

## **THE GOVERNMENT**

### **DECREE No. 145/2006/ND-CP OF NOVEMBER 30, 2006, PROVIDING FOR THE SANCTIONING OF ADMINISTRATIVE VIOLATIONS IN THE PETROLEUM DOMAIN**

#### **THE GOVERNMENT**

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

*Pursuant to the July 6, 1993 Petroleum Law and the Law Amending and Supplementing a Number of Articles of the June 9, 2000 Petroleum Law;*

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

*At the proposal of the Minister of Industry,*

#### **DECREES:**

##### **Chapter I**

#### **GENERAL PROVISIONS**

##### **Article 1.- Governing scope**

1. This Decree provides for administrative violations, forms, levels and competence of, and procedures for, sanctioning administrative violations in the petroleum domain.

2. Administrative violations in the petroleum domain mean acts of intentionally or unintentionally violating the regulations on the state management of petroleum, which, however, are not crimes and, under the provisions of this Decree, must be administratively sanctioned, including:

- a/ Violation of the regulations on prospecting, exploration and exploitation of petroleum;
- b/ Violation of the regulations on safety, security and

environment in the petroleum domain;

c/ Violation of the regulations on reporting regime, disclosure of information and other regulations in the state management of the petroleum domain.

3. Administrative violations which are governed by other legal documents and not provided for in this Decree but related to the petroleum domain shall be administratively sanctioned in accordance with those legal documents.

##### **Article 2.- Subjects of application**

1. Vietnamese organizations or individuals that commit administrative violations in the petroleum domain shall be sanctioned according to the provisions of this Decree and relevant provisions of law on the sanctioning of administrative violations.

2. Foreign organizations or individuals that commit administrative violations in the petroleum domain within the territory, exclusive economic zones or the continental shelf of the Socialist Republic of Vietnam shall be sanctioned according to the provisions of this Decree; if a treaty to which the Socialist Republic of Vietnam is a contracting party otherwise provides for, the provisions of that treaty prevail.

3. Minors who commit administrative violations in the petroleum domain shall be sanctioned according to the provisions of Article 7 of the Ordinance on Handling of Administrative Violations.

##### **Article 3.- Principles for sanctioning administrative violations**

Principles for sanctioning administrative violations in the petroleum domain 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 Ordinance on Handling of Administrative Violations.

##### **Article 4.- Statute of limitations for sanctioning administrative violations**

1. The statute of limitations for sanctioning an

administrative violation in the petroleum domain is one year, counting from the date that violation is committed. Past this time limit, if the violation is detected, the violating organization or individual shall not be sanctioned but is required to take remedies provided for in this Decree.

2. For individuals against whom prosecution or judicial proceedings are sought or whose cases have been decided to be brought to trial according to criminal procedures but later the investigations or the cases are decided to be stopped, they shall be administratively sanctioned if their acts show signs of administrative violation. Within three days after issuing a decision to stop the investigation or a case, the decision maker is required to send the decision to the person with sanctioning competence; in this case, the statute of limitations for sanctioning the violation is three months after the person with sanctioning competence receives the decision to stop the violation and the case dossier.

3. Within the time limit specified in Clauses 1 and 2 of this Article, if concerned individuals or organizations commit new violations in the petroleum domain or deliberately shirk or obstruct the sanctioning, the statute of limitations provided for in Clauses 1 and 2 of this Article shall not apply. The statute of limitations for sanctioning administrative violations shall be re-counted from the time a new violation is committed or the act of shirking or obstructing the sanctioning stops.

4. Persons with sanctioning competence who are at fault in letting the statute of limitations for sanctioning expire shall be handled in accordance with Article 121 of the Ordinance on Handling of Administrative Violations.

**Article 5.-** Time limit for being considered as having not yet been administratively sanctioned

The time limit for being considered as having not yet been administratively sanctioned shall comply with the provisions of Clause 1, Article 11 of the Ordinance on Handling of Administrative Violations and Article 7 of the Government's Decree No. 134/2003/ND-CP of November 14, 2003, detailing the implementation of a

number of articles of the Ordinance on Handling of Administrative Violations.

**Article 6.-** Extenuating or aggravating circumstances

Extenuating or aggravating circumstances in the sanctioning of administrative violations in the petroleum domain shall comply with the provisions of Articles 8 and 9 of the Ordinance on Handling of Administrative Violations and Article 6 of the Government's Decree No. 134/2003/ND-CP of November 14, 2003, detailing the implementation of a number of articles of the Ordinance on Handling of Administrative Violations.

**Article 7.-** Forms of sanctioning administrative violations

1. For each administrative violation in the petroleum domain, violating individuals or organizations shall be subject to either of the two following principal sanctions:

- a/ Caution;
- b/ Fine.

2. In case of fine, the specific fine level applicable to an administrative violation is the average level of the fine bracket prescribed for such violation. For a violation involving extenuating circumstances, the fine level may be reduced but must not be lower than the minimum level of the fine bracket. For a violation involving aggravating circumstances, the fine level may be increased but must not exceed the maximum level of the fine bracket.

3. Depending on the nature and severity of violations, violating individuals or organizations may also be subject to one or some of the following additional sanctions:

- a/ Deprivation of the right to use permits or practice certificates;
- b/ Confiscation of material evidences or means used for commission of administrative violations.

4. Depending on the nature and severity of violations, violating individuals or organizations may also be forced to apply one or several remedies specified in Chapter II of this Decree.

**Chapter II****FORMS AND LEVELS OF SANCTIONING  
ADMINISTRATIVE VIOLATIONS IN THE  
PETROLEUM DOMAIN****Section 1. VIOLATIONS OF REGULATIONS ON  
PETROLEUM PROSPECTING, EXPLORATION AND  
EXPLOITATION**

**Article 8.-** Violation of regulations on petroleum prospecting and exploration

1. A caution or a fine of between VND 200,000 and VND 500,000 shall be imposed for acts of failing to elaborate annual working programs to be sent to competent agencies or organizations in each period under commitments in petroleum contracts regarding the time limits, contents of work and finance.

2. A fine of between VND 80,000,000 and VND 100,000,000 shall be imposed for one of the following violations:

a/ Conducting petroleum prospecting or exploration when the master plans and detailed plans have not yet been approved by competent authorities;

b/ Failing to submit to competent agencies documents and samples collected in the drilling process;

c/ Prolonging the prospecting and exploration time without permission of competent agencies;

d/ Detaining the area found with commercial gas without permission of the Prime Minister;

e/ Conducting petroleum prospecting and exploration in the restricted or temporarily restricted areas as announced by the State;

f/ Drilling outside the areas of petroleum contracts without permission of competent agencies.

3. A fine of between VND 300,000,000 and VND 500,000,000 shall be imposed for acts of encroaching upon territorial waters, contiguous zones, exclusive economic zones or the continental shelf of the Socialist Republic of Vietnam for the purpose of prospecting and exploring petroleum.

4. Additional sanctions:

Confiscation of material evidences and means used to commit administrative violations specified in Clause 3 of this Article.

5. Remedies:

Forcible compliance with the provisions of law, for violations mentioned at Points a and b, Clause 2 of this Article.

**Article 9.-** Violation of regulations on field development and petroleum exploitation

1. A caution or a fine of between VND 200,000 and VND 500,000 shall be imposed for one of the following violations:

a/ Failing to elaborate corresponding annual working programs to be sent to competent agencies or organizations;

b/ Failing to keep books with records on the measurement and the equipment measuring the total flow or the equipment checking the flow according to regulations.

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for one of the following violations:

a/ Apportioning oil output exploited from a group of wells of an oilfield by proportioning each well not according to the flow division and the approved apportionment process;

b/ Failing to adjust and keep adjusting all equipment used to measure the total flow, water and gas according to periodical standards and regimes already approved by competent agencies or organizations;

c/ Conducting well repair or treatment in order to increase the flow of products without the approval of competent agencies or organizations;

d/ Exploiting petroleum from two seams or more with the same pipeline or well-bore without separately measuring the flow of each seam and without the approval of competent agencies or organizations;

e/ Failing to measure the total flow of product-bearing seams and determine the accumulation of each seam

when concurrently exploiting several seams as approved.

3. A fine of between VND 40,000,000 and VND 60,000,000 shall be imposed for one of the following violations:

a/ Exploiting petroleum with an output which reduces the pressure of a seam to a level lower than that already approved by competent agencies or organizations;

b/ Failing to strictly observe the regulations on safety valve of well-bore;

c/ Failing to consolidate fields at the request of competent state agencies;

d/ Failing to re-calculate petroleum reserves under the provisions of law;

e/ Failing to properly implement the regulations on measurement or survey of seam pressure;

f/ Failing to properly implement the regulations on exploitation and anti-exploitation pipelines;

g/ Failing to keep wellheads and Xmas trees in accordance with law;

h/ Pumping fluids into seams within a network of pressurized pumping wells and seams other than that already approved;

i/ Failing to follow the process of burning and discharging associated gas;

j/ Exploiting petroleum in excess of the volume permitted for burning or abandonment by competent agencies or organizations in the course of testing wells;

k/ Exploiting associated gas when the oil and gas ratio is higher than the approved limit without the approval of competent agencies or organizations.

4. A fine of between VND 80,000,000 and VND 100,000,000 shall be imposed for one of the following violations:

a/ Conducting field development and petroleum exploitation when the field development plans have not yet been approved by competent agencies;

b/ Not responding to the Vietnamese Government's request for the sale of crude oil on the Vietnamese market;

c/ Failing to abide by the master plans and plans on oil and gas field development, which have been approved by competent agencies or organizations;

d/ Conducting petroleum exploitation in the restricted or temporarily restricted areas as announced by the State;

e/ Exploiting petroleum outside the contractual areas without permission of competent state agencies.

5. A fine of between VND 300,000,000 and VND 500,000,000 shall be imposed for acts of encroaching upon territorial waters, contiguous zones, exclusive economic zones or the continental shelf of the Socialist Republic of Vietnam for the purpose of exploiting petroleum.

6. Apart from fines, violating organizations and individuals may also be subject to the following additional sanctions:

Confiscation of material evidences and means used to commit administrative violations, for violations mentioned at Points c, d and e, Clause 2; Points a, h and i, Clause 3; Points a, d and e, Clause 4, and Clause 5 of this Article.

**Article 10.-** Violation of the regulations on activities in completion of petroleum projects

1. A fine of between VND 40,000,000 and VND 60,000,000 shall be imposed for acts of conducting petroleum prospecting, exploration and exploitation without submitting to competent state management agencies programs, plans and cost estimates for the dismantlement of fixed works in service of petroleum prospecting, exploration and exploitation.

2. A fine of between VND 80,000,000 and VND 100,000,000 shall be imposed for one of the following violations:

a/ Dismantling fixed works in service of petroleum prospecting, exploration and exploitation when programs, plans and cost estimates therefor have not yet been approved by competent state management agencies;

b/ Failing to properly implement regulations on

preservation and abandonment of wells.

**Section 2. VIOLATIONS OF REGULATIONS ON  
SAFETY, SECURITY AND ENVIRONMENT IN THE  
PETROLEUM DOMAIN**

**Article 11.-** Violation of regulations on petroleum safety and security

1. A caution or a fine of between VND 200,000 and VND 500,000 shall be imposed for acts of planting perennial trees within the corridors of petroleum works on land.

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for one of the following violations:

a/ Failing to establish a safety corridor around petroleum works under regulations of competent agencies;

b/ Building works, using bare fire, heat-emitting or fire-igniting equipment or conducting other activities within the safety corridors of petroleum works on land which cause harms to those works;

c/ Anchoring ships or boats within 2 nautical miles from the outer edge of an offshore platform;

d/ Illegally encroaching upon or conducting any activities in the petroleum safety areas of offshore platforms without permission of the Prime Minister;

e/ Using pressure or fireproof cylinders which are designed or installed in contravention of regulations;

f/ Failing to properly implement regulations on checking valves and gages;

g/ Using a system of treating equipment, separators, pressure cylinders, mechanical pumps, compressors, pipelines, manifolds, wellheads and other petroleum-exploiting tools without a safety protection system for them;

h/ Failing to install wing valves at wellheads and Xmas trees or using those valves not up to the prescribed standards;

i/ Failing to strictly comply with regulations on the distance between diesel engines installed on land;

j/ Using offshore exploitation works when the system of pipelines and related equipment are designed and installed in contravention of regulations;

k/ Failing to connect back pressure valves and equipment to treat liquid hydrocarbon with mud tankers or containers or cisterns with rubber casings which are large enough to contain the largest volume of liquid which may flow out before the whole system is safely shut up;

l/ Failing to install alarming devices to warn off all people on the site of works in circumstances which may cause dangers to humans or works or are harmful to the natural environment according to regulations.

3. A fine of between VND 80,000,000 and VND 100,000,000 shall be imposed for one of the following violations.

a/ Failing to establish or maintain a system to control safety in the process of operation, from designing, construction, trial run, operation, exploitation and dismantlement of works;

b/ Failing to make an emergency response plan;

c/ Making an emergency response plan not suitable to the national emergency response system.

4. Apart from fines, violating organizations and individuals may also be subject to the following additional sanctions and remedies:

a/ Confiscation of material evidences and means used to commit administrative violations in petroleum activities, for acts specified at Points b, d, e and f, Clause 2 of this Article;

b/ Forcible restoration of the initial state which has been altered due to administrative violations or forcible dismantlement of illegal construction works, for violations specified in Clause 1; at Point b of Clause 2 of this Article.

**Article 12.-** Violation of regulations on response to oil spills

1. A fine of between VND 15,000,000 and VND 20,000,000 shall be imposed for acts of failing to make plans to respond to oil spills to be submitted to

competent agencies for approval.

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for one of the following violations:

a/ Failing to sign agreements or contracts on response to oil spills with relevant organizations or individuals according to the approved plans;

b/ Failing to buy liability insurance for compensation of environmental damage for equipment and means which possibly cause oil spills.

**Article 13.-** Violation of regulations on safety of gas pipelines on land

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for acts of mining, exploiting stones within the scope of an affecting area, determined from the boundary of the safety corridor to the boundary of the affecting area.

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed for one of the following violations:

a/ Failing to properly implement regulations on the pipe thickness;

b/ Failing to properly implement regulations on the depth of underground pipelines;

c/ Failing to properly implement regulations on designing and building of new pipelines;

d/ Changing designing criteria without permission of competent state agencies;

e/ Having no safety management programs for each stage of the construction, testing and trial operation process;

f/ Failing to formulate procedures and processes for operation and maintenance of pipelines;

g/ Failing to periodically recalculate the maximum operation pressure in accordance with the provisions of law;

h/ Failing to make plans on maintenance or organize inspection and repair of damage;

i/ Failing to organize the archive of information and

data on operation, accidents, incidents, losses as well as information on survey, repairs, patrols, results of technical expertise, records on handling of violations and remedies;

j/ Failing to maintain signboards of pipelines where notice boards, warning boards and landmark stakes are required;

k/ Having no plans and methods approved by competent authorities for construction at areas crossing pipelines on land or safety corridors of pipelines.

3. Apart from fines, violating organizations and individuals may also have materials and means used to commit administrative violations in the petroleum domain confiscated, for acts specified in Clause 1 of this Article.

**Article 14.-** Violation of regulations on environmental protection

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for one of the following violations:

a/ Failing to properly observe regulations on recording and reporting on the state of the physical environment;

b/ Failing to properly observe regulations on water exploited from seams.

c/ Having no persons in charge of environmental protection.

2. A fine of between VND 40,000,000 and VND 60,000,000 shall be imposed for acts of using drilling solutions, toxic or dangerous chemicals without permission of competent state agencies.

3. Apart from fines, violating organizations or individuals may also be subject to the confiscation of material evidences and means used to commit administrative violations in petroleum activities, for acts specified at Point b, Clause 1 and Clause 2 of this Article.

### **Section 3. VIOLATIONS OF REGULATIONS ON REPORTING REGIME, SUPPLY OF INFORMATION AND OTHER REGULATIONS**

**Article 15.-** Violation of regulations on examination, inspection and obstruction of lawful activities in petroleum prospecting, exploration, exploitation and transportation

1. A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed for acts of not supplying documents, obstructing petroleum examinations and inspections by officials on duty and competent state management agencies.

2. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for acts of obstructing lawful activities of prospecting, exploring, exploiting and transporting petroleum.

**Article 16.-** Violation of regulations on reporting and supply of information

A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed for one of the following violations:

1. Failing to notify competent state agencies or organizations of the accumulation-appraisal results.

2. Failing to register the value of approved petroleum reserves with competent agencies or organizations.

3. Failing to report on the results of measuring exploitation indices in well-bore.

4. Failing to periodically report on exploitation output, composition, proportion of petroleum exploited from each field and by each exploiter to competent agencies or organizations.

5. Failing to send contents related to commercial gas meters under regulations.

6. Failing to report on documents related to the process, equipment and people in charge of repairing wells or treatment to increase product flow.

7. Failing to fully and promptly report to competent agencies or organizations as well as work owners on the threats which may affect safety of gas pipes for works in the affected areas.

8. Failing to report to competent state agencies or organizations when burning or destroying oils to cope with emergency cases.

9. Failing to send to competent agencies reports on petroleum reserves.

10. Failing to send to competent state agencies the following documents: annual and long-term schemes and plans on petroleum activities; quarterly and annual sum-up reports on petroleum activities and their results; reports on the execution of economic and technical projects on petroleum activities; and reports on important events and incidents related to petroleum activities.

### **Chapter III**

## **SANCTIONING COMPETENCE AND PROCEDURES**

### **Section 1. SANCTIONING COMPETENCE**

**Article 17.-** Competence of industrial specialized inspectorate to sanction administrative violations

1. Industrial inspectors on duty has the power:

a/ To impose caution;

b/ To impose fine of up to VND 200,000;

c/ To confiscate material evidences and means used to commit administrative violations which have the value of up to VND 2,000,000;

d/ To apply remedies specified in Chapter II of this Decree.

2. Chief inspectors of provincial/municipal Industry Services have the power:

a/ To impose caution;

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

c/ To deprive of the right to use permits or practice certificates according to their competence;

d/ To confiscate material evidences and means used to commit administrative violations;

e/ To apply remedies specified in Chapter II of this Decree.

3. The Chief Inspector of the Ministry of Industry has the power:

a/ To impose caution;

- b/ To impose fine of up to VND 100,000,000;
- c/ To confiscate material evidences and means used to commit administrative violations;
- d/ To apply remedies specified in Chapter II of this Decree.

**Article 18.-** Competence of commune-level People's Committee presidents to sanction administrative violations

1. To impose caution.
2. To impose fine of up to VND 500,000.
3. To confiscate material evidences and means used to commit administrative violations, which have the value of up to VND 500,000.
4. To apply remedies specified in Chapter II of this Decree.

**Article 19.-** Competence of district-level People's Committee presidents to sanction administrative violations

1. To impose caution.
2. To impose fine of up to VND 20,000,000.
3. To confiscate material evidences and means used to commit administrative violations.
4. To apply remedies specified in Chapter II of this Decree.

**Article 20.-** Competence of provincial-level People's Committee presidents to sanction administrative violations

1. To impose caution.
2. To impose fine of up to the maximum level, for violations defined in this Decree.
3. To confiscate material evidences and means used to commit administrative violations.
4. To apply remedies specified in Chapter II of this Decree.

**Article 21.-** Competence of other agencies and

forces to sanction administrative violations in the petroleum domain

Apart from the persons with sanctioning competence defined in Articles 17 thru 20 of this Decree, persons competent to sanction administrative violations in other agencies under the provisions of the Ordinance on Handling of Administrative Violations, may, within the ambit of their assigned functions and tasks, have the sanctioning competence under the provisions of Article 42 of the Ordinance, if detecting administrative violations specified in this Decree which fall within the domains or areas under their management.

**Article 22.-** Delimitation of sanctioning competence

1. Industrial inspectors shall sanction administrative violations specified in this Decree and other administrative violations related to the petroleum domain, which are defined in the Government decrees on sanctioning of administrative violations.

2. Presidents of People's Committees at all levels shall sanction administrative violations in the petroleum domain, which are committed in the localities under their management.

3. When an administrative violation specified in this Decree falls under the sanctioning competence of various agencies, the first agency which deals with the violation shall sanction that violation.

## **Section 2. PROCEDURES FOR SANCTIONING ADMINISTRATIVE VIOLATIONS**

**Article 23.-** Stopping administrative violations

When detecting administrative violations or receiving reports or records on administrative violations in the petroleum domain, the persons with sanctioning competence shall inspect, verify and order to stop those violations.

**Article 24.-** Making records of administrative violations

1. Except for cases of imposing caution or fine of up



to VND 100,000, competent persons performing tasks or duties shall promptly make written records of administrative violations.

2. The making of written records on administrative violations shall comply with the provisions of Article 55 of the Ordinance on Handling of Administrative Violations and Article 20 of the Government's Decree No. 134/2003/ND-CP of November 14, 2003, detailing the implementation of a number of articles of the Ordinance on Handling of Administrative Violations.

#### **Article 25- Sanctioning decisions**

1. The issuance of sanctioning decisions according to simple procedures shall comply with the provisions of Article 54 of the Ordinance on Handling of Administrative Violations.

2. Except for the case defined in Clause 1 of this Article, the issuance of decisions on sanctioning of administrative violations shall comply with the provisions of Article 56 of the Ordinance on Handling of Administrative Violations and Article 21 of the Government's Decree No. 134/2003/ND-CP of November 14, 2003, detailing the implementation of a number of articles of the Ordinance on Handling of Administrative Violations.

#### **Article 26.- Fining procedures**

1. The procedures to impose and collect fines shall comply with the provisions of Articles 57 and 58 of the Ordinance on Handling of Administrative Violations.

2. The Finance Ministry shall assume the prime responsibility for, and coordinate with the Ministry of Industry in, guiding in detail the procedures for collection and payment of fines, management and use of collected fines from sanctions against administrative violations in the petroleum domain.

**Article 27.-** Execution of decisions on sanctioning of administrative violations, delay of execution of fining decisions

1. Organizations or individuals sanctioned for

administrative violations shall execute sanctioning decisions according to Article 64 of the Ordinance on Handling of Administrative Violations and Article 22 of the Government's Decree No. 134/2003/ND-CP of November 14, 2003, detailing the implementation of a number of articles of the Ordinance on Handling of Administrative Violations.

2. Individuals subject to a fine of VND 500,000 or more may delay the execution of sanctioning decisions under the provisions of Article 65 of the Ordinance on Handling of Administrative Violations.

**Article 28.-** Forcible execution of decisions on sanctioning of administrative violations and transfer of sanctioning decisions for execution

1. The forcible execution of sanctioning decisions shall comply with the provisions of Articles 66 and 67 of the Ordinance on Handling of Administrative Violations and Decree No. 37/2005/ND-CP of March 18, 2005, stipulating the procedures for application of coercive measures for execution of decisions on sanctioning of administrative violations.

2. The transfer of decisions on sanctioning of administrative violations for execution shall comply with the provisions of Article 68 of the Ordinance on Handling of Administrative Violations and Article 27 of the Government's Decree No. 134/2003/ND-CP of November 14, 2003, detailing the implementation of a number of articles of the Ordinance on Handling of Administrative Violations.

**Article 29.-** Forwarding of decisions on sanctioning of administrative violations for execution

1. When an organization or individual committing an administrative violation in one locality but resides or is based in another locality, thus cannot execute the sanctioning decision at the place where the sanction is imposed, the sanctioning decision shall be forwarded to the agency with sanctioning competence of the same level in the locality where he/she/it resides or is based for execution. When there exists no agency competent to sanction administrative violations at the place where

the individual resides or the organization is based, the sanctioning decision shall be forwarded to the district-level People's Committee for organization of execution. The dossier on the sanctioning of an administrative violation shall be kept at the agency which has signed the sanctioning decision.

2. The agency which receives a forwarded decision on sanctioning of an administrative violation shall hand that decision to the sanctioned organization or individual and organize the execution thereof according to the provisions of Article 64 of the Ordinance on Handling of Administrative Violations, then notify the forwarding agency of the execution results.

3. The forwarding of decisions on sanctioning of administrative violations shall apply for the collection of fines. Additional sanctions and remedies (if any) must be effected right at the places of commission of violations. When violators do not voluntarily or are unable to take remedies (if any), expenses for the application of those remedies shall be recorded in sanctioning decisions before those decisions are forwarded.

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

1. Measures to prevent administrative violations and ensure administrative sanctioning are 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 sanctioning of administrative violations in the petroleum domain shall comply with the provisions of Articles 44, 45, 46, 47, 48 and 49 of the Ordinance on Handling of Administrative Violations.

**Article 31.-** Statue of limitations for execution of decisions on sanctioning of administrative violations

The statute of limitations for execution of a decision on sanctioning of an administrative violation in the

petroleum domain is one year counting from the date that decision is issued; past this time limit, if the decision has not yet been executed, it shall not be executed but the remedies stated in the decision must still be applied.

When a sanctioned organization or individual deliberately shirks or delays the execution of the sanctioning decision, the above statute of limitations shall be recalculated from the time the act of shirking or delay stops.

#### Chapter IV

### COMPLAINT, DENUNCIATION, COMMENDATION, AND HANDLING OF VIOLATIONS

#### Article 32.- Complaint and denunciation

1. Administratively sanctioned individuals, organizations or their lawful representatives may complain about decisions on sanctioning of administrative violations, decisions on the application of preventive measures and assurance of handling of administrative violations. Complaints about decisions on sanctioning of administrative violations do not suspend the execution of decisions on sanctioning of administrative violations in the petroleum domain.

2. Citizens have the right to denounce with competent state agencies organizations or individuals that commit administrative violations defined in this Decree and denounce persons with competence to sanction administrative violations who abuse their power to act in contravention of the provisions of this Decree.

3. The competence, time limit and procedures for complaint and denunciation and the settlement of citizens' complaints and denunciations shall comply with the provisions of law on complaint and denunciation.

4. The initiation of lawsuits against decisions on sanctioning of administrative violations, decisions on the application of preventive measures and assurance of sanctioning of administrative violations in the petroleum domain shall comply with the provisions of law on the procedures for settlement of administrative cases.

**Article 33.- Commendation**

Organizations and individuals that record achievements in the supply of information, the detection, prevention and handling of administrative violations in the petroleum domain shall be promptly commended or rewarded in accordance with law.

**Article 34.- Handling of violations**

1. Persons with competence to sanction administrative violations in the petroleum domain who abuse their powers, harass, tolerate or cover violators, who do not sanction or impose sanctions not in time, with improper levels or *ultra vires* shall be disciplined or examined for penal liability. If causing harms to the state, citizens or organizations, they shall pay compensation in accordance with law.

2. Organizations and individuals that commit administrative violations of the provisions of this Decree and do not voluntarily execute sanctioning decisions shall be forced to do so. Administrative violators who commit acts of obstructing, opposing officials on duty or employing tricks or bribery to delay or shirk inspection and control or sanctions imposed by competent persons shall, depending on the nature and severity of their violations, be administratively handled or examined for penal liabilities; if causing damage, they shall pay compensations in accordance with law.

1. The Minister of Industry shall have to guide, organize and inspect the implementation of this Decree.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and presidents of provincial/municipal People's Committees shall implement this Decree.

*On behalf of the Government*

*Prime Minister*

**NGUYEN TAN DUNG**

**Chapter V****IMPLEMENTATION PROVISIONS****Article 35.- Implementation effect**

This Decree takes effect 15 days after its publication in "CONG BAO." To annul Articles 71 and 72 of the Government's Decree No. 48/2000/ND-CP of September 12, 2000, detailing the implementation of the Petroleum Law.

**Article 36.- Implementation responsibilities**