

Part I. LEGAL DOCUMENTS

DECREES:

THE GOVERNMENT

DECREE No. 107/2008/ND-CP OF SEPTEMBER 22, 2008, ON ADMINISTRATIVE SANCTIONING OF ACTS OF GOODS SPECULATION AND HOARDING, EXCESSIVE PRICE HIKING, RUMOR SPREADING, SMUGGLING AND TRADE FRAUDS

THE GOVERNMENT

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

Pursuant to the June 14, 2005 Commercial Law;

Pursuant to the April 26, 2002 Ordinance on Prices;

Pursuant to the July 2, 2002 Ordinance on Handling of Administrative Violations and the April 2, 2008 Ordinance Amending and Supplementing a Number of Articles of the Ordinance on Handling of Administrative Violations;

At the proposal of the Minister of Industry and Trade,

Chapter I

GENERAL PROVISIONS

Article 1.- Scope of regulation

1. This Decree provides for the administrative sanctioning of:

a/ Acts of speculating goods; hoarding goods; excessively hiking prices; spreading false information on market and goods and service prices;

b/ Acts of violation of regulations on declaring, registering and quoting goods and service prices;

c/ Acts of illegally exporting or transporting across the border paddy, rice, petrol, oil, forest products and minerals;

d/ Frauds in goods measuring and packing and goods and service quality.

2. The administrative sanctioning of acts of violation specified in Articles 4, 5, 6 and 7 of this Decree is applicable only:

a/ To goods and services on the list of goods and services subject to price valorization to be applied nationwide under the Government's regulations or the Prime Minister's decisions and other goods and services to be applied within localities under decisions of presidents of provincial-level People's Committees;

b/ In case of an abnormal market fluctuation in goods and service supply-demand balance

and prices caused by natural disasters, fires, epidemics or wars, or other unexpected circumstances when the Prime Minister or the Minister of Finance announces national- or regional-level application of price valorization measures or presidents of provincial-level People's Committees announce local application of price valorization measures.

3. Dossiers of violation cases of goods speculation, illegal cross-border export or transportation of petrol, oil, paddy, rice, forest products and minerals specified in Articles 4, 10 and 11 of this Decree involving goods valued at VND 100,000,000 or more and showing signs of crimes shall be forwarded to competent criminal procedure-conducting bodies for penal liability examination. When criminal procedure-conducting bodies decide not to examine these violations for penal liability, administrative sanctioning thereof complies with Articles 4, 10 and 11 of this Decree.

Article 2.- Subjects of application

1. Vietnamese organizations and individuals that commit acts of administrative violation specified in this Decree.

2. Foreign organizations and individuals that commit acts of administrative violation specified in this Decree in the Vietnamese territory, unless otherwise provided for by treaties to which Vietnam is a contracting party.

3. Minors who commit acts of administrative violation specified in this Decree shall be sanctioned under Point a, Clause 1, Article 6

and Clause 1, Article 7 of the 2002 Ordinance on Handling of Administrative Violations.

Article 3.- Application of provisions on administrative sanctioning

Sanctioning principles; extenuating or aggravating circumstances; statute of limitations and time limits for sanctioning; durations for violators to be regarded as having never been sanctioned; methods of determining time limits and statute of limitations; application of administrative sanctioning forms and remedies; and competent persons' responsibilities in administrative sanctioning comply with the 2002 Ordinance on Handling of Administrative Violations and the 2008 Ordinance Amending and Supplementing a Number of Articles of the Ordinance on Handling of Administrative Violations.

Chapter II

**ACTS OF ADMINISTRATIVE
VIOLATION, SANCTIONING FORMS
AND LEVELS**

Article 4.- Sanctioning of acts of goods speculation

1. Acts of taking advantage of a scarcity of goods or creating a sham scarcity of goods on the market in order to collect or buy in goods which are on the list of goods subject to price valorization according to law other than the goods specified in Clause 2 of this Article for resale to earn illegal profits shall be fined as

follows:

a/ Between VND 3,000,000 and VND 5,000,000 if collected or bought-in goods are valued at VND 20,000,000;

b/ Between VND 5,000,000 and VND 10,000,000 if collected or bought-in goods are valued at between over VND 20,000,000 and VND 50,000,000;

c/ Between VND 10,000,000 and VND 20,000,000 if collected or bought-in goods are valued at between over VND 50,000,000 and VND 80,000,000;

d/ Between VND 20,000,000 and VND 30,000,000 if collected or bought-in goods are valued at between over VND 80,000,000 and under VND 100,000,000;

e/ VND 35,000,000 if collected or bought-in goods are valued at VND 100,000,000 or more but not subject to penal liability examination.

2. Acts of taking advantage of a scarcity of goods or creating a sham scarcity of goods on the market in order to collect or buy in goods being petrol, oil, cement, construction steel, liquefied gas and chemical fertilizer for resale to earn illegal profits shall be fined as follows:

a/ Between VND 5,000,000 and VND 10,000,000 if collected or bought-in goods are valued at VND 50,000,000;

b/ Between VND 10,000,000 and VND 20,000,000 if collected or bought-in goods are valued at between over VND 50,000,000 and VND 80,000,000;

c/ Between VND 20,000,000 and VND 30,000,000 if collected or bought-in goods are valued at between over VND 80,000,000 and under VND 100,000,000;

d/ VND 35,000,000 if collected or bought-in goods are valued at VND 100,000,000 but not subject to penal liability examination.

3. Fine levels specified in Clauses 1 and 2 of this Article will double in the following cases:

a/ Acts of violation are committed by enterprises and business branches in Vietnam;

b/ Acts of violation are committed by individuals, enterprises and branches that have not made business registration or are not licensed to trade in collected or bought in goods.

4. Additional sanctions and remedies of consequences:

a/ Confiscating goods, for violations specified in this Article;

b/ Confiscating the money earned from administrative violations, for violations specified in this Article;

c/ Depriving of the right to use business eligibility certificates and all kinds of granted business licenses for up to 12 months, or depriving of the right to use such certificates or licenses for an indefinite time of more than 12 months for repeated violations or recidivism, for violations specified in this Article.

Article 5.- Sanctioning of acts of hoarding goods

1. To impose a fine between VND 5,000,000

and VND 10,000,000 on business households which commit the following acts of hoarding goods without justifiable reasons:

a/ Reducing sale places;

b/ Reducing sale modes (from wholesale to retail sale) as compared with previous times;

c/ Setting sale conditions, quoting prices and selling goods on a quantitative or buyer basis which are different from previous times;

d/ Reducing time for sale and supply of goods as compared with previous times.

2. To impose a fine between VND 10,000,000 and VND 15,000,000 on business households which commit one of the following acts of hoarding goods without justifiable reasons:

a/ Reducing the quantity of goods to be sold;

b/ Stopping selling goods.

3. To impose a fine between VND 15,000,000 and VND 20,000,000 on business households which commit one of the following acts of hoarding goods without justifiable reasons:

a/ Not opening shops or trading places so as not to sell goods;

b/ Opening shops or trading places without selling goods.

4. To impose a fine between VND 20,000,000 and VND 30,000,000 on business households which commit acts of stockpiling a quantity of goods 150% higher than the average inventory of these goods of three consecutive preceding months.

5. Fine levels specified in Clauses 1 thru 4

of this Article will double in the following cases:

a/ Acts of violation are committed by goods producers, processors, packagers, assemblers, bottlers, canners, fillers and importers;

b/ Acts of violation are committed by enterprises and business branches in Vietnam;

c/ Acts of violation are committed by supermarkets, trade centers or other modern goods distribution establishments.

6. Additional sanctions:

a/ Confiscating goods, for violations specified in Clause 4 of this Article.

b/ Depriving of the right to use business eligibility certificates and all kinds of granted business licenses for up to 12 months, or depriving of the right to use such certificates or licenses for an indefinite time of more than 12 months for repeated violations or recidivism, for violations specified in this Article.

Article 6.- Sanctioning of acts of excessively hiking prices

1. To impose caution or a fine between VND 500,000 and VND 1,000,000 on acts of raising sale prices or service charges by 20% from the price levels declared or registered with competent state agencies in order to earn illegal profits if goods or services are valued at up to VND 5,000,000.

2. To impose a fine between VND 1,000,000 and VND 3,000,000 on acts of violation specified in Clause 1 of this Article if goods or services are valued at between over VND

5,000,000 and VND 10,000,000.

3. To impose a fine between VND 3,000,000 and VND 5,000,000 on acts of violation specified in Clause 1 of this Article if goods or services are valued at between over VND 10,000,000 and VND 20,000,000.

4. To impose a fine between VND 5,000,000 and VND 7,000,000 on acts of violation specified in Clause 1 of this Article if goods or services are valued at between over VND 20,000,000 and VND 50,000,000.

5. To impose a fine between VND 7,000,000 and VND 10,000,000 on acts of violation specified in Clause 1 of this Article if goods or services are valued at between over VND 50,000,000 and VND 80,000,000.

6. To impose a fine between VND 10,000,000 and VND 15,000,000 on acts of violation specified in Clause 1 of this Article if goods or services are valued at between over VND 80,000,000 and VND 100,000,000.

7. To impose a fine between VND 15,000,000 and VND 20,000,000 on acts of violation specified in Clause 1 of this Article if goods or services are valued at over VND 100,000,000.

8. Fine levels specified in Clauses 1 thru 7 of this Article will double in the following cases:

a/ Acts of violation are committed by goods producers, processors, packagers, assemblers, bottlers, canners, fillers and importers;

b/ Acts of violation are committed by

enterprises and business branches in Vietnam;

c/ Acts of violation committed by supermarkets, trade centers or other modern goods distribution establishments.

9. Additional sanctions:

a/ Confiscating the money earned from administrative violations, for violations specified in this Article.

b/ Depriving of the right to use business eligibility certificates and all kinds of granted business licenses for up to 12 months, or depriving of the right to use such certificates or licenses for an indefinite time of more than 12 months for repeated violations or recidivism, for violations specified in this Article.

Article 7.- Sanctioning of acts of spreading rumors on markets and goods and service prices

1. To impose caution or a fine between VND 500,000 and VND 1,000,000 on individuals who commit acts of making up or spreading untruthful information on market situation and goods and service prices causing market instability and psychological confusion in the society.

2. To impose a fine between VND 1,000,000 and VND 5,000,000 on business households committing acts of making up or spreading untruthful information on market situation and goods and service prices causing market instability and psychological confusion in the society.

3. To impose a fine between VND 5,000,000 and VND 10,000,000 on enterprises committing

acts of making up or spreading untruthful information on market situation and goods and service prices causing market instability and psychological confusion in the society.

4. To impose a fine between VND 10,000,000 and VND 20,000,000 on mass media agencies and concerned organizations committing acts of making up or spreading untruthful information on market situation and goods and service prices on the mass media such as newspaper, radio, television, online news service or other publications causing market instability and psychological confusion in the society.

5. Fine levels specified in Clauses 1 thru 4 of this Article will double in cases of intentionally making up or spreading untruthful information for self-seeking purposes.

6. Additional sanctions and remedies:

a/ Compelling correction of information, for violations specified in Clauses 2, 3 and 4 of this Article;

b/ Compelling destruction or confiscation for destruction of publications containing violating information, for violations specified in Clause 4 of this Article;

c/ Depriving of the right to use business eligibility certificates and all kinds of granted business licenses for up to 12 months, or depriving of the right to use such certificates or licenses for an indefinite time of more than 12 months for repeated violations or recidivism, for violations specified in Clauses 2 and 3 of this Article.

Article 8.- Sanctioning of acts of violation of regulations on declaration and registration of goods and service prices

1. To impose a fine between VND 3,000,000 and VND 5,000,000 on acts of failing to declare goods and service prices with competent state agencies under regulations.

2. To impose a fine between VND 5,000,000 and VND 10,000,000 on acts of failing to register goods and service prices with competent state agencies under regulations.

3. Remedies of consequences:

To compel price declaration and registration under regulations, for violations specified in this Article.

Article 9.- Sanctioning of acts of violation of regulations on quoting goods and services

1. To impose caution or a fine between VND 500,000 and VND 1,000,000 on one of the following acts:

a/ Failing to quote goods and services at shops, stalls or places for sale and purchase of goods or provision of services;

b/ Quoting not under regulations or unclearly quoting causing confusion to customers.

2. To impose a fine between VND 1,000,000 and VND 5,000,000 on acts of selling goods or charging serves at prices higher than quotations.

3. To impose a fine between VND 5,000,000 and VND 10,000,000 on acts of violation

specified in Clauses 1 and 2 of this Article in the following cases:

a/ Goods and services whose prices, price brackets or price limits are set by the State;

b/ Goods and services are on the list of goods and services subject to price valorization according to law;

c/ Goods and services are on the list of goods and services subject to restricted business or conditional business;

d/ Acts of violation are committed by supermarkets, trade centers or other modern goods distribution establishments.

4. To impose a fine between VND 10,000,000 and VND 20,000,000 on foreign currency or gold trading establishments which commit one of the following acts:

a/ Failing to post foreign exchange rates or buying and selling prices of gold at trading places;

b/ Unclearly posting up foreign exchange rates or buying and selling prices of gold causing confusion to customers;

c/ Buying and selling foreign currencies or gold not at posted-up prices.

5. To impose a fine between VND 20,000,000 and VND 30,000,000 on acts of quoting goods and services in foreign currencies or selling goods or charging services in foreign currencies without permission.

6. Additional sanctions and remedies of consequences:

a/ Compelling the making of quotations under regulations, for violations specified in Clauses 1, 3, 4 and 5 of this Article;

b/ Compelling the refund of money earned from charging higher than quotations to customers for violations specified in Clauses 2, 3, Point c of Clause 4 of this Article. When it is impossible to identify customers for refund, to confiscate such amounts for remittance into the state budget;

c/ Confiscating foreign currency amounts earned from administrative violations specified in Clause 5 of this Article;

d/ Depriving of the right to use business eligibility certificates and all kinds of granted business licenses for up to 12 months, or depriving of the right to use such certificates or licenses for an indefinite time of more than 12 months for repeated violations or recidivism, for violations specified in this Article.

Article 10.- Sanctioning of acts of illegal cross-border export of petrol and oil

1. To impose a fine between VND 5,000,000 and VND 10,000,000 on petrol and on retailers in border areas that commit acts of violation of regulations on petrol and oil trading management in border areas promulgated by the Minister of Industry and Trade.

2. To impose a fine between VND 5,000,000 and VND 10,000,000 on one of the following acts if petrol and oil are valued at up to VND 10,000,000:

a/ Illegally transporting petrol and oil to border areas;

b/ Illegally transporting, trading in or exchanging petrol and oil across the border;

c/ Trading in or exchanging petrol and oil with foreign vessels or fishing means at sea.

3. To impose a fine between VND 10,000,000 and VND 20,000,000 on acts of violation specified in Clause 2 of this Article if petrol and oil are valued at between over VND 10,000,000 and VND 30,000,000.

4. To impose a fine between VND 20,000,000 and VND 30,000,000 on acts of violation specified in Clause 2 of this Article if petrol and oil are valued at between over VND 30,000,000 and VND 50,000,000.

5. To impose a fine between VND 30,000,000 and VND 50,000,000 on acts of violation specified in Clause 2 of this Article if petrol and oil are valued at between over VND 50,000,000 and VND 70,000,000.

6. To impose a fine between VND 50,000,000 and VND 70,000,000 on acts of violation specified in Clause 2 of this Article if petrol and oil are valued at between over VND 70,000,000 and under VND 100,000,000.

7. To impose a fine of VND 70,000,000 on acts of violation specified in Clause 2 of this Article if petrol and oil are valued at over VND 100,000,000 for cases not subject to penal liability examination under decisions of criminal procedural agencies.

8. Additional sanctions and remedies of consequences:

a/ Compelling the observance of the Ministry of Industry and Trade's regulations on petrol and oil trading management in border areas;

b/ Confiscating goods involved in violations specified in Clauses 2 thru 7 of this Article;

c/ Confiscating money earned from administrative violations specified in Clauses 2 thru 7 of this Article;

d/ Confiscating means of transport, for violations specified in Clauses 2 thru 7 of this Article for one of the following cases: repeated violations or recidivism, using number plates granted by competent authorities not for such vehicles, committing acts of avoiding or obstructing persons on duty, except for cases specified in Clause 2, Article 17 of the 2002 Ordinance on Handling of Administrative Violations;

e/ Depriving of the right to use business eligibility certificates and all kinds of granted business licenses for up to 12 months, or depriving of the right to use such certificates or licenses for an indefinite time of more than 12 months for repeated violations or recidivism, for violations specified in this Article.

Article 11.- Sanctioning of acts of illegally exporting paddy, rice, forest products and minerals across the border

1. To impose a fine between VND 500,000 and VND 1,000,000 on one of the following acts if goods are valued at up to VND 5,000,000:

a/ Illegally transporting, trading in or exchanging paddy, rice, forest products and minerals across the border;

b/ Illegally trading in or exchanging paddy, rice, forest products and minerals with foreign means of transport on river or at sea.

2. To impose a fine between VND 1,000,000 and VND 2,000,000 on acts of violation specified in Clause 1 of this Article if goods are valued at between over VND 5,000,000 and VND 10,000,000.

3. To impose a fine between VND 2,000,000 and VND 5,000,000 on acts of violation specified in Clause 1 of this Article if goods are valued at between over VND 10,000,000 and VND 20,000,000.

4. To impose a fine between VND 5,000,000 and VND 10,000,000 on acts of violation specified in Clause 1 of this Article if goods are valued at between over VND 20,000,000 and VND 50,000,000.

5. To impose a fine between VND 10,000,000 and VND 20,000,000 on acts of violation specified in Clause 1 of this Article if goods are valued at between over VND 50,000,000 and VND 80,000,000.

6. To impose a fine between VND 20,000,000 and VND 30,000,000 on acts of violation specified in Clause 1 of this Article if goods are valued at between over VND 80,000,000 and under VND 100,000,000.

7. To impose a fine of VND 35,000,000 on acts of violation specified in Clause 1 of this

Article if goods are valued at VND 100,000,000 or more without examining these acts for penal liability.

8. Fine levels specified in Clauses 1 thru 7 of this Article will double in the following cases:

a/ Forest products are log or sawn timber from natural forests, precious and rare animals and plants, precious and rare plant varieties and animal breeds on the list banned from trading or export;

b/ Special and hazardous minerals.

9. Provisions on administrative sanctioning prescribed in this Article are not applicable to the exchange of paddy and rice for consumption by border inhabitants according to current regulations.

10. Additional sanctions and remedies of consequences:

a/ Confiscating goods involved in violations specified in this Article;

b/ Confiscating money amounts earned from administrative violations specified in this Article;

c/ Confiscating means of transport for violations specified in this Article for one of the following cases: repeated violations or recidivism, using number plates granted by competent authorities not for such vehicles, avoiding or obstructing persons on duty, except for cases specified in Clause 2, Article 17 of the 2002 Ordinance on Handling of Administrative Violations;

d/ Depriving of the right to use business eligibility certificates and all kinds of granted

business licenses for up to 12 months, or depriving of the right to use such certificates or licenses for an indefinite time of more than 12 months for repeated or recidivism, for violations specified in this Article.

Article 12.- Sanctioning of acts of violation concerning goods banned from trading, smuggled goods worth VND 100,000,000 or more, fake goods worth VND 30,000,000 or more and violation in goods labeling

1. Dossiers of cases of violation concerning goods banned from trading, smuggled goods worth VND 100,000,000 or more and fake goods worth VND 30,000,000 or more which show signs of crimes shall be forwarded to competent criminal procedure conducting bodies for penal liability examination. When criminal procedure-conducting bodies decide not to examine these cases for penal liability, administrative sanctions shall be imposed with the highest fine level of the highest fine bracket set for acts of administrative violation together with additional sanctions and remedies of consequences specified in Articles 18, 22 and 24 of the Government's Decree No. 06/2008/ND-CP of January 16, 2008, on administrative sanctioning of violations in commercial activities.

2. Acts of violation in goods labeling valued at over VND 100,000,000 or more shall be administratively sanctioned with the highest fine level of the highest fine bracket set for acts of administrative violation together with additional sanctions and remedies of consequences specified in Article 23 of the

Government's Decree No. 06/2008/ND-CP of January 16, 2008, on administrative sanctioning of violations in commercial activities.

3. Fine brackets specified at Points a, b, c, d, e, f and g, Clause 4, Article 23 of the Government's Decree No. 06/2008/ND-CP of January 16, 2008, on administrative sanctioning of violations in commercial activities, are applicable to the administrative sanctioning of acts of trading in unlabeled goods subject to goods labeling.

Article 13.- Sanctioning of frauds in goods measuring and packing and goods and service quality

1. To impose caution or a fine between VND 20,000 and VND 50,000 on one of the following acts causing damage to customers if goods are valued at up to VND 100,000:

a/ Committing frauds in weighing, measuring, counting or packing goods;

b/ Committing frauds in goods quality as compared with announced quality or quality information on goods labels.

2. To impose caution or a fine between VND 50,000 and VND 100,000 on acts of violation specified in Clause 1 of this Article if goods are valued at between over VND 100,000 and VND 300,000.

3. To impose a fine between VND 100,000 and VND 200,000 on acts of violation specified in Clause 1 of this Article if goods are valued at between over VND 300,000 and VND 500,000.

4. To impose a fine between VND 200,000

and VND 300,000 on acts of violation specified in Clause 1 of this Article if goods are valued at between over VND 500,000 and VND 1,000,000.

5. To impose a fine between VND 300,000 and VND 500,000 on acts of violation specified in Clause 1 of this Article if goods are valued at between over VND 1,000,000 and VND 2,000,000.

6. To impose a fine between VND 500,000 and VND 700,000 on acts of violation specified in Clause 1 of this Article if goods are valued at between over VND 2,000,000 and VND 5,000,000.

7. To impose a fine between VND 700,000 and VND 1,000,000 on acts of violation specified in Clause 1 of this Article if goods are valued at between over VND 5,000,000 and VND 10,000,000.

8. To impose a fine between VND 1,000,000 and VND 1,500,000 on acts of violation specified in Clause 1 of this Article if goods are valued at between over VND 10,000,000 and VND 15,000,000.

9. To impose a fine between VND 1,500,000 and VND 2,000,000 on acts of violation specified in Clause 1 of this Article if goods are valued at between over VND 15,000,000 and VND 20,000,000.

10. To impose a fine between VND 2,000,000 and VND 3,000,000 on acts of violation specified in Clause 1 of this Article if goods are valued at between over VND

20,000,000 and VND 30,000,000.

11. To impose a fine between VND 3,000,000 and VND 5,000,000 on acts of violation specified in Clause 1 of this Article if goods are valued at between over VND 30,000,000 and VND 50,000,000.

12. To impose a fine between VND 5,000,000 and VND 7,000,000 on acts of violation specified in Clause 1 of this Article if goods are valued at between over VND 50,000,000 and VND 70,000,000.

13. To impose a fine between VND 7,000,000 and VND 10,000,000 on acts of violation specified in Clause 1 of this Article if goods are valued at between over VND 70,000,000 and VND 100,000,000.

14. To impose a fine between VND 10,000,000 and VND 15,000,000 on acts of violation specified in Clause 1 of this Article if goods are valued at over VND 100,000,000.

15. Fine levels specified in Clauses 1 thru 14 of this Article will double in the following cases:

a/ Frauds are committed by goods producers, processors, assemblers, bottlers, canners, fillers and packagers;

b/ Goods and services on the list of goods and services subject to price valorization according to law.

16. Additional sanctions and remedies of consequences:

a/ Compelling compensation for damage to customers for violations specified in this Article, confiscating money amounts earned from frauds

for remittance into the state budget when it is impossible to identify customers for compensation;

b/ Depriving of the right to use business eligibility certificates and all kinds of granted business licenses for up to 12 months, or depriving of the right to use such certificates or licenses for an indefinite time of more than 12 months for repeated violations or recidivism, for violations specified in this Article.

Chapter III

SANCTIONING COMPETENCE AND PROCEDURES

Article 14.- Sanctioning competence

1. Sanctioning competence of People's Committees of all levels

a/ Presidents of commune-level People's Committees may administratively sanction acts of violation prescribed in this Decree in localities under Article 28 of the 2002 Ordinance on Handling of Administrative Violations and the 2008 Ordinance Amending and Supplementing a Number of Articles of the Ordinance on Handling of Administrative Violations.

b/ Presidents of district-level People's Committees may administratively sanction acts of violation specified in this Decree in localities under Article 29 of the 2002 Ordinance on Handling of Administrative Violations and the 2008 Ordinance Amending and Supplementing a Number of Articles of the Ordinance on Handling of Administrative Violations.

c/ Presidents of provincial-level People's Committees may administratively sanction acts of violation specified in this Decree in localities under Article 30 of the 2002 Ordinance on Handling of Administrative Violations.

2. Sanctioning competence of market management bodies

Competent persons of market management bodies specified in Article 37 of the 2002 Ordinance on Handling of Administrative Violations may administratively sanction acts of violation specified in this Decree in localities under their management and acts of administrative violation in goods and service market prices under the Government's decree on sanctioning of administrative violations in pricing.

3. Administrative sanctioning competence of police, customs, border guard, coast guard and branch inspectorate bodies

a/ Chiefs of district-level police offices, heads of provincial-level investigative police sections for economic management order- and position-related crimes, directors of provincial-level police offices and the director of the Investigative Police Department for Economic Management Order- And Position-Related Crimes may administratively sanction acts of violation specified in this Decree in localities under their management according to Clauses 4, 5, 6 and 7, Article 31 of the 2002 Ordinance on Handling of Administrative Violations and the 2008 Ordinance Amending and Supplementing a Number of Articles of the Ordinance on Handling of Administrative Violations.

b/ Competent persons of branch inspectorates

may administratively sanction acts of violation specified in this Decree in localities and domains under branches' management according to Article 38 of the 2002 Ordinance on Handling of Administrative Violations and the 2008 Ordinance Amending and Supplementing a Number of Articles of the Ordinance on Handling of Administrative Violations.

c/ Competent persons of the Border Guard, Coast Guard and Customs may administratively sanction acts of smuggling or illegally transporting goods across the border specified in this Decree in localities and domains under their management according to Articles 32, 33 and 34 of the 2002 Ordinance on Handling of Administrative Violations and the 2008 Ordinance Amending and Supplementing a Number of Articles of the Ordinance on Handling of Administrative Violations.

Article 15.- Principles for determining sanctioning competence and authorization

1. Principles for determining competence of administrative sanctioning are set under Article 42 of the 2002 Ordinance on Handling of Administrative Violations and the 2008 Ordinance Amending and Supplementing a Number of Articles of the Ordinance on Handling of Administrative Violations

2. Authorization of administrative sanctioning complies with Article 41 of the 2002 Ordinance on Handling of Administrative Violations and the 2008 Ordinance Amending and Supplementing a Number of Articles of the Ordinance on Handling of Administrative Violations.

Article 16.- Procedures for sanctioning, handling material evidence and means used in administrative violations and implementing sanctioning decisions

1. Procedures for administrative sanctioning, handling material evidence and means used in administrative violations and implementing administrative sanctioning decisions comply with the 2002 Ordinance on Handling of Administrative Violations and the 2008 Ordinance Amending and Supplementing a Number of Articles of the Ordinance on Handling of Administrative Violations.

2. The pricing of goods involved and material evidence and means used in administrative violations which serves as a basis for determining fine levels and sanctioning competence for administrative violations comply with Article 63 of the Government's Decree No. 06/2008/ND-CP of January 16, 2008, on administrative sanctioning of violations in commercial activities.

Article 17.- Application of measures to stop administrative violations and ensure administrative sanctioning

The application of measures to stop administrative violations and ensure administrative sanctioning comply with the 2002 Ordinance on Handling of Administrative Violations and the 2008 Ordinance Amending and Supplementing a Number of Articles of the Ordinance on Handling of Administrative Violations.

*Chapter IV***COMPLAINTS, DENUNCIATIONS AND
HANDLING OF VIOLATIONS**

Article 18.- Complaints, denunciations and their settlement

1. Individuals may denounce with competent state agencies acts of administrative violation specified in this Decree committed by organizations or individuals or illegal acts committed persons competent for administrative sanctioning.

2. Organizations and individuals subject to administrative sanctioning or measures to stop administrative violations or their lawful representatives may lodge complaints about administrative sanctioning decisions or decisions on application of measures to prevent administrative violations according to the law on complaints and denunciations or initiate lawsuits at competent courts according to the law on procedures for settling administrative lawsuits.

3. The order, procedures, time limits and competence to lodge and settle complaints and denunciations about administrative sanctioning comply with the law on complaints and denunciations and settlement thereof.

Article 19.- Handling of violations committed by persons with administrative sanctioning competence

Persons with administrative sanctioning competence under this Decree who commit acts of causing troubles or tolerating, covering up,

failing to handle or untimely handling violations; imposing sanctions not according to competence, not on proper persons or not for proper acts of violation; applying improper forms and levels of sanction and other measures; appropriating or illegally using money, goods, material evidence and means of violation; or obstructing lawful circulation of goods causing damage to traders, shall, depending on the nature and severity of their violation, be disciplined or examined for penal liability and compensate for damage according to law.

*Chapter V***IMPLEMENTATION PROVISIONS**

Article 20.- Implementation effect

1. This Decree takes effect 15 days after its publication in "CONG BAO."
2. To annul all previous provisions which are contrary to this Decree.

Article 21.- Implementation responsibilities

1. The Minister of Industry and Trade shall guide and organize 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