

**Decree on Sanctions
against Administrative Violations
in Environmental Protection
Government Decree No. 26-Cp
(26 April 1996)**

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THE GOVERNMENT

- Pursuant to the Law on Organization of the Government of September 30, 1992;
- Pursuant to the Law on Environmental Protection of December 27, 1993;
- Pursuant to the Ordinance on the Handling of Violations of Administrative Regulations of July 6, 1995;
- At the proposal of the Minister of Science, Technology and Environment;

DECREES:

CHAPTER I

GENERAL PROVISIONS

Article 1 The Sanction Against Administrative Violations in Environmental Protection are Based on the Following Principles

1. Any act, whether deliberate or not, which violates the principles of State management of environmental protection (hereunder referred to as administrative violation in environmental protection) by an organization or individual shall be subject to administrative sanctions if it is not yet serious enough to be examined for criminal liability as provided for by law.
2. An organization or individual that has committed an administrative violation in environmental protection shall be subject to administrative sanctions as stipulated by this Decree.

A foreign organization or foreigner that has committed an administrative violation in environmental protection on the territory, exclusive economic zone and continental shelf of the Socialist Republic of Vietnam shall also be sanctioned as stipulated by this Decree, except otherwise stipulated by an international treaty which Vietnam has signed or acceded to.

3. All administrative violations of environmental protection must be promptly discovered and immediately stopped. The sanction must be handed rapidly, justifiably and in accordance with law; all consequences on the environment caused by administrative violations must be overcome as stipulated. An organization or individual that has committed an administrative violation in environmental protection and caused material damage must pay compensation as provided for by law.

4. Each administrative violation in environmental protection shall be sanctioned only once.

A person who commits several administrative violations in environmental protection shall be sanctioned for each violation.

If many persons commit an administrative violation in environmental protection, each of them shall be fined.

5. The sanction against administrative violations in environmental protection must be based on the character and seriousness of the violation, the personality of the offender, the attenuating factors and the aggravating factors in order to decide the suitable form of sanction and suitable punitive measures under the provisions of this Decree.

6. Administrative violations of environmental protection which are committed in emergency cases, in unexpected developments, or while the offender is suffering from mental disorder or other diseases which render him/her unconscious of his/her action or incapable of controlling his/her action shall not be fined.

Article 2 Compensation for Environmental Damage

Compensation for the damage caused by administrative violations in environmental protection shall be made on the principle of mutual agreement between the author and the victim of the damage.

With regard to material damage caused by an administrative violation in environmental protection which costs up to 1 million VND and which cannot be mutually agreed upon by both sides, the person authorized to impose sanctions shall decide the rate of compensation. A damage that costs more than 1 million VND shall be settled in accordance with the procedure of civil law proceedings.

Article 3 The Statute of Limitation Set for the Sanction Against Administrative Violations in Environmental Protection

1. The statute of limitation for sanctioning an administrative violation in environmental protection is 2 years from the date when the violation is committed. Past that limitation, no sanction shall be imposed, but measures mentioned in Points a, b and d of Item 3, Article 11, of the Ordinance on the Handling of Violations of Administrative Regulations can be taken.

2. With regard to a person who is being examined for penal liability or who is under prosecution, or whose violation of the Law on Environmental Protection has been decided for trial in accordance with the legal proceedings against criminal actions, but a decision has been issued to cancel investigation or cancel the trial, he/she shall be subject to an administrative sanction if his/her action bears signs of an administrative violation in environmental protection; the statute of limitation set for administrative sanction is 3 months beginning from the date when the revocation decision is issued.

3. Within the time limit is set in Item 1 and Item 2 of this Article, if an individual or organization commits a new administrative violation in environmental protection, or deliberately evades or obstructs the sanction, then the time limit shall begin from the point of time when the new violation is committed, or from the point of time when the deliberate evasion or obstruction of the sanction ceases.

4. One year after the decision on sanction is effected or after the decision expires, if an organization or individual sanctioned for administrative violation in environmental protection does not commit a new violation, this organization or individual shall be considered as not having been sanctioned for administrative violation in environmental protection.

Article 4 Assignment of Competence for Sanctioning Administrative Violations in Environmental Protection

1. The Presidents of the People's Committees at different levels are authorized to sanction administrative violations in environmental protection in their localities.

2. The General Inspector and Inspectors in environmental protection of the Ministry of Science, Technology and Environment, the Department of Environment, and the Science, Technology and Environment Service are authorized to sanction administrative violations in environmental protection in the fields under their agencies' management.

3. If an administrative violation of environmental protection comes under the jurisdiction of many agencies, the sanctioning shall be effected by the agency which is the first to deal with the violation.

4. If an administrative violation of environmental protection must be handled by a level higher than that stipulated for the authorized person, the dossier of the violation must be submitted to the authorized person at a higher level.

5. If an administrative violation of environmental protection bears the signs of a crime, the authorized persons mentioned in Item 1 and Item 2 of this Article must immediately submit the dossier to the investigation agency or the People's Procuracy of the same level for settlement.

The use of administrative sanction against a violation of environmental protection which bears signs of a crime is strictly forbidden.

Article 5 Application of the Forms of Fine and Other Measures

1. In case of monetary fine, the specific fining rate for an administrative violation is the average rate of the frame of monetary fines set for that violation; if a violation involves an attenuating factor, the rate may be reduced, but not lower than the minimum rate of the frame of monetary fines; if a violation involves an aggravating factor, the rate may be increased, but not higher than the maximum rate of the frame of monetary fines.

The attenuating and aggravating factors shall be applied as stipulated in Article 7 and Article 8 of the Ordinance on the Handling of Violations of Administrative Regulations.

2. The forms of additional sanction and other measures must be applied in addition to the main form of sanction if this Decree provides for the supplementary sanction and other measures against administrative violations in order to deal thoroughly with the violations, eliminate the cause and conditions for further violations and overcome the consequences caused by administrative violations.

CHAPTER II

ADMINISTRATIVE VIOLATIONS IN ENVIRONMENTAL PROTECTION, FORMS AND RATES OF FINING

Article 6 Violations in the Prevention of Pollution and Environmental Degradation

1. Failing to file a declaration of environmentally related activities and a report evaluating the environmental impact of operating establishments within the set time limit shall incur a warning or a fine of from 100,000 VND to 400,000 VND.

2. A fine of 500,000 VND to 2,000,000 VND shall be imposed on one of the following violations:

- a. Failing to file a declaration of environmentally related activities of an operating establishment;
- b. Failing to file a report evaluating the environmental impact of projects or operating establishments examined by the authorities of the provinces and cities under the Central Government according to the list issued by the State management agency on environmental protection;
- c. Obstructing the investigation, examination, supervision and evaluation of the current environmental conditions and the inspection of environmental protection conducted by the State management agency on environmental protection.

3. A fine of from 2,000,000 VND to 5,000,000 VND for one of the following violations:

- a. Failing to file or filing beyond the set time limit a report evaluating the environmental impact of projects or operating establishments examined by the central level according to the list issued by the State management agency on environmental protection;

- b. Failing to carry out or improperly carrying out the requirements written in the examination paper or the license on environment granted by the State management agency on environmental protection.
4. The forms of additional sanction and other measures against violations of this Article include:
- a. Suspending up to 6 months the environmental-friendly certificate regarding violations mentioned in Point b, Item 3, of this Article;
 - b. Forcible cessation of violations mentioned in Item 1, Item 2, and Point a of Item 3, of this Article; forcing the strict implementation of the requirements regarding the violations mentioned in Point b of Item 3 of this Article.

Article 7 Violations of the Protection of Biodiversity and Natural Preserves

1. A fine of from 500,000 VND to 1,500,000 VND for one of the following violations:
- a. Exploiting biological resources not in the right season and area, and with the method, tools and means of mass destruction, damaging to the bio-diversity and causing ecological imbalance;
 - b. Using and exploiting natural preserves without a permit issued by the authorized agency;
 - c. Using and exploiting natural preserves not in accordance with the stipulations written in the permit.
2. A fine of from 2,000,000 VND to 6,000,000 VND for one of the following violations:
- a. Repeating the exploitation of biological resources that damages the bio-diveristy and causes ecological imbalance.
 - b. Repeating the use and exploitation of natural preserves without a permit or not in accordance with the stipulations written in the permit.
3. A fine of from 20,000,000 VND to 30,000,000 VND for a violation mentioned in Item 2 of this Article if it involves aggravating factors.
4. The forms of additional sanction and other measures against violations of this Article include:
- a. Confiscation of the exhibits, tools and means of exploitation with regard to the violation of the provisions in Item 1 and Item 2 of this Article;
 - b. Suspension of the use of a license for up to 6 months with regard to the violations mentioned in Point c of Item 1 and Point b of Item 2 of this Article.
 - c. Forcible cessation of violations and forcible compensation for the damage with regard to the violations mentioned in point a of Item 1, Point a of Item 2, and Item 3 of this Article.

Article 8 Violations in the Exploitation and Trading of Animals and Plants on the List of Endangered Animals and Plants Issued by the Ministry of Agriculture and Rural Development and the Ministry of Aquatic Resources

1. A fine of from 500,000 VND to 2,000,000 VND for the exploitation and trading of endangered species for the first time, of which the consequences have already been overcome.
2. A fine of from 2,000,000 VND to 8,000,000 VND for the professional exploitation and trading of large quantities of one species or of small quantities of many of those species.
3. A fine of from 10,000,000 VND to 30,000,000 VND for a violation that involves many aggravating factors, but not yet serious enough to be examined for criminal liability.
4. The forms of additional sanction and other measures against violations of this article include:
 - a. Confiscation of the exhibits, tools and means of exploitation with regard to the violations mentioned in Item 1, Item 2 and Item 3 of this Article;
 - b. Forcible cessation of violations and forcible compensation for the damage with regard to the violations mentioned in Item 1, Item 2 and Item 3 of this Article.

Article 9 Violations of Environmental Protection in Production and Trading, in the Running of Hospitals, Hotels and Restaurants

1. A warning shall be served or a fine of from 100,000 VND to 400,000 VND shall be imposed on one of the following violations:
 - a. Failing to carry out or carrying out inadequate measures of treatment as stipulated by the State management agency on environmental protection before discharging solid and liquid waste matters and waste gas outside the establishments' area of management;
 - b. Failing to provide or inadequately and improperly providing the technical equipments to treat waste matters as required by or according to the design already ratified by the authorized State management agency.
2. A fine of from 1,000,000 VND to 4,000,000 VND for one of the following violations:
 - a. Failing again to carry out or inadequately carrying out the measures to treat waste matters;
 - b. Failing again to provide or improperly and inadequately providing the technical equipments to treat waste matters.
3. A fine of from 10,000,000 VND to 30,000,000 VND for the failure to use or the improper use of technical equipments to treat waste matters, failing to ensure the environmental standards.

4. A fine from 30,000,000 VND to 50,000,000 VND for one of the violations mentioned in Item 2 and Item 3 of this Article if it involves many aggravating factors and causes adverse consequences to environmental protection.
5. A fine of from 500,000 VND to 2,000,000 VND for one of the following violations:
 - a. Emitting smoke, dust or toxic gas beyond the permissible level, emitting harmful odours into the air.
 - b. Discharging into a water source lubricants, grease, toxic chemicals or radioactive substances beyond the permissible level, releasing dead animals, plants, harmful bacteria or viruses likely to cause epidemics.
6. A fine of from 2,000,000 VND to 5,000,000 VND for the repetition of the violations mentioned in Item 5 of this Article.
7. A fine from 10,000,000 VND to 20,000,000 VND for one of the violations mentioned in Item 5 of this Article if it involves many aggravating factors.
8. Forms of additional sanction and other measures against the violations mentioned in this Article:
 - a. Revoking the license for up to 6 months with regard to the violations mentioned in this Article:
 - b. Forcible cessation of the violation, forcible application of measures to overcome the adverse consequences and compensation for the damage with regard to the violations mentioned in this Article.

Article 10 Misuse of Permits to Export and Import Technologies, Complete Equipments, Important Single Equipments, Toxic Chemicals, and Micro-Biological Products Relating to Environmental Protection

1. A warning shall be served or a fine of from 100,000 VND to 400,000 VND shall imposed on the leasing, buying or selling of permits for the first time, which has not yet caused any consequences.
2. A fine of from 2,000,000 VND to 8,000,000 VND shall be imposed on one of the following violations:
 - a. Making false declarations in applying for a license:
 - b. Operating without a license granted by the State management agency on environmental protection;
 - c. Failure to abide by the stipulations in quantity, density or contents written in the license.
3. A fine of from 10,000,000 VND to 30,000,000 VND for one of the violations mentioned in Item 2 of this Article if it involves many aggravating factors.
4. Forms of additional sanction and other measures against the violations mentioned in this Article:

- a. Revoking the environmental license for up to 6 months with regard to the violations mentioned in Item 1 and Point c of Item 2 of this Article; revoking indefinitely the environmental license with regard to the violations mentioned in Point a of Item 2 and Item 3 of this Article.
- b. Confiscation of the exhibits or forcible destruction of the excess quantity of micro-biological products, animals, plants or gene pool as compared with that written in the license; forcible re-export of goods imported illegally in violation of the provisions of Item 2 and Item 3 of this Article.

Article 11 Violations in the Import and Export of Waste Matters

1. A fine of from 2,000,000 VND to 8,000,000 VND shall be imposed on one of the violations of the provisions in the import and export of waste matters.
2. A fine of from 10,000,000 VND to 30,000,000 VND for repeated violation.
3. A fine of from 30,000,000 VND to 50,000,000 VND for a violation which involves many aggravating factors.
4. Forms of additional sanction and other measures against the violations of this Article.

Forcible destruction or re-export of waste matters, compensation for the damage, and forcible cessation of the violation.

Article 12 Violations in the Prevention and Avoidance of Environmental Incidents in the Search, Exploration, Exploitation and Transportation of Oil and Gas

1. A fine of from 2,000,000 VND to 8,000,000 VND for one of the following violations:
 - a. Failing to have a plan to prevent and avoid oil leakage, oil fire, oil explosion and oil spill;
 - b. Operating without the means to cope with accidents of oil fire, explosion and oil spill.
2. A fine of from 10,000,000 VND to 30,000,000 VND for one of the following violations:
 - a. Using toxic chemicals without a technical certificate;
 - b. Refusing to submit to the control and supervision of the State management agency on environmental protection.
3. A fine of from 30,000,000 VND to 50,000,000 VND for causing of oil leakage, oil fire, oil explosion and oil spill.
4. A fine of from 50,000,000 VND to 100,000,000 VND for one of the violations mentioned in Point a of Item 1 and Item 2 of this Article if it involves many aggravating factors.

5. Forms of additional sanction and other measures against violations of this Article:

Forcible observance of the stipulations with regard to the violations mentioned in Item 1 and Item 2 of this Article. Forcible application of measures to overcome the consequences, forcible compensation for the damage with regard to the violations mentioned in Item 3 of this Article.

Article 13 Violations of the Stipulations Made by the State Management Agency on Environmental Protection Regarding Radioactive Substances

1. A fine of from 200,000 VND to 800,000 VND shall be imposed on one of the following violations.
 - a. Trading in radioactive substances without a permit for operation in the field of radiation control.
 - b. Trading in radioactive substances without a business license.
 - c. Producing, transporting, using and storing radioactive substances without a license
2. A fine of from 1,000,000 VND to 5,000,000 VND for failure to ensure the conditions for trading and the stipulations in production, transportation and use of radioactive substances.
3. A fine of 4,000,000 VND to 10,000,000 VND for a repeated violation of one the stipulations in Item 2 of this Article.
4. Forms of additional sanction and other measures against the violations mentioned in this Article:
 - a. Revoking for up to 6 months the certificate of business qualifications with regard to the violations of the stipulations in Point __ and Point b of Item 2 of this Article;
 - b. Forcible application of the measures required, forcible settlement of the consequences, forcible compensation for the damage with regard to the violations mentioned in Item 2 and Item 3 of this Article.

Article 14 Violations of the Stipulations Made by the State Management Agency on Environmental Protection in the Use of Radiation Sources

1. A fine of from 500,000 VND to 1,000,000 VND for one of the following violations:
 - a. Using radiation sources without a permit;
 - b. Using the machinery, equipment and materials which have a source of harmful electric radiation or ionized radiation at variance with the stipulations on radiation safety;
 - c. Failing to regularly check and periodically report to the State management agency on environmental protection the environmental impact of the

establishment which uses the machinery, equipment and materials having a source of electric radiation or ionized radiation.

2. A fine of from 2,000,000 VND to 8,000,000 VND for one of the violations mentioned in item 1 of this Article if it involves an aggravating factor.
3. Forms of additional sanction and other measures against the violations mentioned in this Article:
 - a. Revoking for up to 6 months the license for using radiation sources with regard to the violations mentioned in Point a of Item 1 and Item 2 of this Article.
 - b. Forcible cessation of the violation, forcible application of measures to overcome the consequences, and forcible compensation for the damage with regard to the violations mentioned in point a and Point b of Item 1 and Item 2 of this Article.

Article 15 Violations in the Transportation and Treatment of Sewage and Garbage

1. A warning shall be served or a fine of from 100,000 VND to 500,000 VND for one of the following violations:
 - a. Transporting garbage and other pollutants at variance with the stipulations on environmental protection:
 - b. Failing to treat sewage and garbage before discharging them.
2. A fine of from 500,000 VND to 2,000,000 VND for a repeated violation mentioned in Point a of Item I of this Article.
3. A fine of from 2,000,000 VND to 8,000,000 VND for one of the violations mentioned in Point b of Item I of this Article if it involves many aggravating factors.
4. Forms of additional sanction and other measures against the violations mentioned in this Article:
 - a. Revoking for up to 6 months the environmental license with regard to the violations mentioned in Item I and Item 2 of this Article:
 - b. Forcible cessation of the violation, forcible application of measures to overcome the consequences and forcible compensation for the damage with regard to the violations mentioned in Item 1, Item 2 and Item 3 of this Article.

Article 16 Violations of the Stipulations on Soil Pollution

1. A fine of from 2,000,000 VND to 5,000,000 VND for the burial or dumping of substances the toxicity of which exceeds the permissible level.
2. A fine of from 5,000,000 VND to 15,000,000 VND for the burial or dumping of large quantities of substances the toxicity of which exceeds the permissible level and the consequence of which will take a long time.

3. Forms of additional sanction and other measures against the violations mentioned in this Article:

Forcible cessation of the violation, application of measures to overcome the consequences and compensation for the damage with regard to the violations mentioned in Item 1 and Item 2 of this Article.

Article 17 Violations of the Stipulations on Noise and Vibration which Exceed the Permissible Level, Are Harmful to the Health of the People, and Affect Their Daily Life

1. A warning shall be served or a fine of from 100,000 VND to 400,000 VND for one of the following violations:

- a. Causing noise or vibration that exceeds the permissible level.
- b. Causing loud noise or great vibration from 10 p.m. to 5 a.m.

2. A fine of from 500,000 VND to 2,000,000 VND for causing noise or vibration with many aggravating factors.

3. Forms of additional sanction and other measures against the violations mentioned in this Article:

Forcible cessation of the violation and forcible compensation for the damage with regard to the violations mentioned in Item 1 and Item 2 of this Article.

Article 18 Violations in the Production, Transportation, Trading, Importation and Stockpiling of Firecrackers, Firecracker Powder and the Burning of Fireworks

1. A fine of from 2,000,000 VND to 8,000,000 VND for one of the following violations:

- a. Failing to observe the contents and stipulations of the license in the production, trading and transportation of fireworks;
- b. Violating the safety stipulations in the production, trading and transportation of fireworks.

2. A fine of from 5,000,000 VND to 15,000,000 VND for the transportation of fireworks in passenger transport means.

3. A fine of from 15,000,000 VND to 30,000,000 VND for the use of gunpowder taken from bombs, mines, cartridges, hand-grenades and other weapons to make fireworks.

4. Forms of additional sanction and other measures against the violations mentioned in this Article:

- a. Confiscation of the exhibits and indefinite revocation of the license with regard to the violations mentioned in Item 1, Item 2 and Item 3 of this Article.
- b. Forcible cessation of the violations mentioned in Item 1, Item 2 and Item 3 of this Article.

Article 19 Violations in the Settlement of Consequences of Environmental Incidents

1. A warning shall be served or a fine of from 50,000 VND to 200,000 VND shall be imposed on one of the following violations:
 - a. Failing to promptly report to the local People's Committee, or the nearest public agency or organization when discovering an environmental incident;
 - b. Failing to take measures within one's responsibility in order to promptly overcome environmental incidents;
 - c. Failing to observe or improperly observing the order to urgently mobilize manpower, materials and means to overcome environmental incidents.
2. A fine of from 5,000,000 VND to 20,000,000 VND for one of the violations mentioned in Item 1 of this Article if it involves many aggravating factors.
3. Forms of additional sanction and other measures against the violations mentioned in this Article:

Forcible cessation of the violation, forcible fulfillment of the requirements with regard to the violations mentioned in Point b and Point c of Item 1 and Item 2 of this Article.

CHAPTER III POWERS AND PROCEDURE OF SANCTIONING

Article 20 Powers to Decide the Sanctioning

1. Inspectors specializing in science, technology and environment of inspection organizations such as the Inspectors of the Science, Technology and Environment Service of the provinces and cities directly under the Central Government, the Inspectors of the Environment Department, and the Inspectors of the Ministry of Science, Technology and Environment who are on mission can exercise the rights stipulated in Item 1, Article 34, of the Ordinance on the Handling of Violations of Administrative Regulations, namely: to serve a warning, impose a fine of up to 200,000 VND on administrative violations in the area under the management; confiscate the exhibits and means used in polluting the environment valued at up to 500,000 VND; force the offending organization or individual to stop the violation, restore the original state of things which has been changed as a result of the violation, overcome the consequences caused by the violation, and destroy the things harmful to the living environment.
2. The General Inspector specializing in science, technology and environment of the Science, Technology and Environment Service can exercise the rights stipulated in Item 2, Article 34, of the Ordinance on the Handling of Violations of Administrative Regulations, namely: to serve a warning, impose a fine of up to 10,000,000 VND; revoke the environmental license granted by the Science, Technology and Environment Service; confiscate the exhibits and means used in polluting the environment; force the offending organization or individual to pay compensation of up to 1,000,000 VND for the damage caused by the violation; force the restoration of the original state of things which has been changed as a result of the violation; settle

the consequences caused by the violation, and destroy the things harmful to the living environment.

3. The General Inspector specializing in science, technology and environment of the Ministry of Science, Technology and Environment, and the General Inspector of the Environment Department can exercise the rights stipulated in item 3, Article 34, of the Ordinance on the Handling of Violations of Administrative Regulations, namely to serve a warning, impose a fine of up to 20,000,000 VND; revoke the environmental license granted by the Ministry of Science, Technology and Environment and the Environment Department; confiscate the exhibits and means used in polluting the environment; force the offending organization or individual to pay compensation of up to 1,000,000 VND for the damage caused by the violation, restore the original state of things which has been changed as a result of the violation, settle the consequences caused by the violation, and destroy the objects harmful to the living environment.

4. The Presidents of the People's Committees of the communes, wards and townships can apply the forms of sanction against administrative violations stipulated in Article 26 of the Ordinance on the Handling of Violations of Administrative Regulations with regard to the administrative violations in environmental protection stipulated in [Chapter II](#) of this Decree within the management of their locality in environmental protection.

5. The Presidents of the People's Committees of the districts and corresponding level can apply the forms of sanction against administrative violations stipulated in Article 27 of the Ordinance on the Handling of Violations of Administrative Regulations (except the right to revoke the environmental license granted by the Ministry of Science, Technology and Environment, the Science, Technology and Environment Service, and the Environment Department) with regard to the administrative violations in environmental protection stipulated in [Chapter II](#) of this Decree within the management of their locality in environmental protection.

6. The Presidents of the People's Committees of the provinces and cities directly under the Central Government can apply the forms of sanction against administrative violations stipulated in Article 28 of the Ordinance on the Handling of Violations of Administrative Regulations (except the right to revoke the environmental license granted by the Ministry of Science, Technology and Environment and the Environment Department) with regard to the administrative violations in environmental protection stipulated in [Chapter II](#) of this Decree within the management of their locality in environmental protection.

Article 21 Powers of the Customs Services and the Specialized State Inspectors to Mete Out Administrative Violations in Environmental Protection

The authorized persons of the customs services and the specialized State Inspectors can fine administrative violations in environmental protection stipulated in Article 30 and Article 34 of the Ordinance on the Handling of Violations of Administrative Regulations.

Article 22 Sanctioning Procedure

When discovering an administrative violation in environmental management and protection, the authorized person must order immediate cessation of the violation, identify clearly to the offending organization or individual the name of the legal document and the article which they have violated, the responsibility, the aggravating or attenuating factors, and the forms of applicable sanction, and go through the following procedure:

1. If the sanction is a warning, the authorized person shall decide it on the spot.
2. If a fine of more than 20,000 VND is applied, the authorized person must write a report as stipulated in Article 47 of the Ordinance on the Handling of Violations of Administrative Regulations. Within 15 days after the date when the report is made, the authorized person must issue a fining decision and send it to the fined organization or individual as stipulated in Article 48 of the Ordinance on the Handling of Violations of Administrative Regulations. If it involves many complex details, the above mentioned time limit may be extended but it shall not exceed 30 days.

Regarding a decision to fine from 2,000,000 VND upwards, a copy of it must be sent to the People's Procuracy of the same level.

3. Copies of a sanctioning decision must be sent to the offending organization or individual and the fine payment collection agency within 3 days after the date when the decision is issued. Within 5 days after the date when the concerned organization or individual receives the sanctioning decision and they refuse to abide by it, the authorized person can issue a decision forcing their obedience as stipulated in Article 55 of the Ordinance on the Handling of Violations of Administrative Regulations.

Article 23 The Collection and Payment of Fines

The organization or individual that is fined for committing an administrative violation in environmental protection must pay the fine within the time limit and at the place written in the fining decision.

If they refuse to pay the fine within the set time limit, they shall be forced to do it.

The person who imposes the fine is strictly forbidden to directly collect payment of the fine in any form.

Article 24 Stripping License Owner of the Right to Use Their License

1. Those organizations and individuals that are granted licenses or certificates the contents of which concern environmental protection (hereunder referred to as licenses) by the State management agency on environmental protection, may be stripped of the right to use their license if they commit administrative violations directly relating to the stipulations on the use of such license.

When deciding to strip a license owner of his/her right to use his/her license, the authorized person must make a report, writing down clearly the reason to strip the

license owner of his/her right to use the license according to the contents stipulated in Article 50 of the Ordinance on the Handling of Violations of Administrative Regulations, and at the same time, force cessation of the violation.

A license owner may be stripped of his/her right to use the license only when the authorized person has issued a written decision as stipulated in [Item 2, Item 3 and Item 6 of Article 20](#) of this Decree. Copies of the decision must be sent to the guilty organization or individual, and at the same time, the license-issuing agency must be notified of it.

The authorized person stipulated in [Item 4, Item 5 and Item 6 of Article 20](#) of this Decree can request the agency that issues environmental licenses to revoke the license.

2. A license owner may be stripped of his/her right to use the license for a certain period of time if he/she commits the violation for the first time which can be overcome. When the time limit written in the fining decision is over, the authorized person must return the license to the organization or individual that owns it.

3. A license owner may be indefinitely stripped of his/her right to use his/her license in the following cases:

- a. The license is granted by an unauthorized person;
- b. The license's content run counter to the stipulations on environmental protection;
- c. The license owner commits a violation too serious to let him/her continue his/her activity.

Article 25 The Procedure of Applying Other Punitive Administrative Measures

1. When deciding to apply other administrative measures, the authorized person stipulated in [Article 20](#) of this Decree must base himself/herself on the provisions of law and the actual extent of damage caused by the administrative violation and must bear responsibility before the law for his/her decision.

2. The organization or individual that is subject to other administrative measures must implement the sanction within 5 days after receiving the sanctioning decision, except otherwise stipulated by law. If they refuse, they shall be forced to do it within the set time limit. If the organization or individual concerned is forced to implement the sanction, they must pay for the expenses incurred in organizing it.

3. If the exhibits and means used in committing an administrative violation of environmental protection must be confiscated or destroyed, a report must be made of the confiscation or destruction and signed by the person who issues the decision, the sanctioned person and witnesses, and the exhibits used in committing the administrative violation must be handled in accordance with the stipulations in Article 51 and Article 52 of the Ordinance on the Handling of Violations of Administrative Regulations.

CHAPTER IV
COMPLAINTS AND DENUNCIATION RELATED TO THE HANDLING OF
VIOLATIONS

Article 26 Complaints, Denunciation and Settlement of Complaints and Denunciation

1. The organization or individual sanctioned for an administrative violation of environmental protection or their legal-person representative can complain about the authorized person's sanctioning decision. The procedure of filing complaints and settling complaints shall comply with the stipulations in Article 87, Article 88 and Article 89 of the Ordinance on the Handling of Violations of Administrative Regulations.
2. A citizen can denounce to the authorized State agencies the administrative violations of environmental protection of other organizations and individuals.

Article 27 Handling the Persons Authorized to Sanction Administrative Violations of Environmental Protection

If the persons authorized to sanction administrative violations of environmental protection infringe on the stipulations on administrative fining, cause troubles to, tolerate or screen the offender, fail to fine or fine not in accordance with their powers, they shall be disciplined or examined for criminal liability depending on the character and seriousness of their violation.

If they cause damage to the State, organizations or citizens, they must pay compensation as provided for by law.

CHAPTER V
IMPLEMENTATION PROVISIONS

Article 28

This Decree takes effect from the date of its signing. All stipulations on the sanction of administrative violations of environmental protection which are contrary to this Decree are now annulled.

Article 29

The Minister of Science, Technology and Environment and the Minister of Finance in furtherance of their function and task shall have to give detail guidance on and organize the implementation of this Decree.

Article 30

The Ministers, the Heads of ministerial-level agencies, the Heads of the agencies attached to the Government and the Presidents of the People's Committees of the provinces and cities directly under the Central Government shall have to implement this Decree.

On behalf of the Government
The Prime Minister
Vo Van Kiet

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Acknowledgement: Text from pp.15-23 of *Official Gazette* No.15 (15-8-1996).