

**DECREE No. 137/2004/ND-CP OF JUNE 16,
2004 PRESCRIBING THE SANCTIONING
OF ADMINISTRATIVE VIOLATIONS IN THE
SEA AREAS AND THE CONTINENTAL
SHELF OF THE SOCIALIST REPUBLIC OF
VIETNAM**

THE GOVERNMENT

*Pursuant to the December 25, 2001 Law on
Organization of the Government;*

*Pursuant to the July 2, 2002 Ordinance on
Handling of Administrative Violations;*

*Pursuant to the March 28, 1998 Ordinance
on Vietnam Coast Guard;*

At the proposal of the Defense Minister,

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation

This Decree provides for sanctions against administrative violations committed by domestic and foreign individuals and organizations operating in all domains in the sea areas and the continental shelf of the Socialist Republic of Vietnam (excluding seaports).

Article 2.- Subjects of application

1. Vietnamese individuals and organizations committing administrative violations in the sea areas and the continental shelf of the Socialist Republic of Vietnam (excluding seaports) shall be also administratively sanctioned under the

provisions of this Decree and other law provisions.

2. Foreign individuals and organizations committing administrative violations in the sea areas and the continental shelf of the Socialist Republic of Vietnam (excluding seaports) shall also be administratively sanctioned under the provisions of this Decree and other law provisions, unless otherwise provided for by relevant international agreements which the Socialist Republic of Vietnam has signed or acceded to.

Article 3.- Principles for sanctioning of administrative violations

The principles for sanctioning of administrative violations shall comply with Article 3 of the Ordinance on Handling of Administrative Violations.

Article 4.- Aggravating and extenuating circumstances

The aggravating and extenuating circumstances applied to the sanctioning of administrative violations specified in Chapter II of this Decree shall comply with Article 8 and Article 9 of the Ordinance on Handling of Administrative Violations.

Article 5.- Statute of limitations for sanctioning of administrative violations; time limits for being considered not yet having been handled for administrative violations

1. The statute of limitations for sanctioning of administrative violations is one year, counting from the date of commission of administrative violations in the environmental, export, import,

exit and entry domains; two years for administrative violations in the smuggling and trading of fake goods; past these statutes of limitations, the violators shall not be sanctioned but still be forced to take the remedial measures specified in Clause 3, Article 12 of the Ordinance on Handling of Administrative Violations.

Other provisions of Clauses 2 and 3, Article 10 of the Ordinance on Handling of Administrative Violations on statute of limitations shall also apply.

2. The time limits for being considered not having been handled for administrative violations: individuals and organizations sanctioned for administrative violations shall be considered not having been sanctioned for administrative violations if they do not relapse into violations one year after the date they completely serve the sanctioning decisions or after the statute of limitations for executing the sanctioning decisions expires.

Article 6.- Forms of sanctioning of administrative violations and remedial measures

The forms of sanctioning of administrative violations and remedial measures prescribed in this Decree shall comply with Chapter II of the Ordinance on Handling of Administrative Violations.

Chapter II

SANCTIONING FORMS AND LEVELS FOR ADMINISTRATIVE VIOLATIONS

Article 7.- Sanctioning of violations committed by foreign vessels

1. A fine of between VND 5,000,000 and VND

10,000,000 for acts of illegally stopping or anchoring in the internal waters and territorial sea of Vietnam.

2. A fine of between VND 10,000,000 and VND 20,000,000 for one of the following acts:

Emitting smoke, firing assorted guns, firing signals or using explosives in the internal waters, territorial sea or contiguous zone of Vietnam for any purposes, except for firing emergency signals and salute guns.

3. A fine of between VND 20,000,000 and VND 30,000,000 for one of the following acts:

Obstructing activities of maritime navigation, activities of fishing or culturing aquatic resources, activities of exploring, prospecting and/or exploiting marine resources; other lawful activities in the sea areas and the continental shelf of Vietnam.

4. A fine of between VND 30,000,000 and VND 40,000,000 for one of the following acts:

a/ Using radio frequencies at variance with the post and telecommunication law provisions of the Socialist Republic of Vietnam;

b/ Causing harmful interferences to the communication networks in service of marine safety and salvage and other communication networks of the Socialist Republic of Vietnam.

5. A fine of between VND 40,000,000 and VND 50,000,000 for the following acts:

Failing to put all the fixed and mobile weapons on board in the preservation state when the armed vessels enter the internal waters, territorial sea or contiguous zone of Vietnam.

6. A fine of between VND 50,000,000 and

VND 60,000,000 for one of the following acts:

Failing to take professional measures to prevent dangers and hazards or failing to supply Vietnamese authorities with technical documents on radioactive, dangerous or hazardous substances on board when so requested, for atomic energy-operated ships and vessels transporting radioactive substances, carrying or using dangerous or hazardous substances when they are permitted to pass the internal waters, territorial sea and contiguous zone of Vietnam.

7. A fine of between VND 60,000,000 and VND 100,000,000 for one of the following acts:

Taking people out of vessels or bringing people onto vessels at variance with the Vietnamese law provisions on exit and entry; harboring, conniving with, covering or assisting persons violating Vietnamese laws in the sea areas of Vietnam.

8. Additional sanctioning forms:

Confiscating material evidences and/or means used for commission of the administrative violations specified in Clauses 2 and 4 of this Article.

Article 8.- Sanctioning of violations committed by foreign fishing vessels moving in the sea areas of Vietnam

1. A fine of between VND 10,000,000 and VND 20,000,000 for one of the following acts:

a/ Failing to pull up fishing nets or other tools;

b/ Failing to put in the preservation state all devices for exploring, detecting and/or attracting fishes.

2. Additional sanctioning forms:

Confiscating material evidences and/or means used for commission of the administrative violations specified in Clause 1 of this Article.

Article 9.- Sanctioning of violations committed by foreign individuals and organizations permitted to conduct scientific researches in the sea areas of Vietnam.

1. A fine of between VND 10,000,000 and VND 20,000,000 for acts of conducting scientific researches not at the designated places or not with the permitted research contents.

2. A fine of between VND 20,000,000 and VND 30,000,000 for acts of carrying weapons, ammunitions, explosives, hazardous substances and reconnaissance means.

3. A fine of between VND 30,000,000 and VND 50,000,000 for acts of installing and using research equipment, tools or works without permission of competent Vietnamese authorities.

4. Additional sanctioning forms and remedial measures:

a/ Confiscating material evidences and/or means used for commission of administrative violations specified in Clauses 2 and 3 of this Article;

b/ Forcing the dismantlement of works, equipment, tools and withdrawing licenses or suspending the operation, for administrative violations specified in Clause 3 of this Article.

Article 10.- Sanctioning of other violations of law provisions on security, social order and

safety on the sea

1. A fine of between VND 5,000,000 and VND 10,000,000 for one of the following acts:

a/ Illegally stopping one's vessel alongside with foreign ships for transactions; purchasing, selling, transporting, exchanging goods;

b/ Failing to obey or obstructing the inspection and control by marine patrol forces;

2. A fine of between VND 10,000,000 and VND 30,000,000 for violation acts of carrying out tourist activities and other activities at variance with the provisions of the licenses.

3. A fine of between VND 30,000,000 and VND 50,000,000 for violation acts of carrying out exploiting, researching into, prospecting and other activities not at the places, not within the scope, not of the nature or occupations prescribed in the licenses.

4. A fine of between VND 50,000,000 and VND 100,000,000 for one of the following acts:

a/ Driving means into restricted areas or areas requiring permits without such permits;

b/ Submarines or underwater means of foreign individuals or organizations moving or stopping not afloat in the territorial sea or without flying their (national) flags according to regulations.

5. A fine of between VND 300,000,000 and VND 500,000,000 for acts committed by foreign individuals or organizations encroaching upon the sea areas or the continental shelf of the Socialist Republic of Vietnam and using radars, ultrasonic wave-transmitters, observation devices, gauges, diving equipment and other

devices in order to research into, prospect or exploit oil and gas and other natural resources.

6. Additional sanctioning forms:

a/ Confiscating goods, for violations specified at Point a, Clause 1 of this Article;

b/ Confiscating material evidences and/or means used for commission of the administrative violations specified in Clauses 3 and 5 of this Article;

c/ Depriving of the right to use licenses for 3 to 6 months or indefinitely, for violations specified in Clauses 2 and 3 of this Article.

Article 11.- Sanctioning of violations of the regulations on drug prevention, combat and control, which are not criminal offenses

1. A fine of between VND 500,000 and VND 1,000,000 for acts of smoking, injecting, inhaling or otherwise illegally using drugs.

2. A fine of between VND 5,000,000 and VND 10,000,000 for other acts in the drug prevention and combat domain.

Article 12.- Sanctioning of violations in the domain of registration of sea-going ships and crew members

1. A fine of between VND 1,000,000 and VND 5,000,000 for one of the following acts:

a/ Damaging sea-going ship registration certificates;

b/ Damaging crewman's passports or other crewman's professional maritime certificates;

c/ Damaging the crew registers;

d/ Using the expired professional maritime

certificates and crew member's passports which have not yet been extended, changed or re-granted according to regulations.

2. A fine of between VND 5,000,000 and VND 10,000,000 for one of the following acts:

a/ Having no crewman's passports;

b/ Having no crew registers;

c/ Crew members failing to fully have professional maritime diplomas and certificates as prescribed.

3. A fine of between VND 10,000,000 and VND 15,000,000 for acts of erasing, forging, hiring or borrowing sea-going ship registration certificates, crewman's passports, professional maritime diplomas or certificates.

4. A fine of between VND 15,000,000 and VND 20,000,000 for one of the following acts:

a/ Exploiting ships which have not yet been granted the sea-going ship registration certificates;

b/ Failing to make registration for change of ship owners as prescribed by law when the ships change hands;

c/ Having no permit for departure from the last port.

5. Additional sanctioning forms:

Confiscating the sea-going ship registration certificates, crewman's passports or professional diplomas and certificates, for violations specified in Clause 3 of this Article.

Article 13.- Sanctioning of acts of violating the regulations on safety for human life and ships

1. A fine of VND 500,000 (per passenger) for

transporting passengers in excess of the prescribed number.

2. A fine of between VND 500,000 and VND 1,000,000 for one of the following acts:

a/ Ships having no boards showing the regulations on the life-saving and wreck-saving duties put up at the required positions or having such boards already damaged. Having no boards showing the assignment of life-saving or wreck-saving duties to each crewman at prescribed places on board;

b/ Ships having no boards showing instructions on the operation of life-saving and wreck-saving devices or having such instruction boards already damaged;

c/ Having no ship logbooks or using ship logbooks at variance with regulations;

d/ Having no or inadequate ship certificates as prescribed;

e/ Using the expired or invalid certificates;

f/ Erasing or forging certificates.

3. A fine of between VND 1,000,000 and VND 5,000,000 for one of the following acts:

a/ Damaging the ship certificates related to maritime safety as prescribed;

b/ Ships arranged with complements less than the prescribed minimum complement or having crewmen in excess of the prescribed complement;

c/ The names of persons holding certain posts are different from those registered in the crew registers;

d/ The means having no names and registration numbers as prescribed or having their names and/or registrations inscribed

unclearly or incorrectly.

4. A fine of between VND 5,000,000 and VND 10,000,000 for one of the following acts:

a/ Having inadequate life-saving equipment as prescribed;

b/ Having life-saving equipment which are sub-standard or unready for prompt operation.

5. A fine of between VND 10,000,000 and VND 15,000,000 for one of the following acts:

a/ Having no life-saving and wreck-saving equipment as prescribed;

b/ Having life-saving equipment which have expired;

c/ Transporting cargoes in excess of the permitted tonnage.

6. A fine of between VND 15,000,000 and VND 30,000,000 for vessels illegally transporting passengers.

7. Additional sanctioning forms:

a/ Depriving of the right to use licenses for 3 to 6 months or indefinitely, for violations specified in Clause 1, Point c of Clause 5 of this Article;

b/ Confiscating the means used for repeating the administrative violations specified in Clause 6 of this Article; forcing the renewal of certificates, withdrawing the forged certificates specified at Point f, Clause 2 of this Article.

Article 14.- Sanctioning of violations of the explosion and fire prevention and fight regulations applicable to vessels

1. A fine of between VND 2,000,000 and VND 10,000,000 for one of the following acts:

a/ Having no fire-fighting system diagram, no

boards showing the fire-fighting duty assignment and no boards showing the on-board operation instructions;

b/ Fire-extinguishing equipment not put at the designated places on board;

c/ Crewmen on board failing to handle skillfully fire-extinguishing equipment;

d/ Failing to have rescue plans in case of emergency.

2. A fine of between VND 10,000,000 and VND 15,000,000 for one of the following acts:

a/ Failing to observe or incompletely observing the regulations on fire prevention and fighting;

b/ Failing to fully equip fire-extinguishing equipment according to the Vietnamese law provisions and international agreements which Vietnam has signed or acceded to;

c/ Fire-extinguishing equipment being not in the ready-to-operate state or being out of order;

d/ Having no warning signs or necessary instructions at places prone to fire or explosion;

e/ Failing to strictly comply with the regulations on preservation and maintenance of fire-extinguishing equipment;

f/ Transporting inflammables and explosives together with passengers.

3. Additional sanctioning forms:

Confiscating material evidences used for commission of administrative violations specified at Point f, Clause 2 of this Article.

Article 15.- Sanctioning of violations of the maritime safety assurance rules

1. A fine of between VND 2,000,000 and VND 5,000,000 on drivers who commit the following violations of the voyage rules:

a/ Failing to use or improperly using assorted signals according to regulations;

b/ Failing to comply with the rules on avoidance of marine collisions.

2. A fine of between VND 5,000,000 and VND 10,000,000 for one of the following acts:

a/ Failing to place warning signs for sunken means or structures which constitute obstacles in the sea;

b/ Failing to place warning signs of artificial islets or marine structures;

c/ Replacing or negating the effects of maritime signals.

3. Remedial measures:

Forcing the placement of signals, for violations specified at Points a and b of Clause 2; forcing the restoration of the original state, for violations specified at Point c, Clause 2 of this Article.

Article 16.- Sanctioning of violations of the regulations on marine navigation order and safety

1. A fine of between VND 1,000,000 and VND 5,000,000 for one of the following acts:

a/ Letting other means cling onto or tie to one's means going on voyage at variance with regulations;

b/ Using towing means not according to their function;

c/ Passenger ships having no internal-rule

boards placed at prescribed places on board;

d/ Arranging passengers or letting them sit not in prescribed places;

e/ Loading cargoes not in prescribed places.

2. A fine of between VND 10,000,000 and VND 20,000,000 for acts of using fake number plates when operating the means.

3. Additional sanctioning forms:

Depriving the ship masters of the right to use their professional diplomas or certificates for 3 to 6 months or indefinitely; confiscating material evidences and/or means used for commission of administrative violations specified in Clause 2 of this Article.

Article 17.- Sanctioning of violations of the search and rescue regulations

1. A fine of between VND 5,000,000 and VND 10,000,000 for failing to strictly obey the search and rescue maneuver orders issued by competent agencies.

2. A fine of between VND 10,000,000 and VND 20,000,000 for failing to observe the regulations on maritime search and rescue.

3. A fine of between VND 20,000,000 and VND 50,000,000 for failing to obey the search and rescue maneuver orders of competent agencies.

Article 18.- Sanctioning of violations of the regulations on salvage of properties sunken in the sea

1. Fine of between VND 200,000 and VND 1,000,000 for acts of failing to report or

incorrectly reporting on properties sunken in the sea when detecting them.

2. A fine of between VND 10,000,000 and VND 20,000,000 for one of the following acts:

a/ Failing to put up or putting up not in time notice signs suitable to the positions of sunken properties;

b/ Conducting the salvage or terminating the salvage of sunken properties not at the prescribed time.

c/ Salvaging sunken properties without permits.

3. A fine of between VND 50,000,000 and VND 100,000,000 for each act of violating the regulations on salvage or trading of archeological and historical artifacts in the internal waters, territorial sea and contiguous zone of Vietnam.

4. Additional sanctioning forms:

a/ Confiscating material evidences and/or means used for commission of administrative violations specified at Points b and c of Clause 2, and in Clause 3 of this Article;

b/ Forcing the placement of signs of the positions of sunken properties specified at Point a, Clause 2 of this Article.

Article 19.- Sanctioning of violations of the regulations on prevention of pollution of the marine environment from vessels

1. A fine of between VND 2,000,000 and VND 5,000,000 for one of the following acts:

a/ Having inadequate oil or bilge water-filtering equipment as required by Vietnamese

law provisions and international agreements which Vietnam has signed or acceded to;

b/ Oil-filtering equipment being no longer operational;

c/ Failing to make entries in oil record books or making entries in oil record books at variance with regulations.

2. A fine of between VND 5,000,000 and VND 10,000,000 for one of the following acts:

a/ Having no plans to deal with oil-spill incidents according to regulations;

b/ Have no certificates according to the regulations on prevention of pollution caused by oil.

3. A fine of between VND 10,000,000 and VND 20,000,000 for one of the following acts:

a/ Discharging garbage or dirty water or waste water mixed with oil and other hazardous substances from vessels into the prohibited or restricted sea areas;

b/ Discharging oil, grease, noxious chemicals, radioactive substances, substances containing dangerous waste matters or other harmful substances at variance with regulations;

c/ Violating other regulations on prevention of pollution of the marine environment from vessels.

4. Application of remedial measures:

Forcing to take measures to remedy the environmental pollution or degradation, for violations specified in Clause 3 of this Article; if damage is caused, compensations therefor must be paid according to law provisions.

Article 20.- Sanctioning of violations of the

regulations on transport of hazardous substances by sea

1. A fine of between VND 2,000,000 and VND 10,000,000 for one of the following acts:

a/ Failing to make entries in cargo record books or making entries in cargo record books at variance with regulations applicable to ships transporting noxious liquids in bulk;

b/ Having no certificates as prescribed for prevention of pollution from the transport of noxious liquids in bulk;

c/ Vessels transporting hazardous substances without the special list or the declared list of hazardous substances and their locations on board;

d/ Failing to supply or supplying at variance with regulations the necessary characteristics of hazardous goods being transported on board;

e/ Violating other regulations when transporting hazardous substances.

2. A fine of between VND 10,000,000 and VND 15,000,000 for one of the following acts:

a/ Having no licenses for transport of hazardous substances;

b/ Transporting hazardous substances at variance with the provisions of the licenses.

3. A fine of between VND 15,000,000 and VND 20,000,000 for one of the following acts:

a/ Transporting hazardous cargoes together with passengers;

b/ Hazardous substances not properly packed, marked or labeled and put in the state appropriate for transportation in order to minimize danger to the marine environment;

c/ Having no plans for preventing and dealing with incidents in the course of transporting hazardous substances;

d/ Having no prevention rules, notice boards or safety instructions or technical equipment to ensure safety requirements while transporting hazardous substances;

e/ Falling to observe other regulations on application of special preventive measures according to the regulations on environmental protection.

4. Additional sanctioning forms:

a/ Depriving of the environmental licenses for 3 to 6 months or indefinitely, for violations specified in Clause 1 of this Article;

b/ Confiscating means, forcing the destruction of hazardous substances used for commission of administrative violations specified at Point a, Clause 2 of this Article.

Article 21.- Sanctioning of violations in the transport of waste matters by sea

1. A fine of between VND 5,000,000 and VND 10,000,000 for one of the following acts:

a/ Transporting waste matters and environmental pollutants at variance with the regulations on environmental protection;

b/ Transporting waste matters at variance with the provisions of the licenses.

2. A fine of between VND 10,000,000 and VND 15,000,000 for one of the following acts:

a/ Having no licenses for transport of hazardous or radioactive waste matters;

b/ Transporting hazardous and/or radioactive waste matters at variance with the provisions of the licenses.

3. A fine of between VND 15,000,000 and VND 20,000,000 for one of the following acts:

a/ Having no equipment or having inadequate technical equipment to ensure the safety requirements when transporting hazardous and/or radioactive waste matters;

b/ Having no written approval of the State management agencies in charge of environment when transporting in transit hazardous and/or radioactive waste matters through the internal waters and territorial sea of Vietnam;

c/ Failing to notify in advance the State management agencies in charge of environment when transporting hazardous and/or radioactive waste matters through the exclusive economic zone of Vietnam.

4. Additional sanctioning forms and remedial measures:

a/ Depriving of the right to use environmental licenses for 3 to 6 months or indefinitely for violations specified in Clause 1, at Point b of Clause 2 and Point a of Clause 3 of this Article;

b/ Forcing the destruction of hazardous and/or radioactive waste matters for violations specified at Point a, Clause 2 of this Article;

c/ Forcing the remedy of consequences caused by violations specified in this Article.

Article 22.- Sanctioning of foreign individuals and organizations committing acts of encroaching upon the sea areas and the continental shelf of the Socialist Republic of Vietnam in order to exploit marine resources

1. A fine of between VND 10,000,000 and VND 20,000,000 on organizations or individuals for committing the violation with the means without engines or with engines having the total

main engine power of under 45 CV.

2. A fine of between VND 20,000,000 and VND 50,000,000 on organizations or individuals for committing the violation with the means having the total main engine power of between over 45 CV and 90 CV.

3. A fine of between VND 50,000,000 and VND 100,000,000 on organizations or individuals for committing the violation with the means having the total main engine power of between over 90 CV and 135 CV.

4. A fine of between VND 100,000,000 and VND 200,000,000 on organizations or individuals for committing the violation with the means having the total main engine power of between over 135 CV and 200 CV.

5. A fine of between VND 200,000,000 and VND 300,000,000 on organizations or individuals for committing the violation with the means having the total main engine power of between over 200 CV and 300 CV.

6. A fine of between VND 300,000,000 and VND 400,000,000 on organizations or individuals for committing the violation with the means having the total main engine power of between over 300 CV and 400 CV.

7. A fine of between VND 400,000,000 and VND 500,000,000 on organizations or individuals for committing the violation with the means having the total main engine power of over 400 CV.

8. Additional sanctioning forms:

Confiscating material evidences and means used for commission of administrative violations specified in Clauses 1, 2, 3, 4, 5, 6 and 7 of this Article.

Chapter III

COMPETENCE AND PROCEDURES FOR SANCTIONING AND APPLYING MEASURES TO STOP ACTS OF ADMINISTRATIVE VIOLATION

Article 23.- Vietnam Coast Guard's competence to sanction administrative violations

1. In the sea areas and the continental shelf of Vietnam, excluding seaports, Vietnam Coast Guard has competence to sanction acts of administrative violation under the provisions of this Decree and other relevant law provisions.

2. In the domains of security, order and safety, customs, tax, trade, environmental protection, aquatic resource protection, mineral resource protection, and animal and plant quarantine and acts of administrative violation in other domains related to the sea areas and the continental shelf of Vietnam, Vietnam Coast Guard shall sanction administrative violations under the Government's already promulgated decrees pertaining to such domains.

3. Members of Vietnam Coast Guard's Professional Teams on duty have the following rights:

- a/ To issue cautions;
- b/ To impose fine of up to VND 200,000.

4. The heads of Vietnam Coast Guard's Professional Groups have the following rights:

- a/ To issue cautions;
- b/ To impose fine of up to VND 500,000.

5. The heads of Vietnam Coast Guard's Professional Teams have the following rights:

- a/ To issue cautions;

b/ To impose fine of up to VND 2,000,000.

6. The heads of Vietnam Coast Guard's flotillas have the following rights:

a/ To issue cautions;

b/ To impose fine of up to VND 5,000,000;

c/ To apply remedial measures:

- To force the restoration of the original state already altered due to administrative violations or the dismantlement of illegally built works;

- To force the taking of measures to remedy the environmental pollution or spread of epidemics caused by administrative violations;

- To force the destruction of articles harmful to human health, animals or plants, depraved cultural products.

7. The heads of Vietnam Coast Guard's fleets have the following rights:

a/ To issue cautions;

b/ To impose fine of up to VND 10,000,000;

c/ To confiscate material evidences and/or means used for commission of administrative violations;

d/ To apply remedial measures:

- To force the restoration of the original state already altered due to administrative violations or the dismantlement of illegally built works;

- To force the taking of measures to remedy the environmental pollution or spread of epidemics caused by administrative violations;

- To force the destruction of articles harmful to human health, animals or plants, depraved cultural products.

8. The commanders of regional Vietnam Coast Guard have the following rights:

a/ To issue cautions;

b/ To impose fine of up to VND 20,000,000;

c/ To confiscate material evidences and/or means used for commission of administrative violations;

d/ To apply remedial measures:

- To force the restoration of the original state already altered due to administrative violations or the dismantlement of illegally built works;

- To force the taking of measures to remedy the environmental pollution or spread of epidemics caused by administrative violations;

- To force the destruction of articles harmful to human health, animals and plants, depraved cultural products.

9. The director of Vietnam Coast Guard Department has the following rights:

a/ To issue cautions;

b/ To impose fine of up to VND 500,000,000;

c/ To deprive of the right to use licenses and practice certificates falling under his/her competence;

d/ To confiscate material evidences and means used for commission of administrative violations;

e/ To apply remedial measures:

- To force the restoration of the original state already altered due to administrative violations or the dismantlement of illegally built works;

- To force the taking of measures to remedy the environmental pollution or spread of epidemics caused by administrative violations;

- To force the destruction of articles harmful to human health, animals or plants, depraved cultural products.

10. If the persons with competence to

sanction administrative violations defined in Clauses 3, 4, 5, 6 and 7 of this Article are absent, their authorized deputies shall have competence to handle administrative violations and must take responsibility for their decisions.

Article 24.- Vietnam Coast Guard's competence to apply measures to stop administrative violations and ensure the handling of administrative violations

1. The following persons have the right to apply measures to stop administrative violations:

a/ Members of Vietnam Coast Guard's Professional Teams in the cases specified in Articles 47 and 48 of the Ordinance on Handling of Administrative Violations;

b/ Heads of Vietnam Coast Guard's flotillas;

c/ Heads of Vietnam Coast Guard's fleets.

2. The application of measures to stop administrative violations and ensure the handling of administrative violations shall comply with the provisions of Points a, b, c, d and e, Clause 1, Article 43 of the Ordinance on Handling of Administrative Violations.

3. When applying measures to stop administrative violations and ensure the handling of administrative violations, the competent persons must strictly observe the provisions of Articles 44, 45, 46, 47, 48 and 49 of the Ordinance on Handling of Administrative Violations; if committing violations, they shall be handled under the provisions of Article 121 of the Ordinance on Handling of Administrative Violations.

4. If the persons with competence to sanction administrative violations defined at Points b and c, Clause 1 of this Article are absent, their

authorized deputies shall have competence to make decisions and must take responsibility for their decisions.

Article 25.- Competence of other agencies and forces

1. Competent persons defined in the Ordinance on Handling of Administrative Violations shall have the rights to impose sanctions, apply measures to stop administrative violations and ensure the handling of administrative violations and have other powers over violation acts under this Decree in the domains or branches under their management.

2. The principles for determining the competence of other specialized forces and People's Committees at all levels to sanction administrative violations in this Decree shall comply with the provisions of Article 42 of the Ordinance on Handling of Administrative Violations and other relevant law provisions.

3. When detecting acts of administrative violation, the specialized State management agencies shall sanction them according to their respective competence; if such acts fall beyond their competence, they must make records thereon and transfer them to Vietnam Coast Guard or other competent agencies for sanctioning according to law provisions.

Article 26.- Procedures for sanctioning administrative violations

The procedures for sanctioning administrative violations shall comply with Chapter VI of the Ordinance on Handling of Administrative Violations and Chapter VI of Decree No. 134/2003/ND-CP of November 14, 2003 detailing the

implementation of a number of articles of the 2002 Ordinance on Handling of Administrative Violations.

Chapter IV

COMPLAINTS, DENUNCIATIONS, HANDLING OF VIOLATIONS

Article 27.- Complaints, denunciations and settlement thereof

1. Individuals or organizations handled for administrative violations under this Decree or their lawful representatives may complain about the sanctioning decisions of competent persons under the law provisions on complaints and denunciations. Pending the availability of the complaint settlement results of competent agencies or persons, the sanctioned individuals or organizations must still abide by the sanctioning decisions, except for the case where they are forced to dismantle built works.

Where the complaining individuals or organizations disagree with the complaint-settling decisions, they may complain with superior complaint-settling agencies or initiate administrative lawsuits at courts according to law provisions.

2. Individuals shall have the right to denounce to competent State agencies administrative violations specified in this Decree committed by other individuals or organizations according to law provisions on complaints and denunciations.

3. Individuals shall have the right to denounce to competent State agencies illegal acts committed by persons with competence to sanction administrative violations defined in Article 25 of this Decree.

Article 28.- Handling of violations

1. If persons with administrative violation-handling competence defined in this Decree harass, tolerate, cover up, fail to sanction or sanction not in time, sanction improperly or sanction ultra vires administrative violations, they shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liability; if causing damage, they must pay compensations therefor according to law provisions.

2. If persons sanctioned for administrative violations commit acts of obstructing or opposing the persons on duty with examining, controlling and sanctioning responsibilities or deliberately delaying or shirking the performance of the administrative violation-sanctioning decisions, they shall, depending on the nature and seriousness of their violations, be administratively sanctioned or examined for penal liability; if causing damage, they must pay compensations therefor according to law provisions.

Chapter V

IMPLEMENTATION PROVISIONS

Article 29.- Effect of the Decree

This Decree takes effect 15 days after its publication in the Official Gazette and replaces the Government's Decree No. 36/1999/ND-CP of June 9, 1999 prescribing the sanctioning of administrative violations in the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of the Socialist Republic of Vietnam.

Other law provisions on the sanctioning of

acts of administrative violation on the sea, which are contrary to this Decree, are hereby annulled.

Article 30.- Responsibilities of agencies

1. The Defense Minister shall assume the prime responsibility for, and coordinate with the concerned ministries and branches in, guiding, examining and urging the implementation of this Decree.

2. The ministers, the heads of the ministerial-level agencies, the heads of the Government-attached agencies, the presidents of the provincial/municipal People's Committees and the director of the Coast Guard Department shall have to implement this Decree.

On behalf of the Government

Prime Minister

PHAN VAN KHAI