

## **Part I. LEGAL DOCUMENTS**

### **THE GOVERNMENT**

#### **Decree No. 117/2009/ND-CP of December 31, 2009, on the handling of law violations in the domain of environmental protection**

##### **THE GOVERNMENT**

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

*Pursuant to the November 29, 2005 Law on Environmental Protection;*

*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 Natural Resources and Environment,*

##### **DECREES:**

##### *Chapter I*

##### **GENERAL PROVISIONS**

##### **Article 1. Scope of regulation**

1. This Decree provides for:

a/ Administrative violations in the domain of environmental protection, sanctioning forms, levels, competence and procedures, and remedies;

b/ The competence, order and procedures for operation suspension, forced relocation or operation ban of polluting or seriously polluting production, business or service establishments defined in Article 49 of the Law on Environmental Protection; measures coercing the enforcement of operation suspension, forced relocation or operation ban decisions, and the competence and procedures for application of these measures;

c/ Measures to publish information on pollution caused and law violations committed by polluting or seriously polluting production, business or service establishments.

2. Administrative violations in the domain of environmental protection are acts violating state management regulations in the domain of environmental protection, intentionally or unintentionally committed by individuals or organizations, which are not crimes and are subject to administrative sanctioning under this Decree. Administrative violations in the domain of environmental protection include:

a/ Violation of regulations on making and implementation of environmental protection commitments, environmental impact assessment reports or additional environmental impact assessment reports (below collectively referred to as environmental impact assessment reports), or environmental protection schemes;

b/ Polluting acts;

c/ Violation of waste management regulations;

d/ Violation of environmental protection regulations in the import of machinery, equipment, means of transport, raw materials, fuel, materials and scraps;

e/ Violation of environmental protection regulations in tourism, conservation and rational use of natural resources;

f/ Violation of regulations on prevention, control and remedying of environmental pollution, degradation or incidents, and other regulations on environmental protection.

3. Other acts of administrative violation in the domain of environmental protection which are not specified in this Decree shall be handled under regulations on administrative sanctioning in other relevant decrees.

**Article 2.** Entities subject to handling for law violations in the domain of environmental protection

1. Entities subject to administrative sanctioning:

a/ Domestic and foreign individuals and organizations (below collectively referred to as individuals and organizations) that commit administrative violations in the domain of environmental protection in the Vietnamese territory shall all be sanctioned under this Decree or relevant decrees. When it is otherwise provided for by a treaty to which the Socialist Republic of Vietnam is a contracting party, this treaty prevails;

b/ Minors who commit administrative violations in the domain of environmental protection shall be sanctioned under Article 7 of the Ordinance on Handling of Administrative Violations.

2. Polluting or seriously polluting establishments are subject to operation suspension, forced relocation or operation ban as provided for in Chapter III of this Decree.

The Ministry of Natural Resources and Environment shall specify the criteria for identification of polluting or seriously polluting establishments.

3. On-duty cadres and civil servants who violate the law on environmental protection are not administratively sanctioned under this Decree but shall be handled under the law on cadres and civil servants.

**Article 3.** Sanctions and remedies for administrative violations in the domain of environmental protection

1. For each administrative violation in the domain of environmental protection, the violator is subject to either of the following principal sanctions:

a/ Caution;

b/ Fine.

The maximum fine for an administrative violation in the domain of environmental protection is VND 500,000,000.

2. Depending on the nature and severity of violations, violators may also be subject to either or both of the following additional sanctions:

a/ Deprivation of the right to use environmental standard satisfaction certificates, practice licenses for transportation and disposal of hazardous wastes, licenses for discharge of wastewater into water sources, or practice licenses or certificates with environmental protection contents (below collectively referred to as practice licenses or certificates);

b/ Confiscation of material evidences and means used for commission of administrative violations in the domain of environmental protection.

3. In addition to the sanctions specified in Clauses 1 and 2 of this Article, violators may also be subject to any of the following remedies:

a/ Forced application of measures to reduce noise or vibration or treat wastes up to environmental standards or technical regulations;

b/ Forced restoration of the environment; forced application of measures to remedy pollution or spread of epidemics or of other environmental protection measures under the environmental protection law;

c/ Forced transportation out of the Vietnamese territory or forced export of goods, machinery, equipment, means, raw materials, fuel, materials, scraps or articles and means which are imported or brought into Vietnam in contravention of environmental protection regulations or pollute the environment;

d/ Forced destruction of polluting firecrackers, goods or articles; invasive alien organisms; or genetically modified organisms and products thereof;

e/ Forced proper implementation of all contents of environmental impact assessment reports and requirements in decisions approving environmental impact assessment reports, environmental protection commitments or environmental protection schemes;

f/ Forced proper operation of environmental treatment facilities; forced construction and installation of environmental treatment facilities; forced dismantlement of environmental treatment facilities built in contravention of environmental impact assessment reports and requirements in decisions approving environmental impact assessment reports, environmental protection commitments or

environmental protection schemes;

g/ Forced compliance with regulations on environmental safety distance from residential areas;

h/ Forced termination of illegal activities or relocation out of restricted areas due to special environmental danger on human health or life; forced relocation of planted trees affecting technical safety corridors of environmental protection facilities;

i/ Forced recovery or handling of expired or discarded products under regulations;

j/ Forced compliance with regulations on payment of deposits for environmental rehabilitation and restoration and on insurance for environmental damage compensation liability;

k/ Forced restoration of the original state already altered by administrative violations;

l/ Application of other remedies specified in Chapter II of this Decree.

**Article 4.** Forms of handling polluting or seriously polluting production, business or service establishments

Polluting or seriously polluting establishments which commit administrative violations in the domain of environmental protection shall be administratively sanctioned under this Decree. In addition, they are also subject to any of the following forms of handling:

1. Operation suspension until they complete necessary environmental protection measures;

2. Forced relocation to places far from residential areas and having suitable environmental load;

3. Operation ban;

4. Publication of information on pollution and violations of the environmental protection law on websites of provincial-level People's Committees and Natural Resources and Environment Departments and the Ministry of Natural Resources and Environment; on the Natural Resources and Environment newspaper and in other mass media.

**Article 5.** Statute of limitations for sanctioning administrative violations, time limit during which violators are regarded as having not yet been administratively sanctioned

1. The statute of limitations for sanctioning an administrative violation in the domain of environmental protection is two years from the date such violation is committed. Past this time limit, no sanction shall be imposed but remedies specified in this Decree shall be applied.

2. For an individual against whom a criminal case has been instituted, who has been prosecuted or against whom a decision to bring him/her to trial according to criminal procedures has been issued and then a decision to cease investigation of his/her case has been issued but his/her act shows signs of administrative violation in the domain of environmental protection as provided for in this Decree, within three days after issuing this decision, the issuer shall send it to the person with sanctioning competence. In this case, the statute of limitations for sanctioning administrative violations is three months from the date the person with sanctioning competence receives the cessation decision and the case dossier.

3. Within the time limit specified in Clause 1

or 2 of this Article, if an individual or organization commits a new administrative violation in the domain of environmental protection or deliberately shirks or obstructs the sanctioning, the statute of limitations specified in Clause 1 or 2 of this Article will not apply. In these cases, the statute of limitations for sanctioning administrative violations shall be re-counted from the time a new administrative violation is committed or the time a shirking or obstructing act terminates.

4. Past one year after completely executing administrative sanctioning decisions or from the date of expiration of the statute of limitations for executing these decisions, if administratively sanctioned individuals or organizations do not relapse into violations, they will be regarded as having never been administratively sanctioned.

**Article 6.** Application of environmental standards and technical regulations and use of environmental parameters to identify acts and the extent of administrative violation in the domain of environmental protection

1. National technical regulations serve as a basis for identifying acts and the extent of administrative violation in the domain of environmental protection. In case both national and local technical regulations are available, local ones will apply. If no technical regulations are available, compulsory standards will apply.

Environmental national and local technical regulations include technical regulations on wastes and technical regulations on the surrounding environment.

2. The number of times in excess of standards and technical regulations shall be determined on

the basis of the highest level of observation and supervision of one of environmental parameters under compulsory standards or technical regulations (below collectively referred to as standards and technical regulations).

## *Chapter II*

### SANCTIONING OF ADMINISTRATIVE VIOLATIONS IN THE DOMAIN OF ENVIRONMENTAL PROTECTION

#### *Section 1. ADMINISTRATIVE VIOLATIONS IN THE DOMAIN OF ENVIRONMENTAL PROTECTION; SANCTIONING FORMS AND LEVELS AND REMEDIES*

**Article 7.** Violation of regulations on environmental protection commitments or environmental protection schemes with characteristics and sizes corresponding to objects subject to making of environmental protection commitments

1. A fine of between VND 500,000 and 2,000,000 shall be imposed for either of the following acts:

a/ Failing to properly or fully realize the contents of environmental protection commitments or environmental protection schemes already certified by competent state agencies, except the case specified in Clause 3 of this Article;

b/ Failing to report in writing on the completion of environmental protection measures under the certified environmental protection schemes to the agencies that have certified such schemes.

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

5,000,000 shall be imposed for failing to realize environmental protection commitments or environmental protection schemes already certified by competent state agencies, except the case defined in Clause 3 of this Article.

3. A fine of between VND 10,000,000 and 15,000,000 shall be imposed for failing to build, improperly building, failing to operate or regularly operate or improperly operating environmental treatment facilities as committed in environmental protection commitments or environmental protection schemes already certified by competent state agencies.

4. A fine of between VND 15,000,000 and 25,000,000 shall be imposed for failing to possess certified environmental protection commitments or environmental protection schemes under regulations.

5. Remedies:

a/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced proper realization of all contents of environmental protection commitments or environmental protection schemes, already certified by competent state agencies, for violations specified in Clauses 1 and 2 of this Article;

b/ Forced proper operation of environmental treatment facilities; within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced construction and installation of environmental treatment facilities, for the violation specified in Clause 3 of this Article;

c/ Forced dismantlement of environmental treatment facilities built in contravention of the

certified environmental protection commitments or environmental protection schemes, for the violation specified in Clause 3 of this Article;

d/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced elaboration and submission of environmental protection schemes to competent state agencies for certification under regulations, for the violation specified in Clause 4 of this Article;

e/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution caused by violations specified in this Article.

**Article 8.** Violation of regulations on preparation and realization of environmental impact assessment reports

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed for any of the following acts:

a/ Failing to report in writing or reporting after the time limit specified by district-level People's Committees of localities of project implementation, on the details of decisions approving environmental impact assessment reports;

b/ Failing to publicly post up at places of project implementation the summaries of environmental impact assessment reports already approved by competent state agencies under regulations;

c/ Failing to report in writing, reporting after the prescribed time limit or untruthfully reporting to state agencies that have approved environmental impact assessment reports, on

plans to build and install environmental treatment facilities and detailed design dossiers of these facilities under regulations;

d/ Failing to work out and send plans on trial operation of environmental treatment facilities to the agencies that have approved environmental impact assessment reports, provincial-level Natural Resources and Environment Departments, district-level Natural Resources and Environment Sections and communities of localities of project implementation under regulations;

e/ Failing to report in writing or untruthfully reporting to the agencies that have approved environmental impact assessment reports, on modifications or changes in environmental protection contents or measures in the approved reports under regulations.

2. A fine of between VND 10,000,000 and 15,000,000 shall be imposed for any of the following acts:

a/ Failing to stop construction or trial operation of environmental treatment facilities or failing to report to district-level Natural Resources and Environment Sections of localities of project implementation and the agencies that have approved environmental impact assessment reports, on environmental pollution during such construction or trial operation;

b/ Operating environmental treatment facilities already altered against environmental protection measures approved in environmental impact assessment reports, without obtaining written approval of the agencies that have approved these reports;

c/ Failing to supervise wastes or the surrounding environment under regulations.

3. A fine of between VND 40,000,000 and 70,000,000 shall be imposed for improperly or inadequately realizing the contents of approved environmental impact assessment reports and requirements in decisions approving environmental impact assessment reports, except the cases specified in Clauses 1, 2 and 5 of this Article.

4. A fine of between VND 70,000,000 and 100,000,000 shall be imposed for either of the following acts:

a/ Failing to prepare and submit additional environmental impact assessment reports to competent state agencies for approval under regulations;

b/ Putting works into use while competent agencies have not yet inspected and certified the proper and adequate realization of environmental protection contents in environmental impact assessment reports and the requirements of decisions approving these reports under regulations.

5. A fine of between VND 130,000,000 and 170,000,000 shall be imposed for failing to build and install, improperly building or installing, failing to operate or regularly or improperly operate environmental treatment facilities according to the approved environmental impact assessment reports.

6. A fine of between VND 200,000,000 and 300,000,000 for failing to have environmental impact assessment reports approved by competent state agencies under regulations.

7. Remedies:

a/ Forced observance of legal provisions, for violations specified in Clauses 1, 2 and 3 and

Point b, Clause 4, of this Article;

b/ Forced proper operation of environmental treatment facilities; within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced construction and installation of environmental treatment facilities, for the violation specified in Clause 5 of this Article;

c/ Forced dismantlement of environmental treatment facilities built in contravention of the approved environmental impact assessment reports, for the violation specified in Clause 5 of this Article;

d/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced elaboration and submission of environmental protection schemes to competent state agencies for approval under regulations, for violations specified at Point a, Clause 4, and Clause 6, of this Article;

e/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution caused by violations specified in this Article.

**Article 9.** Violation of regulations on elaboration and realization of environmental protection schemes with characteristics and sizes corresponding to objects subject to making of environmental impact assessment reports

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed for failing to report in writing to the agencies that have approved environmental protection schemes, on the completion of environmental protection measures under the approved schemes.

2. A fine of between VND 50,000,000 and 70,000,000 shall be imposed for improperly or inadequately realizing contents of the approved environmental protection schemes, except the case specified in Clause 3 of this Article.

3. A fine of between VND 120,000,000 and 170,000,000 shall be imposed for failing to build and install, improperly building and installing, failing to operate or regularly or improperly operate environmental treatment facilities according to contents of the approved environmental protection schemes.

4. A fine of between VND 200,000,000 and 300,000,000 shall be imposed for failing to elaborate and submit environmental protection schemes to competent state agencies for approval under regulations.

5. Remedies:

a/ Forced observance of legal provisions, for violations defined in Clauses 1 and 2 of this Article;

b/ Forced proper operation of environmental treatment facilities at the time of detection of violations; within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced construction and installation of environmental treatment facilities, for the violation specified in Clause 3 of this Article;

c/ Forced dismantlement of environmental treatment facilities built in contravention of the approved environmental protection schemes, for the violation specified in Clause 3 of this Article;

d/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced elaboration and

submission of environmental protection schemes to competent state agencies for approval under regulations, for the violation specified in Clause 4 of this Article;

e/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution caused by violations specified in this Article.

**Article 10.** Violation of regulations on wastewater discharge

1. Acts of discharging wastewater less than two times in excess of standards or technical regulations on wastewater shall be sanctioned as follows:

a/ Caution shall be served or a fine of between VND 100,000 and 500,000 shall be imposed for discharging a wastewater amount of less than 10 m<sup>3</sup>/day (24 hours);

b/ A fine of between VND 500,000 and 2,000,000 shall be imposed for discharging a wastewater amount of between 10 m<sup>3</sup>/day (24 hours) and less than 50 m<sup>3</sup>/day (24 hours);

c/ A fine of between VND 2,000,000 and 10,000,000 shall be imposed for discharging a wastewater amount of between 50 m<sup>3</sup>/day (24 hours) and less than 500 m<sup>3</sup>/day (24 hours);

d/ A fine of between VND 10,000,000 and 20,000,000 shall be imposed for discharging a wastewater amount of between 500 m<sup>3</sup>/day (24 hours) and less than 2,000 m<sup>3</sup>/day (24 hours);

e/ A fine of between VND 20,000,000 and 50,000,000 shall be imposed for discharging a wastewater amount of between 2,000 m<sup>3</sup>/day (24 hours) and less than 5,000 m<sup>3</sup>/day (24 hours);

f/ A fine of between VND 50,000,000 and 100,000,000 shall be imposed for discharging a wastewater amount of between 5,000 m<sup>3</sup>/day (24 hours) and less than 10,000 m<sup>3</sup>/day (24 hours);

g/ A fine of between VND 100,000,000 and 150,000,000 shall be imposed for discharging a wastewater amount of 10,000 m<sup>3</sup>/day (24 hours) or more.

2. Acts of discharging wastewater between two times and less than five times in excess of standards or technical regulations on wastewater shall be sanctioned as follows:

a/ A fine of between VND 500,000 and 2,000,000 shall be imposed for discharging a wastewater amount of less than 10 m<sup>3</sup>/day (24 hours);

b/ A fine of between VND 2,000,000 and 8,000,000 shall be imposed for discharging a wastewater amount of between 10 m<sup>3</sup>/day (24 hours) and less than 50 m<sup>3</sup>/day (24 hours);

c/ A fine of between VND 8,000,000 and 20,000,000 shall be imposed for discharging a wastewater amount of between 50 m<sup>3</sup>/day (24 hours) and less than 500 m<sup>3</sup>/day (24 hours);

d/ A fine of between VND 20,000,000 and 50,000,000 shall be imposed for discharging a wastewater amount of between 500 m<sup>3</sup>/day (24 hours) and less than 2,000 m<sup>3</sup>/day (24 hours);

e/ A fine of between VND 50,000,000 and 100,000,000 shall be imposed for discharging a wastewater amount of between 2,000 m<sup>3</sup>/day (24 hours) and less than 5,000 m<sup>3</sup>/day (24 hours);

f/ A fine of between VND 100,000,000 and 150,000,000 shall be imposed for discharging a wastewater amount of between 5,000 m<sup>3</sup>/day (24 hours) and less than 10,000 m<sup>3</sup>/day (24 hours);

g/ A fine of between VND 150,000,000 and 200,000,000 shall be imposed for discharging a wastewater amount of 10,000 m<sup>3</sup>/day (24 hours) or more.

3. Acts of discharging wastewater between five times and less than 10 times in excess of standards or technical regulations on wastewater shall be sanctioned as follows:

a/ A fine of between VND 2,000,000 and 8,000,000 shall be imposed for discharging a wastewater amount of less than 10 m<sup>3</sup>/day (24 hours);

b/ A fine of between VND 8,000,000 and 20,000,000 shall be imposed for discharging a wastewater amount of between 10 m<sup>3</sup>/day (24 hours) and less than 50 m<sup>3</sup>/day (24 hours);

c/ A fine of between VND 20,000,000 and 50,000,000 shall be imposed for discharging a wastewater amount of between 50 m<sup>3</sup>/day (24 hours) and less than 500 m<sup>3</sup>/day (24 hours);

d/ A fine of between VND 50,000,000 and 100,000,000 shall be imposed for discharging a wastewater amount of between 500 m<sup>3</sup>/day (24 hours) and less than 2,000 m<sup>3</sup>/day (24 hours);

e/ A fine of between VND 100,000,000 and 150,000,000 shall be imposed for discharging a wastewater amount of between 2,000 m<sup>3</sup>/day (24 hours) and less than 5,000 m<sup>3</sup>/day (24 hours);

f/ A fine of between VND 150,000,000 and 200,000,000 shall be imposed for discharging a wastewater amount of between 5,000 m<sup>3</sup>/day (24 hours) and less than 10,000 m<sup>3</sup>/day (24 hours);

g/ A fine of between VND 200,000,000 and 250,000,000 shall be imposed for discharging a wastewater amount of 10,000 m<sup>3</sup>/day (24 hours) or more.

4. Acts of discharging wastewater 10 times or more in excess of standards or technical regulations on wastewater shall be sanctioned as follows:

a/ A fine of between VND 8,000,000 and 20,000,000 shall be imposed for discharging a wastewater amount of under 10 m<sup>3</sup>/day (24 hours);

b/ A fine of between VND 20,000,000 and 50,000,000 shall be imposed for discharging a wastewater amount of between 10 m<sup>3</sup>/day (24 hours) and less than 50 m<sup>3</sup>/day (24 hours);

c/ A fine of between VND 50,000,000 and 100,000,000 shall be imposed for discharging a wastewater amount of between 50 m<sup>3</sup>/day (24 hours) and less than 500 m<sup>3</sup>/day (24 hours);

d/ A fine of between VND 100,000,000 and 150,000,000 shall be imposed for discharging a wastewater amount of between 500 m<sup>3</sup>/day (24 hours) and less than 2,000 m<sup>3</sup>/day (24 hours);

e/ A fine of between VND 150,000,000 and 200,000,000 shall be imposed for discharging a wastewater amount of between 2,000 m<sup>3</sup>/day (24 hours) and less than 5,000 m<sup>3</sup>/day (24 hours);

f/ A fine of between VND 200,000,000 and 250,000,000 shall be imposed for discharging a wastewater amount of between 5,000 m<sup>3</sup>/day (24 hours) and less than 10,000 m<sup>3</sup>/day (24 hours);

g/ A fine of between VND 250,000,000 and 300,000,000 shall be imposed for discharging a wastewater amount of 10,000 m<sup>3</sup>/day (24 hours) or more.

5. Acts of discharging wastewater which contain hazardous substances in excess of standards or technical regulations on wastes shall be sanctioned as follows:

a/ An increase of between 20% and 30% of the corresponding fine, for violations specified at Points a, b, c and d, Clause 1; Points a, b and c, Clause 2; Points a and b, Clause 3; and Point a, Clause 4, of this Article, if wastewater contains hazardous substances;

b/ An increase of between 30% and 40% of the corresponding fine, for violations specified at Points e and f, Clause 1; Points d and e, Clause 2; Points c and d, Clause 3; and Points b and c, Clause 4, of this Article, if wastewater contains hazardous substances;

c/ An increase of between 40% and 50% of the corresponding fine, for violations specified at Point g, Clause 1; Points f and g, Clause 2; Points e, f and g, Clause 3; and Points d, e, f and g, Clause 4, of this Article, if wastewater contains hazardous substances.

6. A fine of between VND 400,000,000 and 500,000,000 shall be imposed for discharging wastewater which contains radioactive substances causing environmental radioactive contamination in excess of prescribed standards or technical regulations.

#### 7. Additional sanction:

Deprivation of the right to use practice licenses or certificates until complete application of environmental protection measures, for violations specified at Point g, Clause 3; Points f and g, Clauses 4 and 5; and Clause 6, of this Article.

#### 8. Remedy:

Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution

caused by violations specified in this Article.

**Article 11.** Violation of regulations on gas emission or dust discharge

1. A fine of between VND 500,000 and 2,000,000 shall be imposed for discharging fetid or unpleasant odors into the environment.

2. Acts of discharging gas emissions or dust less than 1.5 times in excess of standards or technical regulations on wastes shall be sanctioned as follows:

a/ A fine of between VND 1,000,000 and 2,000,000 shall be imposed in case the gas emission flow is less than 500 m<sup>3</sup>/hour;

b/ A fine of between VND 2,000,000 and 8,000,000 shall be imposed in case the gas emission flow is between 500 m<sup>3</sup>/hour and less than 2,000 m<sup>3</sup>/hour;

c/ A fine of between VND 8,000,000 and 20,000,000 shall be imposed in case the gas emission flow is between 2,000 m<sup>3</sup>/hour and less than 8,000 m<sup>3</sup>/hour;

d/ A fine of between VND 20,000,000 and 40,000,000 shall be imposed in case the gas emission flow is between 8,000 m<sup>3</sup>/hour and less than 20,000 m<sup>3</sup>/hour;

e/ A fine of between VND 40,000,000 and 60,000,000 shall be imposed in case the gas emission flow is between 20,000 m<sup>3</sup>/hour and less than 60,000 m<sup>3</sup>/hour;

f/ A fine of between VND 60,000,000 and 80,000,000 shall be imposed in case the gas emission flow is between 60,000 m<sup>3</sup>/hour and less than 100,000 m<sup>3</sup>/hour;

g/ A fine of between VND 80,000,000 and 120,000,000 shall be imposed in case the gas

emission flow is 100,000 m<sup>3</sup>/hour or more.

3. Acts of discharging gas emissions or dust between 1.5 times and less than two times in excess of standards or technical regulations on wastes shall be sanctioned as follows:

a/ A fine of between VND 2,000,000 and 5,000,000 shall be imposed in case the gas emission flow is less than 500 m<sup>3</sup>/hour;

b/ A fine of between VND 5,000,000 and 10,000,000 shall be imposed in case the gas emission flow is between 500 m<sup>3</sup>/hour and less than 2,000 m<sup>3</sup>/hour;

c/ A fine of between VND 10,000,000 and 20,000,000 shall be imposed in case the gas emission flow is between 2,000 m<sup>3</sup>/hour and less than 8,000 m<sup>3</sup>/hour;

d/ A fine of between VND 20,000,000 and 40,000,000 shall be imposed in case the gas emission flow is between 8,000 m<sup>3</sup>/hour and less than 20,000 m<sup>3</sup>/hour;

e/ A fine of between VND 40,000,000 and 70,000,000 shall be imposed in case the gas emission flow is between 20,000 m<sup>3</sup>/hour and less than 60,000 m<sup>3</sup>/hour;

f/ A fine of between VND 70,000,000 and 110,000,000 shall be imposed in case the gas emission flow is between 60,000 m<sup>3</sup>/hour and less than 100,000 m<sup>3</sup>/hour;

g/ A fine of between VND 110,000,000 and 150,000,000 shall be imposed in case the gas emission flow is 100,000 m<sup>3</sup>/hour or more.

4. Acts of discharging gas emissions or dust between two times and less than three times in excess of standards or technical regulations on wastes shall be sanctioned as follows:

a/ A fine of between VND 5,000,000 and 10,000,000 shall be imposed in case the gas emission flow is less than 500 m<sup>3</sup>/hour;

b/ A fine of between VND 10,000,000 and 20,000,000 shall be imposed in case the gas emission flow is between 500 m<sup>3</sup>/hour and less than 2,000 m<sup>3</sup>/hour;

c/ A fine of between VND 20,000,000 and 40,000,000 shall be imposed in case the gas emission flow is between 2,000 m<sup>3</sup>/hour and less than 8,000 m<sup>3</sup>/hour;

d/ A fine of between VND 40,000,000 and 70,000,000 shall be imposed in case the gas emission flow is between 8,000 m<sup>3</sup>/hour and less than 20,000 m<sup>3</sup>/hour;

e/ A fine of between VND 70,000,000 and 110,000,000 shall be imposed in case the gas emission flow is between 20,000 m<sup>3</sup>/hour and less than 60,000 m<sup>3</sup>/hour;

f/ A fine of between VND 110,000,000 and 150,000,000 shall be imposed in case the gas emission flow is between 60,000 m<sup>3</sup>/hour and less than 100,000 m<sup>3</sup>/hour;

g/ A fine of between VND 150,000,000 and 200,000,000 shall be imposed in case the gas emission flow is 100,000 m<sup>3</sup>/hour or more.

5. Acts of discharging gas emissions or dust between three times and less than five times in excess of standards or technical regulations on wastes shall be sanctioned as follows:

a/ A fine of between VND 20,000,000 and 30,000,000 shall be imposed in case the gas emission flow is under 500 m<sup>3</sup>/hour;

b/ A fine of between VND 30,000,000 and 40,000,000 shall be imposed in case the gas emission flow is between 500 m<sup>3</sup>/hour and less

than 2,000 m<sup>3</sup>/hour;

c/ A fine of between VND 40,000,000 and 70,000,000 shall be imposed in case the gas emission flow is between 2,000 m<sup>3</sup>/hour and less than 8,000 m<sup>3</sup>/hour;

d/ A fine of between VND 70,000,000 and 110,000,000 shall be imposed in case the gas emission flow is between 8,000 m<sup>3</sup>/hour and less than 20,000 m<sup>3</sup>/hour;

e/ A fine of between VND 110,000,000 and 150,000,000 shall be imposed in case the gas emission flow is between 20,000 m<sup>3</sup>/hour and less than 60,000 m<sup>3</sup>/hour;

f/ A fine of between VND 150,000,000 and 200,000,000 shall be imposed in case the gas emission flow is between 60,000 m<sup>3</sup>/hour and less than 100,000 m<sup>3</sup>/hour;

g/ A fine of between VND 200,000,000 and 250,000,000 shall be imposed in case the gas emission flow is 100,000 m<sup>3</sup>/hour or more.

6. Acts of discharging gas emissions or dust five times or more in excess of standards or technical regulations on wastes shall be sanctioned as follows:

a/ A fine of between VND 20,000,000 and 30,000,000 shall be imposed in case the gas emission flow is less than 500 m<sup>3</sup>/hour;

b/ A fine of between VND 30,000,000 and 60,000,000 shall be imposed in case the gas emission flow is between 500 m<sup>3</sup>/hour and less than 2,000 m<sup>3</sup>/hour;

c/ A fine of between VND 60,000,000 and 120,000,000 shall be imposed in case the gas emission flow is between 2,000 m<sup>3</sup>/hour and less than 8,000 m<sup>3</sup>/hour;

d/ A fine of between VND 120,000,000 and

150,000,000 shall be imposed in case the gas emission flow is between 8,000 m<sup>3</sup>/hour and less than 20,000 m<sup>3</sup>/hour;

e/ A fine of between VND 150,000,000 and 200,000,000 shall be imposed in case the gas emission flow is between 20,000 m<sup>3</sup>/hour and less than 60,000 m<sup>3</sup>/hour;

f/ A fine of between VND 200,000,000 and 250,000,000 shall be imposed in case the gas emission flow is between 60,000 m<sup>3</sup>/hour and less than 100,000 m<sup>3</sup>/hour;

g/ A fine of between VND 250,000,000 and 300,000,000 shall be imposed in case the gas emission flow is 100,000 m<sup>3</sup>/hour or more.

7. Acts of discharging gas emissions or dust with at least one hazardous-substance pollution parameter in excess of standards or technical regulations on wastes shall be sanctioned as follows:

a/ An increase of between 30% and 40% of the corresponding fine, for violations specified at Points a, b, c and d, Clause 2; Points a and b, Clause 3; and Point a, Clause 4, of this Article, if the discharged gas emission or dust contains hazardous waste;

b/ An increase of between 40% and 50% of the corresponding fine, for violations specified at Points d and f, Clause 2; Points c, d and e, Clause 3; Points b, c and d, Clause 4; Points a, b and c, Clause 5; and Points a and b, Clause 6, of this Article, if the discharged gas emission or dust contains hazardous waste;

c/ An increase of between 50% and 60% of the corresponding fine, for violations specified at Point g, Clause 2; Points f and g, Clause 3; Points d, f and g, Clause 4; Points d, e, f and g,

Clause 5; and Points c, d, e, f and g, Clause 6, of this Article, if the discharged gas emission or dust contains hazardous waste.

8. A fine of between VND 400,000,000 and 500,000,000 for discharging gas emission or dust which contains radioactive substances causing radioactivity contamination in excess of prescribed standards or technical regulations.

9. Additional sanction:

Deprivation of the right to use practice licenses or certificates until complete application of environmental protection measures, for violations specified at Point g, Clause 5; Points f and g, Clause 6; and Clauses 7 and 8, of this Article.

10. Remedy:

Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution caused by violations specified in this Article.

**Article 12.** Violation of regulations on noise

1. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed for making noise less than 1.5 times in excess of standards or technical regulations on noise between 6:00 hrs and 22:00 hrs.

2. A fine of between VND 15,000,000 and VND 20,000,000 shall be imposed for making noise less than 1.5 times in excess of standards or technical regulations on noise between 22:00 hrs and 6:00 hrs.

3. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed for making noise 1.5 times or more in excess of standards or

technical regulations on noise between 6:00 hrs and 22:00 hrs.

4. A fine of between VND 70,000,000 and VND 100,000,000 shall be imposed for making noise 1.5 times or more in excess of standards or technical regulations on noise between 22:00 hrs and 6:00 hrs.

5. Additional sanction:

Deprivation of the right to use practice licenses or certificates until complete application of measures to reduce noise up to prescribed standards or technical regulations, for violations specified in Clauses 3 and 4 of this Article.

6. Remedy:

Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to reduce noise up to prescribed standards or technical regulations, for violations specified in this Article.

**Article 13.** Violations of regulations on vibration

1. Violation of regulations on vibration in construction activities:

a/ A fine of between VND 15,000,000 and 20,000,000 shall be imposed for causing vibration in excess of standards or technical regulations on vibration between 7:00 hrs and 19:00 hrs in areas which require a particularly quiet environment, residential areas, hotels, guesthouses or administrative offices; or between 6:00 hrs and 22:00 hrs in residential areas located in commercial, service or production areas.

b/ A fine of between VND 20,000,000 and 30,000,000 shall be imposed for causing

vibration in excess of standards or technical regulations on vibratility between 19:00 hrs and 7:00 hrs in areas which require a particularly quiet environment, residential areas, hotels and guesthouses; or from 22:00 hrs to 6:00 hrs in residential areas located in commercial, service or production areas.

2. Violation of regulations on vibratility in production activities:

a/ A fine of between VND 20,000,000 and 30,000,000 shall be imposed for causing vibration in excess of standards or technical regulations on vibration between 6:00 hrs and 18:00 hrs in areas which require a particularly quiet environment, residential areas, hotels, guesthouses, administrative offices or residential areas located in commercial, service or production areas.

b/ A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed for causing vibration in excess of standards or technical regulations on vibration between 18:00 hrs and 6:00 hrs in areas which require a particularly quiet environment, residential areas, hotels, guesthouses or residential areas located in commercial, service or production areas.

3. Additional sanction:

Deprivation of the right to use practice licenses or certificates until complete application of measures to reduce vibration up to prescribed standards or technical regulations, for violations specified at Point b, Clause 1 and Point b, Clause 2, of this Article.

4. Remedy:

Within the time limit set by persons with sanctioning competence in administrative

sanctioning decisions, forced application of measures to reduce vibration up to prescribed standards or technical regulations, for violations specified in this Article.

**Article 14.** Causing soil, water or air pollution

1. A fine of between VND 10,000,000 and 15,000,000 shall be imposed for burying or discharging into soil solid pollutants, mud or cesspool waste in contravention of the environmental protection law.

2. A fine of between VND 15,000,000 and 25,000,000 shall be imposed for discharging oils, greases, hazardous chemicals, wastes, carcass, plants, bacteria, viruses, hazardous and pathogenic parasites, or other hazardous elements into the water environment in contravention of the environmental protection law.

3. An increase of between 20% and 30% of the corresponding fine shall be imposed for violations specified in Articles 10 and 11; Clauses 3, 4 and 5, Article 16; Point a, Clause 3, Article 17; Points b and d, Clause 3, Article 19; Article 22; Clauses 3, 4, 5, 6 and 7, Article 23; and Clauses 2 and 3, Article 31, which make the content of pollutants in soil, water or air to exceed less than 3 times, for hazard parameters, or less than 5 times, for other parameters, standards or technical regulations on the surrounding environment.

4. An increase of between 30% and 40% of the corresponding fine shall be imposed for violations specified in Articles 10 and 11; Clauses 3, 4 and 5, Article 16; Point a, Clause 3, Article 17; Points b and d, Clause 3, Article 19; Article 22; Clauses 3, 4, 5, 6 and 7, Article 23; and Clauses 2 and 3, Article 31, which make the

content of pollutants in soil, water or air to exceed between 3 times and less than 5 times, for hazard parameters, or between five times and less than 10 times, for other parameters, standards or technical regulations on the surrounding environment.

5. An increase of between 40% and 50% of the corresponding fine shall be imposed for violations specified in Articles 10 and 11; Clauses 3, 4 and 5, Article 16; Point a, Clause 3, Article 17; Points b and d, Clause 3, Article 19; Article 22; Clauses 3, 4, 5, 6 and 7, Article 23; and Clauses 2 and 3, Article 31, which make the content of pollutants in soil, water or air to exceed five times or more, for hazard parameters, or 10 times or more, for other parameters, standards or technical regulations on the surrounding environment.

6. The total fine for each violation specified in Clause 3, 4 or 5 of this Article must not exceed VND 500,000,000.

7. Additional sanction:

Confiscation of material evidences or means used for commission of administrative violations specified in Clauses 1 and 2 of this Article.

8. Remedy:

Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced restoration of the altered original state or application of measures to remedy environmental pollution caused by violations specified in this Article.

**Article 15.** Violation of environmental protection regulations committed by establishments on the list of seriously polluting establishments or production, business or service

establishments subject to forced relocation

1. A fine of between VND 50,000,000 and 70,000,000 shall be imposed for improperly complying with environmental pollution treatment requirements and schedule.

2. A fine of between VND 80,000,000 and 120,000,000 shall be imposed for any of the following acts:

a/ Failing to apply measures to reduce or treat wastes up to environmental standards or technical regulations;

b/ Failing to apply measures to remedy environmental pollution or restore the environment;

c/ Failing to apply measures to prevent or restrict polluting sources or to restrict the spread of these sources, affecting people's health and life.

### 3. Remedy:

Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution or restore the environment caused by violations specified in this Article.

**Article 16.** Violation of regulations on transportation, burial or discharge of ordinary solid wastes; or transportation of polluting raw materials, materials or goods

1. A fine of between VND 500,000 and 2,000,000 shall be imposed on operators of vehicles transporting raw materials, materials, goods or wastes for failing to cover them or letting them drop on the roads.

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

8,000,000 shall be imposed for failing to use special-use equipment or vehicles to ensure that raw materials, materials, goods or wastes do not leak or emit into the environment during transportation.

3. Acts of burying or discharging solid wastes not at prescribed places or in contravention of environmental protection regulations shall be sanctioned as follows:

a/ A fine of between VND 5,000,000 and 8,000,000 shall be imposed for burying or discharging solid wastes of less than 5 m<sup>3</sup>;

b/ A fine of between VND 8,000,000 and 15,000,000 shall be imposed for burying or discharging solid wastes of between 5 m<sup>3</sup> and less than 20 m<sup>3</sup>;

c/ A fine of between VND 15,000,000 and 25,000,000 shall be imposed for burying or discharging solid wastes of between 20 m<sup>3</sup> and less than 50 m<sup>3</sup>;

d/ A fine of between VND 25,000,000 and 40,000,000 shall be imposed for burying or discharging solid wastes of between 50 m<sup>3</sup> and less than 70 m<sup>3</sup>;

e/ A fine of between VND 40,000,000 and 70,000,000 shall be imposed for burying or discharging solid wastes of between 70 m<sup>3</sup> and less than 100 m<sup>3</sup>;

f/ A fine of between VND 70,000,000 and 100,000,000 shall be imposed for burying or discharging solid wastes of between 100 m<sup>3</sup> and less than 200 m<sup>3</sup>;

g/ A fine of between VND 100,000,000 and 150,000,000 shall be imposed for burying or discharging solid wastes of between 200 m<sup>3</sup> and less than 500 m<sup>3</sup>;

h/ A fine of between VND 150,000,000 and 200,000,000 shall be imposed for burying or discharging solid wastes of 500 m<sup>3</sup> or more.

4. An increase of between 40% and 50% of the corresponding fine shall be imposed for violations specified in Clause 3 of this Article if solid wastes contain hazardous substances.

5. A fine of between VND 400,000,000 and 500,000,000 shall be imposed for violations specified in Clauses 1 and 3 of this Article if wastes contain radioactive substances in excess of prescribed standards or technical regulations.

6. Additional sanctions:

a/ Deprivation of the right to use hazardous-waste management practice licenses for between 6 (six) and 12 (twelve) months, for violations specified at Point h, Clause 3, and Clauses 4 and 5, of this Article;

b/ Confiscation of material evidences or means used for commission of administrative violations, for violations specified at Points f, g and h, Clause 3, and Clauses 4 and 5, of this Article.

7. Remedies:

a/ Forced restoration of the original state already altered by violations specified in this Article;

b/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution caused by violations specified in this Article.

**Article 17.** Violation of environmental protection regulations committed by hazardous waste-discharging source owners

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed for any of the following acts:

a/ Failing to submit to competent agencies or fill in hazardous waste documents under regulations;

b/ Failing to report in writing to competent state management agencies on the generation and management of hazardous wastes under regulations;

c/ Failing to notify in writing and submit registration books of discharging source owners to competent state management agencies upon operation termination;

d/ Failing to work out under regulations plans or measures to prevent or respond to incidents caused by hazardous wastes.

2. A fine of between VND 40,000,000 and 70,000,000 shall be imposed for any of the following acts:

a/ Failing to register hazardous waste-discharging source owners or modify registration of hazardous waste-discharging source owners under regulations;

b/ Violating regulations on management of dossiers of activities related to hazardous wastes;

c/ Failing to register or report under regulations to competent state agencies on temporary storage of hazardous wastes beyond the time limit for disposal or destruction in case appropriate persons in charge of disposal or destruction cannot yet be found.

3. A fine of between VND 100,000,000 and 150,000,000 shall be imposed for any of the following acts:

a/ Failing to sort out hazardous wastes or mixing different hazardous wastes with one another or with other wastes; failing to arrange safe places for temporary storage of hazardous wastes; failing to pack and preserve hazardous wastes in special-use tanks, containers or packings suitable to their types and meeting safety and technical requirements, ensuring that they do not leak or emit into the environment; or failing to label hazardous wastes under regulations;

b/ Transferring, donating or selling hazardous wastes to organizations or individuals ineligible for management, transportation, disposal or destruction of hazardous wastes under regulations;

c/ Exporting hazardous wastes without obtaining written permission of competent state agencies.

#### 4. Remedies:

a/ Forced observance of legal provisions, for violations specified in this Article;

b/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution caused by violations specified in this Article.

**Article 18.** Violation of regulations on transportation of hazardous wastes

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed for any of the following acts:

a/ Failing to develop safe operation procedures for special-use means and equipment;

b/ Failing to work out pollution control and

environmental protection plans;

c/ Failing to work out plans on labor safety and health protection for officials, employees and drivers;

d/ Failing to work out incident prevention and response plans;

e/ Failing to formulate annual plans on training of officials, employees and drivers in safe operation of special-use equipment and means; environmental protection; labor safety and health protection; and incident prevention and response;

f/ Failing to send cross-border transportation dossiers to competent agencies under regulations;

g/ Failing to report in writing on the management of hazardous wastes to competent agencies under regulations;

h/ Failing to comply with procedures for the declaration and use of hazardous waste documents under regulations;

i/ Failing to notify the contents of hazardous-waste management licenses to district- and commune-level People's Committees under regulations;

j/ Failing to place warning or caution signboards under regulations; failing to install on vehicles equipment for warning and urgently dealing with incidents during operation;

k/ Failing to work out plans on pollution treatment and environmental protection at establishments upon operation termination;

l/ Failing to notify in writing and return hazardous-waste management licenses to competent agencies upon operation termination under regulations.

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

a/ Possessing no hazardous-waste management licenses;

b/ Violating regulations on management of dossiers of activities related to hazardous wastes;

c/ Failing to register the operation of vehicles;

d/ Having no chemical or environmental technicians or persons with relevant qualifications to take charge of professional and technical management, administration or training; having no drivers and operators trained in safe operation of vehicles and equipment;

e/ Failing to install global positioning system (GPS) devices on vehicles transporting highly hazardous wastes;

f/ Failing to design according to environmental protection regulations special-use vehicles and equipment for collection, transportation, packing, preservation and temporary storage of hazardous wastes;

g/ Failing to sign in-principle contracts on the transportation of hazardous wastes with organizations or individuals possessing practice licenses for disposal or destruction of hazardous wastes;

h/ Transporting hazardous wastes not according to routes, road sections or time prescribed by competent agencies.

3. A fine of between VND 70,000,000 and 100,000,000 shall be imposed for transferring hazardous wastes to other organizations or individuals or selling or donating hazardous wastes to organizations or individuals ineligible for management, disposal or destruction of

hazardous wastes.

4. Additional sanctions:

a/ Deprivation of the right to use hazardous-waste management licenses for between 6 (six) and 12 (twelve) months, for violations specified in Clause 1, and Points b, c, d, e, f, g and h, Clause 2. of this Article;

b/ Deprivation of the right to use practice licenses or certificates for between 6 (six) and 12 (twelve) months, for violations specified in Clause 3 of this Article.

5. Remedies:

a/ Forced observance of legal provisions, for violations specified in this Article;

b/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution caused by violations specified in this Article.

**Article 19.** Violation of environmental protection regulations committed by hazardous waste-disposing, destroying or burying establishments

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed for any of the following acts:

a/ Failing to notify the contents of hazardous-waste management licenses to district- and commune-level People's Committees of localities where hazardous waste-disposing, destroying or burying establishments are located;

b/ Failing to report in writing to competent agencies on the management of hazardous wastes under regulations;

c/ Failing to place segregation fences and

warning signboards;

d/ Failing to properly comply with procedures for declaration and use of hazardous waste documents under regulations;

e/ Failing to notify in writing and return hazardous-waste management licenses to competent agencies upon operation termination.

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

a/ Possessing no hazardous-waste management license;

b/ Violating regulations on management of dossiers of activities related to hazardous wastes (untruthful declaration or reporting, or loss of hazardous-waste management documents);

c/ Failing to comply with the contents of hazardous-waste management licenses or contracts on treatment, destruction or burial of hazardous wastes;

d/ Failing to register, or obtain written approval of competent appraisal agencies of, hazardous waste treatment technologies;

e/ Applying no measures to ensure health and life safety for employees of hazardous waste treatment facilities under the labor law;

f/ Failing to store hazardous wastes before and after treatment in special-use equipment suitable to types of hazardous waste;

g/ Putting into operation the hazardous-waste reception and burial facilities before competent state management agencies' inspection and certification of satisfaction of relevant technical requirements.

3. A fine of between VND 100,000,000 and 150,000,000 shall be imposed for any of the

following acts:

a/ Transferring, donating or selling hazardous wastes to organizations or individuals ineligible for management, transportation, treatment or destruction of hazardous wastes under regulations;

b/ Building hazardous-waste treatment or destruction facilities or landfills not up to technical safety regulations or applying no measures to separate hazardous chemicals from absorption into groundwater sources;

c/ Having no equipment for environmental incident prevention and response;

d/ Applying no measures to satisfy environmental sanitation conditions or prevent the emission of toxic gases into the surrounding environment;

e/ Failing to keep an environmental safety distance from residential areas, nature conservation zones and surface and ground water sources.

4. Additional sanction:

Deprivation of the right to use hazardous-waste management licenses for between 6 (six) and 12 (twelve) months, for violations specified in Clause 3 of this Article.

5. Remedies:

a/ Forced observance of legal provisions, for violations specified in this Article;

b/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution caused by violations specified in this Article.

**Article 20.** Violation of environmental

protection regulations in the import of machinery, equipment, vehicles, raw materials, fuel and materials

1. A fine of between VND 70,000,000 and 100,000,000 shall be imposed for importing machines, equipment, vehicles, raw materials, fuel or materials not up to environmental standards or technical regulations;

2. A fine of between VND 150,000,000 and VND 200,000,000 shall be imposed for transporting or transiting via the Vietnamese territory goods, equipment or vehicles likely to cause environmental pollution, degradation or incidents which are not yet permitted or subject to environmental inspection by environmental protection state management agencies.

3. A fine of between VND 400,000,000 and 500,000,000 shall be imposed for any of the following acts:

a/ Importing machines, equipment or vehicles contaminated with radioactive substances, pathogenic microbes or other toxic substances which are not yet or cannot be cleansed;

b/ Importing polluting raw materials, fuel, materials, chemicals or goods on the State's list of goods banned from import;

c/ Importing used machinery, equipment or vehicles for dismantlement in contravention of the environmental protection law;

d/ Importing the ozone layer-depleting compounds under treaties to which the Socialist Republic of Vietnam is a contracting party.

4. Additional sanction:

Confiscation of vehicles or containers used for commission of administrative violations.

5. Remedies:

a/ Forced re-export or destruction of machinery, equipment, vehicles, raw materials, fuel or materials. Confiscation of valuable products after destruction and disposal under law;

b/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution or spread of epidemics, caused by violations specified in this Article.

**Article 21.** Violation of environmental protection regulations in the import of scraps

1. A fine of between VND 20,000,000 and 30,000,000 shall be imposed for failing to report on the import and use of scraps under regulations.

2. A fine of between VND 40,000,000 and 70,000,000 shall be imposed for importing scraps which fall into any of the following cases:

a/ Possessing no scrap import eligibility certifications;

b/ Failing to fully satisfy capacity and warehousing conditions under regulations;

c/ Having no contracts on entrusted import of scraps under law;

d/ Failing to notify in writing to provincial-level Natural Resources and Environment Departments of the localities where production establishments or warehouses and yards for storage of imported scraps are located, on the types, quantity and weight of scraps, border gates of importation, routes of transportation, warehouses and yards where scraps are gathered, and places of production of scraps before loading/unloading under law.

3. A fine of between VND 100,000,000 and 150,000,000 shall be imposed for either of the

following acts:

a/ Importing scraps not sorted out or cleansed or mixed with pathogenic microbes, materials, articles or goods banned from import under regulations;

b/ Failing to dispose of impurities in imported scraps up to environmental standards or technical regulations or donating or selling these impurities.

4. A fine of between VND 200,000,000 and 300,000,000 shall be imposed for importing scraps which contain wastes.

5. A fine of between VND 300,000,000 and 400,000,000 shall be imposed for importing scraps which contain hazardous impurities.

6. A fine of between VND 400,000,000 and 500,000,000 shall be imposed for importing or transiting scraps which contain radioactive substances or importing scraps outside the list of scraps permitted to be imported.

7. Additional sanction:

Deprivation of the right to use scrap import eligibility certifications for between 6 (six) and 12 (twelve) months, for violations specified at Points b and c, Clause 2, and Clauses 3, 4, 5 and 6, of this Article.

8. Remedies:

a/ Forced re-export or destruction, for violations specified at Points a and b, Clause 2, and Clauses 3, 4, 5 and 6, of this Article. Confiscation of valuable products after destruction and disposal under law;

b/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of

measures to remedy environmental pollution or spread of epidemics, caused by violations specified in this Article.

**Article 22.** Violation of environmental protection regulations in animal raising and aquaculture

1. A fine of between VND 10,000,000 and 15,000,000 shall be imposed on owners of consolidated animal-raising zones for any of the following acts:

a/ Having no wastewater, gas emission, dust or fetid, unpleasant odors collection and treatment systems up to standards or technical regulations on wastes;

b/ Failing to manage solid wastes in animal raising under regulations on solid waste management, letting them emit into the environment;

c/ Failing to manage carcass of livestock that died of epidemics under regulations on hazardous waste management.

2. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on consolidated aquaculture zones for any of the following acts:

a/ Failing to collect and treat wastes up to standards or technical regulations on wastes;

b/ Failing to restore the environment right after ceasing aquaculture activities;

c/ Failing to satisfy environmental sanitation conditions or using toxic or toxin-accumulating chemicals.

3. A fine of between VND 30,000,000 and 50,000,000 shall be imposed for building consolidated aquaculture zones on alluvial grounds being formed in coastal estuarine areas,

or destroying mangrove forests for aquaculture.

4. Remedies:

a/ Forced observance of legal provisions, for violations specified in this Article;

b/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution or spread of epidemics, caused by violations specified in this Article.

**Article 23.** Violation of regulations on sea environment protection

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed on owners of vessels or goods storage warehouses at sea in danger of causing environmental incidents for failing to notify such danger to national salvage and rescue forces, coastguard forces or other concerned organizations or individuals under regulations.

2. A fine of between VND 15,000,000 and 20,000,000 shall be imposed on mining organizations or individuals or owners of vehicles transporting petrol, oil, chemicals, radioactive substances and other toxic substances at sea for failing to work out plans, furnish equipment or employ staff for environmental incident prevention and response.

3. A fine of between VND 20,000,000 and 40,000,000 shall be imposed for any of the following acts:

a/ Exploiting marine resources and conducting other activities related to the exploitation and use of marine resources in contravention of approved plannings on use of natural resources;

b/ Using destructive methods, means or instruments in exploiting marine resources;

c/ Operating in nature conservation zones, mangrove forests or marine natural heritages in contravention of regulations of their management boards, the environmental protection law and other relevant laws;

d/ Failing to treat wastes and other pollutants from production, business, service, construction, transport or exploitation activities at sea up to environmental standards or technical regulations;

e/ Discharging wastes from the dredging of narrow passages or fairways into the sea without obtaining written approval of environmental protection state management agencies under regulations.

4. A fine of between VND 70,000,000 and 120,000,000 shall be imposed for jettisoning into the sea ordinary wastes of vehicles or drilling rigs operating at sea without treating them up to standards or technical regulations on wastes; or discharging solid wastes from the mainland into the sea without obtaining written approval of environmental protection state management agencies under regulations.

5. A fine of between VND 120,000,000 and 200,000,000 shall be imposed for failing to collect, store and dispose of oil, grease, drilling solution, chemicals or other toxic chemicals used in marine resource exploration and exploitation under regulations on hazardous waste management.

6. A fine of between VND 200,000,000 and 300,000,000 shall be imposed for jettisoning wastes into sea areas within nature conservation zones, natural heritages, areas with new natural

eco-systems, regular or seasonal breeding areas of fish and other aquatic species.

7. A fine of between VND 400,000,000 and 500,000,000 shall be imposed for jettisoning hazardous wastes or radioactive substance-containing wastes into the sea areas of the Socialist Republic of Vietnam.

**8. Additional sanction:**

Confiscation of material evidences or means used for commission of administrative violations, for violations specified in Clauses 2, 3, 6 and 7 of this Article.

**9. Remedies:**

a/ Forced observance of legal provisions, for violations specified in this Article;

b/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution caused by violations specified in this Article.

**Article 24.** Violation of environmental protection regulations in public places, urban areas or residential areas

1. A fine of between VND 200,000 and 500,000 shall be imposed on organizations, individuals or communities managing parks, recreation and entertainment areas, tourist sites, marketplaces, railway stations, car terminals, wharves, harbors, ferry landings or other public areas for any of the following acts:

a/ Failing to post up regulations on sanitation maintenance in public places;

b/ Having insufficient public sanitation works and waste collection means or equipment satisfying requirements on environmental

sanitation maintenance under regulations;

c/ Having insufficient forces for collecting wastes and maintaining environmental sanitation within the areas under their management according to regulations.

2. A fine of between VND 30,000,000 and 50,000,000 shall be imposed on the following production establishments and warehouses for failing to comply with regulations on environmental safe distances for residential areas:

a/ Having flammable and explosive substances;

b/ Having highly radioactive or radiational substances;

c/ Having substances hazardous to human health as well as livestock and poultry;

d/ Emitting odors adversely affecting human health.

3. A fine of between VND 200,000,000 and 300,000,000 shall be imposed on investors building new consolidated residential areas or condominium areas for handing over and putting into use works without properly and adequately complying with any of environmental protection requirements under Article 51 of the Law on Environmental Protection.

**4. Additional sanction:**

Deprivation of practice licenses or certificates for between 6 (six) and 12 (twelve) months, for violations specified in Clause 2 of this Article.

**5. Remedies:**

a/ Forced observance of legal provisions, for violations specified in Clause 1 of this Article;

b/ Forced observance of regulations on environmental safe distances for residential areas

under Clause 2 of this Article;

c/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution caused by violations specified in this Article.

**Article 25.** Violation of environmental protection regulations in burial activities

1. Caution shall be served or a fine of between VND 200,000 and 500,000 shall be imposed for coffining, embalming, displacing or burying corpses or remains without satisfying environmental sanitation requirements under regulations.

2. A fine of between VND 2,000,000 and 5,000,000 shall be imposed for any of the following acts:

a/ Failing to satisfy conditions regarding environmental sanitation and landscape in or distances from residential areas for burial places;

b/ Burying corpses or remains, polluting daily-life or production water sources;

c/ Burying corpses or remains in contravention of approved plannings.

3. Remedies:

a/ Forced observance of legal provisions, for violations specified in this Article;

b/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution caused by violations specified in this Article.

**Article 26.** Violation of environmental protection regulations in tourism and nature conservation activities

1. Caution shall be served or a fine of between VND 200,000 and 500,000 shall be imposed for adversely affecting the environment in tourist sites or eco-tourist places within nature conservation zones.

2. A fine of between VND 15,000,000 and 20,000,000 shall be imposed for adversely affecting the environment in nature conservation zones or natural heritages.

3. A fine of between VND 30,000,000 and 50,000,000 shall be imposed for either of the following acts:

a/ Encroaching upon safe distances for nature conservation zones;

b/ Illegally encroaching upon nature conservation zones, national parks or natural heritages.

4. A fine of between VND 100,000,000 and 150,000,000 shall be imposed for exploiting nature conservation zones, national parks or natural heritages in contravention of environmental protection regulations.

5. A fine of between VND 300,000,000 and 400,000,000 shall be imposed for exploiting nature conservation zones, national parks or natural heritages in contravention of environmental protection regulations, causing biodiversity or environmental degradation.

6. Additional sanction:

Confiscation of material evidences or means used for commission of administrative violations, for violations specified at Point b, Clause 3, and Clauses 4 and 5, of this Article.

7. Remedies:

a/ Forced observance of legal provisions, for violations specified in this Article;

b/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution caused by violations specified in this Article.

**Article 27.** Violation of regulations on operation or residence in restricted areas identified by competent state agencies due to particular environmental danger to human health and life

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed for illegally residing in restricted areas identified by competent state agencies due to particular environmental danger to human health and life.

2. A fine of between VND 15,000,000 and 25,000,000 shall be imposed on organizations or individuals for conducting illegal activities in restricted areas identified by competent state agencies due to particular environmental danger to human health and life.

3. Remedy:

Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced termination of illegal activities or relocation from restricted areas.

**Article 28.** Violation of regulations on management of invasive alien organisms, genetically modified organisms and products thereof

1. A fine of between VND 30,000,000 and 50,000,000 shall be imposed for researching, experimenting, producing, trading, using, importing, exporting, storing or transporting

invasive alien organisms, genetically modified organisms and products thereof without fully satisfying bio-safety conditions under regulations.

2. A fine of between VND 70,000,000 and 100,000,000 shall be imposed for violations specified in Clause 1 of this Article which cause serious consequences.

3. Additional sanction:

Confiscation of means or instruments used for commission of administrative violations.

4. Remedies:

a/ Forced destruction or re-export or transportation out of the Vietnamese territory of invasive alien organisms, genetically modified organisms and products thereof which fail to fully satisfy bio-safety conditions;

b/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution caused by violations specified in this Article.

**Article 29.** Violation of regulations on illegal production, transportation, trading, import, storage or use of flammable and explosive substances

1. A fine of between VND 30,000,000 and 50,000,000 shall be imposed for illegally producing, transporting, trading, storing or using flammable and explosive substances; or using dynamites from bombs, land mines, grenades or other weapons in contravention of regulations.

2. A fine of between VND 50,000,000 and 70,000,000 shall be imposed for producing, transporting, trading or importing firecrackers.

3. A fine of between VND 70,000,000 and 100,000,000 shall be imposed for the acts specified in Clauses 1 and 2 of this Article which cause environmental pollution.

4. A fine of between VND 150,000,000 and 250,000,000 shall be imposed for the acts specified in Clauses 1, 2 and 3 of this Article which cause environmental incidents.

5. Additional sanction:

Confiscation of material evidences or means used for commission of administrative violations.

6. Remedies:

a/ Forced destruction of firecrackers, for violations specified in Clauses 2, 3 and 4 of this Article;

b/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution caused by violations specified in this Article.

**Article 30.** Violation of regulations on recovery and disposal of expired or discarded products

1. A fine of between VND 20,000,000 and 30,000,000 shall be imposed for failing to recover or dispose of expired or discarded products under regulations.

2. A fine of between VND 50,000,000 and 70,000,000 shall be imposed for the acts specified in Clause 1 of this Article which cause environmental pollution.

3. Remedies:

a/ Forced recovery or disposal of expired or discarded products under regulations;

b/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution caused by violations specified in this Article.

**Article 31.** Violation of regulations on environmental restoration upon finishing natural resource exploration and exploitation activities

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

a/ Failing to make under regulations maps of areas where radioactive-ore exploitation and processing activities have finished;

b/ Failing to report on environmental restoration results upon finishing natural resource exploration and exploitation activities to competent agencies under regulations.

2. A fine of between VND 70,000,000 and 100,000,000 shall be imposed for failing to rehabilitate or restore the environment upon finishing natural resource exploration and exploitation activities under regulations, except the case specified in Clause 3 of this Article.

3. A fine of between VND 150,000,000 and 200,000,000 shall be imposed for failing to rehabilitate or restore the environment after finishing each phase or the whole process of radioactive ore exploration and exploitation.

4. Remedy:

Forced restoration of the environment under regulations, for violations specified in Clauses 2 and 3 of this Article.

**Article 32.** Violation of regulations on prevention and control of oil spill incidents in

petroleum and maritime activities and other oil leakage or spill incidents

1. A fine of between VND 30,000,000 and 50,000,000 shall be imposed for any of the following acts:

a/ Failing to furnish equipment for oil leakage, fire, explosion or spill prevention and control under regulations;

b/ Failing to work out plans on oil leakage, fire, explosion or spill prevention and control under regulations;

c/ Failing to work out oil-spill incident response plans to be approved by competent authorities under regulations.

2. A fine of between VND 20,000,000 and 40,000,000 shall be imposed for causing oil leakage, fire, explosion or spill incidents with an oil volume of less than 2 tons.

3. A fine of between VND 40,000,000 and 80,000,000 shall be imposed for causing oil leakage, fire, explosion or spill incidents with an oil volume of between 2 tons and less than 50 tons.

4. A fine of between VND 80,000,000 and 150,000,000 shall be imposed for causing oil leakage, fire, explosion or spill incidents with an oil volume of between 50 tons and less than 100 tons.

5. A fine of between VND 150,000,000 and 250,000,000 shall be imposed for causing oil leakage, fire, explosion or spill incidents with an oil volume of between 100 tons and less than 2,000 tons.

6. A fine of between VND 250,000,000 and 400,000,000 shall be imposed for causing oil leakage, fire, explosion or spill incidents with

an oil volume of more than 2,000 tons.

7. Remedies:

a/ Forced observance of legal provisions, for violations specified in Clause 1 of this Article;

b/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution caused by violations specified in this Article.

**Article 33.** Violation of regulations on environmental incident response and handling

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed for failing to promptly notify environmental incidents to environmental protection state management agencies and competent state agencies in the nearest places.

2. A fine of between VND 20,000,000 and 30,000,000 shall be imposed for failing to observe or improperly observing orders to urgently mobilize manpower, supplies and means for handling environmental incidents.

3. A fine of between VND 50,000,000 and 150,000,000 shall be imposed for failing to apply appropriate measures to promptly handle environmental incidents.

4. A fine of between VND 150,000,000 and 250,000,000 shall be imposed for causing environmental incidents.

5. A fine of between VND 300,000,000 and 400,000,000 shall be imposed for violations specified in Clause 4 of this Article without handling environmental incidents.

6. Remedy:

Within the time limit set by persons with

sanctioning competence in administrative sanctioning decisions, forced application of measures to remedy environmental pollution or handle environmental incidents caused by violations specified in this Article.

**Article 34.** Violation of regulations on provision of consultancy services for preparing environmental impact assessment reports or services for appraising environmental impact assessment reports

1. A fine of between VND 15,000,000 and 25,000,000 shall be imposed for providing consultancy services for preparing environmental impact assessment reports or services for appraising environmental impact assessment reports while the conditions therefor are not fully satisfied under regulations.

2. A fine of between VND 70,000,000 and 100,000,000 shall be imposed for providing consultancy services for preparing environmental impact assessment reports specified in Clause 1 of this Article which cause serious consequences.

3. Remedy:

Forced remedying of consequences caused by violations specified in this Article.

**Article 35.** Violation of regulations on payment of environmental protection charges, environmental rehabilitation and restoration deposits or insurance for environmental damage compensation liability

1. Acts violating regulations on payment of environmental protection charges shall be administratively sanctioned as follows:

a/ A daily fine equal to 0.05% of the late-paid charge amount, for late charge payment;

b/ A fine equal to 10% of the deficient charge amount, for making untruthful declaration resulting in payment of a charge amount lower than prescribed;

c/ A fine equal to between once and three times the charge amount, for an act of charge evasion.

2. A fine of between VND 70,000,000 and 100,000,000 shall be imposed for failing to pay environmental rehabilitation and restoration deposits in natural resource exploitation activities under regulations.

3. A fine of between VND 100,000,000 and 150,000,000 shall be imposed on organizations or individuals for failing to buy insurance for environmental damage compensation liability under regulations.

4. Remedy:

Forced compliance with legal provisions on charges, environmental rehabilitation and restoration deposits and insurance for environmental damage compensation liability, for violations specified in this Article.

**Article 36.** Violation of regulations on collection, management, exploitation and use of environmental data and information

1. Caution shall be served or a fine of between VND 200,000 and 500,000 shall be imposed for illegally obstructing the environmental observation, and collection, exchange, exploitation or use of environmental data and information.

2. A fine of between VND 2,000,000 and 5,000,000 shall be imposed for either of the following acts:

a/ Providing environmental data and information *ultra vires*;

b/ Failing to publish or provide environmental data and information under regulations.

3. A fine of between VND 20,000,000 and 30,000,000 shall be imposed for illegally penetrating into the environmental data and information storage system.

4. A fine of between VND 30,000,000 and 50,000,000 shall be imposed for either of the following acts:

a/ Failing to make statistics of or store data on environmental impacts, discharging sources, wastes from production, business or service establishments or consolidated production, business or service zones under regulations;

b/ Failing to submit sufficient investigation, survey and observation data and other relevant documents to environmental data and information storage agencies under regulations.

5. A fine of between VND 50,000,000 and 70,000,000 shall be imposed for falsifying or erasing environmental data and information.

6. A fine of between VND 70,000,000 and 100,000,000 shall be imposed for providing untruthful data or investigation and survey results to environmental data and information storage agencies.

7. A fine of between VND 100,000,000 and 150,000,000 shall be imposed for falsifying information causing serious consequences.

8. Remedy:

Forced compliance with legal provisions, for violations specified in Clauses 2, 4 and 6 of this Article.

**Article 37.** Violation of regulations on protection and use of facilities, equipment or means for environmental protection

1. Caution shall be served or a fine of between VND 200,000 and 500,000 shall be imposed for either of the following acts:

a/ Obstructing the exploitation and use of environmental protection facilities;

b/ Planting trees affecting technical safety corridors of environmental protection facilities.

2. A fine of between VND 2,000,000 and 5,000,000 shall be imposed for illegally displacing environmental observation equipment or machinery.

3. A fine of between VND 10,000,000 and 15,000,000 shall be imposed for building works affecting technical safety corridors of environmental protection facilities.

4. A fine of between VND 15,000,000 and 25,000,000 shall be imposed for damaging environmental protection equipment and facilities.

5. Remedies:

a/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced dismantlement or relocation of facilities or planted trees, for violations specified in Clauses 1 and 3 of this Article;

b/ Within the time limit set by persons with sanctioning competence in administrative sanctioning decisions, forced restoration of the original state already altered by violations specified in this Article.

**Article 38.** Violation of regulations on

exercise of grassroots democracy for environmental protection

1. Caution shall be served or a fine of between VND 500,000 and 2,000,000 shall be imposed on managers of consolidated production, business or service zones or owners of production, business or service establishments for failing to inform people and their employees of the environmental situation, measures to prevent and restrict adverse impacts on the environment and to remedy environmental pollution or degradation under regulations.

2. A fine of between VND 2,000,000 and 5,000,000 shall be imposed for failing to hold environmental protection dialogues at the request of environmental protection state management agencies or organizations and individuals that require such dialogues, or in response to complaints, denunciations or lawsuits of concerned organizations or individuals under regulations.

3. Remedy:

Forced compliance with legal provisions, for violations specified in this Article.

**Article 39.** Obstructing environmental protection state management, inspection, examination, or administrative sanctioning

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed for any of the following acts:

a/ Causing difficulties to environmental status investigation, research, control or assessment or to duty performance by competent persons;

b/ Uttering words or taking actions threatening, verbally abusing or hurting the honor

of persons on duty;

c/ Refusing to receive inspection or examination decisions or decisions coercing the enforcement of administrative sanctioning decisions.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed for any of the following acts:

a/ Failing to declare or declaring untruthfully or after the time limit specified by persons on duty or competent state management agencies;

b/ Failing to provide or sufficiently provide information and documents related to inspection, examination or administrative sanctioning by persons on duty or competent state management agencies;

c/ Obstructing task performance by examination or inspection teams or persons assigned to conduct examination or inspection.

3. A fine of between VND 30,000,000 and 40,000,000 shall be imposed for deliberately breaking seals of the sealed or temporarily seized material evidences, means, workshops, machinery or equipment or deliberately tampering with scenes of violation.

4. A fine of between VND 40,000,000 and 50,000,000 shall be imposed for either of the following acts:

a/ Delaying or shirking the enforcement of administrative decisions, inspection or examination decisions or administrative handling decisions of competent persons or agencies;

b/ Attacking persons on duty.

5. Remedy:

Forced compliance with requests of

competent persons or state management agencies.

*Section 2. SANCTIONING COMPETENCE AND PROCEDURES*

**Article 40.** Competence of chairpersons of People's Committees at different levels to sanction administrative violations

1. Commune-level People's Committee chairpersons may:

a/ Serve caution;

b/ Impose fines of up to VND 2,000,000;

c/ Confiscate material evidences, means or instruments valued at up to VND 2,000,000 which are used for commission of administrative violations;

d/ Force the restoration of the original state altered by administrative violations;

e/ Force the restoration of the environment; force the application of measures to remedy environmental pollution or spread of epidemics caused by administrative violations;

f/ Force the destruction of polluting goods or articles;

g/ Within the prescribed time limit, force the proper and full realization of the contents of environmental protection commitments or schemes with characteristics and sizes corresponding to the certified objects for which environmental protection commitments are required;

h/ Force the proper operation of environmental treatment facilities;

i/ Force the removal of planted trees affecting technical safety corridors of environmental

protection facilities.

2. District-level People's Committee chairpersons may:

a/ Serve caution;

b/ Impose fines of up to VND 30,000,000;

c/ Deprive of the right to use practice licenses or certificates according to their competence;

d/ Confiscate material evidences, means or instruments used for commission of administrative violations in the domain of environmental protection;

e/ Force the restoration of the original state already altered by administrative violations or force the dismantlement of illegally built works;

f/ Force the restoration of the environment; force the application of measures to remedy environmental pollution or spread of epidemics caused by administrative violations;

g/ Force the destruction of polluting firecrackers, goods, articles or organisms;

h/ Apply measures specified at Points e, f, h, i, k and l, Clause 3, Article 3 of this Decree.

3. Provincial-level People's Committee chairpersons may:

a/ Serve caution;

b/ Impose fines of up to VND 500,000,000;

c/ Deprive of the right to use environmental licenses according to their competence;

d/ Confiscate material evidences, means or instruments used for commission of administrative violations;

e/ Force the restoration of the original state already altered by administrative violations;

f/ Force the restoration of the environment;

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

g/ Force the transportation out of the Vietnamese territory or re-export of wastes, scraps, goods, articles and means which have been imported in contravention of environmental protection regulations or pollute the environment;

g/ Force the destruction of polluting firecrackers, goods, articles or organisms;

h/ Apply measures specified at Points e, f, g, h, i, j, k and l, Clause 3, Article 3 of this Decree.

**Article 41.** Competence of people's public security forces to sanction administrative violations

1. Environmental policemen on duty may:

a/ Serve caution;

b/ Impose fines of up to VND 200,000;

2. Heads of commune-level Public Security Sections may:

a/ Serve caution;

b/ Impose fines of up to VND 2,000,000;

c/ Confiscate material evidences, means or instruments valued at up to VND 2,000,000 which are used for commission of administrative violations;

d/ Force the restoration of the original state already altered by administrative violations;

e/ Force the application of measures to remedy environmental pollution or spread of epidemics caused by administrative violations;

f/ Force the destruction of polluting goods or articles;

g/ Within the prescribed time limit, force the

proper and full realization of the contents of environmental protection commitments or schemes with characteristics and sizes corresponding to the certified objects for which environmental protection commitments are required;

h/ Force the proper operation of environmental treatment facilities;

i/ Force the relocation of planted trees affecting technical safety corridors of environmental protection facilities.

3. Heads of district-level Environmental Police Divisions and Public Security Divisions may:

a/ Serve caution;

b/ Impose fines of up to VND 10,000,000.

c/ Deprive of the right to use practice licenses or certificates according to their competence;

d/ Confiscate material evidences, means or instruments used for commission of administrative violations;

e/ Force the destruction of polluting firecrackers, goods, articles or organisms;

f/ Force the restoration of the original state already altered by administrative violations;

g/ Force the restoration of the environment; force the application of measures to remedy environmental pollution or spread of epidemics caused by administrative violations;

h/ Apply measures specified at Points e, f, h, k and l, Clause 3, Article 3 of this Decree.

4. The director of the Environmental Police Department may:

a/ Serve caution;

b/ Impose fines of up to VND 500,000,000;

c/ Deprive of the right to use practice licenses or certificates according to his/her competence;

d/ Confiscate material evidences, means or instruments used for commission of administrative violations;

e/ Force the destruction of polluting firecrackers, goods, articles or organisms;

f/ Force the restoration of the original state already altered by administrative violations;

g/ Force the restoration of the environment; force the application of measures to remedy environmental pollution or spread of epidemics caused by administrative violations;

h/ Apply measures specified at Points e, f, g, h, i, j, k and l, Clause 3, Article 3 of this Decree.

**Article 42.** Competence of specialized inspectorates to sanction administrative violations

1. Specialized environmental protection inspectors of provincial-level Natural Resources and Environment Departments or of the Ministry of Natural Resources and Environment on duty may:

a/ Serve caution;

b/ Impose fines of up to VND 500,000;

c/ Confiscate material evidences, means or instruments valued at up to VND 2,000,000 which are used for commission of administrative violations;

d/ Force the destruction of polluting firecrackers, goods, articles or organisms;

e/ Force the restoration of the original state already altered by administrative violations;

f/ Force the restoration of the environment; force the application of measures to remedy

environmental pollution or spread of epidemics caused by administrative violations;

g/ Within the prescribed time limit, force the proper and full realization of the contents of environmental protection commitments or schemes with characteristics and sizes corresponding to the certified objects for which environmental protection commitments are required;

h/ Force the proper operation of environmental treatment facilities;

i/ Force the removal of planted trees affecting technical safety corridors of environmental treatment facilities.

2. Chief inspectors of provincial-level Natural Resources and Environment Departments may:

a/ Serve caution;

b/ Impose fines of up to VND 30,000,000.

c/ Deprive of the right to use practice licenses or certificates according to their competence;

d/ Confiscate material evidences, means or instruments used for commission of administrative violations;

e/ Force the destruction of polluting firecrackers, goods, articles or organisms;

f/ Force the restoration of the original state already altered by administrative violations;

g/ Force the restoration of the environment; force the application of measures to remedy environmental pollution or spread of epidemics caused by administrative violations;

h/ Apply measures specified at Points e, f, g, h, i, j and k, Clause 3, Article 3 of this Decree.

3. The Chief Inspector of the General Department of Environment may:

- a/ Serve caution;
- b/ Impose fines of up to VND 300,000,000;
- c/ Deprive of the right to use practice licenses or certificates according to his/her competence;
- d/ Confiscate material evidences, means or instruments used for commission of administrative violations;
- e/ Force the destruction of polluting firecrackers, goods, articles or organisms;
- f/ Force the restoration of the original state already altered by administrative violations;
- g/ Force the restoration of the environment; force the application of measures to remedy environmental pollution or spread of epidemics caused by administrative violations;
- h/ Apply measures specified at Points e, f, g, h, i, j and k, Clause 3, Article 3 of this Decree.

4. The Chief Inspector of the Ministry of Natural Resources and Environment may:

- a/ Serve caution;
- b/ Impose fines of up to VND 500,000,000;
- c/ Deprive of the right to use practice licenses or certificates according to his/her competence;
- d/ Confiscate material evidences, means or instruments used for commission of administrative violations;
- e/ Force the destruction of polluting firecrackers, goods, articles or organisms;
- f/ Force the restoration of the original state already altered by administrative violations;
- g/ Force the restoration of the environment; force the application of measures to remedy environmental pollution or spread of epidemics caused by administrative violations;
- h/ Apply measures specified at Points e, f, g,

h, i, j and k, Clause 3, Article 3 of this Decree.

**Article 43.** Competence of state management agencies and specialized state inspection organizations to sanction environmental protection-related administrative violations

In addition to persons with sanctioning competence defined in Articles 40, 41 and 42 of this Decree, persons with sanctioning competence under the Ordinance on Handling of Administrative Violations may, when detecting administrative violations specified in this Decree which fall within the fields and geographical areas under their respective management, sanction them in accordance with the law on handling of administrative violations.

**Article 44.** Procedures for sanctioning administrative violations

1. The procedures for sanctioning administrative violations in the domain of environmental protection are specified in Chapter VI of the Ordinance on Handling of Administrative Violations and the Government's Decree No. 128/2008/ND-CP of December 16, 2008, detailing a number of articles of the 2002 Ordinance on Handling of Administrative Violations and the Ordinance Amending and Supplementing a Number of Articles of the 2002 Ordinance on Handling of Administrative Violations.

2. Persons with sanctioning competence defined in Article 40; Clauses 2, 3 and 4, Article 41; and Clauses 2, 3 and 4, Article 42, of this Decree may authorize their deputies to sanction administrative violations and handle production, business or service establishments. Such authorization must be made in writing. The

authorized deputies shall take responsibility for their administrative sanctioning decisions before their heads and law.

In other cases, the authorization complies with Article 41 of the Ordinance on Handling of Administrative Violations.

**Article 45.** Deprivation of the right to use licenses

1. ~~When~~ deciding to deprive of the right to use environmental licenses, competent persons shall ~~make~~ records stating the reasons for such deprivation under Article 59 of the Ordinance on ~~Handling~~ of Administrative Violations and concurrently force operation suspension.

The right to use licenses may be deprived of only after the issuance of written decisions of competent persons defined in Clauses 2 and 3, Article 40; Clauses 3 and 4, Article 41; Clauses 2, 3 and 4, Article 42; and Article 43 of this Decree. ~~Such~~ decisions must be sent to the handled individuals or organizations and ~~concurrently~~ informed to the agencies that have issued ~~these~~ licenses.

Competent persons defined in Articles 40, 41, 42 and 43 of this Decree may request the agencies issuing environmental licenses to revoke these licenses.

2. ~~Upon~~ the expiration of the time limit indicated in administrative sanctioning decisions, persons with sanctioning competence shall return the licenses to organizations or individuals that are allowed to use these licenses.

**Article 46.** Provisions on application of remedies

1. Persons with sanctioning competence

defined in Articles 40, 41, 42 and 43 of this Decree shall base themselves on law and the actual damage caused by administrative violations to decide on the application of remedies and shall take responsibility before law for their decisions.

2. Individuals or organizations ordered to apply remedies shall apply them within ten days from the date of receipt of the administrative sanctioning decisions, unless otherwise provided for by law. If failing to apply these remedies, they will be coerced to do so within the prescribed time limit. Coercion expenses shall be borne by coerced individuals or organizations.

3. In case material evidences or means used in commission of environmental protection-related administrative violations should be confiscated or destroyed, confiscation or destruction records shall be made with signatures of sanctioning deciders, sanctioned persons and witnesses, and such material evidences or means should be handled under Articles 60 and 61 of the Ordinance on Handling of Administrative Violations.

**Article 47.** Collection, remittance, management and use of fines

1. Fined administrative violators in the domain of environmental protection shall pay fines at the places indicated in administrative sanctioning decisions and be issued fine receipts.

2. The procedures for collection and remittance of fines and management and use of the proceeds from administrative sanctioning comply with law.

3. The Ministry of Finance shall assume the prime responsibility for, and coordinate with the

Ministry of Natural Resources and Environment in, detailing the collection, remittance, management and use of the proceeds from the sanctioning of administrative violations in the domain of environmental protection for spending on examination, monitoring, inspection, administrative handling, publicization of information on pollution and violation of the environmental protection law, and addition of funds for the operation of the Vietnam Environment Protection Fund and local environment protection funds.

### Chapter III

#### OPERATION SUSPENSION, FORCED RELOCATION AND OPERATION BAN OF, AND PUBLICIZATION OF INFORMATION ON, POLLUTING OR SERIOUSLY POLLUTING PRODUCTION, BUSINESS OR SERVICE ESTABLISHMENTS

**Article 48.** Production, business or service establishments subject to operation suspension, forced relocation, operation ban or information publicization

1. Production, business or service establishments subject to operation suspension:

a/ Production, business or service establishments on competent agencies' lists of polluting or seriously polluting establishments that fail to take environmental treatment measures within the time limit specified by competent state agencies;

b/ Polluting or seriously polluting production, business or service establishments according to the criteria specified by the Ministry of Natural Resources and Environment which were

administratively sanctioned under Point g, Clause 2, Points f and g, Clause 3, Points e, f and g, Clause 4, Points b, c and d, Clause 5, and Clause 6, of Article 10; Point g, Clause 3, Points f and g, Clause 4, Points e, f and g, Clause 5, Points d, e, f and g, Clause 6, Points b and c, Clause 7, and Clause 8, of Article 11; Clauses 4 and 5, Article 14; Point h, Clause 3, and Clauses 4 and 5, of Article 16; Clause 4, Article 29; and Clauses 4 and 5, Article 33, of this Decree;

c/ Polluting or seriously polluting production, business or service establishments according to the criteria specified by the Ministry of Natural Resources and Environment which commit repeated or prolonged violations of the environmental protection law, seriously polluting the environment and greatly affecting human health;

d/ Production, business or service establishments which fail to execute competent agencies' decisions on forced relocation.

2. Production, business or service establishments subject to forced relocation:

a/ Production establishments and warehouses subject to administrative sanctioning under Clause 2, Article 24, and Point a, Clause 3, Article 26, of this Decree;

b/ Production, business or service establishments on the lists of seriously polluting establishments subject to relocation under decisions of competent agencies.

3. Production, business or service establishments subject to operation ban:

a/ Production, business or service establishments already suspended from operation which, within 3 years from the date of

certification of the completion of environmental protection measures under Clause 4, Article 49 of this Decree, continue falling into the case specified in Clause 1, Article 48 of this Decree;

b/ Production, business or service establishments on the lists of seriously polluting establishments subject to operation ban under decisions of competent agencies.

4. Production, business or service establishments subject to publicization of information on pollution and violation on the websites of provincial-level Natural Resources and Environment Departments and People's Committees and the Ministry of Planning and Investment, in 3 consecutive issues of the Natural Resources and Environment newspaper and in other mass media, for violations specified at Point g, Clause 2, Points f and g, Clause 3, Points e, f and g, Clause 4, and Clauses 5 and 6, of Article 10; Point g, Clause 4, Points f and g, Clause 5, Points e, f and g, Clause 6, and Clauses 7 and 8, of Article 11; Clause 4, Article 12; Point b, Clause 2, Article 13; Article 15; Points e, f, g and h, Clause 3, and Clauses 4 and 5, of Article 16; Clause 3, Article 17; Clause 3, Article 18; Clause 3, Article 19; Article 20; Clauses 3, 4, 5 and 6, Article 21; Clause 3, Article 22; Clauses 3, 4, 5, 6 and 7, Article 23; Clause 3, Article 24; Clauses 2, 3, 4 and 5, Article 26; Clause 2, Article 28; Clause 4, Article 29; Clauses 2 and 3, Article 31; Clauses 3, 4, 5 and 6, Article 32; Clauses 4 and 5, Article 33; and Clause 2, Article 34.

**Article 49.** Competence and procedures to suspend operation

1. Competence to suspend operation:

a/ Provincial-level People's Committee

chairpersons may decide to suspend the operation of production, business or service establishments until the latter complete environmental protection measures;

b/ Provincial-level Natural Resources and Environment Departments shall assume the prime responsibility for, and coordinate with provincial-level Public Security Departments and district-level People's Committees of the localities where exist production, business or service establishments and concerned agencies in, monitoring the implementation of operation suspension decisions and certifying the completion of environmental protection measures by these establishments.

2. Procedures for operation suspension:

a/ Within 15 (fifteen) working days after detecting polluting establishments which fall into cases specified at Points a and c, Clause 1, Article 48 of this Decree, provincial-level Natural Resources and Environment Departments shall assume the prime responsibility for, and coordinate with concerned agencies in, finalizing and submitting dossiers to provincial-level People's Committee chairpersons for consideration and decision on operation suspension.

b/ In the cases specified at Points b and d, Clause 1, Article 48 of this Decree, after issuing administrative sanctioning decisions, provincial-level People's Committee chairpersons shall direct provincial-level Natural Resources and Environment Departments to assume the prime responsibility for, and coordinate with concerned agencies in, finalizing and submitting dossiers to provincial-level People's Committee chairpersons to decide on operation suspension

within 15 (fifteen) working days.

In case a production, business or service establishment which commits an administrative violation is sanctioned in the form of operation suspension, and the sanctioning person is the Chief Inspector of the Ministry of Natural Resources and Environment, the Chief Inspector of the General Department of Environment under the Ministry of Natural Resources and Environment, the Director of the Environment Police Department, or another person with sanctioning competence, within 5 (five) working days after issuing a sanctioning decision, the issuer shall send a written request enclosed with such decision and a set of the case dossier to the chairperson of the provincial-level People's Committee of the locality where exists the establishment for issuance of an operation suspension decision.

c/ Within 15 (fifteen) working days after receiving the dossiers specified at Points a and b of this Clause, provincial-level People's Committee chairpersons shall issue operation suspension decisions.

An operation suspension decision must indicate the reason for such suspension, suspension duration to ensure completion of environmental protection measures, time of starting suspension, environmental protection measures to be taken, the monitoring agency, and responsibilities of the establishment subject to suspension.

d/ Within 3 (three) working days from the date of issuance, an operation suspension decision shall be sent to the production, business or service establishment subject to suspension, the Ministry of Natural Resources and Environment and

concerned agencies;

e/ Provincial-level Natural Resources and Environment Departments shall assume the prime responsibility for, and coordinate with provincial-level Public Security Departments, district-level People's Committees of the localities where exist production, business or service establishments and concerned agencies in, organizing the sealing of workshops, machinery and equipment of these establishments on the date of starting suspension as indicated in the operation suspension decisions.

3. The details of operation suspension decisions mentioned in this Article must be published on websites of provincial-level Natural Resources and Environment Departments and People's Committees and the Ministry of Planning and Investment, and in 3 consecutive issues of the Natural Resources and Environment newspaper.

4. Production, business or service establishments may resume operation only after completing environmental protection measures indicated in operation suspension decisions, as examined and certified by provincial-level Natural Resources and Environment Departments.

**Article 50.** Competence and procedures to force relocation

1. Competence to force relocation:

a/ The Prime Minister may decide to force the relocation of production, business or service establishments falling within the Prime Minister's competence to approve investment guidelines;

b/ Provincial-level People's Committee chairpersons may decide to force the removal of production, business or service establishments, except the case specified at Point a of this Clause.

2. Procedures for forced relocation in the case specified at Point a, Clause 2, Article 48 of this Decree:

a/ In case the provincial-level People's Committee chairperson issues a decision to administratively sanction a production, business or service establishment committing a violation specified in Clause 2, Article 24 or Point a, Clause 3, Article 26, of this Decree, within 20 (twenty) working days after issuing such decision, the provincial-level People's Committee chairperson shall direct the provincial-level Natural Resources and Environment Department to assume the prime responsibility for, and coordinate with concerned agencies in, finalizing and submitting the dossier to the provincial-level People's Committee chairperson. Within 20 (twenty) working days after receiving the dossier, the provincial-level People's Committee chairperson shall consider and decide to force relocation according to his/her competence or send a written request enclosed with the sanctioning decision and a set of the case dossier to the Minister of Natural Resources and Environment, for production, business or service establishments subject to forced relocation which fall within the Prime Minister's deciding competence;

b/ In case the Chief Inspector of the Ministry of Natural Resources and Environment, the Chief Inspector of the General Department of Environment under the Ministry of Natural Resources and Environment, the Director of the

Environment Police Department, or another person with sanctioning competence issues an administrative sanctioning decision, and the production, business or service establishment is subject to forced relocation, within 5 (five) working days after issuing such decision, he/she shall send a written request enclosed with such decision and a set of the case dossier to the chairperson of the provincial-level People's Committee of the locality where exists the establishment, for establishments subject to forced relocation which fall within the competence of provincial-level People's Committee chairpersons, or send a written request enclosed with the sanctioning decision and a set of the case dossiers to the Minister of Natural Resources and Environment, for establishments subject to forced relocation which fall within the Prime Minister's deciding competence;

c/ Within 20 (twenty) working days after receiving the dossier specified at Points a and b of this Clause:

- Provincial-level People's Committee chairpersons shall consider and decide to force the relocation of production, business or service establishments falling within their competence.

- The Minister of Natural Resources and Environment shall consider and submit to the Prime Minister to decide on forced relocation.

Within 30 (thirty) working days after receiving the dossier, the Prime Minister shall consider and decide on forced relocation;

d/ A forced relocation decision must indicate the reason for relocation, time of starting relocation, duration for completing the relocation, the monitoring agency, and

responsibilities of the establishment subject to relocation.

Within 3 (three) working days from the date of issuance, a forced relocation decision must be sent to the production, business or service establishment subject to forced relocation, the Prime Minister, the Ministry of Natural Resources and Environment, the provincial-level People's Committee of the locality where exists the establishment, and concerned agencies.

3. For cases subject to forced relocation under Point b, Clause 2, Article 48 of this Decree, within 30 (thirty) working days after obtaining a competent person's decision promulgating the list of seriously polluting establishments, the provincial-level People's Committee chairperson shall organize the implementation of the decision to force the relocation of production, business or service establishments in the locality.

4. Provincial-level People's Committee chairpersons shall direct provincial-level Natural Resources and Environment Departments to assume the prime responsibility for, and coordinate with provincial-level Public Security Departments and district-level People's Committees of the localities where exist production, business or service establishments and concerned agencies in, supervising the removal of production, business or service establishments subject to forced relocation.

Within the time limit for implementing a forced relocation decision, the production, business or service establishment subject to relocation will also subject be to operation suspension under Article 49 of this Decree. In this case, the provincial-level People's Committee chairperson may issue a decision

containing both the operation suspension and forced relocation measures.

5. A forced relocation decision mentioned in this Article must be published on the website of the provincial-level Natural Resources and Environment Department and People's Committee and the Ministry of Natural Resources and Environment and in 3 consecutive issues of the Natural Resources and Environment newspaper.

**Article 51.** Competence and procedures to ban operation

1. Competence to ban operation:

a/ The Prime Minister may decide to ban operation of production, business or service establishments falling within his/her competence to approve investment guidelines;

b/ Provincial-level People's Committee chairpersons may decide to ban operation of production, business or service establishments, except the case specified at Point a of this Clause.

2. Procedures for operation ban in the case specified at Point a, Clause 3, Article 48 of this Decree:

a/ Within 20 working days after detecting a production, business or service establishment falling into the case specified at Point a Clause 3, Article 48 of this Decree, the provincial-level Natural Resources and Environment Department and the person with sanctioning competence shall make a dossier thereof and report the case to the chairperson of the provincial-level People's Committee of the locality where exists the establishment;

b/ Within 20 (twenty) working days after receiving the provincial-level Natural Resources

and Environment Department's report, the provincial-level People's Committee chairperson shall decide to ban operation of production, business or service establishments according to his/her competence or send a written request enclosed with a set of the case dossier to the Minister of Natural Resources and Environment, for establishments subject to operation ban falling within the Prime Minister's deciding competence;

c/ Within 30 (thirty) working days after receiving the dossier, the Minister of Natural Resources and Environment shall decide or submit to the Prime Minister to decide on operation ban;

f/ Within 30 (thirty) working days after receiving the dossier, the Prime Minister shall consider and decide on operation ban;

e/ An operation ban decision must indicate the reason for such ban, time of operation termination, time limit for taking measures to settle problems arising from such ban, the monitoring agency, and responsibilities of the establishment subject to such ban;

Within 3 (three) working days from the date of issuance, an operation ban decision must be sent to the production, business or service establishment subject to operation ban, the Prime Minister, the Ministry of Natural Resources and Environment and the provincial-level People's Committee of the locality where exists the production, business or service establishment subject to forced relocation, and concerned agencies.

3. For establishments subject to operation ban under Point b, Clause 3, Article 48 of this Decree, within 30 (thirty) working days from the effective date of a competent person's decision

promulgating the list of seriously polluting establishments, the provincial-level People's Committee chairperson shall organize the implementation of the decision to ban operation of the production, business or service establishment in the locality.

4. Provincial-level People's Committee chairpersons shall direct provincial-level Natural Resources and Environment Departments to assume the prime responsibility for, and coordinate with provincial-level Public Security Departments and district-level People's Committees of the localities where exist production, business or service establishments and concerned agencies in, supervising the implementation of decisions to ban operation of the production, business or service establishments.

5. An operation ban decision mentioned in this Article must be published on the website of the provincial-level Natural Resources and Environment Department and People's Committee and the Ministry of Natural Resources and Environment and in 3 consecutive issues of the Natural Resources and Environment newspaper.

6. The establishment subject to operation ban shall take measures to remove, preserve and treat up to standards or technical regulations inflammable or explosive substances, substances containing highly radioactive or radiative substances or substances hazardous to human health, livestock or poultry, or emitting odors adversely affecting human health, and settle problems arising from such ban under law.

7. Coercing enforcement of operation ban decisions:

Upon the expiration of the time limit for

completing operation termination, if production, business or service establishments subject to operation ban fail to terminate operation, provincial-level People's Committee chairpersons shall issue coercion decisions and organize coercion.

**Article 52.** Coercion measures, cases subject to coercion, and competence to decide on coercion

1. Coercion measures:

a/ Ceasing the provision of electricity, water and related services;

b/ Coercing the dismantlement of works, machinery and equipment;

c/ Blocking deposit accounts;

d/ Revoking tax identification numbers or stopping the use of invoices;

e/ Revoking business registration certificates, establishment and operation licenses or practice licenses.

2. Production, business or service establishments which fail to observe operation suspension, forced relocation or operation ban decisions are subject to:

a/ The measure specified at Point a, Clause 1 of this Article to coerce the enforcement of operation suspension decisions;

b/ Any or several of the measures specified at Points a and b, Clause 1 of this Article to coerce the enforcement of forced relocation decisions;

c/ Any or several of the measures specified in Clause 1 of this Article to coerce the enforcement of operation ban decisions.

3. Competence to decide on coercion:

Provincial-level People's Committee

chairpersons may issue decisions coercing the enforcement of decisions on operation suspension, forced relocation or operation ban of production, business or service establishments which fall within the deciding competence of their own or the Prime Minister (below referred to as coercion decisions).

**Article 53.** Coercion decisions

1. Coercion of enforcement of operation suspension, forced relocation or operation ban decisions may be conducted only after obtaining coercion decisions.

2. A coercion decision contains the following principal details: date of issuance; grounds for issuance; full name, position and unit of the issuer; name of the establishment and address of the head office of the entity subject to coercion; reasons for coercion; coercion measures; time and place of coercion; responsible and coordinating agencies in the implementation of the decision; organizations and individuals involved in the implementation of the decision; signature of the issuer; and seal of the issuing agency.

3. A coercion decision must be sent to the entity subject to coercion and concerned organizations and individuals at least 5 (five) working days before coercion, and to the Ministry of Natural Resources and Environment.

**Article 54.** Procedures for issuing coercion decisions

1. Coercing the enforcement of operation suspension decisions:

a/ Past the time of starting the application of the operation suspension measure, if the production, business or service establishment still

continues its operation or when detecting that the establishment deliberately removes the seal, the provincial-level Natural Resources and Environment Department shall request the provincial-level People's Committee chairperson to issue a coercion decision;

b/ Within 15 (fifteen) working days after receiving the provincial-level Natural Resources and Environment Department's request dossier, the provincial-level People's Committee chairperson shall issue a coercion decision.

2. Coercing the enforcement of forced relocation decisions:

a/ Past the time for completing its relocation, if the production, business or service establishment has not yet completed the relocation, the provincial-level Natural Resources and Environment Department shall request the provincial-level People's Committee chairperson to issue a coercion decision;

b/ Within 15 (fifteen) working days after receiving the provincial-level Natural Resources and Environment Department's request dossier, the provincial-level People's Committee chairperson shall issue a coercion decision.

3. Coercing the enforcement of operation ban decisions.

a/ Past the time limit for completing operation termination, if the production, business or service establishment has not yet terminated operation, the provincial-level Natural Resources and Environment Department shall request the provincial-level People's Committee chairperson to issue a coercion decision;

b/ Within 15 (fifteen) working days after receiving the provincial-level Natural Resources

and Environment Department's request dossier, the provincial-level People's Committee chairperson must issue a coercion decision.

**Article 55.** Responsibility to organize the enforcement of coercion decisions

1. Provincial-level People's Committee chairpersons shall direct the implementation of coercion decisions.

Provincial-level Natural Resources and Environment Departments shall assume the prime responsibility for, and coordinate with provincial-level Public Security Departments and district-level People's Committees of the localities where exist production, business and establishments, and concerned agencies in, organizing the implementation of coercion decisions.

2. District-level People's Committees of the localities where exist entities subject to coercion shall direct concerned agencies to participate in coercion in a coordinated manner.

3. People's police forces shall maintain order and safety during coercion and arrange forces to promptly prevent acts that cause disorder or resist persons on duty in the course of enforcement of coercion decisions.

**Article 56.** Responsibilities of concerned organizations and individuals in implementing coercion decisions

1. Organizations and individuals related to entities subject to coerced enforcement of operation suspension, forced relocation or operation ban decisions shall coordinate with one another in coercion upon request.

2. Persons competent to sign contracts to

provide electricity, water and relevant services shall cease providing services to production, business or service establishments subject to coercion from the time of coercion indicated in coercion decisions.

3. State treasuries, commercial banks and other credit institutions shall take measures to block deposit accounts from the time of coercion indicated in coercion decisions.

4. Heads of tax agencies shall revoke tax identification numbers or stop the use of invoices from the time of coercion indicated in coercion decisions.

5. Competent state agencies shall revoke business registration certificates, establishment and operation licenses or practice licenses under law from the time of coercion indicated in coercion decisions.

**Article 57.** Statute of limitations for enforcing coercion decisions

1. Competent persons shall decide on the statute of limitations for enforcing decisions coercing the enforcement of operation suspension decisions, which shall be indicated in coercion decisions.

2. Competent persons shall decide on the statute of limitations for enforcing decisions coercing the enforcement of forced relocation decisions, which shall be indicated in coercion decisions.

3. A decision coercing the enforcement of an operation ban decision ceases to be effective from the time a production, business or service establishment completes the procedures for its dissolution.

**Article 58.** Competence and procedures to

publish information on pollution and violation of the environmental protection law

1. Persons competent to administratively sanction violations and decide on operation suspension, forced relocation or operation ban may force the publication of information on pollution and violation of the environmental protection law.

2. An administrative sanctioning, operation suspension, forced relocation or operation ban decision must indicate the reasons for forcing the publication of information on pollution, details of information, and name of the newspaper or website on which information is published.

3. The person who has issued an operation suspension, forced relocation or operation ban decision and the head of the agency where works the person who has issued an administrative sanctioning decision shall send copies of these decisions and a written request for information publication to the newspaper or the agency in charge of the website within 3 (three) working days from the date of issuance of the decisions.

Details of to-be-published information include the business registration name, commercial name, name of violator, major business domains; address of the head office of the violating business or service establishment or organization; violations; process of committing violations and consequences caused by violations; handling measures, remedies and duration for remedying consequences.

4. When receiving written requests for information publication, newspapers or agencies in charge of websites shall publish sufficient details of information to be published in the next

issues or times of publication.

**Article 59.** Responsibilities of concerned ministries and branches to suspend operation, force relocation or ban operation of polluting or seriously polluting production, business or service establishments

The Minister of Natural Resources and Environment, other ministers, heads of ministerial-level agencies and heads of government-attached agencies shall, within the ambit of their tasks and powers, coordinate with provincial-level People's Committee chairpersons in suspending the operation, forcing the relocation or banning the operation of polluting or seriously polluting production, business or service establishments.

#### *Chapter IV*

#### IMPLEMENTATION PROVISIONS

**Article 60.** Effect

This Decree takes effect on March 1, 2010, and replaces the Government's Decree No. 81/2006/ND-CP of August 9, 2006, on the sanctioning of administrative violations in the domain of environmental protection. To promulgate together with this Decree an appendix consisting of 5 forms of record and 14 forms of decision for use in handling law violations in the domain of environmental protection (*not printed herein*).

**Article 61.** Guidance and implementation responsibilities

1. The Minister of Natural Resources and Environment shall, within the ambit of his/her functions, tasks and powers, guide and organize

the implementation of this Decree.

2. The Minister of Natural Resources and Environment shall assume the prime responsibility for, and coordinate with the Minister of Public Security in, providing for coordination among environmental protection state management agencies and environmental police forces in the inspection, examination, and handling of violations of the environmental protection law.

3. Ministers, heads of ministerial-level agencies, heads of government-attached agencies and chairpersons of provincial-level People's Committees shall implement this Decree.

*On behalf of the Government*

Prime Minister

NGUYEN TAN DUNG