed for commission of one of the following violations:

a) Organizing scientific research, education or training activities or collection of specimens/genetic resources in a forest without permission from the forest owner;

b) Bringing devices and tools to or setting up camps or tents in a reserve forest without permission from the forest owner;

c) Bringing toxic chemicals, explosives or flammable substances or pasturing cattle, poultry or other domestic animals in the strictly protected sub-zone or newly planted area which requires care of a reserve forest;

d) Carrying out advertising for trading forest plants, forest animals and their products inconsistently with law in respect of species which are not specified in Annex III to the Law on investment;

dd) The forest owner fails to reforest in the next planting season after clearcutting of a forest area of from 03 ha to under 10 ha.”

d) Point g Clause 5 is abrogated.

dd) Point a, Point b Clause 9 are amended as follows:

"9. Remedial measures:

a) The entity committing the violation in Point c Clause 3 or Point b Clause 4 of this Article is compelled to restore the original condition which is changed due to the acts of setting up camps or tents in production forest, protective forest or reserve forest;

b) The violating entity is compelled to bring waste, toxic chemicals, explosives, flammable or ignitable substances out of the forest in case of commission of the violation specified in Point b Clause 3 or Point c Clause 4 of this Article;”

10. Clause 11 is added to Article 17 as follows:

“11. If the entities committing the violations in Clauses 1, 2, 3, 4, 5, 6, 7 and 8 of this Article cannot be determined, Communal-level People’s Committees in charge of managing and protecting forest areas allocated or leased by the State or forest owners whose forest areas are damaged shall cooperate with authorities where persons competent to issue decisions to enforce remedial measures are working to organize the implementation of the remedial measures specified in Point c Clause 3 and Clause 4 Article 4 of this Decree.”

11. Some Clauses of Article 20 are amended as follows:

a) Point d Clause 4 is amended as follows:

“d) The violation involves the reserve forest with an area of from 300 m² to under 400 m²;”

b) Clause 11 is amended as follows:

“11. In case of starving trees, drilling into the tree’s trunk, killing trees by injecting chemicals, grinding stumps or pouring chemicals into the root zone of trees with the aims of adversely affecting the growth of forest trees, a fine of VND 200.000 shall be imposed for each tree with a diameter of 8 cm or more (measured at a height of 1.3 m) provided that total fine imposed for this violation shall not exceed VND 200.000.000; or a fine of VND 100.000 shall be imposed for each tree with a diameter of < 8 cm (measured at a height of 1.3 m) provided that total fine imposed for this violation shall not exceed VND 100.000.000.”

c) Clause 12 is amended as follows:

“12. A forest owner who has the forest allocated or leased by the State for management, protection or use as prescribed by law but fails to fulfill or partially fulfills obligations to manage, protect, develop and use forest according to regulations on forest management resulting in illegal forest harvesting acts shall incur penalties as prescribed in Point b Clause 1 or Point b Clause 2 or Point b Clause 3 or Point b Clause 4 or Point b Clause 5 or Point b Clause 6 or Point b Clause 7 or Point b Clause 8 or Point b Clause 9 or Point b Clause 10 of this Article.”

d) Clause 14 is amended as follows:

"14. Remedial measures:

The entities committing the violations in Clauses 1 through 10 of this Article shall be liable to the following remedial measures:

- a) Enforced restoration of the original condition in case of acts of digging, excavating, blasting, damming or preventing water flows which cause damage to forests;
- b) Enforced implementation of measures for control of environmental pollution and prevention of the spread of epidemics in case of discharging of toxic chemicals causing damage to forests;
- c) Enforced return of benefits illegally obtained from the commission of the administrative violations;
- d) Enforced reforestation or payment of reforestation costs equivalent to the standard afforestation investment applied by local government at the time of committing administrative violations.”

dd) Clause 15 is added as follows:

“15. If the entities committing the violations in Clauses 1 through 10 of this Article cannot be determined, Communal-level People’s Committees in charge of managing and protecting forest areas allocated or leased by the State or forest owners whose forest areas are damaged shall cooperate with authorities where persons competent to issue decisions to enforce remedial measures are working to organize the implementation of the remedial measures specified in Point c Clause 3 and Clause 4 Article 4 of this Decree.”

12. Some Clauses of Article 21 are amended as follows:

a) The first paragraph and Clause 1 are amended as follows:

“The following penalties shall be imposed for illegally hunting, catching, killing or imparking forest animals:

1. A fine ranging from VND 1.000.000 to VND 5.000.000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species worth less than VND 5.000.000;

b) The violation involves animals in the list of Group-IIB endangered, rare and precious forest plants and animals worth less than VND 3.000.000.”

b) Clause 1a is added following Clause 1 as follows:

“1a. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species worth from VND 5.000.000 to under VND 10.000.000;

c) The violation involves animals in the list of Group-IIB endangered, rare and precious forest plants and animals worth from VND 3.000.000 to under VND 5.000.000.”

c) Heading of Clause 2 is amended as follows:

“2. A fine ranging from VND 10.000.000 to VND 25.000.000 shall be imposed in one of the following circumstances:”

d) Point a Clause 15 is amended as follows:

“a) Exhibits, devices and tools of the violations in Clause 1, Clause 1a, Clauses 2 through 14 of this Article shall be confiscated;”

dd) Clause 16 is amended as follows:

"16. Remedial measure:

The entity committing any of the violations in Clause 1, Clause 1a, Clauses 2 through 14 of this Article is compelled to implement measures for controlling environmental pollution and the spread of epidemics; destroy goods and articles which cause harm to human health, domestic animals, plants and environment.”

13. Some Clauses of Article 22 are amended as follows:

a) The first paragraph and Clause 1 are amended as follows:

“The following penalties shall be imposed for transporting forest products (in case forest products are transported by a vehicle, the violation shall be determined from the time they are loaded onto the vehicle) without lawful documents or which are not conformable with their lawful documents:

1. A fine ranging from VND 1.000.000 to VND 5.000.000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species, body parts or products thereof worth less than VND 7.000.000;

b) The violation involves animals in the list of Group-IIB endangered, rare and precious forest plants and animals, body parts or products thereof worth less than VND 3.000.000;

c) The violation involves a volume of $< 01 \text{ m}^3$ of timber of common species;

b) The violation involves a volume of $< 0,5 \text{ m}^3$ of timber in list of Group-IIA endangered, rare and precious forest plants and animals;

dd) The violation involves a volume of $< 0,1 \text{ m}^3$ of timber in list of Group-IA endangered, rare and precious forest plants and animals;

e) The violation involves non-timber forest plants worth less than VND 7.000.000;

g) The violation involves products made from timber without lawful documents on forest product worth less than VND 7.000.000.”

b) Clause 1a is added following Clause 1 as follows:

“1a. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed in one of the following circumstances:

a) The violation involves forest animals of common species, body parts or products thereof worth from VND 7.000.000 to under VND 15.000.000;

b) The violation involves animals in the list of Group-IIB endangered, rare and precious forest plants and animals, body parts or products thereof worth from VND 3.000.000 to under VND 7.000.000;

c) The violation involves a volume of from 01 m^3 to under 02 m^3 of timber of common species;

d) The violation involves a volume of from $0,5 \text{ m}^3$ to under 01 m^3 of timber in the list of Group-IIA endangered, rare and precious forest plants and animals;

dd) The violation involves a volume of from $0,1 \text{ m}^3$ to under $0,2 \text{ m}^3$ of timber in the list of Group-IA endangered, rare and precious forest plants and animals;

e) The violation involves non-timber forest plants worth from VND 7.000.000 to under VND 15.000.000;

e) The violation involves products made from timber without lawful documents on forest product worth from VND 7.000.000 to under VND 15.000.000.”

c) Heading of Clause 2 is amended as follows:

“2. A fine ranging from VND 10.000.000 to VND 25.000.000 shall be imposed in one of the following circumstances:”

d) Point a, heading of Point b and the second paragraph of Point b Clause 20 are amended as follows:

“a) Exhibits of the violations specified in Clause 1, Clause 1a, Clauses 2 through 19 of this Article (except the violation involving timber with lawful documents and origin but

the actual volume of timber exceeds the permissible deviations announced by the Ministry of Agriculture and Rural Development) shall be confiscated.

b) Instrumentalities of the violations shall be confiscated in case of commission of any of the violations specified in Clause 1, Clause 1a, Clauses 2 through 19 of this Article in one of the following circumstances:

use of vehicles manufactured or assembled against the law; vehicles of which vehicle registration certificate is not available; vehicles bearing false plate numbers.”

dd) Clause 21 is amended as follows:

"21. Remedial measures:

a) The violating entity is compelled to implement measures for controlling the environmental pollution and the spread of epidemics; destroy goods or articles which cause harm to human health, domestic animals, plants and the environment in case of commission of any of the violations specified in Points a and b Clause 1, Clause 1a, Points a, b and c of Clauses 2 through 11, Points a, b, c and dd Clause 12, Points a and c Clause 13 and Clause 14 of this Article;

b) The violating entity is compelled to transfer illegal benefits obtained from the administrative violation or an amount of money equivalent to the value of the exhibits and/or instrumentalities of the administrative violation which have been sold, hidden or destroyed inconsistently with the law in case of commission of any of the violations specified in Clause 1, Clause 1a, Clauses 2 through 19 of this Article.”

e) Clause 22 is amended as follows:

“22. In case transported forest products have lawful origin but do not have lawful forest product dossiers prepared as prescribed by law or the vehicle operator or forest product's owner who fails to present forest product dossiers to competent officials at the time of inspection of vehicles used for transporting forest products, penalties shall be imposed according to Article 24 of this Decree.”

g) Clause 24 is amended as follows:

“24. If anthracite and charcoal are found to be illegally transported from a natural forest or planted forest of which the ownership is represented by the State, the vehicle operator shall face penalties for illegal transport of non-timber forest plants as prescribed in this Article and the forest product owner shall face penalties according to Clause 4 Article 13 of this Decree.”

14. Article 23 is amended as follows:

a) Heading, first paragraph and Clause 1 Article 23 are amended as follows:

“Article 23. Illegal storage, trading, import, export and processing of forest products

The following penalties shall be imposed for storage, trading, import, export or processing of forest products without lawful forest product dossiers or which are not conformable with the presented forest product dossiers which are deemed lawful:

1. A fine ranging from VND 1.000.000 to VND 5.000.000 shall be imposed in one of the following circumstances:

- a) The violation involves forest animals of common species, body parts or products thereof worth less than VND 7.000.000;
- b) The violation involves animals in the list of Group-IIB endangered, rare and precious forest plants and animals, body parts or products thereof worth less than VND 3.000.000;
- c) The violation involves a volume of $< 01 \text{ m}^3$ of timber of common species;
- b) The violation involves a volume of $< 0,5 \text{ m}^3$ of timber in list of Group-IIA endangered, rare and precious forest plants and animals;
- dd) The violation involves a volume of $< 0,1 \text{ m}^3$ of timber in list of Group-IA endangered, rare and precious forest plants and animals;
- e) The violation involves non-timber forest plants worth less than VND 7.000.000;
- g) The violation involves products made from timber without lawful documents on forest product worth less than VND 7.000.000.”

b) Clause 1a is added following Clause 1 as follows:

“1a. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed in one of the following circumstances:

- a) The violation involves forest animals of common species, body parts or products thereof worth from VND 7.000.000 to under VND 15.000.000;
- b) The violation involves animals in the list of Group-IIB endangered, rare and precious forest plants and animals, body parts or products thereof worth from VND 3.000.000 to under VND 7.000.000;
- c) The violation involves a volume of from 01 m^3 to under 02 m^3 of timber of common species;
- d) The violation involves a volume of from $0,5 \text{ m}^3$ to under 01 m^3 of timber in the list of Group-IIA endangered, rare and precious forest plants and animals;

dd) The violation involves a volume of from 0,1 m³ to under 0,2 m³ of timber in the list of Group-IA endangered, rare and precious forest plants and animals;

e) The violation involves non-timber forest plants worth from VND 7.000.000 to under VND 15.000.000;

e) The violation involves products made from timber without lawful documents on forest product worth from VND 7.000.000 to under VND 15.000.000.”

c) Heading of Clause 2 is amended as follows:

“2. A fine ranging from VND 10.000.000 to VND 25.000.000 shall be imposed in one of the following circumstances:”

d) Point a Clause 20 is amended as follows:

“a) Exhibits of the violation shall be confiscated in case of commission of any of the violations specified in Clause 1, Clause 1a, Clauses 2 through 19 of this Article.”

dd) Clause 21 is amended as follows:

"21. Remedial measures:

a) The violating entity is compelled to implement measures for controlling the environmental pollution and the spread of epidemics; destroy goods or articles which cause harm to human health, domestic animals, plants and the environment in case of commission of any of the violations specified in Points a and b Clause 1, Clause 1a, Points a, b and c of Clauses 2 through 11, Points a, b, c and dd Clause 12, Points a and c Clause 13 and Clause 14 of this Article;

b) The violating entity is compelled to transfer illegal benefits obtained from the administrative violation or an amount of money equivalent to the value of the exhibits and/or instrumentalities of the administrative violation which have been sold, hidden or destroyed inconsistently with the law in case of commission of any of the violations specified in Clause 1, Clause 1a, Clauses 2 through 19 of this Article.”

e) Clause 24 is added as follows:

“24. Penalties for illegally imparking forest animals specified in Article 21 of this Article shall be imposed for the act of illegal storage of forest products of which the exhibits include alive animals.”

15. Some Clauses of Article 24 are amended as follows:

a) Point a Clause 1 is amended as follows:

“c) The vehicle operator or the forest product owner fails to present lawful forest product dossiers to the competent official at the time of inspection of vehicles used for transporting forest products.”

b) Clause 2 is amended as follows:

“2. A fine ranging from VND 1.000.000 to VND 2.000.000 shall be imposed for commission of one of the following violations:

a) The owner of forest product processing and trading establishment fails to keep record or keeps a record which is made using a form other than the prescribed one; fails to record or inadequately or inaccurately records amounts of forest products received and delivered;

b) The owner of an establishment raising or planting forest animals or plants in the lists of endangered, rare and precious forest plants and animals or in CITES annexes fails to keep record or keeps a record which is made using a form other than the prescribed one; fails to record or inadequately or inaccurately records amounts of the raising or planting of forest animals or plants as prescribed by law;

c) The owner of an establishment raising forest animals of common species or other terrestrial wild animals fails to keep record or keeps a record which is made using a form other than the prescribed one; fails to record or inadequately or inaccurately records information or fails to notify competent authorities by the prescribed deadline when the establishment receives forest animals of common species or other terrestrial wild animals;

d) The forest product’s owner fails to submit reports or fails to submit reports within the prescribed time limit according to regulations on Vietnam Timber Legality Assurance System.”

c) Point b Clause 3 is amended as follows:

“b) The owner of an establishment raising or planting animals or plants in lists of endangered, rare and precious forest plants and animals or in CITES annexes of lawful origin fails to apply for registration of animal raising or planting establishment as prescribed by law.”

d) Clause 4 is amended as follows:

“4. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for commission of one of the following violations:

a) The forest product owner transports, trades, stores or processes forest products lawfully extracted from natural forests but fails to fully comply with regulations on lawful forest product dossiers;

b) An enterprise fails to declare or inaccurately declares enterprise classification criteria laid down in regulations on Vietnam Timber Legality Assurance System.”

16. Clause 2 Article 25 is amended as follows:

“2. Officials, public employees and persons of people’s army forces or people’s police forces working in the authorities mentioned in Articles 26 through 33 of this Decree who are performing their assigned duties to ensure the compliance with regulations on forest management, protection, development and use, processing and trading of forest products within the ambit of their assigned functions, tasks and powers.”

17. Some Clauses of Article 26 are amended as follows:

a) Point c Clause 2 is amended as follows:

“c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 20.000.000.”

b) Point c and Point d Clause 3 are amended as follows:

“c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 50.000.000;

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

c) Heading of Clause 4, Point d and Point dd Clause 4 are amended as follows:

“4. Directors of Forest Protection Sub-departments; Directors of Regional Forest Protection Sub-Departments, and Leaders of Task Force Teams for Forest Protection affiliated to the Forest Protection Department shall have the power to:

d) Confiscate the exhibits and instrumentalities for committing administrative violations worth up to VND 100.000.000;

dd) Enforce the remedial measures specified in Clause 3 and Clause 4 Article 4 of this Decree.”

d) Point d and Point dd Clause 5 are amended as follows:

“d) Confiscate the exhibits and instrumentalities used for committing administrative violations;

dd) Enforce the remedial measures specified in Clause 3 and Clause 4 Article 4 of this Decree.”

18. Some Clauses of Article 27 are amended as follows:

a) Point c and Point d Clause 1 are amended as follows:

“c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 10.000.000;

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

b) Point b, Point d and Point dd Clause 2 are amended as follows:

“2. Chairpersons of district-level People’s Committees shall have the power to:

b) Impose a fine up to VND 100.000.000;

d) Confiscate the exhibits and instrumentalities used for committing administrative violations;

dd) Enforce the remedial measures specified in Clause 3 and Clause 4 Article 4 of this Decree.”

c) Point d and Point dd Clause 3 are amended as follows:

“d) Confiscate the exhibits and instrumentalities used for committing administrative violations;

dd) Enforce the remedial measures specified in Clause 3 and Clause 4 Article 4 of this Decree.”

19. Some Clauses of Article 28 are amended as follows:

a) Point a Clause 1 is amended as follows:

“c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 1.000.000;”

b) Point d and Point dd Clause 2 are amended as follows:

“d) Confiscate the exhibits and instrumentalities for committing administrative violations worth up to VND 100.000.000;

dd) Enforce the remedial measures specified in Clause 3 and Clause 4 Article 4 of this Decree.”

c) Point d and Point dd Clause 3 are amended as follows:

“d) Confiscate the exhibits and instrumentalities for committing administrative violations worth up to VND 500.000.000;

dd) Enforce the remedial measures specified in Clause 3 and Clause 4 Article 4 of this Decree.”

d) Point d and Point dd Clause 4 are amended as follows:

“d) Confiscate the exhibits and instrumentalities used for committing administrative violations;

dd) Enforce the remedial measures specified in Clause 3 and Clause 4 Article 4 of this Decree.”

20. Article 29 is amended as follows:

“Article 29. Power to impose penalties of people’s police forces

1. On-duty soldiers of people’s police forces shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 500.000.

2. Heads of company-level Mobile Police Units, heads of stations, and team leaders in charge of managing the soldiers mentioned in Clause 1 of this Article shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 1.500.000.

3. Communal-level Police Chiefs, Heads of Police Posts, Heads of Police Stations at border gates, export processing zones, Heads of International Airport Police Offices, Majors of Mobile Police Battalions, and Captains of Squadrons shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 2.500.000;

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 5.000.000;

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

4. Heads of district-level police agencies, heads of professional divisions of the following authorities, including the Internal Political Security Department, the Police Department for Administration of Social Order, the Traffic Police Department, the Department of Fire Prevention, Fighting and Rescue, the Department of Cybersecurity, Hi-Tech Crime Prevention and Control, and the Immigration Department, and heads of provincial-level police departments, including: Internal Political Security Divisions, Police Divisions for Social Order Administration, Police Departments for Social Order Crimes, Investigation Police Divisions for Corruption, Economic and Smuggling Crimes, Investigation Police Divisions for Drug Crimes, Traffic Police Divisions, Road and Railway Traffic Police Divisions, Road Traffic Police Divisions, Waterway Police Divisions, Mobile Police Divisions, Criminal Judgment Execution and Judicial Assistance Divisions, Police Divisions for Prevention and Control of Environmental Crimes, Firefighting, Prevention and Rescue Police Divisions, Cybersecurity, Hi-Tech Crime Prevention and Control Divisions, Immigration Divisions, Economic Security Divisions, and External Security Divisions, Colonels of Mobile Police Regiments, and Captains of Squadrons, shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 25.000.000;
- c) Suspend the forest harvesting for a fixed period of 06-12 months or suspend operation of forest product processing establishment for a fixed period of 06-12 months;
- d) Confiscate the exhibits and instrumentalities for committing administrative violations worth up to VND 50.000.000;
- dd) Enforce the remedial measures specified in Points a, c, d, e, g, h, i, k, l, m, n and o Clause 3 and Clause 4 Article 4 of this Decree.

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

- a) Issue warning;
- b) Impose a fine up to VND 100.000.000;
- c) Suspend the forest harvesting for a fixed period of 06-12 months or suspend operation of forest product processing establishment for a fixed period of 06-12 months;
- d) Confiscate the exhibits and instrumentalities used for committing administrative violations;
- dd) Enforce the remedial measures specified in Points a, c, d, dd, e, g, h, i, k, l, m, n and o Clause 3 and Clause 4 Article 4 of this Decree.

6. Directors of Internal Political Security Department, Economic Security Department, Police Department for Administrative Management of Social Order, Investigation Police Department for Social Order Crimes, Police Department for Investigation into Corruption, Economic and Smuggling Crimes, Investigation Police Department for Investigation into Drug Crimes, Traffic Police Department, Firefighting, Prevention and Rescue Police Department, the Police Department for Prevention and Control of Environmental Crimes, the Cybersecurity, Hi-tech Crimes Prevention and Control Department, the Internal Security Department, the Police Department for Management of Retention and Execution of Criminal Judgements at Community, and Commander of the Mobile Police shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 500.000.000;
- c) Suspend the forest harvesting for a fixed period of 06-12 months or suspend operation of forest product processing establishment for a fixed period of 06-12 months;
- d) Confiscate the exhibits and instrumentalities used for committing administrative violations;
- dd) Enforce the remedial measures specified in Points a, c, d, dd, e, g, h, i, k, l, m, n and o Clause 3 and Clause 4 Article 4 of this Decree.”

21. Some Clauses of Article 30 are amended as follows:

- a) Clause 2a is added following Clause 2 as follows:

“2a. Leaders of Task Force Teams for drug and crime prevention and control which are put under the control of Task Force Commissions for drug and crime prevention and control shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 10.000.000;
- c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 20.000.000;
- d) Enforce the remedial measures mentioned in Points a, c and d Clause 3 and Clause 4 Article 4 of this Decree.”

- b) Heading of Clause 3, Point c and Point d Clause 3 are amended as follows:

“3. Heads of Border Guard Posts, Captains of Naval Border Guard Flotillas and Commanders of Border Guard Commands at port border gates shall have the power to:

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 50.000.000;

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

c) Clause 3a is added following Clause 3 as follows:

“3a. Leaders of Task Force Teams for drug and crime prevention and control affiliated to the Department of Drug and Crime Prevention and Control under the control of the Command of Border Guards shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 100.000.000;

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 200.000.000;

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

d) Heading of Clause 4, Point d and Point dd Clause 4 are amended as follows:

“4. Commanders of Provincial-level Border Guard Forces, Captains of Naval Border Guard Squadrons, and Director of the Department of Drug and Crime Prevention and Control affiliated to the Command of Border Guards shall have the power to:

d) Confiscate the exhibits and instrumentalities used for committing administrative violations;

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

22. Some Clauses of Article 31 are amended as follows:

a) Point c Clause 4 is amended as follows:

“c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 50.000.000;”

b) Heading of Clause 5 and Point c Clause 5 are amended as follows:

“5. Captains of Naval Border Guard Squadrons; Heads of Reconnaissance Commissions; Heads of Task Force Commissions for Drug Crime Prevention and Control under the control of the Command of Coast Guard of Vietnam shall have the power to:

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 100.000.000;”

c) Heading of Clause 6 and Point c Clause 6 are amended as follows:

“6. Regional Commands of Coast Guard and Director of the Department of Operations and Legislation under the control of the Command of Coast Guard of Vietnam shall have the power to:

c) Confiscate the exhibits and instrumentalities for committing administrative violations;”

d) Heading of Clause 7, Point d and Point dd Clause 7 are amended as follows:

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

d) Confiscate the exhibits and instrumentalities used for committing administrative violations;

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

23. Some Clauses of Article 32 are amended as follows:

a) Heading of Clause 2, Point c and Point d Clause 2 are amended as follows:

“2. Leaders of Market Surveillance Teams and Heads of Professional Divisions under the control of the Departments of Market Surveillance Operations shall have the power to:

“c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 50.000.000;

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

b) Point d and Point dd Clause 3 are amended as follows:

“d) Confiscate the exhibits of administrative violations;

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

c) Point d and Point dd Clause 4 are amended as follows:

“d) Confiscate the exhibits of administrative violations;

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

24. Some Clauses of Article 33 are amended as follows:

a) Heading of Clause 2 is amended as follows:

“2. Team Leaders, Group Leaders of Customs Sub-departments; Leaders of Groups in Control Teams affiliated to provincial, inter-provincial or municipal Customs Departments; Leaders of Teams in Post-clearance Inspection Sub-departments, shall have the power to:”

b) Heading of Clause 3 and Point c Clause 3 are amended as follows:

“3. Directors of Customs Sub-departments; Directors of Post-clearance Inspection Sub-departments; Leaders of Control Teams of provincial, inter-provincial or municipal Customs Departments; Leaders of Criminal Investigation Teams; Leaders of Smuggling Control Teams; Captains of Maritime Control Flotillas and Leaders of Anti-smuggling, Counterfeit Product Control and Intellectual Property Teams affiliated to the Smuggling Investigation and Prevention Department; Directors of Post-clearance Inspection Sub-departments affiliated to the Post-clearance Inspection Department shall have the power to:

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 50.000.000;”

c) Point d Clause 4 is amended as follows:

“d) Confiscate the exhibits and instrumentalities used for committing administrative violations;”

d) Point c Clause 5 is amended as follows:

“c) Confiscate the exhibits and instrumentalities for committing administrative violations;”

25. Clause 4 Article 34 is amended as follows:

“4. Competent officials of market surveillance forces shall have the power to impose administrative penalties, additional penalties and remedial measures against the administrative violations specified in Article 14, Article 23 and Article 24 of this Decree within their competence specified in Article 32 of this Decree and within the ambit of their assigned functions, tasks and powers.”

Article 2. Amendments to Government's Decree No. 31/2016/ND-CP dated May 06, 2016 (as amended in Government's Decree No. 04/2020/ND-CP dated January 03, 2020)

1. Point n is added to Clause 3 Article 4 as follows:

“n) Enforced return of the erased and/or altered pesticide import permit, pesticide field trial permit, certificate of pesticide registration, phytosanitary certificate for imported plants, phytosanitary certificate for exported, imported, transited and domestically transported plants, certificate of eligibility to manufacture pesticides, certificate of eligibility to trade pesticides, practicing certificate for treatment of plant quarantine subjects, practicing card for treatment of plant quarantine subjects, notice of results of state inspection of quality of imported pesticides, written certificates of pesticide-related services issued by communal-level People's Committees (hereinafter referred to as “license”).”

2. Article 5a is added following Article 5 as follows:

“Article 5a. Implementation of remedial measures:

1. Enforced expulsion from the territory of Vietnam or enforced re-export of goods involved in an administrative violation:

The transport of goods out of the territory of Vietnam or re-export of such goods requires a certification given by the customs authority of border checkpoint in writing or electronically. The violating entity shall send that certification to the official issuing the penalty imposition decision within 05 business days from the date on which the goods are brought out of the territory of Vietnam or re-exported for case file storage.

2. Enforced destruction of pesticides; plant varieties; plant propagation materials; pests, useful organisms; plant quarantine subjects; quarantine plant pests or controlled pests or alive alien pests:

a) Depending on the nature and characteristics of goods involved in the administrative violation and environmental sanitation requirements, the destruction may be carried out adopting the following methods: use of chemicals, mechanical method, burning, burial and other methods as prescribed by law. The authority issuing the penalty imposition decision shall supervise the destruction either directly or using other technical equipment (if any).

b) The destruction of goods must be properly recorded. The destruction record shall, inter alia, include grounds and reasons for destruction, time and place of destruction, participants in the destruction process, name, category, origin, quantity and existing conditions of the good or article at the time of destruction, destruction method and other relevant information. The destruction record must bear signatures of participants in the destruction process and representative of the authority issuing the penalty imposition

decision in charge of supervising the destruction. After completing the destruction, a copy of the destruction record and relevant documents shall be sent to the authority issuing the penalty imposition decision.

3. Enforced recycling of finished pesticide products which can be recyclable:

a) Depending on the nature and characteristics of pesticides, they must be recycled by an establishment holding certificate of eligibility to manufacture pesticides as prescribed by law. After recycling, the violating entity shall submit a report on implementation of remedial measures enclosed with the report on field trial of recycled pesticides to the official issuing the penalty imposition decision.

b) The official issuing the penalty imposition decision shall expedite the recycling process.

4. Enforced return of erased or altered license:

The violating entity shall submit the erased or altered license to the official issuing the penalty imposition decision. If the official issuing the penalty imposition decision is not the licensing official or authority, within 05 business days from the issue date of the penalty imposition decision, the official issuing the penalty imposition decision shall send a notice of imposition of the remedial measure that is enforced return of erased or altered license to the licensing authority (unless such license is issued by a competent authority of foreign country)."

3. Some Clauses of Article 25 are amended as follows:

a) Clause 1a is added following Clause 1 as follows:

"1a. A fine ranging from VND 2.000.000 to VND 4.000.000 shall be imposed for trading pesticides together with other goods such as foods, foodstuffs, cattle feed, aqua feed, medicines or veterinary drugs."

b) Point a Clause 1 is abrogated.

4. Point a Clause 4 Article 30 is amended as follows:

"a) The violating entity is compelled to return the altered and/or erased license in case of commission of the violation in Clause 1 of this Article."

5. Some Points of Clause 1 and Clause 2 Article 31 are amended as follows:

a) Point c Clause 1 is amended as follows:

"c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 10.000.000;"

b) Point d Clause 2 is amended as follows:

“d) Confiscate the exhibits and instrumentalities used for committing administrative violations;”

6. Some Clauses of Article 33 are amended as follows:

a) Clause 1 is amended as follows:

“1. In the performance of their duties, agriculture and rural development inspectors and the persons assigned to conduct specialized inspections shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 500.000;

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 1.000.000;

d) Impose the remedial measures specified in Points a, c and dd Clause 1 Article 28 of the Law on penalties for administrative violations.”

b) Heading of Clause 2, Point d and Point dd Clause 2 are amended as follows:

“2. Chief Inspectors of Provincial Departments of Agriculture and Rural Development; Directors of Sub-departments for crop production and plant protection; Directors of Regional Plant Quarantine Sub-departments affiliated to the Plant Protection Department; heads of specialized inspection teams of Provincial Departments of Agriculture and Rural Development; heads of specialized inspection teams of the Plant Protection Department or Sub-departments for crop production and plant protection shall have the power to:

d) Confiscate the exhibits and instrumentalities for committing administrative violations worth up to VND 50.000.000;

dd) Impose the remedial measures specified in Points a, c, d, dd, e, g, h, i Clause 1 Article 28 of the Law on penalties for administrative violations and Points g, h, i, k, l, m, n Clause 3 Article 4 of this Decree.”

c) Point d and Point dd Clause 3 are amended as follows:

“d) Confiscate the exhibits and instrumentalities for committing administrative violations worth up to VND 70.000.000;

dd) Impose the remedial measures specified in Points a, c, d, dd, e, g, h, i Clause 1 Article 28 of the Law on penalties for administrative violations and Points g, h, i, k, l, m, n Clause 3 Article 4 of this Decree.”

d) Point d and Point dd Clause 4 are amended as follows:

“d) Confiscate the exhibits and instrumentalities used for committing administrative violations;

dd) Impose the remedial measures specified in Points a, c, d, dd, e, g, h, i Clause 1 Article 28 of the Law on penalties for administrative violations and Points g, h, i, k, l, m, n Clause 3 Article 4 of this Decree.”

7. Some Clauses of Article 34 are amended as follows:

a) Heading of Clause 2 is amended as follows:

“2. Heads of company-level Mobile Police Units, heads of stations, and team leaders in charge of managing the soldiers mentioned in Clause 1 of this Article shall have the power to:”

b) Heading of Clause 3 and Point c Clause 3 are amended as follows:

“3. Communal-level Police Chiefs, Heads of Police Posts, Heads of Police Stations at border gates, export processing zones, Heads of International Airport Police Offices, and Captains of Squadrons shall have the power to:

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 5.000.000;”

c) Heading of Clause 4 and Point d Clause 4 are amended as follows:

“4. Heads of district-level police agencies, heads of professional divisions of the Police Department for Administration of Social Order, the Traffic Police Department, and the Department of Cybersecurity, Hi-Tech Crime Prevention and Control, and heads of provincial-level police departments, including: Police Divisions for Social Order Administration, Police Departments for Social Order Crimes, Investigation Police Divisions for Corruption, Economic and Smuggling Crimes, Traffic Police Divisions, Road and Railway Traffic Police Divisions, Road Traffic Police Divisions, Waterway Police Divisions, Police Divisions for Prevention and Control of Environmental Crimes, Cybersecurity, Hi-Tech Crime Prevention and Control Divisions, and Economic Security Divisions, and Captains of Squadrons, shall have the power to:

“d) Confiscate the exhibits and instrumentalities for committing administrative violations worth up to VND 20.000.000;”

d) Point d Clause 5 is amended as follows:

“d) Confiscate the exhibits and instrumentalities used for committing administrative violations;”

dd) Heading of Clause 6 is amended as follows:

“6. Directors of Economic Security Department, Police Department for Administrative Management of Social Order, Investigation Police Department for Social Order Crimes, Police Department for Investigation into Corruption, Economic and Smuggling Crimes, Traffic Police Department, the Police Department for Prevention and Control of Environmental Crimes, and the Cybersecurity, Hi-tech Crimes Prevention and Control Department shall have the power to:”

8. Some Clauses of Article 35 are amended as follows:

a) Heading of Clause 2 is amended as follows:

“2. Team Leaders, Group Leaders of Customs Sub-departments; Leaders of Groups in Control Teams affiliated to provincial, inter-provincial or municipal Customs Departments; Leaders of Teams in Post-clearance Inspection Sub-departments, shall have the power to:”

b) Heading of Clause 3 and Point c Clause 3 are amended as follows:

“3. Directors of Customs Sub-departments; Directors of Post-clearance Inspection Sub-departments; Leaders of Control Teams of provincial, inter-provincial or municipal Customs Departments; Leaders of Criminal Investigation Teams; Leaders of Smuggling Control Teams; Captains of Maritime Control Flotillas and Leaders of Anti-smuggling, Counterfeit Product Control and Intellectual Property Teams affiliated to the Smuggling Investigation and Prevention Department; Directors of Post-clearance Inspection Sub-departments affiliated to the Post-clearance Inspection Department shall have the power to:

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 50.000.000;”

c) Point d Clause 4 is amended as follows:

“d) Confiscate the exhibits and instrumentalities used for committing administrative violations;”

9. Some Clauses of Article 36 are amended as follows:

a) Clause 2 and Clause 3 are amended as follows:

“2. Leaders of Market Surveillance Teams and Heads of Professional Divisions under the control of the Departments of Market Surveillance Operations shall have the power to:

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 50.000.000;”

b) Point c Clause 3 is amended as follows:

“c) Confiscate the exhibits and instrumentalities for committing administrative violations;”

10. Clause 3 and Clause 4 Article 37 are amended as follows:

a) Heading of Clause 3, Point c and Point d Clause 3 are amended as follows:

“3. Heads of Border Guard Posts, Captains of Naval Border Guard Flotillas and Commanders of Border Guard Commands at port border gates shall have the power to:

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 20.000.000;

d) Impose the remedial measures mentioned in Points a, c, d, dd and k Clause 1 Article 28 of the Law on penalties for administrative violations.”

b) Heading of Clause 4 and Point dd Clause 4 are amended as follows:

“4. Commanders of Provincial-level Border Guard Forces, Captains of Naval Border Guard Squadrons affiliated to the Command of Border Guards shall have the power to:

dd) Impose the remedial measures specified in Points a, c, d, dd, i and k Clause 1 Article 28 of the Law on penalties for administrative violations.”

11. Some Clauses of Article 38 are amended as follows:

a) Point c Clause 4 is amended as follows:

“c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 20.000.000;”

b) Point c Clause 5 is amended as follows:

“c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 30.000.000;”

c) Clause 6 is amended as follows:

“6. Regional Commands of Coast Guard and Director of the Department of Operations and Legislation under the control of the Command of Coast Guard of Vietnam shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 25.000.000;
- c) Suspend license/practicing certificate for a fixed period;
- d) Confiscate the exhibits and instrumentalities used for committing administrative violations;
- dd) Impose the remedial measures specified in Points a, c, d, dd and k Clause 1 Article 28 of the Law on penalties for administrative violations.”
- d) Heading of Clause 7 is amended as follows:

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

12. The phrase “cơ quan tiến hành tố tụng có quyết Định không khởi tố vụ án hình sự, quyết Định hủy bỏ quyết Định khởi tố vụ án hình sự, quyết Định Đình chỉ Điều tra hoặc quyết Định Đình chỉ vụ án” (“the criminal procedure-conducting agency has issued a decision not to institute criminal proceedings, a decision on annulment of the decision to institute criminal proceedings, a decision to terminate investigation or a decision to dismiss the lawsuit”) is replaced with the phrase “cơ quan có thẩm quyền tiến hành tố tụng hình sự có quyết Định không khởi tố vụ án hình sự, quyết Định hủy bỏ quyết Định khởi tố vụ án hình sự, quyết Định Đình chỉ Điều tra, quyết Định Đình chỉ vụ án hoặc quyết Định Đình chỉ vụ án Đối với bị can, miễn trách nhiệm hình sự theo bản án” (“the agency vested with authority to institute criminal procedure has issued a decision not to institute criminal proceedings, a decision on annulment of the decision to institute criminal proceedings, a decision to terminate investigation, a decision to dismiss the lawsuit, or a decision to dismiss the lawsuit against the suspect or to grant exemption from criminal liability according to judgments”) in Clause 5a Article 19; Point e Clause 5 Article 20; Point a, Point b Clause 7 Article 24; Point b Clause 8 Article 25.

Article 3. Amendments to Government’s Decree No. 90/2017/ND-CP dated July 31, 2017 (as amended in Government’s Decree No. 04/2020/ND-CP dated January 03, 2020)

1. Point m is added to Clause 3 Article 3 as follows:

“m) Enforced return of the erased and/or altered certificate of animal epidemic-free establishment; Vaccination Certificate for animals; Certificate of quarantine of animals/animal products; Certificate of veterinary hygiene; License to conduct the testing of veterinary drugs; GMP certificate; Certificate of eligibility to trade veterinary drugs; Certificate of eligibility to import veterinary drugs; veterinary practicing certificate (hereinafter referred to as “license”).”

2. Article 3a is added following Article 3 as follows:

“Article 3a. Implementing the remedial measure that is enforced return of erased or altered license:

The violating entity shall submit the erased or altered license to the person issuing the penalty imposition decision. If the official issuing the penalty imposition decision is not the licensing official or authority, within 05 business days from the issue date of the penalty imposition decision, the official issuing the penalty imposition decision shall send a notice of imposition of the remedial measure that is enforced return of erased or altered license to the licensing authority (unless such license is issued by a competent authority of foreign country).”

3. Clause 2 Article 4 is amended as follows:

“2. Each fine prescribed in Chapter II of this Decree shall be imposed for the administrative violation committed by an individual, except for the cases prescribed in Article 22, Clause 3 Article 24, Clause 5 Article 27, Clause 1 Article 28, Article 29, Article 30, Article 31, Article 32 and Article 33 of this Decree. The fine incurred by an organization is twice as much as that incurred by an individual for committing the same administrative violation.”

4. Some Clauses of Article 5 are amended as follows:

a) Clause 9 is amended as follows:

"9. Additional penalties:

Confiscate Certificate of animal epidemic-free establishment if it is traded as prescribed in Clause 5 of this Article.”

b) Point c is added to Clause 10 as follows:

"10. Remedial measures:

c) Enforced return of erased and/or altered certificate of animal epidemic-free establishment prescribed in Clause 5 of this Article;”

5. Some Clauses of Article 7 are amended as follows:

a) Clause 8 is amended as follows:

"8. Additional penalties:

Confiscate the Vaccination Certificate for animals if it is traded as prescribed in Clause 5 of this Article.”

b) Point c is added to Clause 9 as follows:

"9. Remedial measures:

c) Enforced return of erased and/or altered vaccination certificate prescribed in Clause 5 of this Article;"

6. Some Clauses of Article 11 are amended as follows:

a) Point dd is added to Clause 2 as follows:

“dd) Transporting animals/animal products to a location other than that specified in the Certificate of quarantine.”

b) Clause 6 is amended as follows:

"6. Remedial measures:

a) Enforced quarantine of animals/animal products if the violation specified in Point a, Point b, Point c or Point d Clause 2 or Clause 4 of this Article is committed;

b) Enforced destruction of animals/animal products which have been discovered, during quarantine process, to be infected with animal diseases or to carry infectious disease pathogens on the List of animal diseases subject to epidemic declaration if the violation specified in Point a, Point b, Point c or Point d Clause 2 or Clause 4 of this Article is committed.”

7. Some Clauses of Article 14 are amended as follows:

a) Clause 4 is amended as follows:

"4. Additional penalties:

Confiscate Certificate of quarantine of animals/animal products if it is traded as prescribed in Clause 2 of this Article.”

b) Clause 5 is amended as follows:

"5. Remedial measures:

a) Enforced return of erased and/or altered Certificate of quarantine of animals/animal products prescribed in Clause 2 of this Article;

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

8. Some Clauses of Article 15 are amended as follows:

a) Point a Clause 1 is amended as follows:

“a) Importing animals/animal products with a quantity or an amount higher than those specified in the Certificate of quarantine of animals granted by the competent authority of the exporting country;”

b) Point b and Point c Clause 10 are amended as follows:

“b) A fine ranging from VND 40.000.000 to VND 45.000.000 shall be imposed if the violation causes property damage assessed at less than VND 100.000.000;

c) A fine ranging from VND 45.000.000 to VND 50.000.000 shall be imposed if the violation causes property damage assessed at VND 100.000.000 or more and the agency vested with authority to institute criminal procedure has issued a decision not to institute criminal proceedings, a decision on annulment of the decision to institute criminal proceedings, a decision to terminate investigation, a decision to dismiss the lawsuit, or a decision to dismiss the lawsuit against the suspect or to grant exemption from criminal liability according to judgments.”

9. Some Clauses of Article 17 are amended as follows:

a) Clause 4 is amended as follows:

"4. Additional penalties:

Confiscate Certificate of quarantine of animals/animal products if it is traded as prescribed in Clause 1 or Clause 2 of this Article.”

b) Point c is added to Clause 5 as follows:

"5. Remedial measures:

c) Enforced return of erased and/or altered Certificate of quarantine of animals/animal products prescribed in Clause 1 of this Article;”

10. Some Clauses of Article 18 are amended as follows:

a) Clause 4 is amended as follows:

"4. Additional penalties:

Confiscate Certificate of quarantine of animals/animal products if it is traded as prescribed in Clause 1 of this Article.”

b) Clause 5 is amended as follows:

"5. Remedial measures:

- a) Enforced return of erased and/or altered Certificate of quarantine of animals/animal products prescribed in Clause 1 of this Article;
- b) Enforced re-export or destruction of animals/animal products if any of the violations prescribed in Clause 2 and Clause 3 of this Article is committed."

11. Some Clauses of Article 19 are amended as follows:

- a) Clause 3 is amended as follows:

"3. Additional penalties:

Confiscate Certificate of quarantine of animals/animal products if it is traded as prescribed in Clause 1 of this Article."

- b) Clause 4 is amended as follows:

"4. Remedial measures:

- a) Enforced return of erased and/or altered Certificate of quarantine of animals/animal products prescribed in Clause 1 of this Article;
- b) Enforced expulsion from the territory of the Socialist Republic of Vietnam or enforced re-export of animals/animal products or enforced destruction of animals/animal products which cannot be re-exported in case of commission of the violation in Clause 2 of this Article."

12. Clause 1 Article 21 is amended as follows:

"1. A fine ranging from VND 500.000 to VND 1.000.000 shall be imposed upon the person who directly participates in the slaughter, preparation or processing of animal products for failing to comply with regulations on health adopted by the Ministry of Health and hygiene practices during the performance of such activities."

13. Clause 1 Article 22 is amended as follows:

"1. A fine ranging from VND 1.000.000 to VND 2.000.000 shall be imposed upon the person who directly participates in the animal slaughter, preparation or processing of animal products for failing to comply with regulations on health adopted by the Ministry of Health and hygiene practices during the performance of such activities."

14. Some Clauses of Article 24 are amended as follows:

- a) Clause 1 is amended as follows:

“1. A fine ranging from VND 1.000.000 to VND 2.000.000 shall be imposed for failing to arrange place for collecting and treating wastewater and waste matters in a small animal market.”

b) Heading of Clause 2 is amended as follows:

“2. A fine ranging from VND 2.000.000 to VND 3.000.000 shall be imposed upon an animal collecting establishment for committing one of the following violations:”

15. Some Clauses of Article 27 are amended as follows:

a) Clause 1 is amended as follows:

“1. A fine ranging from VND 3.000.000 to VND 4.000.000 shall be imposed upon a small animal market or animal collecting establishment for failing to have a certificate of veterinary hygiene or using an expired one.”

b) Clause 4 is amended as follows:

“4. A fine ranging from VND 6.000.000 to VND 7.000.000 shall be imposed upon a cold storage of fresh, prepared or processed animals/animal products or an establishment performing testing, diagnosis or surgery for animals for failing to hold a certificate of veterinary hygiene or using an expired one.”

c) Clause 5 is amended as follows:

“5. A fine ranging from VND 8.000.000 to VND 10.000.000 shall be imposed upon a specialized animal market, concentrated slaughterhouse, or establishment preparing/processing animals/animal products for trading for failing to hold a Certificate of veterinary hygiene or using an expired one.”

d) Clause 6 is amended as follows:

“6. Additional penalties:

Confiscate certificate of veterinary hygiene if it is traded as prescribed in Clause 2 of this Article.”

dd) Clause 7 is added as follows:

“7. Remedial measures:

Enforced return of erased and/or altered certificate of veterinary hygiene prescribed in Clause 2 of this Article.”

16. Some Clauses of Article 28 are amended as follows:

a) Clause 4 is amended as follows:

"4. Additional penalties:

Confiscate the License to conduct the testing of veterinary drugs if it is traded as prescribed in Clause 2 of this Article."

b) Clause 5 is added as follows:

"5. Remedial measures:

Enforced return of the erased and/or altered License to conduct the testing of veterinary drugs prescribed in Clause 2 of this Article."

17. Clause 1 Article 31 is amended as follows:

"1. A fine ranging from VND 5.000.000 to VND 6.000.000 shall be imposed for commission of one of the following violations:

a) Failing to have documents about each production batch;

b) Failing to retain or inadequately retaining records of production of veterinary drugs or veterinary drug ingredients containing narcotic substances or precursors as prescribed;

c) Destroying retained records of production of veterinary drugs or veterinary drug ingredients containing narcotic substances or precursors inconsistently with regulations;

d) Failing to submit reports or submitting reports containing inadequate information on results of production of veterinary drugs containing narcotic substances or precursors to competent authorities as prescribed."

18. Some Clauses of Article 32 are amended as follows:

a) Clause 6 is abrogated.

b) Clause 7 is added as follows:

"5. Remedial measures:

Enforced return of GMP Certificate in case of commission of the violation in Clause 1 of this Article."

19. Some Clauses of Article 33 are amended as follows:

a) Point c is added to Clause 1 as follows:

“c) Failing to separately store veterinary drugs/veterinary drug ingredients containing narcotic substances or precursors as prescribed.”

b) Point b Clause 3 is abrogated.

20. Some Clauses of Article 34 are amended as follows:

a) Point c is added to Clause 1 as follows:

“c) Failing to retain invoices relating the trading of veterinary drugs containing narcotic substances or precursors and prescriptions of veterinary drugs containing narcotic substances or precursors after sale as prescribed.”

b) Clause 2 is amended as follows:

“2. A fine ranging from VND 4.000.000 to VND 5.000.000 shall be imposed for commission of one of the following violations:

a) Failing to notify competent authorities of changes in location when trading veterinary drugs;

b) Failing to separately store veterinary drugs containing narcotic substances or precursors as prescribed;

c) Failing to submit report or submitting a report indicating wrong quantity of veterinary drugs containing narcotic substances or precursors received, sold or recalled, or containing inadequate information about buyers and using purposes to competent authorities as prescribed.”

21. Article 35 is amended as follows:

a) Heading of Clause 1 is amended as follows:

“1. A fine ranging from VND 2.000.000 to VND 4.000.000 shall be imposed for commission of one of the following violations:”

b) Clause 6 is abrogated.

c) Clause 7 is amended as follows:

“7. Remedial measures:

a) Enforced return of certificate of eligibility to trade veterinary drugs if the violation in Point d Clause 2 of this Article is committed.

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

22. Some Clauses of Article 36 are amended as follows:

a) Point b Clause 2 is abrogated;

b) Point c Clause 4 is amended as follows:

“c) Selling a type of veterinary drugs containing narcotic substances or precursors to veterinary drug trading establishments that fail to have certificate of eligibility to trade veterinary drugs as prescribed or establishments that fail to have license for examination, diagnosis, surgery or testing for animals, or buyers that fail to provide veterinary drug prescriptions as prescribed.”

c) Point c Clause 7 is amended as follows:

“c) Enforced destruction of veterinary drug ingredients, drug ingredients for human, drugs for human or veterinary drugs containing narcotic substances or precursors if the violation in Clause 4 of this Article is committed.”

23. Some Clauses are added to Article 37 as follows:

a) Point d Clause 2 is amended as follows:

“d) Importing a type of veterinary drugs containing narcotic substances or precursors without having import license issued by a competent authority.”

b) Clause 3 is amended as follows:

"3. Remedial measures:

Enforced re-export or destruction of veterinary drugs, veterinary drugs containing narcotic substances or precursors, veterinary drug ingredients if the violation in Clause 2 of this Article is committed.”

24. Some Clauses of Article 38 are amended as follows:

a) Point e and Point g are added to Clause 2 as follows:

“e) Failing to store veterinary drugs/veterinary drug ingredients containing narcotic substances or precursors in separate warehouses/cabinets as prescribed; storing them together with other drugs/drug ingredients, animal feeds, aquaculture feeds, animal or aquaculture feed ingredients and other products;

g) Failing to submit reports or submitting reports containing inadequate information on import of veterinary drugs containing narcotic substances or precursors to competent authorities as prescribed.”

b) Clause 4 is abrogated.

c) Clause 5 is added as follows:

"5. Remedial measures:

a) Enforced return of certificate of eligibility to import veterinary drugs if the violation in Point c Clause 1 of this Article is committed.”

25. Some Clauses of Article 39 are amended as follows:

a) Clause 1 is amended as follows:

“1. A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for importing a type of veterinary drugs/veterinary drug ingredients that fail to meet quality standards declared by the manufacturer.”

b) Clause 2a is added following Clause 2 as follows:

“2a. A fine ranging from VND 25.000.000 to VND 30.000.000 shall be imposed for selling a type of imported veterinary drugs containing narcotic substances or precursors to veterinary drug trading establishments that fail to have certificate of eligibility to trade veterinary drugs as prescribed or establishments that fail to have license for examination, diagnosis, surgery or testing for animals.”

c) Clause 3 is amended as follows:

"3. Additional penalties:

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

b) Suspend the import of veterinary drugs containing narcotic substances or precursors for 09 - 12 months if the violation in Clause 2a of this Article is committed.”

d) Clause 4 is amended as follows:

"4. Remedial measures:

a) Enforced re-export or destruction of veterinary drugs/ veterinary drug ingredients if the violation in Clause 1 of this Article is committed.

b) Enforced destruction of veterinary drugs containing narcotic substances or precursors prescribed in Clause 2a of this Article.

c) Enforced transfer of illegal benefits obtained from the violation in Clause 2a of this Article.”

26. Some Clauses of Article 41 are amended as follows:

a) Clause 5 is amended as follows:

"5. Additional penalties:

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

b) Clause 6 is added as follows:

"6. Remedial measures:

Enforced return of veterinary practicing certificate if the violation in Clause 1 of this Article is committed.”

27. Some Clauses of Article 43 are amended as follows:

a) Point c Clause 1 is amended as follows:

“c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 10.000.000;”

b) Point d Clause 2 is amended as follows:

“d) Confiscate the exhibits and instrumentalities used for committing administrative violations;”

28. Some Clauses of Article 44 are amended as follows:

a) Point c Clause 1 is amended as follows:

“c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 1.000.000;”

b) Heading of Clause 2 and Point d Clause 2 are amended as follows:

“2. Chief Inspectors of Provincial Departments of Agriculture and Rural Development, Directors of Sub-departments performing the function of inspection of veterinary, aquatic products, quality control of agricultural products, forest products and aquatic products;

Directors of Regional Animal Health Sub-departments and Regional Animal Quarantine Sub-departments affiliated to Department of Animal Health; Directors of Agro-Forestry-Fisheries Quality Assurance Sub-department of central region and Agro-Forestry-Fisheries Quality Assurance Sub-department of southern region affiliated to the National Agro-Forestry-Fisheries Quality Assurance Department; heads of specialized inspections teams of Department of Animal Health, Directorate of Fisheries, the National Agro-Forestry-Fisheries Quality Assurance Department; heads of specialized inspections teams of Provincial Departments of Agriculture and Rural Development; heads of specialized inspections teams of Sub-departments performing the function of specialized inspection of veterinary, aquatic products, quality control of agricultural products, forest products and aquatic products shall have the power to:

“d) Confiscate the exhibits and instrumentalities for committing administrative violations worth up to VND 50.000.000;”

c) Point d Clause 3 is amended as follows:

“d) Confiscate the exhibits and instrumentalities for committing administrative violations worth up to VND 70.000.000;”

29. Some Clauses of Article 45 are amended as follows:

a) Heading of Clause 2 is amended as follows:

“2. Heads of company-level Mobile Police Units, heads of stations, and team leaders in charge of managing the soldiers mentioned in Clause 1 of this Article shall have the power to:”

b) Heading of Clause 3 and Point c Clause 3 are amended as follows:

“3. Communal-level Police Chiefs, Heads of Police Posts, Heads of Police Stations at border gates, export processing zones, Heads of International Airport Police Offices, Majors of Mobile Police Battalions, and Captains of Squadrons shall have the power to:

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 5.000.000;”

c) Heading of Clause 4 and Point d Clause 4 are amended as follows:

“4. Heads of district-level police agencies, heads of operations divisions affiliated to the Traffic Police Department; heads of Investigation Police Divisions for Corruption, Economic and Smuggling Crimes; heads of Traffic Police Divisions; heads of Road and Railway Traffic Police Divisions; heads of Road Traffic Police Divisions; heads of Waterway Police Divisions; heads of Police Divisions for Prevention and Control of Environmental Crimes; heads of Economic Security Divisions; Captains of Squadrons shall have the power to:

“d) Confiscate the exhibits and instrumentalities for committing administrative violations worth up to VND 20.000.000;”

d) Point d Clause 5 is amended as follows:

“d) Confiscate the exhibits and instrumentalities used for committing administrative violations;”

dd) Heading of Clause 6 is amended as follows:

“6. Directors of Economic Security Department, Police Department for Investigation into Corruption, Economic and Smuggling Crimes, Traffic Police Department, and Police Department for Prevention and Control of Environmental Crimes shall have the power to:”

30. Some Clauses of Article 46 are amended as follows:

a) Clause 2a is added following Clause 2 as follows:

“2a. Leaders of Task Force Teams for drug and crime prevention and control which are put under the control of Task Force Commissions for drug and crime prevention and control shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 5.000.000;

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 10.000.000;

d) Enforce the remedial measures mentioned in Points a, c and dd Clause 1 Article 28 of the Law on penalties for administrative violations.”

b) Heading of Clause 3 and Point c Clause 3 are amended as follows:

“3. Heads of Border Guard Posts, Captains of Naval Border Guard Flotillas and Commanders of Border Guard Commands at port border gates shall have the power to:

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 20.000.000;”

c) Clause 3a is added following Clause 3 as follows:

“3a. Leaders of Task Force Teams for drug and crime prevention and control affiliated to the Department of Drug and Crime Prevention and Control under the control of the Command of Border Guards shall have the power to:

- a) Issue warning;
- b) Impose a fine up to VND 25.000.000;
- c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 50.000.000;
- d) Enforce the remedial measures mentioned in Points a, c and dd Clause 1 Article 28 of the Law on Penalties for Administrative Violations and the remedial measures mentioned in Clause 3 Article 3 of this Decree."

d) Heading of Clause 4 and Point dd Clause 4 are amended as follows:

"4. Commanders of Provincial-level Border Guard Forces, Captains of Naval Border Guard Squadrons, and Director of the Department of Drug and Crime Prevention and Control affiliated to the Command of Border Guards shall have the power to:

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

31. Some Clauses of Article 47 are amended as follows:

a) Point c Clause 4 is amended as follows:

"c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 20.000.000;"

b) Heading of Clause 5 and Point c Clause 5 are amended as follows:

"5. Captains of Naval Border Guard Squadrons; Heads of Reconnaissance Commissions; Heads of Task Force Commissions for Drug Crime Prevention and Control under the control of the Command of Coast Guard of Vietnam shall have the power to:

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 30.000.000;"

c) Clause 6 is amended as follows:

"6. Regional Commands of Coast Guard and Director of the Department of Operations and Legislation under the control of the Command of Coast Guard of Vietnam shall have the power to:

a) Issue warning;

b) Impose a fine up to VND 25.000.000;

c) Suspend license/practicing certificate for a fixed period;

d) Confiscate the exhibits and instrumentalities used for committing administrative violations;

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

d) Heading of Clause 7 is amended as follows:

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

32. Some Clauses of Article 48 are amended as follows:

a) Heading of Clause 2 is amended as follows:

“2. Team Leaders, Group Leaders of Customs Sub-departments; Leaders of Groups in Control Teams affiliated to provincial, inter-provincial or municipal Customs Departments; Leaders of Teams in Post-clearance Inspection Sub-departments, shall have the power to:”

b) Heading of Clause 3 and Point c Clause 3 are amended as follows:

“3. Directors of Customs Sub-departments; Directors of Post-clearance Inspection Sub-departments; Leaders of Control Teams of provincial, inter-provincial or municipal Customs Departments; Leaders of Criminal Investigation Teams; Leaders of Smuggling Control Teams; Captains of Maritime Control Flotillas and Leaders of Anti-smuggling, Counterfeit Product Control and Intellectual Property Teams affiliated to the Smuggling Investigation and Prevention Department; Directors of Post-clearance Inspection Sub-departments affiliated to the Post-clearance Inspection Department shall have the power to:

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 50.000.000;”

c) Point d Clause 4 is amended as follows:

“d) Confiscate the exhibits and instrumentalities used for committing administrative violations;”

33. Some Clauses of Article 49 are amended as follows:

a) Heading of Clause 2 and Point c Clause 2 are amended as follows:

“2. Leaders of Market Surveillance Teams and Heads of Professional Divisions under the control of the Departments of Market Surveillance Operations shall have the power to:

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 50.000.000;”

b) Point c Clause 3 is amended as follows:

“c) Confiscate the exhibits and instrumentalities for committing administrative violations;”

34. Clause 4 Article 50 is amended as follows:

“4. Competent persons of Customs Authorities Forces shall have the power to impose penalties for administrative violations, impose additional penalties and enforce remedial measures for administrative violations against regulations on veterinary medicine mentioned in Clause 2 Article 13, Article 14, Article 15, Article 16, Article 18, Article 19; Clause 2 Article 37; Clause 3 Article 38; Clause 1 Article 39 of this Decree within the ambit of their assigned functions, tasks and power.”

35. The phrase “cơ quan tiến hành tố tụng có quyết Định không khởi tố vụ án hình sự, quyết Định hủy bỏ quyết Định khởi tố vụ án hình sự, quyết Định Đình chỉ Điều tra hoặc quyết Định Đình chỉ vụ án” (“the criminal procedure-conducting agency has issued a decision not to institute criminal proceedings, a decision on annulment of the decision to institute criminal proceedings, a decision to terminate investigation or a decision to dismiss the lawsuit”) is replaced with the phrase “cơ quan có thẩm quyền tiến hành tố tụng hình sự có quyết Định không khởi tố vụ án hình sự, quyết Định hủy bỏ quyết Định khởi tố vụ án hình sự, quyết Định Đình chỉ Điều tra, quyết Định Đình chỉ vụ án hoặc quyết Định Đình chỉ vụ án Đối với bị can, miễn trách nhiệm hình sự theo bản án” (“the agency vested with authority to institute criminal procedure has issued a decision not to institute criminal proceedings, a decision on annulment of the decision to institute criminal proceedings, a decision to terminate investigation, a decision to dismiss the lawsuit, or a decision to dismiss the lawsuit against the suspect or to grant exemption from criminal liability according to judgments”) in Clause 5b Article 6; Points 5b, 6b, 7b Article 8; Point b Clause 7, Point b Clause 8 Article 33; Point b Clause 3, Point b Clause 5 Article 36.

Article 4. Amendments to Government’s Decree No. 14/2021/ND-CP dated March 01, 2021

1. Some Clauses of Article 4 are amended as follows:

a) Point b Clause 2 is amended as follows:

“b) Confiscate the exhibits of administrative violations.”

b) Point s is added to Clause 3 as follows:

“s) Enforced return of erased/altered certificate of training in artificial insemination or embryo transfer procedure; license to import or export animal breed; certificate of eligibility to manufacture animal feed; certificate of eligibility to run large-scale animal farming facility to the issuing authority.”

2. Some Clauses of Article 13 are amended as follows:

a) Clause 3 is amended as follows:

"3. Additional penalties

Suspend the certificate of training in artificial insemination or embryo transfer procedure for a fixed period of 03 - 06 months if the violation in Point a Clause 1 of this Article is committed.”

b) Clause 4 is added as follows:

"4. Remedial measures:

Enforced return of erased/altered certificate of training in artificial insemination or embryo transfer procedure; license to import or export animal breed to the issuing authority or person if the violation in Clause 2 of this Article is committed”.

3. Some Clauses of Article 14 are amended as follows:

a) Clause 8 is amended as follows:

"8. Additional penalties

Suspend animal feed manufacturing activities for a fixed period of 01 – 03 months if any of the violations prescribed in Clause 3 and Clause 5 of this Article is committed.”

b) Clause 9 is amended as follows:

"9. Remedial measures

a) Enforced recall and repurposing of the sold animal feed products if any of the violations in Clauses 3, 5, 6 and 7 of this Article is committed;

b) Enforced return of erased/altered certificate of eligibility to manufacture animal feed to the issuing authority if the violation in Clause 4 of this Article is committed.”

4. Clause 2 Article 17 is amended as follows:

“2. A fine ranging from VND 2.000.000 to VND 4.000.000 shall be imposed for using animal feed selling or storage facilities that are not separated or are polluted with pesticides, fertilizers or other toxic chemicals.”

5. Point d is added to Clause 8 Article 26 as follows:

“d) Enforced return of erased/alterd certificate of eligibility to run large-scale animal farming facility to the issuing authority if the violation in Clause 3 of this Article is committed.”

6. Some Clauses of Article 37 are amended as follows:

a) Point a and Point b Clause 1 are amended as follows:

“a) Impose a fine up to VND 5.000.000;

b) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 10.000.000;”

b) Point a, Point c and Point d Clause 2 are amended as follows:

“a) Impose a fine up to VND 50.000.000;

c) Confiscate the exhibits of administrative violations;

d) Enforce the remedial measures mentioned in Points a, b, c, dd, g, h, i, k, l, m, n, o, p, q, r and s Clause 3 Article 4 of this Decree.”

c) Point a Clause 3 is amended as follows:

“a) Impose a fine up to VND 100.000.000;”

7. Some Clauses of Article 38 are amended as follows:

a) Point a and Point b Clause 1 are amended as follows:

“a) Impose a fine up to VND 500.000;

b) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 1.000.000;”

b) Point a and Point b Clause 2 are amended as follows:

“a) Impose a fine up to VND 500.000;

b) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 1.000.000;”

c) Point a and Point b Clause 3 are amended as follows:

“a) Impose a fine up to VND 500.000;

b) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 1.000.000;”

d) Point a, Point c and Point d Clause 4 are amended as follows:

“a) Impose a fine up to VND 50.000.000;

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 100.000.000;

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

dd) Heading of Clause 5, Point a and Point b Clause 5 are amended as follows:

“5. Directors of Regional Plant Quarantine Sub-departments affiliated to the Plant Protection Department; Directors of Sub-departments performing the function of inspection of plant protection activities; heads of specialized inspection teams of the Plant Protection Department shall have the power to:

a) Impose a fine up to VND 50.000.000;

b) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 100.000.000;”

e) Heading of Clause 6, Point a and Point b Clause 6 are amended as follows:

“6. Directors of Sub-departments performing the function of inspection of quality control of agricultural products, forest products and aquatic products; Directors of Agro-Forestry-Fisheries Quality Assurance Sub-department of central region and Agro-Forestry-Fisheries Quality Assurance Sub-department of southern region affiliated to the National Agro-Forestry-Fisheries Quality Assurance Department; heads of specialized inspections teams of the National Agro-Forestry-Fisheries Quality Assurance Department shall have the power to:

a) Impose a fine up to VND 50.000.000;

b) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 100.000.000;”

g) Heading of Clause 7, Point a and Point c Clause 7 are amended as follows:

“7. Directors of Regional Animal Health Sub-departments and Regional Animal Quarantine Sub-departments affiliated to Department of Animal Health; heads of specialized inspection teams of the Department of Animal Health shall have the power to:”.

a) Impose a fine up to VND 50.000.000;

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 100.000.000;”

h) Point a and Point c Clause 8 are amended as follows:

“a) Impose a fine up to VND 70.000.000;

c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 140.000.000;”

i) Point a Clause 9 is amended as follows:

“a) Impose a fine up to VND 100.000.000;”

k) Point a Clause 10 is amended as follows:

“a) Impose a fine up to VND 100.000.000;”

l) Point a Clause 11 is amended as follows:

“a) Impose a fine up to VND 100.000.000;”

m) Point a Clause 12 is amended as follows:

“a) Impose a fine up to VND 100.000.000;”

8. Some Clauses of Article 39 are amended as follows:

a) Clause 1, Clause 2 and Clause 3 are amended as follows:

“1. On-duty soldiers of people’s police forces shall have the power to impose a fine up to VND 500.000.

2. Heads of stations and leaders of the soldiers mentioned in Clause 1 of this Article shall have the power to impose a fine up VND 1.500.000.

3. Communal-level Police Chiefs, Heads of Police Posts, Heads of Police Stations at border gates, export processing zones, Heads of International Airport Police Offices, and Captains of Squadrons shall have the power to:

- a) Impose a fine up to VND 2.500.000;
- b) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 5.000.000;”

b) Heading of Clause 4, Point a, Point c and Point d Clause 4 are amended as follows:

“4. Heads of district-level police agencies, heads of operations divisions affiliated to the Traffic Police Department; heads of provincial-level police departments, including Police Divisions for Prevention and Control of Environmental Crimes, Economic Security Divisions, Investigation Police Divisions for Corruption, Economic and Smuggling Crimes, and Captains of Squadrons, shall have the power to:

- a) Impose a fine up to VND 20.000.000;
- c) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 40.000.000;”
- d) Enforce the remedial measures mentioned in Points a, c, dd, g, h, i, n, p, q, r and s Clause 3 Article 4 of this Decree.”

c) Point a, Point c and Point d Clause 5 are amended as follows:

- “a) Impose a fine up to VND 50.000.000;
- c) Confiscate the exhibits of administrative violations;
- d) Enforce the remedial measures mentioned in Points a, c, dd, g, h, i, m, n, p, q, r and s Clause 3 Article 4 of this Decree.”

d) Point a, Point d and heading of Clause 6 are amended as follows:

“6. Directors of Police Department for Prevention and Control of Environmental Crimes, Traffic Police Department, Economic Security Department, and Police Department for Investigation into Corruption, Economic and Smuggling Crimes shall have the power to:

- a) Impose a fine up to VND 100.000.000;
- d) Enforce the remedial measures mentioned in Points a, c, dd, g, h, i, m, n, p, q, r and s Clause 3 Article 4 of this Decree.”

9. Some Clauses of Article 40 are amended as follows:

a) Clause 1, Clause 2 and Clause 3 are amended as follows:

“1. Coast guard officers on duty shall have the power to impose a fine up to VND 1.500.000.

2. Coastguard team leaders shall have the power to impose a fine up to VND 5.000.000;

3. Coastguard squad leaders and captains of coastguard stations shall have the power to impose a fine up to VND 10.000.000.”

b) Clause 4 is amended as follows:

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

a) Impose a fine up to VND 20.000.000;

b) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 40.000.000;

c) Impose the remedial measures mentioned in Points c, d, dd, g and s Clause 3 Article 4 of this Decree.”

c) Clause 5 is amended as follows:

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

a) Impose a fine up to VND 30.000.000;

b) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 60.000.000;

c) Impose the remedial measures mentioned in Points c, d, dd, g and s Clause 3 Article 4 of this Decree.”

d) Clause 6 is amended as follows:

“6. Regional Commands of Coast Guard and Director of the Department of Operations and Legislation under the control of the Command of Coast Guard of Vietnam shall have the power to:

a) Impose a fine up to VND 50.000.000;

b) Confiscate the exhibits of administrative violations;

c) Impose the remedial measures mentioned in Points c, d, dd, g and s Clause 3 Article 4 of this Decree.”

dd) Point a and Point d Clause 7 are amended as follows:

“a) Impose a fine up to VND 100.000.000;

d) Impose the remedial measures mentioned in Points c, d, dd, g and s Clause 3 Article 4 of this Decree.”

10. Some Clauses of Article 41 are amended as follows:

a) Clause 1, Clause 2 and Clause 3 are amended as follows:

“1. On-duty soldiers of border guard forces shall have the power to impose a fine up to VND 500.000.

2. Heads of border guard stations and leaders of soldiers of border guard forces shall have the power to impose a fine up to VND 2.500.000.

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

a) Impose a fine up to VND 20.000.000;

b) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 40.000.000;

c) Impose the remedial measures mentioned in Points c, d, dd, g and s Clause 3 Article 4 of this Decree.”

b) Point a, Point d Clause 4 are amended as follows:

“a) Impose a fine up to VND 100.000.000;

d) Impose the remedial measures mentioned in Points c, d, dd, g, m and s Clause 3 Article 4 of this Decree.”

11. Some Clauses of Article 42 are amended as follows:

a) Clause 1 and Clause 2 are amended as follows:

“1. On-duty customs officials shall have the power to impose a fine up to VND 500.000.

2. Team Leaders, Group Leaders of Customs Sub-departments; Leaders of Groups in Control Teams affiliated to provincial, inter-provincial or municipal Customs Departments; Leaders of Teams in Post-clearance Inspection Sub-departments, shall have the power to impose a fine up to VND 5.000.000”.

b) Clause 3 is amended as follows:

“3. Directors of Customs Sub-departments; Directors of Post-clearance Inspection Sub-departments; Leaders of Control Teams of provincial, inter-provincial or municipal Customs Departments; Leaders of Criminal Investigation Teams; Leaders of Smuggling Control Teams; Captains of Maritime Control Flotillas and Leaders of Anti-smuggling, Counterfeit Product Control and Intellectual Property Teams affiliated to the Smuggling Investigation and Prevention Department; Directors of Post-clearance Inspection Sub-departments affiliated to the Post-clearance Inspection Department shall have the power to:

a) Impose a fine up to VND 25.000.000;

b) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 50.000.000;

c) Impose the remedial measures mentioned in Points b, c, d, dd, g, m and s Clause 3 Article 4 of this Decree.”

c) Point a, Point c and Point d Clause 4 are amended as follows:

“a) Impose a fine up to VND 50.000.000;

c) Confiscate the exhibits of administrative violations;

d) Impose the remedial measures mentioned in Points b, c, d, dd, g, m and s Clause 3 Article 4 of this Decree.”

d) Clause 5 is amended as follows:

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

a) Impose a fine up to VND 100.000.000;

b) Confiscate the exhibits of administrative violations;

c) Impose the remedial measures mentioned in Points b, c, d, dd, g, m and s Clause 3 Article 4 of this Decree.”

12. Some Clauses of Article 43 are amended as follows:

a) Clause 1 is amended as follows:

“1. Market controllers on duty shall have the power to impose a fine up to VND 500.000.”

b) Heading of Clause 2, Point a and Point b Clause 2 are amended as follows:

“2. Leaders of Market Surveillance Teams and Heads of Professional Divisions under the control of the Departments of Market Surveillance Operations shall have the power to:

a) Impose a fine up to VND 25.000.000;

b) Confiscate the exhibits and instrumentalities for committing violations worth up to VND 50.000.000;”

c) Point a and Point c Clause 3 are amended as follows:

“a) Impose a fine up to VND 50.000.000;

c) Confiscate the exhibits of administrative violations;”

d) Point a Clause 4 is amended as follows:

“a) Impose a fine up to VND 100.000.000;”

13. Some Clauses of Article 44 are amended as follows:

a) Point b Clause 1 is amended as follows:

“b) Chairpersons of District-level People’s Committees shall have the power to impose penalties for the administrative violations specified in Articles 6 through 11, Articles 13 through 20, Articles 22 through 27, Clauses 1, 2 and 3 Article 28, Articles 29 through 33, and Article 35 of this Decree;”

b) Point a, Point b, Point c, Point d and Point dd Clause 2 are amended as follows:

“2. Power to impose penalties of inspectorates

a) Chief inspectors of Provincial Departments of Agriculture and Rural Development, Directors of Sub-departments performing the function of inspection of animal husbandry and veterinary medicine; heads of specialized inspection teams of the Department of Livestock Production; heads of specialized inspection teams of Provincial Departments of Agriculture and Rural Development; heads of specialized inspection teams of Sub-departments performing the function of inspection of animal husbandry and veterinary medicine shall have the power to impose penalties for administrative violations specified in Articles 6 through 27, Clauses 1, 2 and 3 Article 28, Articles 29 through 33, and Article 35 of this Decree;

b) Heads of specialized inspection teams in animal husbandry sector established by the Ministry of Agriculture and Rural Development shall have the power to impose penalties

for the administrative violations specified in Articles 6 through 27, Clauses 1, 2 and 3, Point a Clause 4 Article 28, Articles 29 through 33, and Article 35 of this Decree;

c) Director of Plant Protection Department; Directors of Regional Plant Protection Sub-departments affiliated to the Plant Protection Department; Directors of Sub-departments performing the function of inspection of plant protection; heads of specialized inspection teams of the Plant Protection Department shall have the power to impose penalties for the administrative violations specified in Clause 3, Point b Clause 4, Clause 5 and Clause 6 Article 17, Article 19, Clause 1 and Clause 2 Article 20, Article 22 of this Decree;

d) Director of the National Agro-Forestry-Fisheries Quality Assurance Department; Directors of Sub-departments performing the function of inspection of quality control of agricultural products, forest products and aquatic products; Directors of Agro-Forestry-Fisheries Quality Assurance Sub-department of central region and Agro-Forestry-Fisheries Quality Assurance Sub-department of southern region affiliated to the National Agro-Forestry-Fisheries Quality Assurance Department; heads of specialized inspections teams of the National Agro-Forestry-Fisheries Quality Assurance Department shall have the power to impose penalties for the administrative violations specified in Clause 4 Article 29 and Article 35 of this Decree;

dd) Director of Department of Animal Health; heads of specialized inspection teams of the Department of Animal Health; Directors of Regional Animal Health Sub-departments; Directors of Regional Animal Quarantine Sub-departments shall have the power to impose penalties for the administrative violations specified in Clause 3, Point b Clause 4, Clause 5 and Clause 6 Article 17; Article 19; Clause 1 and Clause 2 Article 20; Article 22; Article 29 and Article 35 of this Decree.”

c) Clause 3 is amended as follows:

“3. Power to impose administrative penalties of People’s Police Forces:

a) Communal-level Police Chiefs, Heads of Police Posts, Heads of Police Stations at border gates, export processing zones, Heads of International Airport Police Offices, and Captains of Squadrons shall have the power to impose penalties for the administrative violations specified in Clause 1 Article 29 of this Decree;

b) Heads of district-level police agencies, heads of professional divisions of the Traffic Police Department; heads of provincial-level police departments, including Police Divisions for Prevention and Control of Environmental Crimes, Economic Security Divisions, Investigation Police Divisions for Corruption, Economic and Smuggling Crimes, and Captains of Squadrons, shall have the power to impose penalties for the administrative violations specified in Clause 1 Article 6; Clause 1 Article 7; Clause 2 Article 13; Clause 4 Article 14; Point a, Point b Clause 3, Clause 4 and Clause 5 Article 17; Clause 2 Article 20; Point c Clause 3 Article 22; Article 24; Point b Clause 1, Clause 2 and Clause 3 Article 25; Point c Clause 1, Clause 3, Point a Clause 4 and Clause 5 Article 26; Clause 3 Article 27; Clause 3 Article 28, Clause 1, Clause 3 and Point a, Point

b Clause 4 Article 29; Article 30; Article 31; Point b Clause 2 and Clause 3 Article 32 of this Decree;

c) Directors of provincial-level Police Departments shall have the power to impose penalties for the administrative violations specified in Article 6; Article 7; Clause 2 Article 13; Clauses 4, 5, 6 and 7 Article 14; Point a, Point b Clause 3, Clause 4 and Clause 5 Article 17; Clause 1 and Clause 2 Article 20; Point c Clause 3, Clause 4 and Clause 5 Article 22; Article 24; Point b Clause 1, Clause 2 and Clause 3 Article 25; Point c Clause 1, Clauses 3, 4, 5 and 6 Article 26; Clause 3 Article 27; Clause 3 Article 28; Clauses 1, 3 and 4 Article 29; Article 30; Article 31; Clause 2 and Clause 3 Article 32; Clause 5 Article 33; Point b Clause 1 and Clause 2 Article 35 of this Decree;

d) Director of the Police Department for Prevention and Control of Environmental Crimes; Director of Traffic Police Department; Director of Economic Security Department; and Director of the Police Department for Investigation into Corruption, Economic and Smuggling Crimes shall have the power to impose penalties for the administrative violations specified in Article 6; Article 7; Clause 2 Article 13; Clauses 4, 5, 6 and 7 Article 14; Point a, Point b Clause 3, Clause 4 and Clause 5 Article 17; Clause 1 and Clause 2 Article 20; Point c Clause 3, Clause 4 and Clause 5 Article 22; Article 24; Point b Clause 1, Clause 2 and Clause 3 Article 25; Point c Clause 1, Clauses 3, 4, 5 and 6 Article 26; Clause 3 Article 27; Clause 3 and Clause 4 Article 28; Clauses 1, 3 and 4 Article 29; Article 30; Article 31; Clause 2 and Clause 3 Article 32; Clause 5 Article 33; Point b Clause 1 and Clause 2 Article 35 of this Decree.”.

d) Point a, Point b and Point c Clause 4 are amended as follows:

“a) Commanders of coastguard platoons shall have the power to impose penalties for the administrative violations specified in Article 8; Point b Clause 2 Article 13; Point b Clause 4 Article 17; Clause 2 Article 20; Point c Clause 3 Article 22; Point b Clause 2 and Point b Clause 3 Article 32 of this Decree;

b) Commanders in chief of coastguard squadrons shall have the power to impose penalties for the administrative violations specified in Article 8; Point b Clause 2 Article 13; Point b Clause 4 Article 17; Points a, b, c, d, dd, e, g, h, i, k and l Clause 1, Clause 2 Article 20; Points c Clause 3, Clause 4 and Clause 5 Article 22; Point b Clause 2 and Point b Clause 3 Article 32 of this Decree;

c) Regional Commands of Coast Guard, Director of the Department of Operations and Legislation under the control of the Command of Coast Guard of Vietnam shall have the power to impose penalties for the administrative violations specified in Clause 2 Article 7, Article 8; Point b Clause 2 Article 13; Point b Clause 4 Article 17; Clause 2 Article 20; Point c Clause 3, Clause 4 and Clause 5 Article 22; Point b Clause 2 and Point b Clause 3 Article 32; Point b Clause 1 and Clause 2 Article 35 of this Decree;”

dd) Point a Clause 5 is amended as follows:

“a) Heads of Border Guard Posts, Captains of Naval Border Guard Flotillas and Commanders of Border Guard Commands at port border gates shall have the power to impose penalties for the administrative violations specified in Article 8; Point b Clause 2 Article 13; Point b Clause 4 Article 17; Points a, b, c, d, dd, e, g, h, i and k Clause 1, Clause 2 Article 20; Points c Clause 3 Article 22; Point b Clause 2 and Point b Clause 3 Article 32 of this Decree;”.

e) Point a and Point c Clause 6 are amended as follows:

“a) Directors of Customs Sub-departments; Directors of Post-clearance Inspection Sub-departments; Leaders of Control Teams of provincial, inter-provincial or municipal Customs Departments; Leaders of Criminal Investigation Teams; Leaders of Smuggling Control Teams; Captains of Maritime Control Flotillas and Leaders of Anti-smuggling, Counterfeit Product Control and Intellectual Property Teams affiliated to the Smuggling Investigation and Prevention Department; Directors of Post-clearance Inspection Sub-departments affiliated to the Post-clearance Inspection Department shall have the power to impose penalties for the administrative violations specified in Article 8, Point b Clause 2 Article 13, Point b Clause 4 Article 17, Article 19, Points a, b, c, d, dd, e, g, h, i and k Clause 1, Clause 2 Article 20; Clauses 1, 2, 3 and 4 Article 22; Point b Clause 1, Point b Clause 2 and Point b Clause 3 Article 32 of this Decree;

c) Director General of General Department of Customs shall have the power to impose penalties for the administrative violations specified in Clause 2 and Point b Clause 3 Article 7; Article 8; Point b Clause 2 Article 13; Article 19; Clause 1 and Clause 2 Article 20; Article 22; Point b Clause 1 and Point b Clause 3 Article 32; Point b Clause 1 and Clause 2 Article 35 of this Decree.”.

g) Point a Clause 7 is amended as follows:

“a) Leaders of Market Surveillance Teams and Heads of Professional Divisions under the control of the Departments of Market Surveillance Operations shall have the power to impose penalties for the administrative violations specified in Clause 1 Article 7; Clause 4 Article 9; Clause 2 and Clause 4 Article 10; Article 11; Clause 1, Clause 2 and Point a Clause 4 Article 17; Article 18; Point a, b, c, d, dd, e, g, h, i and k Clause 1, Clause 2 Article 20; Clause 1, Point a and Point b Clause 2, Point b and Point c Clause 3, Clause 4 Article 22; Point a Clause 1, Point a Clause 2 and Point a Clause 3 Article 32 of this Decree;”

14. Article 45a is added following Article 45 as follows:

“Article 45a. Implementing the remedial measure that is enforced return of erased/altered certificate of training in artificial insemination or embryo transfer procedure; license to import or export animal breed; certificate of eligibility to manufacture animal feed; certificate of eligibility to run large-scale farming facility (hereinafter referred to as “license”)

The violating entity shall submit the erased or altered license to the person issuing the penalty imposition decision. If the official issuing the penalty imposition decision is not the licensing official or authority, within 05 business days from the issue date of the penalty imposition decision, the official issuing the penalty imposition decision shall send a notice of imposition of the remedial measure that is enforced return of erased or altered license to the licensing authority (unless such license is issued by a competent authority of foreign country).”

15. The phrase “cơ quan tiến hành tố tụng có quyết Định không khởi tố vụ án hình sự, quyết Định hủy bỏ quyết Định khởi tố vụ án hình sự, quyết Định Đình chỉ Điều tra hoặc quyết Định Đình chỉ vụ án” (“the criminal procedure-conducting agency has issued a decision not to institute criminal proceedings, a decision on annulment of the decision to institute criminal proceedings, a decision to terminate investigation or a decision to dismiss the lawsuit”) is replaced with the phrase “cơ quan có thẩm quyền tiến hành tố tụng hình sự có quyết Định không khởi tố vụ án hình sự, quyết Định hủy bỏ quyết Định khởi tố vụ án hình sự, quyết Định Đình chỉ Điều tra, quyết Định Đình chỉ vụ án hoặc quyết Định Đình chỉ vụ án Đối với bị can, miễn trách nhiệm hình sự theo bản án” (“the agency vested with authority to institute criminal procedure has issued a decision not to institute criminal proceedings, a decision on annulment of the decision to institute criminal proceedings, a decision to terminate investigation, a decision to dismiss the lawsuit, or a decision to dismiss the lawsuit against the suspect or to grant exemption from criminal liability according to judgments”) in Clause 5 Article 22, Clause 2 Article 23, and Point b Clause 4 Article 28.

16. Clause 7 Article 26 is abrogated.

Article 5. Effect

This Decree comes into force from January 10, 2022.

Article 6. Transition

Regulations herein shall apply to the administrative violations which have been committed before the effective date of this Decree but have been detected afterwards or put under consideration if this Decree does not provide for legal liability or impose less serious legal liability.

Article 7. Responsibility for implementation

Ministers, heads of ministerial agencies, heads of Governmental agencies, Chairpersons of People’s Committees of provinces or central-affiliated cities shall instruct and implement this Decree.

ON BEHALF OF THE GOVERNMENT

**PP. THE PRIME MINISTER
DEPUTY PRIME MINISTER**

Le Van Thanh

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