

THE GOVERNMENT

DECREE No. 47/2005/ND-CP OF APRIL 8, 2005 ON SANCTIONING OF ADMINISTRATIVE VIOLATIONS IN THE DOMAIN OF LIVESTOCK BREEDS

THE GOVERNMENT

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

*Pursuant to the March 24, 2004 Ordinance on
Livestock Breeds;*

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

*At the proposals of the Minister of Agriculture
and Rural Development and the Minister of
Fisheries,*

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.- Governing scope

1. This Decree provides administrative sanctions against organizations and individuals that intentionally or unintentionally violate law provisions on State management in the domain of livestock breeds, which constitute no crimes but must be administratively sanctioned in accordance with the provisions of this Decree.

2. Administrative violations in the domain of livestock breeds defined in this Decree include:

a/ Violation of regulations on management and conservation of livestock gene sources;

b/ Violation of regulations on assay of new livestock breeds;

c/ Violation of regulations on livestock breed production and trading;

d/ Violation of regulations on management of the quality of livestock breeds, and

e/ Violation of regulations on administrative management of livestock breeds.

3. Other acts of administrative violation in the domain of livestock breeds not directly specified in this Decree shall be sanctioned in accordance with other relevant provisions of the Government's decrees on sanctioning administrative violations in the State management domains.

Article 2.- Application subjects

1. People aged between full 14 years and under 16 years shall be sanctioned for their intentional administrative violations; people aged full 16 years or older shall be sanctioned for every administrative violation they have committed in the domain of livestock breeds, which are defined in the legislation on handling of administrative violations and in Chapter II of this Decree.

2. Organizations shall be sanctioned for every administrative violation they have committed in the domain of livestock breeds. After executing sanctioning decisions, the sanctioned organizations shall identify individuals who are blamed for the administrative violations and

determine their legal liabilities in accordance with the provisions of law.

3. Foreign organizations and individuals committing administrative violations in the domain of livestock breeds within the territory, exclusive economic zones or continental shelf of the Socialist Republic of Vietnam shall be administratively sanctioned in accordance with the provisions of this Decree. In cases where international treaties, which Vietnam has signed or acceded to, otherwise provide for, such international treaties shall apply.

Article 3.- Sanctioning principles

Principles for sanctioning administrative violations in the domain of livestock breeds shall comply with the provisions of Article 3 of the Ordinance on Handling of Administrative Violations and Article 3 of the Government's 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.

Article 4.- Extenuating, aggravating circumstances

The application of extenuating or aggravating circumstances in the sanctioning of administrative violations, with regard to violation acts defined in Chapter II of this Decree, shall comply with the provisions of Articles 8 and 9 of the Ordinance on Handling of Administrative Violations.

Article 5.- Statute of limitations for sanctioning administrative violations

The statute of limitations for sanctioning an administrative violation in the domain of livestock breeds is one year, counting from the date such

violation is committed; two years, from the date the violation is committed, if it is in the domain of export or import of livestock breeds or is an act of producing or trading in prohibited breeds; or fake breeds.

Article 6.- Time limit for being regarded as having not been sanctioned for administrative violations

If one year after executing the sanctioning decisions or after the expiration of the statute of limitations for execution of administrative violations the administratively sanctioned organizations or individuals do not relapse into the sanctioned violations, they shall be considered as having not been sanctioned for administrative violations.

Article 7.- Forms of administrative sanction and remedies

1. For every act of administrative violation, violating organizations or individuals shall be subject to one of the following principal sanctioning forms:

- a/ Caution;
- b/ Fine.

The maximum fine level for an act of administrative violation in the domain of livestock breeds is VND 30,000,000.

2. Apart from the principal sanctioning forms, depending on the nature and seriousness of their violations, organizations or individuals committing administrative violations in the domain of livestock breeds may also be subject to one or all of the following additional sanctioning forms:

- a/ Deprivation of the right to use assorted

permits or practice certificates for a definite or indefinite term;

b/ Confiscation of material evidences and means used for commission of administrative violations.

3. Apart from the sanctioning forms defined in Clauses 1 and 2 of this Article, organizations or individuals committing administrative violations may also be subject to one or many of the following remedies:

a/ Forcible destruction of livestock breeds harmful to human health or causing environmental pollution;

b/ Forcible bringing out of the Vietnamese territory or re-export of livestock breeds which are not on the list of those permitted for production or trading or are not approved in writing by competent State agencies.

Violating organizations and individuals must bear all expenses for application of the above-mentioned remedies.

Chapter II

ACTS OF ADMINISTRATIVE VIOLATION IN THE DOMAIN OF LIVESTOCK BREEDS, SANCTIONING FORMS AND LEVELS

Article 8.- Violation of regulations on management and conservation of livestock gene sources in conservation zones

1. A fine of between VND 1,000,000 and VND 3,000,000 for acts of exploiting or using livestock gene sources in conservation zones in excess of the permitted limits.

2. A fine of between VND 5,000,000 and VND 10,000,000 for acts of exploiting or using livestock gene sources in conservation zones without permission of competent authorities.

3. A fine of between VND 20,000,000 and VND 30,000,000 for acts of destroying livestock gene sources in conservation zones.

4. Additional sanctioning forms and remedies:

a/ Confiscation of material evidences and means used to commit administrative violations, for violations specified in this Article;

b/ Forcible application of remedies, for violations specified in this Article.

Article 9.- Violation of regulations on exploitation and conservation of precious and rare livestock gene sources

1. Caution or a fine of between VND 1,000,000 and VND 2,000,000 for acts of exploiting or using precious and rare livestock gene sources in excess of the permitted limits.

2. A fine of between VND 2,000,000 and VND 3,000,000 for acts of exploiting or using precious and rare livestock gene sources at variance with the regime on management and use thereof.

3. A fine of between VND 20,000,000 and VND 30,000,000 for acts of destroying precious and rare livestock gene sources.

4. Additional sanctioning forms and remedies:

a/ Confiscation of material evidences and means used to commit administrations, for violations specified in this Article.

b/ Forcible application of remedies, for violations

specified in this Article.

Article 10.- Violation of regulations on international exchange of precious and rare livestock gene sources

1. A fine of between VND 15,000,000 and VND 25,000,000 for acts of internationally exchanging precious and rare livestock gene sources at variance with the contents of written approval of the Ministry of Agriculture and Rural Development or the Ministry of Fisheries.

2. A fine of between VND 25,000,000 and VND 30,000,000 for acts of internationally exchanging precious and rare livestock gene sources without written consent of the Ministry of Agriculture and Rural Development or the Ministry of Fisheries.

3. Additional sanctioning forms:

Confiscation of material evidences and means used to commit administrative violations, for violations specified in this Article.

Article 11.- Violation of regulations on assay of new livestock breeds

1. A fine of between VND 3,000,000 and VND 5,000,000 on establishments for assaying livestock breeds without adequate material and technical foundations as provided for or without technical workers who are granted certificates of livestock breed assay.

2. A fine of between VND 5,000,000 and VND 15,000,000 on establishments assaying livestock breeds for committing one of the following acts:

a/ Assaying livestock breeds while having not yet been recognized by competent State agencies

for livestock breed assay.

b/ Conducting assays not according to the prescribed process;

c/ Conducting assays at variance with the prescribed contents.

3. A fine of between VND 10,000,000 and VND 15,000,000 for acts of trading in or exchanging on the market new livestock breeds without assaying results.

4. Remedies and additional sanctioning forms:

a/ Forcing assaying establishments to take remedies, for violations specified in Clauses 1 and 2 of this Article.

b/ Confiscating breeds and means used to commit administrative violations, for violations specified in Clause 3 of this Article.

Article 12.- Violation of regulations on livestock breed production and trading

1. Caution or a fine of between VND 200,000 and VND 500,000 shall be imposed on organizations or individuals that are subject to business registration but fail to open breed-monitoring books according to regulations.

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

a/ Keeping purebred, prototypal, grandparental or nucleus breeds by establishments without specialized technicians of university degree in veterinary or fisheries.

b/ Keeping parental breeds by establishments without technical workers possessing required professional certificates.

3. A fine of between VND 5,000,000 and VND 10,000,000 for acts of producing or trading in fake livestock breeds.

4. A fine of between VND 10,000,000 and VND 15,000,000 on establishments producing and/or trading in livestock breeds for committing one of the following acts in production areas:

- a/ Testing pathogens;
- b/ Testing new veterinary drugs;
- c/ Testing new livestock feeds.

5. A fine of between VND 20,000,000 and VND 30,000,000 for acts of producing and/or trading in livestock breeds not on the list of those permitted for production and/or trading.

6. Remedies and additional sanctioning forms:

a/ Forcible compilation of books to monitor breeds, for violations specified in Clause 1 of this Article;

b/ Confiscation, change of use purposes or destruction of breeds, for violations specified in Clause 3 of this Article;

c/ Forcible suspension of testing, for violations specified at Points a, b and c, Clause 4 of this Article;

d/ Confiscation of new veterinary drugs or livestock feeds, for violations specified at Points b and c, Clause 4 of this Article, and means used for testing, for violations specified at Points a, b and c, Clause 4 of this Article;

e/ Forcible destruction of pathogens, for violations specified at Point a, Clause 4 of this Article;

f/ Forcible confiscation of breeds and means

used to commit administrative violations, for violations specified in Clause 5 of this Article.

Article 13.- Violation of regulations on production and/or trading of sperms, embryos, breeding eggs and larva

1. Caution or a fine of between VND 200,000 and VND 500,000 for acts of violating the regulations on hygienic and sterilization conditions of equipment and tools used in the process of exploiting and treating sperms and embryos.

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

a/ Producing sperms from breeding males which have not gone through individual productivity inspection;

b/ Exploiting sperms, embryos, breeding eggs and larva not from purebred, prototypal, nucleus or parental breed stocks.

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

a/ Exploiting, trading in sperms, breeding eggs in dangerous epidemic-hit areas;

b/ Making prepared or frozen sperms, frozen embryos or breeding eggs not up to the prescribed quality standards;

c/ Having no technicians trained and granted certificates for artificial fertilization or embryonal inoculation;

d/ Having no specialized equipment, facilities and materials as required for organizations and individuals producing and/or trading in embryos.

4. Remedies and additional sanctioning forms:

a/ Forcible application of hygienic and sterilization conditions, for violations specified in Clause 1 of this Article;

b/ Suspension of operation, for violations specified in Clause 2 of this Article;

c/ Forcible destruction of sperms, embryos and breeding eggs, for violations specified at Points a and b, Clause 3 of this Article.

Article 14.- Violation of regulations on export of livestock breeds

1. A fine of between VND 10,000,000 and VND 20,000,000 for acts of exporting livestock breeds at variance with the contents of written approval of the Ministry of Agriculture and Rural Development or the Ministry of Fisheries.

2. A fine of between VND 20,000,000 and VND 30,000,000 for acts of exporting livestock breeds on the list of those banned from export without written consent of the Ministry of Agriculture and Rural Development or the Ministry of Fisheries.

3. Additional sanctioning forms:

Confiscation of livestock breeds, for violations specified in this Article.

Article 15.- Violation of regulations on import of livestock breeds

1. A fine of between VND 10,000,000 and VND 20,000,000 for acts of importing into Vietnam livestock breeds on the list of those permitted for production and/or trading but with the types, quantities or standards different from those already registered for import.

2. A fine of between VND 20,000,000 and VND

30,000,000 for acts of importing into Vietnam livestock breeds not on the list of those permitted for production and/or trading in Vietnam without written consent of the Ministry of Agriculture and Rural Development or the Ministry of Fisheries.

3. Remedies and additional sanctioning forms:

Forcible re-export; slaughtering or destruction of livestock breeds, for violations specified in this Article in accordance with the provisions of law.

Article 16.- Violation of regulations on labels and dossiers of livestock breeds

1. Caution or a fine of between VND 200,000 and VND 1,000,000 for acts of trading in livestock breeds with breed labels or dossiers which are, however, blurred and unreadable.

2. A fine of between VND 1,000,000 and VND 3,000,000 for acts of producing and/or trading in livestock breeds without breed labels or dossiers or with breed labels or dossiers containing insufficient information according to regulations on breed labeling and dossiers.

3. A fine of between VND 5,000,000 and VND 10,000,000 for acts of counterfeiting labels or dossiers of livestock breeds being circulated on market and already registered.

4. Additional sanctioning forms and remedies:

a/ Forcible application of measures to redress violations related to breed labels and dossiers when breeds are traded, for violations specified in Clauses 1 and 2 of this Article;

b/ Confiscation of breed labels and dossiers, for violations specified in Clause 3 of this Article.

Article 17.- Violation of regulations on advertisement of livestock breeds

1. A fine of between VND 3,000,000 and VND 5,000,000 for acts of providing information on, or advertising for, livestock breeds not on the list of those permitted for production and/or trading.

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

a/ Making advertisements for livestock breeds, which are untruthful or untrue to their registered quality;

b/ Making advertisements with contents lowering the prestige or quality of livestock breeds of other organizations or individuals.

Article 18.- Violation of regulations on announcement of livestock breed quality standards

1. Caution or a fine of between VND 1,000,000 and VND 3,000,000 for acts of producing livestock breeds without announcing their quality standards, for livestock breeds on the list of those subject to announcement of quality standards.

2. Remedies:

Forcible announcement of quality standards of livestock breeds, for violations specified in this Article.

Article 19.- Violation of regulations on announcement of standard compatibility in the production of livestock breeds

1. Caution or a fine of between VND 200,000 and VND 500,000 for acts of failing to announce standard conformity within the prescribed time limit.

2. A fine of between VND 2,000,000 and VND 5,000,000 for acts of stamping or sticking standard conformity labels on produced livestock breeds before announcing their standard conformity.

3. Remedies and additional sanctioning forms:

a/ Forcible announcement of standard conformity within the prescribed time limit, for violations specified in Clause 1 of this Article;

b/ Stopping the production or changing the use purposes of the lots of breeds, for violations specified in Clause 2 of this Article; in cases where the use purposes of such breeds cannot be changed, they shall be destroyed.

Article 20.- Violation of regulations on quality of livestock breeds in trading

1. A fine of between VND 2,000,000 and VND 5,000,000 for acts of trading in livestock breeds without announcing their quality standards according to regulations.

2. A fine of between VND 5,000,000 and VND 10,000,000 for acts of trading in livestock breeds of a quality not up to the announced quality.

3. A fine of between VND 10,000,000 and VND 15,000,000, for acts of trading in livestock breeds which are harmful to human health, cause environmental pollution or affect the national prestige.

4. Remedies and additional sanctioning forms:

a/ Forcible announcement of quality standards of livestock breeds, for violations specified in Clause 1 of this Article;

b/ Forcible change of use purposes of the lots

of breeds, for violations specified in Clause 2 of this Article;

c/ Forcible destruction of the lots of breeds, for violations specified in Clause 3 of this Article.

Article 21.- Violation of regulations on breed productivity inspection

1. A fine of between VND 1,000,000 and VND 3,000,000 for one of the following violation acts committed in the inspection of individual productivity of breeding males:

a/ Failing to conduct inspection according to the technical process;

b/ Failing to assess and announce individual productivity of breeding males.

2. A fine of between VND 3,000,000 and VND 5,000,000 on establishments keeping purebred, prototypal, nucleus or parental breeds and breeding stocks for failing to inspect individual or population productivity according to regulations.

3. A fine of between VND 5,000,000 and VND 10,000,000 on establishments providing services of inspection of individual productivity of breeding males for committing one of the following acts:

a/ Having material, technical and technological foundations which are unsuitable or fail to ensure conditions on veterinary hygiene;

b/ Having no technicians who are trained and granted certificates for inspection of individual productivity of breeding males.

4. Remedies:

a/ Forcible application of remedies on breed productivity inspection according to regulations, for violations specified in Clauses 1 and 2 of this Article;

b/ Forcible application of remedies, for violations specified in Clause 3 of this Article.

Article 22.- Violation of regulations on administrative management of livestock breeds

1. A fine of between VND 1,000,000 and VND 3,000,000 for an act of modifying or erasing the following papers:

a/ Livestock breed- business registration certificates;

b/ Professional certificates;

c/ Written permissions or certifications of livestock breed export or import, issued by specialized management agencies; written certifications of standards; papers on the list of livestock breeds; papers on assay.

2. A fine of between VND 3,000,000 and VND 5,000,000 for acts of letting others use one's own professional certificate.

3. A fine of between VND 5,000,000 and VND 10,000,000 for acts of making false declarations in dossiers of application for papers defined at Points a, b and c, Clause 1 of this Article.

4. Additional sanctioning forms:

Withdrawal of, and deprivation of the right to use, assorted papers, for violations specified in Clauses 1 and 2 of this Article.

Chapter III

COMPETENCE TO SANCTION ADMINISTRATIVE VIOLATIONS IN THE DOMAIN OF LIVESTOCK BREEDS

Article 23.- Competence of specialized

inspectors to sanction administrative violations

1. Inspectors on duty have the power:

a/ To serve caution or impose fines of up to VND 200,000;

b/ To confiscate material evidences and means used for commission of administrative violations, valued at up to VND 2,000,000;

c/ To apply remedies provided for at Points a, b and d, Clause 3, Article 12 of the 2002 Ordinance on Handling of Administrative Violations.

2. Chief inspectors of provincial/municipal Agriculture and Rural Development Services or Fisheries Services have the power:

a/ To serve caution or impose fines of up to VND 20,000,000;

b/ To deprive of the right to use practice certificates or professional certificates, which are granted according to competence by provincial/ municipal Agriculture and Rural Development Services or Fisheries Services;

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

d/ To apply remedies provided for at Points a, b and d, Clause 3, Article 12 of the 2002 Ordinance on Handling of Administrative Violations.

3. Chief inspectors of the Ministry of Agriculture and Rural Development and the Ministry of Fisheries have the power:

a/ To serve caution or impose fines of up to VND 30,000,000;

b/ To deprive of the right to use practice certificates or professional certificates, which are

granted according to competence by the Ministry of Agriculture and Rural Development or the Ministry of Fisheries;

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

d/ To apply remedies provided for at Points a, b and d, Clause 3, Article 12 of the 2002 Ordinance on Handling of Administrative Violations.

Article 24.- Sanctioning competence of presidents of People's Committees at all levels

Presidents of People's Committees at all levels have the power to sanction administrative violations in the domain of livestock breeds according to the provisions of Articles 28, 29 and 30 of the Ordinance on Handling of Administrative Violations.

Article 25.- Sanctioning competence of other agencies

Apart from the persons defined in Articles 23 and 24 of this Decree, if the persons with sanctioning competence defined in the Ordinance on Handling of Administrative Violations detect acts of administrative violation on livestock breeds, related to the domains or branches under their management, they shall have the power to impose sanctions in accordance with their prescribed competence.

Article 26.- Principles for determining competence to sanction administrative violations in the domain of livestock breeds

1. In cases where an administrative violation falls under the sanctioning competence of many agencies, it shall be handled by the agency accepting the dossiers first.

2. The sanctioning competence of the persons defined in Articles 24 and 25 of this Decree means the competence applicable to one administrative violation act.

3. In case of imposing fines, the sanctioning competence shall be determined on the basis of the maximum level of the fine bracket provided for each specific violation act.

4. In cases where apart from applying form(s) of sanction, the remedy of forcible bringing out of Vietnam or forcible re-export also applies, the competent sanctioning agencies or persons receiving cases must transfer dossiers of administrative violations to the presidents of provincial-level People's Committees, the directors of provincial/municipal Customs Departments or the director of the Anti-Smuggling Investigation Department under the General Department of Customs for handling in accordance with the provisions of Clause 5, Article 30, Point e of Clause 3, Point e of Clause 4, of Article 34 of the Ordinance on Handling of Administrative Violations.

5. In cases where one person is sanctioned for committing many acts of administrative violation, the sanctioning competence shall be determined on the following principles:

a/ If the sanctioning form and level provided for each violation act fall under the competence of the sanctioning person, such person shall still have the sanctioning competence.

b/ If the sanctioning form and level provided for one of the violation acts fall beyond the competence of the sanctioning person, such person shall have to transfer the entire dossier of the violation to an

authority with sanctioning competence;

c/ If violation acts fall under sanctioning competence of many persons from various branches, the sanctioning competence shall belong to the presidents of competent sanctioning People's Committees of the localities where the violations are committed.

Article 27.- Authorization of the sanctioning of administrative violations

In cases where of the persons with competence to sanction administrative violations defined in Articles 23 and 24 of this Decree are absent, their authorized deputies shall have competence to sanction administrative violations and take responsibility for their decisions.

Chapter IV

PROCEDURES FOR SANCTIONING ADMINISTRATIVE VIOLATIONS IN THE DOMAIN OF LIVESTOCK BREEDS

Article 28.- Procedures for sanctioning administrative violations

1. The procedures for, and order of, sanctioning administrative violations in the domain of livestock breeds shall comply with the provisions of Articles 53, 54, 55, 56, 57 and 58 of the Ordinance on Handling of Administrative Violations.

2. Organizations or individuals subject to payment of fines shall have to pay them at places stated in the sanctioning decisions and be given fine receipts. In remote areas, on rivers or the sea

or where travel is difficult or outside working hours, the fined individuals or organizations may pay their fines to competent sanctioning persons and be given fine receipts.

3. Except for cases of caution or fine of up to VND 100,000, persons with competence to sanction administrative violations shall issue sanctioning decisions on spot (according to simple procedures); all administrative violation acts must be recorded in dossiers to be fully kept at competent sanctioning agencies within the currently prescribed time limit.

4. When applying forms of confiscation of material evidences and means of administrative violations, the persons with competence to sanction such violations must strictly comply with the procedures stipulated in Article 60 of the Ordinance on Handling of Administrative Violations. The handling of confiscated material evidences and means of administrative violations must comply with the provisions of Article 61 of the Ordinance on Handling of Administrative Violations and Articles 31, 32, 33 and 34 of the Government's Decree No. 134/2003/ND-CP of November 14, 2003 detailing the implementation of the Ordinance on Handling of Administrative Violations.

5. The application of the sanctioning form of deprivation of the right to use permits or practice certificates must comply with the provisions of Article 59 of the Ordinance on Handling of Administrative Violations and Article 11 of the Government's Decree No. 134/2003/ND-CP of November 14, 2003 detailing the implementation of the Ordinance on Handling of Administrative Violations.

6. The regime of management and use of fines collected from administrative violations shall comply with the State's regulations.

Article 29.- Execution of decisions sanctioning administrative violations and forcible execution of such decisions

1. Organizations or individuals administratively sanctioned under this Decree must strictly execute competent persons' sanctioning decisions within 10 days (according to Article 64 of the Ordinance on Handling of Administrative Violations, from the date of receiving such decisions, except for cases otherwise provided for by the Ordinance on Handling of Administrative Violations).

2. Organizations or individuals that are sanctioned for administrative violations but refuse to voluntarily execute the sanctioning decisions shall be forced to do so through measures provided in Article 66 of the Ordinance on Handling of Administrative Violations. When applying coercive measures, competent agencies and persons must abide by the order and procedures provided for in Article 67 of the Ordinance on Handling of Administrative Violations.

Article 30.- Application of measures to prevent administrative violations and ensure the sanctioning thereof

1. To prevent in time administrative violations and ensure the handling of administrative violations in the domain of livestock breeds, competent persons may apply preventive measures provided for in Article 43 of the Ordinance on Handling of Administrative Violations.

2. The competence, order and procedures for application of measures to prevent administrative violations and ensure the handling of administrative violations in the domain of livestock breeds shall comply with the provisions of Articles 44, 45, 46, 47, 48 and 49 of the Ordinance on Handling of Administrative Violations.

Chapter V

COMPLAINTS, DENUNCIATIONS AND HANDLING OF VIOLATIONS

Article 31.- Complaints, denunciations

1. Organizations or individuals sanctioned for administrative violations in the domain of livestock breeds or their lawful representatives have the right to complain about decisions sanctioning their administrative violations, decisions on the application of preventive measures and assurance of handling of administrative violations.

2. Individuals have the right to denounce to competent State agencies about unlawful acts in handling of administrative violations in the domain of livestock breeds.

3. The competence, procedures, statute of limitations and time limit for settling complaints and denunciations shall comply with the provisions of the legislation on complaints and denunciations.

Article 32.- Commendation, rewarding

1. Organizations and individuals that record achievements in the prevention of, and fight against, administrative violations in the domain of

livestock breeds shall be commended/rewarded according to the provisions of the legislation on commendation and rewarding.

2. To strictly prohibit the use of fine money collected from administrative violations in the domain of livestock breeds or from the sale of confiscated material evidences and means for rewards.

Article 33.- Handling of violations committed by persons competent to sanction administrative violations

1. Persons with competence to sanction administrative violations in the domain of livestock breeds who commit acts of harassing, tolerating, covering, not handling or handling *ultra vires* violations, appropriating or illegally using money, obstructing the circulation of lawful goods, thus causing losses to organizations or individuals shall, depending on the nature and seriousness of their violations, be disciplined or examined for penal liabilities; if causing damage, they have to pay compensations therefor in accordance with the provisions of law.

2. If persons with sanctioning competence in the domain of livestock breeds fail to impose sanctions within the statute of limitations, they shall be handled in accordance with the provisions of Article 121 of the Ordinance on Handling of Administrative Violations and Clause 2, Article 10 of the Government's 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.

Article 34.- Handling of violations committed

by persons sanctioned for administrative violations

If persons handled for administrative violations commit acts of opposing officials on duty, deliberately delaying or avoiding the execution of sanctioning decisions or committing other violation acts, they shall, depending on the nature and seriousness of their violations, be sanctioned for such administrative violations or examined for penal liabilities; if causing damage, they have to pay compensations therefor in accordance with the provisions of law.

Chapter VI

IMPLEMENTATION PROVISIONS

Article 35.- Implementation effect

This Decree takes effect 15 days after its publication in the Official Gazette.

Article 36.- Responsibilities for guidance and implementation

1. The Minister of Agriculture and Rural Development and the Minister of Fisheries shall have to guide the implementation of this Decree.

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

On behalf of the Government

Prime Minister

PHAN VAN KHAI