

THE GOVERNMENT

No.: 185/2013/ND-CP

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, November 15, 2013

DECREE

PROVIDING THE PENALTIES ON ADMINISTRATIVE VIOLATIONS IN COMMERCIAL ACTIVITIES, PRODUCTION OF, TRADING IN COUNTERFEIT OR BANNED GOODS AND PROTECTION OF CONSUMER RIGHTS

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

Pursuant to the Law on handling of administrative violations of June 20, 2012;

Pursuant to the Commercial Law of June 14th, 2005;

Pursuant to the Law on Enterprises of November 29th, 2005;

Pursuant to the Law on E-Commerce of November 29th, 2005;

Pursuant to the Law on Prevention and Control of Tobacco Harms of June 18th, 2012;

Pursuant to the Law on Protection of Consumer Rights of November 17th, 2011;

At the proposal of the Minister of Industry and Trade;

The Government promulgates the Decree on the penalties of administrative violations in commercial activities, production of, trading in counterfeit goods or banned goods and protection of consumer rights,

Chapter 1.

GENERAL PROVISIONS

Article 1. Scope of regulation

1. This Decree provides for acts of administrative violations, forms of sanction, levels of sanction, remedial measures, competency to make records and to impose sanction on administrative violations in commercial activities, production of, trading in counterfeit or banned goods and protection of consumer rights.

2. Acts of administrative violations in commercial activities, production of, trading in counterfeit or banned goods and protection of consumer rights specified in this Circular shall comprise:

- a) Acts of violation in business activities according to the business registration certificates, the business licenses, the certificates on satisfaction of business conditions and the practice certificates of goods or services trading;
- b) Acts of trading in banned services, production of and trading in counterfeit or banned goods;
- c) Acts of trading in illegally-imported goods; goods circulated in domestic market being applied with emergency measures; goods or services being restrained from trading; goods or services of conditional business; goods being expired, without origins or sources and other violations;
- d) Acts of violation on production or trade of tobacco;
- dd) Acts of violation on production or trade of wines;
- e) Acts of hoarding and speculation of goods;
- g) Acts of violation in trade promotion activities;
- h) Acts of violation in commercial intermediate activities;
- i) Acts of violation in importing or exporting goods and services which are related to goods import or export;
- k) Acts of violation in protection of consumer rights;
- l) Acts of violation in e-commerce;
- m) Acts of violation in the establishment and commercial activities of foreign traders and foreigners in Vietnam;
- n) Other acts of violation in commercial activities.

3. Administrative violations in commercial activities pertaining to trade of petroleum oils, liquefied petroleum gas (LPG); prices, listing prices of goods or services; documents, invoices in purchasing or selling goods, services; measurement of goods; standards, quality of goods being circulated or traded in the market; goods labels; intelligent properties; business registration procedures; signboards; commercial advertisements; goods auctions trading; purchase, sale or exchange of goods between border residents and other acts of violation shall be governed by provisions on sanction of administrative violations in related domains of state management.

4. For acts violating provisions on management policies for goods being imported or exported, goods in transit, transportation means on exit or entry, transit which are discovered by customs

offices within their areas of customs operation, provisions on sanction of administrative violation in customs domain shall be applied.

Article 2. Subjects of administrative sanctions

1. Vietnamese or foreign individuals, organizations commit acts of administrative violation as specified in this Decree in the territory of Vietnam.
2. Individuals specified in clause 1 of this Article include also business households which are required to be registered in accordance with law; households which are involved in production of agricultural, forestry, aquaculture products, salt making and persons who are street vendors, hucksters, mobile traders, service providers having low income without registration of their business in accordance with laws.
3. Organizations specified in clause 1 of this Article, including economic organizations which are enterprises established and operated in accordance with the Law on Enterprises, the Law on Investment; Cooperatives, Union of Cooperatives which are established according to the Law on Cooperatives; other economic organizations which are established and operated in accordance with laws and other business units under the above-mentioned economic organizations.

Article 3. Interpretation of terms

According to this Decree, the following terms shall be construed as follows:

1. “Production” is the implementation of one, some or all activities of manufacturing, publishing, printing, processing, ordering, preliminary processing, processing, extracting, recycling, installing, mixing, abstracting, feeding, packing and other activities of goods manufacturing.
2. “Trading” is the implementation of one, some or all activities of offering, displaying, storing, reserving, transporting, wholesaling, retailing, exporting, importing and other activities of putting goods into circulation.
3. “Goods being circulated in the market” include goods being displayed for sale, being transported on roads, being stored in warehouses, stations, yards of the manufacturing or trading establishments or other locations.
4. “Certificate of business registration” includes certificate of enterprise registration; certificate of cooperative registration, union of cooperatives registration; investment license; certificate of investment registration; certificate of registration of branch, representative office of economic organizations and certificate of business household registration.
5. “Business License” includes business or production license; permit or quota for exporting, importing and services pertaining to import, export and other documents in which an individual or an organization are granted by a competent state agency for business activities, except the certificate of business registration as specified in clause 4 of this Article.

6. "Banned goods" includes goods are banned from trading; goods are banned from circulation or use; goods have not been permitted to circulate or use in Vietnam.

7. "Smuggling goods" includes"

a) Goods are banned from import or temporarily stopped from import in accordance with laws.

b) Imported goods are under the list of goods are imported with conditions, without having import licenses or documents issued by competent state agencies according to regulations being accompanied with imported goods when circulating into the market;

c) Imported goods are not being transported through stipulated border gates, not being done with customs clearance according to laws or being fraudulently declared in terms of quantities or categories when conducting customs clearance;

d) Imported goods are circulated into the market without accompanied invoices, documents according to legal provisions or with invoices or documents but such invoices or documents are invalid according to legal provisions on management of invoices;

e) Imported goods must be stuck with import stamps according to legal provisions, but have no stamp on goods as required by laws or be stuck with faked or used stamps.

8. "Counterfeit goods" include:

a) Goods without having valuable use or effects; having valuable use or effects but do not match with sources by nature, names of goods; having valuable use or effects which do not match with the registered or notified valuable use or effects;

b) Goods having determined contents of main substances or in nutrients or other basic technical characteristics which have only reached a level of 70% and lower in comparison with the quality criteria or technical standards have been registered or notified to apply or to print on labels or packing of goods;

c) Medicines preventing or treating people, domestic animals without pharmaceutical substances; or with pharmaceutical substances but do not match the registered contents; or not sufficient the registered catalogues; with other pharmaceutical substances which are different from the pharmaceutical substances stated on the labels or packing of the goods;

d) Insecticides without active elements; or contents of active elements of 70% and below in comparison with the registered or notified quality criteria or technical standards; or not sufficient the registered active elements; or with active elements which are different with those stated on labels or packing of the goods;

e) Goods with labels or packing which have forged names or addresses of other entrepreneurs; trade names or product names; circulation registration codes, bar codes or the goods packing of other entrepreneurs;

e) Goods with labels or packing faking indications on origin or place of manufacturing, packing, assembling goods;

g) Goods have been forged in term of intellectual property rights as provided for by Article 213 of the 2005 Law on Intellectual Property Rights;

h) Forged stamps, labels or packing.

9. “Forged stamps, labels or packing” include decals, goods labels, goods packing, quality stamps, warranty cards, seals on shrinkable films or other articles of business individuals or organizations that have indications faking names and addresses of other entrepreneurs; faking trade names or product names, circulation registration codes, bar codes or goods packing of other entrepreneurs.

10. “Exhibits” include objects, money, documents, finished products or unfinished products which are directly related to the administrative violations.

11. “Violation means” include transport means, tools, machineries and other objects which are used to commit administrative violations.

12. “Individual secrets of consumers” are information pertaining to personal consumers in which consumers or relevant organizations or individuals have applied security measures, if such information is disclosed or used without their prior consents causing negative effects on their health, lives, properties or other physical or mental damages of consumers.

13. “Third parties in the provision of information on goods or services to consumers” are organizations or individuals requested by organizations or individuals trading in goods or services to provide information on goods or services, including:

a) Organizations or individuals conducting service to provide information on goods or services to consumers;

b) Organizations or individuals participating in the elaboration of information on goods or services;

c) Owners of media means, providers of telecommunication services;

d) Other organizations, individuals who are requested to conduct the provision of information.

Article 4. Application of administrative penalties and remedial measures

1. The form of warning sanction specified in this Decree is a principal form of administrative sanction which is only applied to the acts of administrative violations whereby the form of warning sanction is stipulated and applied to the infringing individuals or organizations with circumstances as provided for in Article 22 of the Law on handling of administrative violations.

2. The form of fine specified in this Decree is a principal form of administrative sanction and the level of fine specified in this Decree shall be applied to acts of administrative violations which are committed by individuals. A fine doubling the fine specified for individuals shall be imposed on acts of administrative violations which are committed by organizations.

3. The sanctioning form of confiscation of material evidence or means used to commit violations specified in this Decree is an additional form of sanction which shall only be applied to material evidence or means of administrative violations specified in Article 26 of the Law on handling of administrative violations and clause 2 of Article 3 of Decree No. 81/2013/ND-CP of July 19th, 2013 of the Government stipulating details of a number of articles and the implementation measures of the Law on handling of administrative violations (below collectively referred to as Decree 81/2013/ND-CP).

In case this Decree stipulates that both sanctioning forms of confiscation of material evidence or means and remedial measures specified in points a, b and c of clause 5 of this Article shall be applied, then competent officials shall only decide to confiscate material evidence or means if it is unable to apply these measures, except those material evidence or means of administrative violations which are drugs, weapons, explosive materials, supporting tools, objects having historic values, cultural values, national precious objects, precious and rare forestry products or seafood, objects being banned from circulation shall be confiscated.

4. The sanctioning form of confiscation of use rights with definite-term with the business licenses, the practice certificates or of suspension with definite-term a part or all activities of infringing production, trade or services specified in this Decree is an additional sanctioning form being applied as follows:

a) Only apply the form of confiscation of use rights with definite-term with the business licenses, the practice certificates of individuals or organizations committing administrative violations which were granted with the business licenses, the practice certificates and in accordance with the time limit specified in this Decree. Principals and competency in applying the sanctioning form of confiscation of use rights with definite-term with the business licenses, the practice certificates in accordance with Article 7 of the Decree No. 81/2013/ND-CP;

b) Only apply the sanctioning form of suspension of a part of all activities of production, trade or services that are violation on individuals or organizations committed administrative violations in cases specified in clause 2 of Article 25 of the Law on handling of administrative violations and within the time limit specified in this Decree.

5. Remedial measures specified in this Decree shall be applied as follows:

a) Forcing to destroy goods or articles is applied to goods or articles specified in Article 33 of the Law on handling of administrative violations for which such destroy of individuals, organizations committed administrative violations do not cause bad effects on ecosystem, environment, human health, domestic animals, cultivated crops, domestic animals or social order and safety.

b) Forcing to eliminate violated factors on labels, packing of goods, means of trading , articles is applied to goods, means of trading, articles specified in Article 35 of the Law on handling of administrative violations in cases that those violated factors can be eliminated and the elimination of violated factors shall not lead to the possibility of succeeding violations;

c) Forcing to move out of the territory of Vietnam or to re-export goods, articles, means shall be applied in cases specified in Article 32 of the Law on handling of administrative violations when individuals or organizations committed administrative violations are capable of conducting these measures;

d) Forcing to destroy or to eliminate violated factors shall be applied to categories of goods or products specified in Article 32 of the Law on handling of administrative violations, that individuals or organizations who committed administrative violations have consumed or sold and those are still being circulated in the market;

dd) Forcing to submit the illegal benefits which gained from committing acts of administrative violations specified in Article 37 of the Law on handling of administrative violations shall be applied to violators who have illegal benefits.

e) Other remedial measures shall be applied in accordance with the Law on handling of administrative violations and provisions of this Decree.

6. When applying remedial measures specified in clause 5 of this Article, competent officials must stipulate suitable time limit in order for the individuals or organizations being violators to implement. If the time limit for implementation recorded in the penalty decision is expired without the implementation, the coercive implementation or the confiscating decision for handling must be implemented in accordance with Article 82 of the Law on handling of administrative violations.

Article 5. Determination of the value of material evidence, means of administrative violations being the base for determination of the frame of fines, the sanctioning competency

1. The determination of values of material evidence, means of administrative violations specified in this Decree shall apply based on one of foundations according to priority order specified in points a, b and c of clause 2 of Article 60 of the Law on handling of administrative violations.

2. For material evidence being forged goods specified in points a, b, c, d, dd, e and g of clause 8 of Article 3 of this Decree is the market price of actual goods or goods having the same features, techniques, utilities at the time being discovered of administrative violations in accordance with point d, clause 2 of Article 60 of the Law on handling of administrative violations. In case of unable to determine prices as above, the determination of values shall comply with provisions of clause 1 of this Article.

3. In case of unable to apply foundations specified in clause 1 and 2 of this Article, the competent officials handling cases may issue decisions to seize violated material evidences and

to establish the council for price assessment according to clause 3 of Article 60 of the Law on handling of administrative violations.

Chapter 2.

ACTS OF ADMINISTRATIVE VIOLATIONS, FORMS AND LEVELS OF PENALTIES AND REMEDIAL MEASURES

SECTION 1. ACTS OF VIOLATION IN BUSINESS ACTIVITIES ACCORDING TO THE BUSINESS REGISTRATION CERTIFICATES, THE BUSINESS LICENSES, THE CERTIFICATES ON SATISFACTION OF BUSINESS CONDITIONS AND THE PRACTICE CERTIFICATES OF GOODS OR SERVICES TRADING;

Article 6. Acts of violation in business activities according to the business registration certificates

1. A fine of between VND 1,000,000 and 5,000,000 shall be imposed on business acts which do not comply with branches, categories of products, and locations of business as stated in the business registration certificate.
2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on acts of business operation without business registration certificate in accordance with regulations.
3. A fine of between VND 10,000,000 and 15,000,000 shall be imposed on acts of continuing business activities after business activities have been suspended or the business registration certificate has been withdrawn by competent state agencies.
4. A fine doubling the fine level specified in between clause 1 and clause 3 of this Article shall be imposed in cases of trading in goods or services under the list of goods or services being limited or subject to conditional business.

Article 7. Acts of violation in business activities according to the business permits

1. A warning or a fine of between VND 500,000 and 1,000,000 shall be imposed on acts of self-writing additionally, erasing, amending contents recorded in the business permit of goods and services being limited from trading.
2. To impose fines of between VND 1,000,000 and 5,000,000 shall be imposed on one of violated acts as follows:
 - a) To lease, lend, mortgage, pledge, sell or transfer the business licenses of goods or services which are limited from trading;
 - b) To rent, borrow, receive the pledge, receive the mortgage, purchase, receive the transfer of the business licenses of goods or services which are limited from trading;

3. To impose fines of between VND 5,000,000 and 10,000,000 shall be imposed on one of violated acts as follows:

a) To use the business licenses of goods, services being limited from trading of other entrepreneurs for business;

a) Doing business which does not comply with scopes, objects, scales, time, areas, locations or categories of goods recorded in the granted business licenses of goods or services being limited from trading.

4. To impose fines of between VND 10,000,000 and 20,000,000 shall be imposed on one of violated acts as follows:

a) Trading in goods or services being limited from trading without business licenses of goods or services being limited in accordance with provisions;

b) Trading in goods or services being limited from trading in when the granted business licenses of goods or services being limited from trading in were expired;

5. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on acts of continuing business activities when competent state agencies suspended the business activities, deprived the use rights or withdrawn the business licenses of trading in goods or services being limited from trading.

6. A fine doubling the fine level specified in between clause 1 and clause 5 of this Article for industrial producers or traders doing distribution or wholesale of products being wines, tobaccos and material tobaccos, who committed administrative violations.

7. Additional penalties:

To deprive the use rights of the business licenses of trading in goods or services being limited from trading for between 01 and 03 months for violated acts specified in point b, clause 3 of this Article shall be imposed in cases of repeated violations or recidivism.

Article 8. Acts of violations in business activities according to the certificates on satisfaction of business conditions, the practice certificates

1. A warning or a fine of between VND 500,000 and 1,000,000 shall be imposed on acts of self-writing additionally, erasing, amending contents recorded in the certificates on satisfaction of business conditions for goods and services subject to conditional business or the practice certificates.

2. A fine of between VND 1,000,000 and 3,000,000 shall be imposed on one of violated acts as follows:

a) To rent, lend, pledge, mortgage, sell or transfer the certificates on satisfaction of business conditions for goods, services subject to conditional business or the practice certificates;

b) To lease, borrow, take the pledge, take the mortgage, purchase or transfer the certificates on satisfaction of business conditions for goods, services subject to conditional business or the practice certificates;

3. To impose fines of between VND 3,000,000 and 5,000,000 for one of violated acts as follows:

a) To use the certificates on satisfaction of business conditions for goods, services subject to conditional business or the practice certificates of others in order to do business in goods or services of conditional business.

b) To do business which does not comply with contents recorded in the granted certificates on satisfaction of business conditions or the practice certificates.

4. To impose fines of between VND 5,000,000 and 10,000,000 for one of violated acts as follows:

a) To do business in goods or services subject to conditional business without having certificates on satisfaction of business conditions or the practice certificates in accordance with provisions;

b) To do business in goods or services subject to conditional business when the certificates on satisfaction of business conditions or the practice certificates were expired.

5. A fine of between VND 10,000,000 and 15,000,000 shall be imposed on acts of continuing business activities when competent state agencies suspended the business activities, deprived the use rights or withdrew the certificates on satisfaction of business conditions or the practice certificates.

6. Additional penalties:

To deprive the use rights of the certificate of eligibility for business, practice certificate for between 01 month and 03 months for violated acts specified in point b, clause 3 of this Article in cases of repeated violations or recidivism.

SECTION 2. ACTS OF TRADING IN BANNED SERVICES, PRODUCTION AND TRADE OF FORGED GOODS OR BANNED GOODS

Article 9. Acts of trading in banned services

1. A fine of between VND 30,000,000 and 40,000,000 shall be imposed on acts of trading in services under the list of banned services.

2. Additional penalties:

- a) Confiscate material evidence, means of violations for violations committed provisions of clause 1 of this Article;
- b) Deprive the use rights of the business licenses, the certificates of satisfaction of business conditions or the practice certificates between 03 and 06 months for violated acts specified in clause 1 of this Article;
- c) Deprive the use rights of the business licenses, the certificates of satisfaction of business conditions or the practice certificates between 06 and 12 months for violated acts specified in clause 1 of this Article in cases of repeated violations or recidivism.

3. Remedial measures:

Force to submit illegal benefits gained from conducting violated acts specified in clause 1 of this Article.

Article 10. Acts of production of or trading in banned goods

1. For acts of trading in banned goods specified in clause 6 of Article 3 of this Decree, the fine level shall be as follows:

- a) A warning or a fine of between VND 500,000 and 1,000,000 shall be imposed in cases of banned goods valued under VND 1,000,000;
- b) A fine of between VND 1,000,000 and 3,000,000 shall be imposed in cases of banned goods valued between VND 1,000,000 and 3,000,000;
- c) A fine of between VND 3,000,000 and 5,000,000 shall be imposed in cases of banned goods valued between VND 3,000,000 and 5,000,000;
- d) A fine of between VND 5,000,000 and 10,000,000 shall be imposed in cases of banned goods valued between VND 5,000,000 and 10,000,000;
- dd) A fine of between VND 10,000,000 and 20,000,000 shall be imposed in cases of banned goods valued between VND 10,000,000 and 20,000,000;
- e) A fine of between VND 20,000,000 and 30,000,000 shall be imposed in cases of banned goods valued between VND 20,000,000 and below 30,000,000;
- g) A fine of between VND 30,000,000 and 50,000,000 shall be imposed in cases of banned goods valued between VND 30,000,000 and 50,000,000;
- h) A fine of between VND 50,000,000 and 70,000,000 shall be imposed in cases of banned goods valued between VND 50,000,000 and 70,000,000;

- i) A fine of between VND 70,000,000 and 100,000,000 shall be imposed in cases of banned goods valued between VND 70,000,000 and 100,000,000;
 - k) A fine of VND 100,000,000 shall be imposed in cases of banned goods having values of from VND 100,000,000 and above without being subject to penal liability examination.
2. A fine doubling the fine level specified in clause 1 of this Article shall be imposed on acts of producing banned goods.
3. The fine levels specified in clause 1 of this Article shall also be applied with administrative sanction for:
- a) Owners of transport means or driver of transport means having acts of transporting banned goods;
 - b) Owners of warehouses, yards or residential houses having acts of storing banned goods;
 - c) Persons who have acts of forwarding banned goods.
4. Additional penalties:
- a) To confiscate material evidence shall be imposed on acts of violations specified in this Article;
 - b) To confiscate means being tools, machines and other articles used for production of banned goods for acts of violations specified in clause 2 of this Article;
 - c) To confiscate transport means being used for transporting banned goods shall be imposed on acts of violations specified in this Article in cases of banned goods having values of from VND 70,000,000 and above or repeated violations or recidivism;
 - d) To deprive the use rights of the business licenses or the practice certificates between 01 and 03 months for violated acts specified in this Article in cases of repeated violations or recidivism;
 - dd) To suspend a part or all production activities of violations between 03 months and 06 months for acts of violations specified in clause 2 of this Article in cases of repeated violations or recidivism;
5. Remedial measures:
- a) Forcing to destroy material evidence being goods or articles which caused harms to human health, domestic animals, cultivated crops, environment, toys which are harmful to education of characters and to children's health and harmful cultural articles for acts of violations specified in this Articles;
 - b) Forcing submission of illegal benefits which were gained from conducting violated acts specified in this Article;

c) Forcing recall and destruction of banned goods which are being circulated in the market for acts of violations specified in this Article.

Article 11. Acts of trading in forged goods which have no use value or utility

1. Acts of trading forged goods having no use value or utility specified in points a, b, c and d of clause 8 of Article 3 of this Decree, the fine level shall be as follows:

a) A fine of between VND 500,000 and 100,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued less than VND 1,000,000;

b) A fine of between VND 1,000,000 and 300,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued between VND 1,000,000 and less than 3,000,000;

c) A fine of between VND 3,000,000 and 5,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued between VND 3,000,000 and less than 5,000,000;

d) A fine of between VND 5,000,000 and 10,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued between VND 5,000,000 and less than 10,000,000;

dd) A fine of between VND 10,000,000 and 20,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued between Vietnam 10,000,000 and less than 20,000,000;

e) A fine of between VND 20,000,000 and 30,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued between Vietnam 20,000,000 and less than 30,000,000;

g) A fine of between VND 30,000,000 and 50,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued VND 30,000,000 and more without being subject to penal liability examination.

2. A fine doubling the fine level specified in clause 1 of this Article for cases of importing forged goods or forged goods under one of following cases:

a) Being foodstuffs, foods, medicines for treating diseases, medicines for preventing diseases for humans without being subject to penal liability examination.

b) Being animal feeds, fertilizers, veterinary medicines, insecticides, plant varieties, livestock breeds without being subject to penal liability examination.

c) Being foodstuff additives, food processing enhancers, preservative substances for foodstuffs, functional foodstuffs, cosmetics, detergents, insecticides, medical equipment, cement, construction steels, helmets.

3. Additional penalties:

- a) To confiscate material evidence for acts of violations specified in this Article;
- b) To deprive the use rights of the business licenses or the practice certificates between 06 and 12 months for violated acts specified in this Article in cases of repeated violations or recidivism;

4. Remedial measures:

- a) Forging the destruction of material evidence for acts of violations specified in this Article;
- b) Forging the removal out of the territory of Vietnam or re-export of forged goods for acts of importing forged goods specified in this Article;
- c) Forcing the submission of illegal benefits which were gained from conducting violated acts specified in this Article;
- d) Forcing the recall and destruction of banned goods which are being circulated in the market for acts of violations specified in this Article.

Article 12. Acts of producing forged goods which have no use value use or utility

1. For acts of producing forged goods which have no use value or utility specified in points a, b, c and d of clause 8 of Article 3 of this Decree, the fine level shall be as follows:

- a) A fine of between VND 3,000,000 and 7,000,000 shall be imposed in cases of the forged goods have similar quantities with the actual goods valued less than VND 3,000,000;
- b) A fine of between VND 7,000,000 and 10,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued between VND 3,000,000 and less than 5,000,000;
- c) A fine of between VND 10,000,000 and 20,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued between VND 5,000,000 and less than 10,000,000;
- d) A fine of between VND 20,000,000 and 30,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued between VND 10,000,000 and less than 20,000,000;

dd) A fine of between VND 30,000,000 and 40,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued between Vietnam 20,000,000 and less than 30,000,000;

e) A fine of between VND 40,000,000 and 60,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued VND 30,000,000 and more, without being subject to penal liability examination.

2. A fine doubling the fine level specified in clause 1 of this Article with one of cases of forged goods as follows:

a) Being foodstuffs, foods, medicines for treating diseases, medicines for preventing diseases for humans, without being subject to penal liability examination.

b) Being animal feeds, fertilizers, veterinary medicines, insecticides, plant varieties, livestock breeds without being subject to penal liability examination.

c) Being foodstuff additives, food processing enhancers, preservative substances for foodstuffs, functional foodstuffs, cosmetics, detergents, insecticides, medical equipment, cement, construction steels, helmets.

3. Additional penalties:

a) To confiscate material evidence for acts of violations specified in this Article;

b) To confiscate means being tools, machines and other articles used for production of banned goods for acts of violations specified in this Article;

b) To deprive the use rights of the business licenses or the practice certificates between 12 and 24 months for violated acts specified in this Article shall be imposed in cases of repeated violations or recidivism;

d) To suspend a part or all violated production activities between 12 months and 24 months for acts of violations specified in this Article.

4. Remedial measures:

a) Forcing the destruction of material evidence for acts of violations specified in this Article;

b) Forcing submission of illegal benefits which were gained from conducting violated acts specified in this Article;

d) Forcing the destruction of banned goods which are being circulated in the market for acts of violations specified in this Article.

Article 13. Acts of trading forged goods in term of goods labels or goods packing

1. Acts of trading in forged goods in term of goods labels or goods packing specified in points dd and e of clause 8 of Article 3 of this Decree, the fine level shall be as follows:

a) A fine of between VND 200,000 and 500,000 shall be imposed in cases of the forged goods have similar quantities with the actual goods valued less than VND 1,000,000;

b) A fine of between VND 500,000 and 2,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued between VND 1,000,000 and less than 3,000,000;

c) A fine of between VND 2,000,000 and 3,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued between VND 3,000,000 and less than 5,000,000;

d) A fine of between VND 3,000,000 and 5,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued between VND 5,000,000 and less than 10,000,000;

dd) A fine of between VND 5,000,000 and 10,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued between Vietnam 10,000,000 and less than 20,000,000;

e) A fine of between VND 10,000,000 and 20,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued between Vietnam 20,000,000 and less than 30,000,000;

g) A fine of between VND 20,000,000 and 30,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued VND 30,000,000 and more, without being subject to penal liability examination.

2. A fine doubling the fine level specified in clause 1 of this Article for cases of importing forged goods or forged goods under one of following cases:

a) Being foodstuffs, foods, medicines for treating diseases, medicines for preventing diseases for humans, without being subject to penal liability examination.

b) Being animal feeds, fertilizers, veterinary medicines, insecticides, plant varieties, livestock breeds without being subject to penal liability examination.

c) Being foodstuff additives, food processing enhancers, preservative substances for foodstuffs, functional foodstuffs, cosmetics, detergents, insecticides, medical equipment, cement, construction steels, helmets.

3. Additional penalties:

a) To confiscate material evidence for acts of violations specified in this Article;

b) To deprive the use rights of the business licenses or the practice certificates between 01 and 03 months for violated acts specified in this Article in cases of repeated violations or recidivism;

4. Remedial measures:

a) Forging the elimination of violated factors on labels or goods packing for violated acts specified in this Article;

b) Forging the removal out of the territory of Vietnam or re-export of the forged goods for acts of importing forged goods specified in this Article;

c) Forcing the submission of illegal benefits which were gained from conducting violated acts specified in this Article;

d) Forging the recall and withdrawal of forged factors on labels or packing of the forged goods being circulated in the market for violated acts specified in this Article.

Article 14. Acts of producing forged goods in term of goods labels or goods packing

1. Acts of producing forged goods in term of goods labels or goods packing specified in points dd and e of clause 8 of Article 3 of this Decree, the fine level shall be as follows:

a) A fine of between VND 2,000,000 and 5,000,000 in cases of the forged goods equivalent to quantity of the actual goods valued less than VND 3,000,000;

b) A fine of between VND 5,000,000 and 8,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued between VND 3,000,000 and less than 5,000,000;

c) A fine of between VND 8,000,000 and 15,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued between VND 5,000,000 and less than 10,000,000;

d) A fine of between VND 15,000,000 and 25,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued between VND 10,000,000 and less than 20,000,000;

dd) A fine of between VND 25,000,000 and 35,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued between Vietnam 20,000,000 and less than 30,000,000;

e) A fine of between VND 35,000,000 and 45,000,000 shall be imposed in cases of the forged goods equivalent to quantity of the actual goods valued VND 30,000,000 and more, without being subject to penal liability examination.

2. A fine doubling the fine level specified in clause 1 of this Article with one of cases of forged goods as follows:

- a) Being foodstuffs, foods, medicines for treating diseases, medicines for preventing diseases for humans, without being subject to penal liability examination;
- b) Being animal feeds, fertilizers, veterinary medicines, insecticides, plant varieties, livestock breeds without being subject to penal liability examination;
- c) Being foodstuff additives, the food processing enhancers, preservative substances for foodstuffs, functional foodstuffs, cosmetics, detergents, insecticides, medical equipment, cement, construction steels, helmets.

3. Additional penalties:

- a) To confiscate material evidence for acts of violations specified in this Article;
- b) To confiscate means being tools, machines and other articles used for production of banned goods for acts of violations specified in this Article;
- c) To deprive the use rights of the business licenses or the practice certificates between 03 and 06 months for violated acts specified in this Article in cases of repeated violations or recidivism;
- d) To suspend a part or all violated production activities between 03 months and 06 months for acts of violations specified in this Article.

4. Remedial measures:

- a) Forging the elimination of violated factors on labels or goods packing for violated acts specified in this Article;
- b) Forcing submission of illegal benefits which were gained from conducting violated acts specified in this Article;
- c) Forging the withdrawal and elimination of the infringing factors on labels or packing of the forged goods being circulated in the market for the violated acts specified in this Article.

Article 15. Acts of trading forged stamps, labels or packing

1. Acts of trading in forged stamps, labels or packing specified in point h of clause 8 of Article 3 of this Decree, the fine level shall be as follows:

- a) A fine of between Vietnam 200,000 and 300,000 shall be imposed in cases of the forged stamps, labels or packing with a quantity of less than 100 units or similar counting units (below collectively referred to as unit);

b) A fine of between VND 300,000 and 500,000 shall be imposed in cases of the forged stamps, labels or packing with a quantity of between 100 units and less than 500 units;

b) A fine of between VND 500,000 and 1,000,000 shall be imposed in cases of the forged stamps, labels or packing with a quantity of between 500 units and less than 1,000 units;

b) A fine of between VND 1,000,000 and 2,000,000 shall be imposed in cases of the forged stamps, labels or packing with a quantity of between 1,000 units and less than 2,000 units;

dd) A fine of between VND 2,000,000 and 5,000,000 shall be imposed in cases of the forged stamps, labels or packing with a quantity of between 2,000 units and less than 3,000 units;

e) A fine of between VND 5,000,000 and 10,000,000 shall be imposed in cases of the forged stamps, labels or packing with a quantity of between 3,000 units and less than 5,000 units;

g) A fine of between VND 10,000,000 and 15,000,000 shall be imposed in cases of the forged stamps, labels or packing with a quantity of between 5,000 units and less than 10,000 units;

h) A fine of between VND 15,000,000 and 20,000,000 shall be imposed in cases of the forged stamps, labels or packing with a quantity of 10,000 units and more;

2. A fine doubling the fine level specified in clause 1 of this Article for one of following cases:

a) Acts of importing forged stamps, labels or packing;

b) The forged stamps, labels or packing of foods, foodstuffs, foodstuff additives, the foodstuff processing enhancers, preservative substances, functional foodstuffs, medicines for preventing diseases, medicines for treating diseases of humans, cosmetics, detergents, insecticides, medical equipment, animal feeds, fertilizers, veterinary medicines, plant protection medicines, plant varieties, livestock feeds, cements, construction steels and irons, helmets.

3. Additional penalties:

a) To confiscate material evidence for acts of violations specified in this Article;

b) To deprive the use rights of the business licenses or the practice certificates for between 01 and 03 months for violated acts specified in this Article in cases of repeated violations or recidivism;

4. Remedial measures:

a) Forging the destruction of the forged stamps, labels or packing for acts of violations specified in this Article;

b) Forging the removal out of the territory of Vietnam or re-export of the material evidence for acts of importing forged stamps, labels or packing specified in this Article;

c) Forcing the submission of illegal benefits which were gained from conducting violated acts specified in this Article;

d) Forging the recall and destruction of forged stamps, labels or packing being circulated in the market for the violated acts specified in this Article.

Article 16. Acts of producing forged stamps, labels or packing

1. Acts of producing forged stamps, labels or packing specified in point h, clause 8 of Article 3 of this Decree, the fine levels shall be as follows:

a) A fine of between Vietnam 200,000 and 300,000 shall be imposed in cases of the forged stamps, labels or packing with a quantity of less than 100 units, pieces or sheets or similar counting units (below collectively referred to as unit);

b) A fine of between VND 300,000 and 500,000 shall be imposed in cases of the forged stamps, labels or packing with a quantity of between 100 units and less than 500 units;

c) A fine of between VND 500,000 and 1,000,000 shall be imposed in cases of the forged stamps, labels or packing with a quantity of between 500 units and less than 1,000 units;

d) A fine of between VND 1,000,000 and 2,000,000 shall be imposed in cases of the forged stamps, labels or packing with a quantity of between 1,000 units and less than 2,000 units;

dd) A fine of between VND 2,000,000 and 5,000,000 shall be imposed in cases of the forged stamps, labels or packing with a quantity of between 2,000 units and less than 3,000 units;

e) A fine of between VND 5,000,000 and 10,000,000 shall be imposed in cases of the forged stamps, labels or packing with a quantity of between 3,000 units and less than 5,000 units;

g) A fine of between VND 10,000,000 and 15,000,000 shall be imposed in cases of the forged stamps, labels or packing with a quantity of between 5,000 units and less than 10,000 units;

h) A fine of between VND 15,000,000 and 20,000,000 shall be imposed in cases of the forged stamps, labels or packing with a quantity of 10,000 units and more;

2. A fine doubling the fine level specified in clause 1 of this Article for one of the following cases:

a) The forged stamps, labels or packing of foods, foodstuffs, foodstuff additives, the foodstuff processing enhancers, preservative substances, functional foodstuffs, medicines for treating diseases of humans, cosmetics, medical equipment and helmets;

b) The forged stamps, labels or packing of detergents, insecticides, animal feeds, fertilizers, veterinary medicines, pesticides, plant varieties, livestock feeds, cement, construction iron and steel.

3. Additional penalties:

- a) To confiscate material evidence for acts of violations specified in this Article;
- b) To confiscate means being tools, machines and other articles used for production of the forged stamps, labels or packing for acts of violations specified in this Article;
- c) To deprive the use rights of the business licenses or the practice certificates for between 03 and 06 months for violated acts specified in this Article in cases of repeated violations or recidivism;
- d) To suspend a part or all violated production activities for between 03 months and 06 months for acts of violations specified in this Article.

4. Remedial measures:

- a) Forging the destruction of the forged stamps, labels or packing for acts of violations specified in this Article;
- b) Forcing submission of illegal benefits which were gained from conducting violated acts specified in this Article;
- c) Forging the recall and destruction of forged stamps, labels or packing being circulated in the market for the violated acts specified in this Article.

SECTION 3. ACTS OF TRADING IN ILLEGALLY-IMPORTED GOODS, GOODS CIRCULATED IN DOMESTIC MARKETS BEING IMPOSED WITH EMERGENCY MEASURES, GOODS OR SERVICES SUBJECT TO RESTRICTED BUSINESS OR CONDITIONAL BUSINESS, GOODS BEING EXPIRED, GOODS HAVING NO SOURCES OR ORIGINS AND OTHER VIOLATIONS;

Article 17. Acts of trading in illegally-imported goods

1. For acts of trading in illegally-imported goods, the fine levels shall be as follows:

- a) A warning or a fine of between VND 200,000 and 400,000 shall be imposed in cases of illegally-imported goods valued under VND 1,000,000;
- b) A fine of between VND 400,000 and 600,000 shall be imposed in cases of illegally-imported goods valued between VND 1,000,000 and less than 3,000,000;
- c) A fine of between VND 600,000 and 1,000,000 shall be imposed in cases of illegally-imported goods valued between VND 3,000,000 and less than 5,000,000;
- d) A fine of between VND 1,000,000 and 3,000,000 shall be imposed in cases of illegally-imported goods valued between VND 5,000,000 and less than 10,000,000;

dd) A fine of between VND 3,000,000 and 5,000,000 shall be imposed in cases of illegally-imported goods valued between VND 10,000,000 and less than 20,000,000;

e) A fine of between VND 5,000,000 and 10,000,000 shall be imposed in cases of illegally-imported goods valued between VND 20,000,000 and less than 30,000,000;

g) A fine of between VND 10,000,000 and 20,000,000 shall be imposed in cases of illegally-imported goods valued between VND 30,000,000 and less than 50,000,000;

h) A fine of between VND 20,000,000 and 30,000,000 shall be imposed in cases of illegally-imported goods valued between VND 50,000,000 and less than 70,000,000;

i) A fine of between VND 30,000,000 and 40,000,000 shall be imposed in cases of illegally-imported goods valued between VND 70,000,000 and less than 100,000,000;

k) A fine of between VND 40,000,000 and 50,000,000 shall be imposed in cases of illegally-imported goods valued VND 100,000,000 and more;

2. A fine doubling the fine level specified in clause 1 of this Article with one of cases as follows:

a) Violators who directly imported goods valued under VND 100,000,000 or from VND 100,000,000 and above, without being penal liability examination.

b) The illegally-imported goods under the list of import banning or import suspension.

3. The fine levels specified in clause 1 of this Article shall also be applied with administrative sanction for:

a) Owners of transport means, or drivers of transport means, who have intentional acts of transporting the illegally-imported goods;

b) Owners of warehouses, yards, residential houses who have intentional acts of storing the illegally-imported goods;

c) Persons who have intentional acts of forwarding the illegally-imported goods.

4. Additional penalties:

a) To confiscate material evidence for acts of violations specified in this Article;

b) To confiscate transport means for acts of violations specified in this Article, in cases of material evidence valued from VND 100,000,000 and above or repeated violations or recidivism;

5. Remedial measures:

Forcing the destruction of goods or articles which are harmful to human health, domestic animals, cultivated crops, environment, toys which are harmful to education of characters and children health and harmful cultural articles shall be imposed on acts of violations specified in this Articles;

Article 18. Acts of violations in trading goods which are imposed with emergency measures

1. A warning or a fine of between VND 200,000 and 400,000 shall be imposed on one of following violated acts in cases the violated goods valued less than VND 1,000,000:

a) Trading in goods which were imposed with conditional circulation measures by competent state agencies, but did not assure conditions or which must have licenses but had no license according to provisions;

b) Trading in categories of goods which were imposed with emergency measures of forging withdrawal or suspension of circulation by competent state agencies.

2. A fine of between VND 400,000 and 600,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued between VND 1,000,000 and less than 2,000,000.

3. A fine of between VND 600,000 and 1,000,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued between VND 2,000,000 and less than 5,000,000.

4. A fine of between VND 1,000,000 and 3,000,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued between VND 5,000,000 and less than 10,000,000.

5. A fine of between VND 3,000,000 and 5,000,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued between VND 10,000,000 and less than 20,000,000.

6. A fine of between VND 5,000,000 and 10,000,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued between VND 20,000,000 and less than 30,000,000.

7. A fine of between VND 10,000,000 and 15,000,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued between VND 30,000,000 and less than 50,000,000.

8. A fine of between VND 15,000,000 and 20,000,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued between VND 50,000,000 and less than 70,000,000.

9. A fine of between VND 20,000,000 and 30,000,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued between VND 70,000,000 and less than 100,000,000.

10. A fine of between VND 30,000,000 and 50,000,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued VND 100,000,000 and above.

11. A fine doubling the fine level specified in between clause 1 and clause 10 of this Article, for producers, importers committing acts of administrative violations.

12. For acts of trading goods which have been imposed with emergency measures of circulation banning by competent state agencies, the administrative penalties shall comply with provisions of Article 10 of this Decree.

13. Additional penalties:

To confiscate material evidence for acts of violations specified in this Article.

14. Remedial measures:

a) Forcing the destruction of goods or articles which are harmful to human health, domestic animals, cultivated crops, environment, toys which are harmful to character education and children health and harmful cultural articles, for acts of violations specified in this Articles;

b) Forcing the recall of violated goods which are being circulated in the market for acts of violations specified in this Article.

Article 19. Acts of violations on conditions of trading goods or services subject to restricted business

1. To impose fines of between VND 1,000,000 and 3,000,000 for one of violated acts as follows:

a) Managerial cadres, technical cadres, staffs who directly purchase goods, staffs who directly conduct services, fail to assure one of requirements on specialized and professional qualifications or vocational experiences according to provisions;

b) Persons who directly purchase goods or directly conduct services fail to ensure health according to provisions.

2. To impose fines of between VND 3,000,000 and 5,000,000 for one of violated acts as follows:

a) The trading establishments fail to ensure one of requirements on engineering, equipment, trading process and other criteria according to provisions;

b) Not to conduct or conduct improperly, incompletely conditions of trading goods or services subject to restricted business during the process of business operation according to provisions;

c) Not to conduct periodic reports according to provisions.

3. A fine doubling the fine level specified in between clause 1 and clause 2 of this Article, for producers, importers committing acts of administrative violations.

4. For acts which violate provisions on conditions for trading wine and tobacco, provisions in Sections 4 and 5, Chapter II of this Decree shall be applied to impose administrative penalties.

5. Additional penalties:

To deprive the use rights of the business licenses or the practice certificates for between 01 and 03 months for violated acts specified in between clause 1 and clause 3 of this Article in cases of repeated violations or recidivism;

Article 20. Acts of violations on conditions of trading goods or services subject to conditional business

1. To impose a warning or fine of between VND 500,000 and 1,000,000 for one of violated acts as follows:

a) Managerial cadres, technical cadres, staffs who directly purchase or sale goods, staffs who directly conduct services fail to ensure requirements on professional and specialized qualifications or vocational experiences according to provisions;

b) Persons who directly purchase goods or persons who directly conduct services fail to ensure health according to provisions.

2. To impose fines of between VND 1,000,000 and 3,000,000 for one of violated acts as follows:

a) The trading establishments do not assure one of requirements on engineering, equipment, trading process and other criteria according to provisions;

b) Not to conduct or conduct improperly, incompletely conditions of trading goods or services subject to conditional business during the process of business operation according to provisions;

c) Not to conduct periodic reports according to provisions.

3. To impose fines of between VND 3,000,000 and 5,000,000 for acts of trading goods or services subject to conditional business, failing to ensure conditions of circulation according to provisions.

4. A fine doubling the fine level specified in between clause 1 and clause 3 of this Article, for producers, importers committing acts of administrative violations.

5. Additional penalties:

a) To confiscate material evidence, means of violations for violated acts committing provisions of clause 3 of this Article;

b) To deprive the use rights of the business licenses or the practice certificates between 01 and 03 months for violated acts specified in this Article in cases of repeated violations or recidivism;

6. Remedial measures:

a) Forging the destruction of violated goods, for violated acts specified in clause 3 of this Article;

b) Forging the withdrawal and destruction of violated goods being circulated in the market, for violated acts specified in clause 3 of this Article.

Article 21. Violated acts in trading goods which are expired, unidentified origins or sources and other violations

1. A warning or a fine of between VND 200,000 and 400,000 for one of following violated acts shall be imposed in cases the violated goods valued less than VND 1,000,000:

a) Trading goods which are out of period stated on labels of goods or packing of goods, except pesticides;

b) Swapping, changing labels of goods, packing of goods or erasing, correcting the period of use on labels of goods or packing of goods, in order to prolong the period of use of goods;

c) Trading goods which are unidentified origins or sources;

d) Trading goods with labels, labels of goods having images or drawings, writings, signs, icons or other information which are false, confusing on national sovereignty, historical traditions or prejudicial to cultural characters, ethics, lifestyles, national solidarity, social order and safety.

2. A fine of between VND 400,000 and 600,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued between VND 1,000,000 and less than 2,000,000.

3. A fine of between VND 600,000 and 1,000,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued between VND 2,000,000 and less than 3,000,000.

4. A fine of between VND 1,000,000 and 2,000,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued between VND 3,000,000 and less than 5,000,000.

5. A fine of between VND 2,000,000 and 3,000,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued between VND 5,000,000 and less than 10,000,000.

6. A fine of between VND 3,000,000 and 5,000,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued between VND 10,000,000 and less than 20,000,000.

7. A fine of between VND 5,000,000 and 7,000,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued between VND 20,000,000 and less than 30,000,000.

8. A fine of between VND 7,000,000 and 10,000,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued between VND 30,000,000 and less than 40,000,000.

9. A fine of between VND 10,000,000 and 15,000,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued between VND 40,000,000 and less than 50,000,000.

10. A fine of between VND 15,000,000 and 20,000,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued between VND 50,000,000 and less than 70,000,000.

11. A fine of between VND 20,000,000 and 30,000,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued between VND 70,000,000 and less than 100,000,000.

12. A fine of between VND 30,000,000 and 40,000,000 for violated acts specified in clause 1 of this Article in case of the violated goods valued VND 100,000,000 and above.

13. A fine doubling the fine level specified in between clause 1 and clause 12 of this Article, for producers, importers committing acts of administrative violations or violated goods under one of following cases:

a) Being foods, foodstuffs, foodstuff additives, the foodstuff processing enhancers, preservative substances, functional foodstuffs, medicines for preventing people from diseases, medicines for treating diseases of people, functional foodstuff, cosmetics;

b) Being detergents, insecticides, veterinary medicines, fertilizers, cements, animal feeds, pesticides, growth stimulants, plant varieties, livestock feeds.

c) Being under the list of goods subject to restricted business or conditional business.

14. Additional penalties:

a) To confiscate material evidence for acts of violations specified in this Article;

b) To confiscate means being tools, machines and other articles used for conducting acts of administrative violations, for acts of violations specified in this Article;

15. Remedial measures:

a) Forging the destruction of violated goods, for violated acts specified in this Article;

b) Forcing the destruction of violated goods which are being circulated in the market, for acts of violations specified in this Article;

c) Forcing the submission of illegal benefits which were gained from conducting violated acts specified in this Article.

SECTION 4. ACTS OF VIOLATIONS ON PRODUCTION AND TRADE OF TOBACCO

Article 22. Acts of violations on the certificates of satisfaction of conditions for investment in growing tobacco-plants

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on acts of self-writing, erasing, correcting contents recorded in the certificates of satisfaction of conditions for investment in growing tobacco-plants.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on acts of leasing, lending, transferring, selling and purchasing the certificates of satisfaction of conditions for investment in growing tobacco-plants.

3. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on acts of investing in growing tobacco-plants without the certificates of satisfaction of conditions on investment in growing tobacco-plants or after the certificates of satisfaction of conditions on investment in growing tobacco-plants are no longer valid.

4. Additional penalties:

To deprive the use rights of the certificates of satisfaction of conditions for investment in growing tobacco-plants, from 06 to 12 months, for violated acts specified clause 2 of this Article, in cases of repeated violations or recidivism.

Article 23. Acts of violations on conditions for investment in growing tobacco-plants and trading tobacco materials

1. To impose fines of between VND 1,000,000 and 2,000,000 for one of violated acts as follows:

a) Not to publicly list down criteria in classifying tobacco materials which are accompanied with the leaf samples of tobacco materials at the purchasing stations of tobacco materials according to provisions;

b) Not to have the investment contracts of growing tobacco-plants with the growers of tobacco or the contracts of purchase and sale of materials with enterprises investing in growing tobacco-plants are inappropriate to the business scales according to provisions;

c) Not to register or register improperly the area of growing tobacco materials with local government according to provisions;

d) Not to have contracts on entrusted import of tobacco materials with enterprises producing tobacco, enterprises processing tobacco materials or contracts of export of tobacco materials with

enterprises which fully meet conditions for investment in growing tobacco-plants, enterprises processing tobacco materials.

2. A fine of between VND 2,000,000 and 5,000,000 shall be imposed on acts of using varieties of tobacco-plants which do not comply with legal provisions on management of varieties.

3. A fine of between VND 5,000,000 and 10,000,000 for one of violated acts as follows:

a) Invest in development of areas for growing tobacco-plants which are inappropriate to the approved planning of competent state agencies;

b) Not satisfy conditions on facilities, technical equipment during the process of business operation according to provisions;

c) Purchase or sell tobacco materials with individuals, organizations that do not satisfy conditions on purchasing and selling tobacco materials, according to provisions.

4. Additional penalties:

a) To confiscate material evidence for acts of violations specified in point c, clause 3 of this Article;

b) To deprive the use rights of the business licenses for tobacco materials or the licenses for processing tobacco materials, for between 03 and 06 months, for violated acts specified in clause 3 of this Article, in cases of repeated violations or recidivism.

Article 24. Acts of violations on conditions for selling and purchasing tobacco products

1. A fine of between VND 1,000,000 and 5,000,000 shall be imposed on acts of not conducting or conducting improperly conditions on business locations, facilities and organization of distribution systems of the tobacco retail agents, according to provisions.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on acts of not conducting or conducting improperly conditions on business locations, facilities and organization of distribution systems and financial capacity of the tobacco wholesale agencies, according to provisions.

3. Additional penalties:

To deprive the use rights of the business licenses, for between 01 and 03 months, for violated acts specified in this Article in cases of repeated violations or recidivism;

Article 25. Acts of violations on trading banned goods being illegally imported cigarettes

1. For acts of trading banned goods being illegally-imported cigarettes, the fine levels shall be as follows:

- a) A warning or fine of between VND 200,000 and 500,000, shall be imposed in cases of banned goods which are illegally imported cigarettes having quantities of under 10 packs (1 pack = 20 cigarettes, for other forms of illegally-imported finished tobacco being converted as 20g = 1 pack);
- b) A fine of between VND 500,000 and 1,000,000, shall be imposed in cases of banned goods which are illegally imported cigarettes having quantities of between 10 packs and less than 20 packs;
- c) A fine of between VND 1,000,000 and 3,000,000, shall be imposed in cases of banned goods which are illegally imported cigarettes having quantities of between 20 packs and less than 50 packs;
- d) A fine of between VND 3,000,000 and 5,000,000, shall be imposed in cases of banned goods which are illegally imported cigarettes having quantities of between 50 packs and less than 100 packs;
- dd) A fine of between VND 5,000,000 and 10,000,000, shall be imposed in cases of banned goods which are illegally imported cigarettes having quantities of between 100 packs and less than 200 packs;
- e) A fine of between VND 10,000,000 and 20,000,000, shall be imposed in cases of banned goods which are illegally imported cigarettes having quantities of between 200 packs and less than 400 packs;
- g) A fine of between VND 20,000,000 and 30,000,000, shall be imposed in cases of banned goods which are illegally-imported cigarettes having quantities of between 400 packs and less than 600 packs;
- h) A fine of between VND 30,000,000 and 40,000,000, shall be imposed in cases of banned goods which are illegally-imported cigarettes having quantities of between 600 packs and less than 800 packs;
- i) A fine of between VND 40,000,000 and 50,000,000, shall be imposed in cases of banned goods which are illegally-imported cigarettes having quantities of between 600 packs and less than 1,000 packs;
- k) A fine of between VND 50,000,000 and 60,000,000, shall be imposed in cases of banned goods which are illegally-imported cigarettes having quantities of between 600 packs and less than 1,000 packs;
- l) A fine of between VND 60,000,000 and 70,000,000, shall be imposed in cases of banned goods which are illegally-imported cigarettes having quantities of between 1,000 packs and less than 1,200 packs;

m) A fine of between VND 70,000,000 and 80,000,000, shall be imposed in cases of banned goods which are illegally-imported cigarettes having quantities of between 1,200 packs and less than 1,400 packs;

n) A fine of between VND 80,000,000 and 90,000,000, shall be imposed in cases of banned goods which are illegally-imported cigarettes having quantities of between 1,400 packs and less than 1,500 packs;

o) A fine of between VND 90,000,000 and 100,000,000, shall be imposed in cases of banned goods which are illegally-imported cigarettes having quantities of 1,500 packs and more, without being penal liability examination.

2. The fine levels specified in clause 1 of this Article shall also be applied with administrative sanction for:

a) Owners of transport means or drivers of transport means, who have acts of transporting the banned goods being illegally-imported cigarettes;

b) Owners of warehouses, yards, residential houses who have acts of storing the banned goods being illegally-imported cigarettes;

c) Persons who commit acts of forwarding banned goods being illegally-imported cigarettes.

3. Additional penalties:

a) To confiscate material evidence for acts of violations specified in this Article;

b) To confiscate transport means being used for transporting banned goods being illegally-imported cigarettes, in cases of the material evidence having quantities of 600 packs and more or the repeated violations or recidivism specified in this Article;

c) To deprive the use rights of the tobacco business licenses, for between 12 and 24 months, for violated acts specified in clause 1 of this Article, in cases of repeated violations or recidivism;

Article 26. Acts of violations on trading the illegally-imported tobacco materials

1. For acts of trading illegally-imported tobacco materials (under forms of dried leaf, not stemmed, separate leaves, leaves have been preliminary processed, stemmed or tobacco fibres, tobacco sheets, tobacco stems and other alternative processed products being used for production of other tobacco products which are converted to equal quantities), the fine levels shall be as follows:

a) A fine of between VND 500,000 and 1,000,000 shall be imposed in cases of the violated goods with weight of less than 50 kg;

b) A fine of between VND 1,000,000 and 2,000,000 shall be imposed in case of the violated goods with weight of between 50 kg and under 70 kg;

c) A fine of between VND 2,000,000 and 4,000,000 shall be imposed in case of the violated goods with weight of between 70 kg and under 100 kg;

d) A fine of between VND 4,000,000 and 6,000,000 shall be imposed in case of the violated goods with weight of between 100 kg and under 200 kg;

dd) A fine of between VND 6,000,000 and 10,000,000 shall be imposed in case of the violated goods with weight of between 200 kg and under 500 kg;

e) A fine of between VND 10,000,000 and 15,000,000 shall be imposed in case of the violated goods with weight of between 500 kg and under 700 kg;

g) A fine of between VND 15,000,000 and 30,000,000 shall be imposed in case of the violated goods with weight of between 700 kg and under 1,000 kg;

h) A fine of between VND 30,000,000 and 50,000,000 shall be imposed in case of the violated goods with weight of between 1,000 kg and under 1,500 kg;

i) A fine of between VND 50,000,000 and 80,000,000 shall be imposed in case of the violated goods with weight of between 1,500 kg and under 2,000 kg;

k) A fine of between VND 80,000,000 and 100,000,000 shall be imposed in case of the violated goods with weight of 2,000 kg and more;

2. A fine of VND 100,000,000 for violators who directly conduct the illegal import of the illegally-imported tobacco materials with weight of 2,000 kg and more, without being prosecuted criminal liabilities.

3. Fine levels specified in clause 1 of this Article shall be applied to sanction for:

a) Owners or drivers of transport means, who have intentional acts of transporting illegally-imported tobacco materials;

b) Owners of warehouses, yards or residential houses who have intentional acts of storing the illegally-imported tobacco materials;

c) Persons who have intentional acts of forwarding the illegally-imported tobacco materials.

4. Additional forms of penalties:

a) To confiscate the material evidence, for violated acts specified in this Article;

b) To confiscate the transport means which were used for transporting the illegally-imported tobacco materials, in cases of the material evidence with weight of 1,000 kg and more or repeated violations or recidivism for violations specified in this Article;

c) To deprive the use rights of the business licenses of trading, processing tobacco materials, for between 12 month and 24 months, for violated acts specified in clause 1 and clause 2 of this Article, in cases of repeated violations or recidivism.

5. Remedial measures:

Forcing the destruction of the illegally-imported tobacco materials without quality assurance or plant quarantine in accordance with provisions, for violated acts specified in this Article.

Article 27. Acts of violations on importing tobacco, cigarette papers and tobacco materials

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

a) To import tobacco without ensuring requirements on foods safety and sanitary according to provisions;

b) To import tobacco without ensuring qualities according to the registered qualities and criteria.

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

a) To import tobacco papers, tobacco materials when having no import licenses according to provisions;

b) To import quantities of tobacco papers which exceed the annually import norms already been notified;

c) To import tobacco with commercial purposes which are improper to the brands being registered or protected in Vietnam.

3. Additional forms of penalties:

a) To confiscate the material evidence, for violated acts specified in this Article;

b) To deprive the use rights of the licenses of tobacco production or trade, for between 03 month and 06 months, for violated acts specified in this Article, in cases of repeated violations or recidivism.

4. Remedial measures:

a) Forcing the removal out of the territory of Vietnam or the re-export of the violated goods, for acts of violations specified in this Article;

b) Forcing the destruction of the violated goods, for acts of violations specified in clause 1 and point c, clause 2 of this Article.

Article 28. Acts of violations on selling, purchasing, transferring stamps or cigarette papers

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on acts of selling, purchasing or transferring tobacco stamps illegally.

2. For acts of selling, purchasing, transferring cigarette papers illegally, the fine levels shall be as follows:

a) A fine of between VND 10,000,000 and 20,000,000 shall be imposed in cases where the violated goods have a value of less than VND 10,000,000;

b) A fine of between VND 20,000,000 and 30,000,000 shall be imposed in cases where the violated goods have a value of between VND 10,000,000 and less than 20,000,000;

c) A fine of between VND 30,000,000 and 40,000,000 shall be imposed in cases where the violated goods have a value of between VND 20,000,000 and less than 50,000,000;

d) A fine of between VND 40,000,000 and 50,000,000 shall be imposed in cases where the violated goods have a value of between VND 50,000,000 and less than 100,000,000;

dd) A fine of between VND 50,000,000 and 60,000,000 shall be imposed in cases where the violated goods have a value of VND 100,000,000 and above;

3. Additional forms of penalties:

a) To confiscate the material evidence, for violated acts specified in clause 1 and 2 of this Article;

b) To deprive the use rights of the licenses of tobacco production, for between 01 month and 03 months, for violated acts specified in this Article, in cases of repeated violations or recidivism.

Article 29. Acts of violation on the import stamps for the imported tobacco

1. For acts of failing to stick the import stamps on the imported tobacco for commercial purposes according to provisions, the fine levels shall be as follows:

a) A fine of between VND 2,000,000 and 5,000,000 shall be imposed in cases where the violated goods have a value of less than VND 10,000,000;

b) A fine of between VND 5,000,000 and 10,000,000 shall be imposed in cases where the violated goods have a value of between VND 10,000,000 and less than 20,000,000;

- c) A fine of between VND 10,000,000 and 15,000,000 shall be imposed in cases where the violated goods have a value of between VND 20,000,000 and less than 30,000,000;
- d) A fine of between VND 15,000,000 and 20,000,000 shall be imposed in cases where the violated goods have a value of between VND 30,000,000 and less than 40,000,000;
- dd) A fine of between VND 20,000,000 and 25,000,000 shall be imposed in cases where the violated goods have a value of between VND 40,000,000 and less than 50,000,000;
- e) A fine of between VND 25,000,000 and 30,000,000 shall be imposed in cases where the violated goods have a value of between VND 50,000,000 and less than 60,000,000;
- g) A fine of between VND 30,000,000 and 35,000,000 shall be imposed in cases where the violated goods have a value of between VND 60,000,000 and less than 70,000,000;
- h) A fine of between VND 35,000,000 and 40,000,000 shall be imposed in cases where the violated goods have a value of between VND 70,000,000 and less than 80,000,000;
- i) A fine of between VND 40,000,000 and 50,000,000 shall be imposed in cases where the violated goods have a value of between VND 80,000,000 and less than 100,000,000;
- k) A fine of between VND 50,000,000 and 70,000,000 shall be imposed in cases where the violated goods have a value of VND 100,000,000 and above;

2. Additional forms of penalties:

- a) To confiscate the material evidence, for violated acts specified in this Article;
- c) To deprive the use rights of the licenses for tobacco business, for between 03 months and 06 months, for violated acts specified in between point b and point k, clause 1 of this Article, in cases of repeated violations or recidivism.

Article 30. Acts of violations on stamping for domestically-consumed tobacco

1. For acts of trading domestically-produced tobacco and not stamping for domestically-consumed tobacco according to provisions, the fine levels shall be as follows:

- a) A warning or a fine of between VND 200,000 and 500,000, in case where the violated goods has a value of under VND 1,000,000;
- b) A fine of between VND 500,000 and 1,000,000 in case where the violated goods has a value of between VND 1,000,000 and under 2,000,000;
- c) A fine of between VND 1,000,000 and 2,000,000 in case where the violated goods has a value of between VND 2,000,000 and under 5,000,000;

d) A fine of between VND 2,000,000 and 3,000,000 in case where the violated goods has a value of between VND 5,000,000 and under 10,000,000;

dd) A fine of between VND 3,000,000 and 5,000,000 in case where the violated goods has a value of between VND 10,000,000 and under 20,000,000;

e) A fine of between VND 5,000,000 and 7,000,000 in case where the violated goods has a value of between VND 20,000,000 and under 30,000,000;

g) A fine of between VND 7,000,000 and 10,000,000 in case where the violated goods has a value of between VND 30,000,000 and under 40,000,000;

h) A fine of between VND 10,000,000 and 13,000,000 in case where the violated goods has a value of between VND 40,000,000 and under 50,000,000;

i) A fine of between VND 13,000,000 and 15,000,000 in case where the violated goods has a value of between VND 50,000,000 and under 60,000,000;

k) A fine of between VND 15,000,000 and 20,000,000 in case where the violated goods has a value of between VND 60,000,000 and under 70,000,000;

l) A fine of between VND 20,000,000 and 25,000,000 in case where the violated goods has a value of between VND 70,000,000 and under 80,000,000;

m) A fine of between VND 25,000,000 and 30,000,000 in case where the violated goods has a value of between VND 80,000,000 and under 90,000,000;

n) A fine of between VND 30,000,000 and 35,000,000 in case where the violated goods has a value of between VND 90,000,000 and under 100,000,000;

o) A fine of between VND 35,000,000 and 40,000,000 in case where the violated goods has a value of VND 100,000,000 and above;

2. A fine doubling the fine level specified in clause 1 of this Article, for the tobacco producer who has unstamped tobacco sold domestically according to provisions.

3. Additional forms of penalties:

a) To confiscate the material evidence, for acts of violations specified in this Article;

b) To deprive the rights of using the licenses of trading tobacco, between 01 month and 03 months, for acts of selling domestically-produced tobacco without stamps of domestically-consumed tobacco specified in between point dd and point o, clause 1 of this Article, in cases of repeated violations or recidivism;

c) To deprive the rights of using the licenses of tobacco production, between 03 months and 06 months, for tobacco producers failing to stamp for domestically-consumed tobacco specified in clause 2 of this Article, in cases of repeated violations or recidivism;

4. Remedial measures:

To forge withdrawing the violated goods which are circulated in the market, for acts of violations specified in this Article.

Article 31. Acts of violations on capacity and output of tobacco production

1. For acts of producing output of domestically-consumed tobacco yearly which exceeds the output permitted to produce, the fine levels shall be as follows:

a) A fine of between VND 10,000,000 and 20,000,000 shall be imposed if the excess is less than 05% of the permitted output of production;

b) A fine of between VND 20,000,000 and 30,000,000 shall be imposed if the excess is between 05% and less than 10% of the permitted output of production.

d) A fine of between VND 30,000,000 and 50,000,000 shall be imposed if the excess is between 10% and less than 15% of the permitted output of production.

d) A fine of between VND 50,000,000 and 70,000,000 shall be imposed if the excess is between 15% and less than 20% of the permitted output of production.

dd) A fine of between VND 70,000,000 and 100,000,000 shall be imposed if the excess is 20% or more of the permitted output of production.

2. Additional forms of penalties:

a) To confiscate the material evidence, for acts of violations specified in this Article;

b) To deprive the rights of using the licenses of tobacco production, between 01 month and 03 months, for acts of violations specified in this Article, in cases of repeated violations or recidivism;

3. Remedial measures:

To forge submitting illegally-earned profits received by conducting acts of violations specified in this Article.

Article 32. Acts of violations on selling tobacco products

1. A warning or a fine of between VND 500,000 and 1,000,000 for acts of not hanging notification signs on no selling tobacco to persons who are under 18 year-old at the selling points according to provisions.

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

a) Selling tobacco to persons who are under 18 year-old;

b) Hiring persons who are under 18 year-old for selling tobacco.

3. A fine of between VND 2,000,000 and 3,000,000 for acts of not complying with provisions on displaying tobacco at the selling points.

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

a) Not to report or report incorrectly on the situation, results of business and the distribution systems of retailers of tobacco products in accordance with provisions;

b) To sell tobacco by using automatic selling machines or to sell tobacco at locations where are banned;

c) To sell tobacco out of gates of kindergartens, nursery schools, primary schools, basic secondary schools, common secondary schools, health research institutes, hospitals, maternity clinics, preventive medical centers, medical stations of communes and wards within 100 meters from the nearest sites of such establishments.

5. A fine of between VND 5,000,000 and 10,000,000 for acts of not reporting or reporting incorrectly on the situation, results of business and the distribution systems of wholesale traders of tobacco products in accordance with provisions;

6. Additional forms of penalties:

a) To confiscate the material evidence, shall be imposed on acts of violations specified in point b and c, clause 4 of this Article;

b) To deprive the rights of using the licenses on retail or wholesale of tobacco products between 01 month and 03 months, for acts of violations specified in point b and c, clause 4 of this Article.

Article 33. Acts of violations on management of machineries, equipment which are specialized for producing tobacco

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on acts which do not comply with the regime for reporting the import situation and the use of machineries, equipment which are specialized for producing tobacco according to provisions.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the following acts of violations:

- a) Liquidating, destroying machineries, equipment which are specialized for producing tobacco improperly according to provisions;
- b) Not re-export machineries and equipment which are specialized for tobacco industry when the time limits specified in the temporary import licenses were out of validity.

3. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on acts of using machineries, equipment which are specialized for tobacco industry without licences for producing tobacco or processing tobacco materials according to provisions.

4. A fine of between VND 30,000,000 and 50,000,000 shall be imposed on one of the following acts of violations:

- a) Purchasing, selling, renting or conducting forms of transferring the ownerships or the use rights of machineries, equipment which are specialized for tobacco production which do not comply with provisions;
- b) Importing machineries, equipment which are specialized for tobacco industry improperly with provisions or using the machineries and equipment specialized for tobacco industry, which are imported without legally sources.

5. Additional forms of penalties:

Confiscate the material evidence, for acts of violations specified in clauses 2, 3 and 4 of this Article.

6. Remedial measures:

- a) Force to re-export machineries, equipment which are specialized for tobacco industry, for acts of violations specified in point b, clause 2 of this Article;
- b) Force to submit illegally-earned profits received by conducting acts of violations specified in point a, clause 2 and point a, clause 4 of this Article.

SECTION 5. ACTS OF VIOLATIONS ON PRODUCTION AND TRADE OF WINES

Article 34. Acts of violations on investing in production of industrial wines

A fine of between VND 20,000,000 and 30,000,000 shall be imposed on acts of investing in production of wine which do not comply with the general planning for development of beer, wine and beverage industry which were approved by competent state agencies.

Article 35. Acts of violations on production of handmade wine for trading purpose

1. Act of producing handmade wine for trading purpose in excess of the allowed production output stated in the license of handmade wine production for trading purpose, the fines shall be as follows:

a) A fine of between VND 1,000,000 and 3,000,000 shall be imposed if the excess is under 05% the allowed production output;

b) A fine of between VND 3,000,000 and 5,000,000 shall be imposed if the excess is between 05% and under 10% of the allowed production output.

c) A fine of between VND 5,000,000 and 10,000,000 shall be imposed if the excess is between 10% and under 15% of the allowed production output.

d) A fine of between VND 10,000,000 and 15,000,000 shall be imposed if the excess is between 15% and under 20% of the allowed production output;

dd) A fine of between VND 15,000,000 and 20,000,000 shall be imposed if the excess is 20% of the allowed production output and above.

2. Additional forms of penalties:

a) To confiscate the material evidence for acts of violations specified in this Article;

b) To deprive the rights of using the licenses for production of handmade wine for trading purpose, for between 01 month and 03 months, for acts of violations specified in this Article, in cases of repeated violations or recidivism;

3. Remedial measures:

Forging the submission of illegal profits earned from conducting acts of violations specified in this Article.

Article 36. Acts of violations on production of handmade wine for selling to enterprises which have licences of wine production for re-processing

1. A warning or a fine of between VND 200,000 and 500,000 shall be imposed on acts of production of handmade wine for selling to enterprises that have licenses of wine production for reprocessing, without registration with local state agencies at production places according to provisions.

2. For acts of selling manually-produced wine products to objects which are not enterprises having licenses of wine production for reprocessing, the fine levels shall be as follows:

a) A warning or a fine of between VND 500,000 and 1,000,000 shall be imposed in case of violated goods with quantities of under 20 litres;

- b) A fine of between VND 1,000,000 and 2,000,000 shall be imposed in case of violated goods with quantities of between 20 litres and under 30 litres;
- c) A fine of between VND 2,000,000 and 5,000,000 shall be imposed in case of violated goods with quantities of between 30 litres and under 50 litres;
- d) A fine of between VND 5,000,000 and 10,000,000 shall be imposed in case of violated goods with quantities of between 50 litres and under 100 litres;
- dd) A fine of between VND 10,000,000 and 20,000,000 shall be imposed in case of the violated goods with quantities of 100 litres and above;

3. Additional forms of penalties:

Confiscate the material evidence, for acts of violations specified in clause 2 of this Article;

4. Remedial measures:

Forge submitting illegal profits earned from conducting acts of violations specified in clause 2 of this Article.

Article 37. Acts of violations on production of industrial wine

1. For acts of producing industrial wine exceeding the permitted output for production recorded in the licenses for production of industrial wine, the fine levels shall be as follows:

- a) A fine of between VND 10,000,000 and 20,000,000 shall be imposed if the excess is less than 05% the permitted output of production;
- b) A fine of between VND 20,000,000 and 30,000,000 shall be imposed if the excess is between 05% and less than 10% of the permitted output of production;
- c) A fine of between VND 30,000,000 and 50,000,000 shall be imposed if the excess is between 10% and less than 15% of the permitted output of production.
- d) A fine of between VND 50,000,000 and 70,000,000 shall be imposed if the excess is between 15% and less than 20% of the permitted output of production.
- dd) A fine of between VND 70,000,000 and 100,000,000 shall be imposed if the excess is 20% of the permitted output of production and above.

2. Additional forms of penalties:

- a) To confiscate the material evidence, for acts of violations specified in this Article;

b) To deprive the use rights of the licenses for production of industrial wine, between 03 months and 06 months, for acts of violations specified in this Article, in cases of repeated violations or recidivism;

3. Remedial measures:

Forge submitting illegal profits earned from conducting acts of violations specified in this Article.

Article 38. Acts of violations on conditions for trading and distributing wine products

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on acts of trading and distributing wine products without a fixed business location or a distinct address according to provisions.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the following acts of violations:

a) Not assure requirements on engineering, equipment according to provisions;

b) Have no introduction documents, sale and purchase contracts of organizations, individuals which produce wine or other distributors of wine products.

3. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on one of the following acts of violations:

a) Have no transport means owned or co-owned under a joint venture contract, joint capital contribution or no hire contracts for transport means in accordance with the prescribed business scales;

b) Have no warehouses or warehouse systems owned or co-owned under joint venture agreements, joint capital contributions or no warehouse leases in accordance with the prescribed business scales;

c) Have no the financial capacity for ensuring the entire distribution system of enterprises operated normally as prescribed;

4. A fine of between VND 30,000,000 and 50,000,000 shall be imposed on one of the following acts of violations:

a) Have no distribution system for wines at localities of 06 provinces and above as prescribed;

b) Trading and distributing wines while not be considered as an enterprise under regulations.

5. Additional forms of penalties:

Deprive the use rights of the licenses for trading and distribution of wines, between 01 month and 03 months, for acts of violations specified in this Article, in cases of repeated violations or recidivism;

Article 39. Acts of violations on conditions for wholesale of wine products

1. A fine of between VND 2,000,000 and 5,000,000 shall be imposed on trading wholesale wine products without a fixed place of business and address clearly stipulated as prescribed.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of the following acts of violations:

a) Not assure requirements on technology, equipment as prescribed;

b) Have no introductory text, purchase contract of organizations or individuals producing wine or other merchants distributing wines.

3. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the following acts of violations:

a) Have no transport means owned or co-owned under joint venture agreements, joint capital contributions or have no transport means leases in accordance with the business scale as prescribed;

b) Have no warehouses or warehouse system owned or co-owned under joint venture contracts, joint capital contribution or contracts of warehouse lease in accordance with the business scales as prescribed;

c) Have no financial capacity ensuring the entire distribution system of enterprises operated normally as prescribed.

4. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on one of the following acts of violations:

a) Having no distribution system for alcohol products as prescribed;

b) Wholesaling wines while not be considered as an enterprise under regulations.

5. Additional forms of penalties:

Deprive the use rights of the licenses on distribution of wine products from 01 month to 03 months for acts of violations specified in this Article in case of repeated violations or recidivism.

Article 40. Acts of violations of conditions for retailing wine products

1. A fine of between VND 1,000,000 and 2,000,000 shall be imposed on retail of wine products without a fixed place of business and address clearly stipulated as prescribed.

2. A fine of between VND 2,000,000 and 3,000,000 shall be imposed on one of the following acts of violations:

a) Have no assurance of requirements on technology, equipment as prescribed;

b) Have no introductory texts, purchase contracts of wholesale merchants of wine products.

3. A fine of between VND 3,000,000 and 5,000,000 shall be imposed on violations of having no warehouses or warehouse system owned or co-owned under joint venture agreements, joint capital contributions or no warehouse leases in accordance with the scale of business as prescribed.

4. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of the following acts of violations:

a) Business which is not consistent with the retail system planning of wine products as prescribed;

b) Retail sales of alcohol products while not be considered as a trader under regulations.

5. Additional forms of penalties:

Deprive the use rights of the licenses on retail sale of wine products from 01 month to 03 months for acts of violations specified in this Article in case of repeated violations or recidivism.

Article 41. Acts of violations on import of wine

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on importing alcohol while not having registration of conformity and being granted with "Notice of results of confirmation on food satisfying import requirements" as prescribed.

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

a) Direct import or entrust the import of semi-finished wine and accessories for blending into finished wine without a business license or distribution of alcohol products or production license of industrial alcohol as prescribed;

b) Sale of semi-manufactured wine or materials used for blending finished wine imported for those not licensed with wine production.

3. A fine of between VND 30,000,000 and 50,000,000 shall be imposed on one of the following acts of violations:

- a) Imports of wine not passing the international borders as prescribed;
- b) Imports of wine without designated or authorized documents for distributors, importers of genuine production, business or agent agreements of manufacturers or traders of those products as prescribed.

4. Additional forms of penalties:

- a) Confiscate the material evidence, for acts of violations specified in clauses 2 and 3 of this Article;
- b) Deprive the use rights of the licenses on trade and distribution of wine products or licenses for industrial wine production from 01 month to 03 months for acts of violations specified in point b, clause 2 and clause 3 of this Article in case of repeated violations or recidivism.

Article 42. Acts of violation of import stamps for imported wine products

1. For acts of not import stamping for imported wine products with commercial purposes in accordance with regulations, the levels of fine shall be as follows:

- a) A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed in case where the violated goods have a value of under VND 5,000,000;
- b) A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed in case where the violated goods have a value of between VND 5,000,000 and under VND 10,000,000;
- c) A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed in case where the violated goods have a value of between VND 10,000,000 and under VND 20,000,000;
- d) A fine of between VND 10,000,000 and VND 15,000,000 shall be imposed in case where the violated goods have a value of between VND 20,000,000 and under VND 30,000,000;
- dd) A fine of between VND 15,000,000 and 20,000,000 shall be imposed in case where the violated goods have a value of between VND 30,000,000 and under 40,000,000;
- e) A fine of between VND 20,000,000 and 25,000,000 shall be imposed in case where the violated goods have a value of between VND 40,000,000 and under 50,000,000;
- g) A fine of between VND 25,000,000 and 30,000,000 shall be imposed in case where the violated goods have a value of between VND 50,000,000 and under 60,000,000;
- h) A fine of between VND 30,000,000 and 35,000,000 shall be imposed in case where the violated goods have a value of between VND 60,000,000 and under 70,000,000;
- i) A fine of between VND 35,000,000 and 40,000,000 shall be imposed in case where the violated goods have a value of between VND 70,000,000 and under 80,000,000;

k) A fine of between VND 40,000,000 and 50,000,000 shall be imposed in case where the violated goods have a value of between VND 80,000,000 and under 100,000,000;

l) A fine of between VND 50,000,000 and 70,000,000 shall be imposed in case where the violated goods have a value of VND 100,000,000 and above;

2. For acts of trading imported wine products unstamped import wine as prescribed shall be sanctioned administratively according to Article 17 of this Decree.

3. Additional forms of penalties:

a) Confiscate the material evidence, for acts of violations specified in clauses 1 of this Article;

b) Deprive the use rights of the licenses on trade of wine products from 03 months to 06 months for acts of violations specified in clause 1 of this Article in case of repeated violations or recidivism.

Article 43. Acts of violations in sticking stamps on domestically-manufactured wine products

1. For acts of trading domestically-manufactured wine which are unstamped as domestically-manufactured wine as prescribed, the fine levels shall be as follows:

a) A warning or fine of between VND 200,000 and 300,000 shall be imposed in case where the violated goods have a value of under VND 1,000,000;

b) A fine of between VND 300,000 and VND 500,000 shall be imposed in case where the violated goods have a value of between VND 1,000,000 and under VND 2,000,000;

c) A fine of between VND 500,000 and VND 1,000,000 shall be imposed in case where the violated goods have a value of between VND 2,000,000 and under VND 5,000,000;

d) A fine of between VND 1,000,000 and VND 2,000,000 shall be imposed in case where the violated goods have a value of between VND 5,000,000 and under VND 10,000,000;

dd) A fine of between VND 2,000,000 and 5,000,000 shall be imposed in case where the violated goods have a value of between VND 10,000,000 and under 20,000,000;

e) A fine of between VND 5,000,000 and 10,000,000 shall be imposed in case where the violated goods have a value of between VND 20,000,000 and under 30,000,000;

g) A fine of between VND 10,000,000 and 20,000,000 shall be imposed in case where the violated goods have a value of between VND 30,000,000 and under 50,000,000;

h) A fine of between 20,000,000 and 30,000,000 shall be imposed in case where the violated goods have a value of between VND 50,000,000 and under 100,000,000;

i) A fine of between VND 30,000,000 and 50,000,000 shall be imposed in case where the violated goods have a value of VND 100,000,000 and above;

2. A fine doubling the fine level specified in clause 1 of this Article shall be imposed on the manufacturers who do not stick stamps on domestically-manufactured wine products as prescribed.

3. Additional forms of penalties:

a) Confiscate the material evidence for acts of violations specified in clauses 1 and 2 of this Article;

b) Deprive the use rights of the licenses on wine production and trade from 03 months to 06 months shall be imposed on acts of violations specified in this Article in cases of repeated violations or recidivism.

4. Remedial measures:

Force recovery of infringing goods circulated on the market for violations specified in this Article.

Article 44. Acts of violations on information provision and harmful effects of alcohol abuse

1. A warning or a fine of between 500,000 and 1,000,000 for the manufacturer of handmade wine for the purpose of business that fails to provide sufficient information about wine including components, content, quality criteria, harmful effects of alcohol abuse as prescribed by the competent state agencies.

2. A warning or a fine of between 10,000,000 and 20,000,000 for the manufacturer of industrial wine that fails to provide information about wine including components, content, quality criteria, harmful effects of alcohol abuse as prescribed by the competent state agencies.

Article 45. Acts of violations on selling wine products

1. A warning or fine of between VND 500,000 and 1,000,000 shall be imposed on one of the following acts of violations:

a) Not listing of valid copies of business licenses for wine products, wine types, wine prices are being sold at their business locations;

b) Sale of alcohol products for persons not yet sufficient 18 years of age.

2. A fine of between VND 1,000,000 and 3,000,000 shall be imposed on failing to report or incorrectly reported on the situation, business results and distribution system of traders of alcohol products as prescribed.

3. A fine of between VND 3,000,000 and 5,000,000 shall be imposed on one of the following acts of violations:

- a) Retail wine products in vending machines or sell on the internet;
- b) Sales of alcohol products to the improper subjects, at improper locations, with improper contents as stated in licenses of alcohol product trading;
- c) Trade of wine products at locations banned from business as prescribed.

4. Additional forms of penalties:

- a) Confiscate the material evidence, for acts of violations specified in clause 3 of this Article;
- b) Deprive the use rights of the licenses on distribution, wholesale or retail of wine products from 01 month to 03 months for acts of violations specified in point b, clause 1 and clause 3 of this Article in case of repeated violations or recidivism.

SECTION 6. ACTS OF SPECULATING AND HOARDING GOODS

Article 46. Acts of speculating goods

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on abusing scarcity of goods or creating artificial scarcity of goods in the market to buy up or buy all goods with a value of between VND 50,000,000 and under VND 100,000,000 to resell for getting illicit profits in one of the following cases without criminal prosecution:

- a) Goods under the list of price stabilization or the list of price valuation by the State in accordance with law on price;
- b) There is market fluctuation in supply and demand, commodity prices due to natural disasters, fire, epidemics, war or other unusual events.

2. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on acts of violations specified in clause 1 of this Article with a value of between VND 100,000,000 and less than VND 200,000,000.

3. A fine of between VND 20,000,000 and VND 50,000,000 shall be imposed on acts of violations specified in clause 1 of this Article with a value of between VND 200,000,000 and under VND 500,000,000.

4. A fine of between VND 50,000,000 and VND 80,000,000 shall be imposed on acts of violations specified in clause 1 of this Article with a value of between VND 500,000,000 and under VND 1,000,000,000.

5. A fine of between VND 80,000,000 and VND 100,000,000 shall be imposed on acts of violations specified in clause 1 of this Article with a value of between VND 1,000,000,000 and above.

6. Additional forms of penalties:

a) Confiscate the material evidence, for acts of violations specified in this Article;

b) Deprive the use rights of certificates on satisfactory of trade conditions, business licenses, and practice certificates from 06 months to 12 months for acts of violations specified in this Article in cases of repeated violations or recidivism.

b) Suspend activities of trading infringing goods from 06 months to 12 months for violations of the provisions of this Article in case of repeated violations or recidivism.

7. Remedial measures:

Forcing submission of illicit benefits that earned from acts of violation specified in this Article.

Article 47. Acts of hoarding goods

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of the following acts of violations under one of cases specified in points a and b, clause 1 of Article 46 of this Decree without plausible reasons:

a) Cut sale locations;

b) Cut sales methods (change from wholesale to retail) different to the previous time;

c) Regulations, listing, sale according to sale volume, purchase objects different to the previous time;

d) Cut the time of sale, supply of goods different to the previous time.

2. A fine of between VND 10,000,000 and 20,000,000 for one of the following acts of violations under one of cases specified in points a and b, clause 1 of Article 46 of this Decree without plausible reasons:

a) Cut down the amount of goods sold;

b) Stop the sale of goods to the market;

c) Not open stores, places of business transactions for sale;

d) Open stores, places of business transactions but not selling goods.

3. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on hoarding goods in warehouses in excess of 150% compared to the average inventory of the preceding three months in one of the cases specified in points a and b, Clause 1, Article 46 of this Decree.

4. Additional forms of penalties:

a) Confiscate the material evidence, for acts of violations specified in clause 3 of this Article;

b) Deprive the use rights of business licenses, practice certificates from 03 months to 06 months for acts of violations specified in this Article, in cases of repeated violations or recidivism.

SECTION 7. ACTS OF VIOLATION ON TRADE PROMOTION ACTIVITIES

Article 48. Acts of violation on promotion

1. A fine of between VND 3,000,000 and 5,000,000 for individuals conducting commercial activities independently, regularly not required business registration as prescribed committing one of the following acts of violations:

a) Sales of goods, supply of services accompanied by contest coupons for customers to select the prize winners according to the rules and prize announced;

b) Sales of goods, supply of services together with participation in promotions of chance;

c) Organization of frequent customer programs.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on traders committing one of the following acts of violations:

a) Failing to conduct or conduct incompletely, improperly provisions on information which must be publicly notified or failure to comply with the provisions on methods of notifying information which must be publicly notified when conducting promotion;

b) Failure to notify customers full information relating to the use of samples, sample services when conducting forms of promotion as giving samples, providing sample services to customer for trying without paying money or failure to notify customers sufficient information relating to the use of goods or services supplied to customers when doing any form of promotion giving gift to customers, providing services without collecting money and without purchasing, selling goods or providing services;

c) Collect fees and charges, money from the customer or requests customers to make any other payment obligations when conducting promotions by giving samples, providing services to customers for trial without payment;

d) Not publicly organize the opening bonus for promotions of chance or organize the opening bonus for promotions of chance without the presence of the customers;

dd) Organize the opening bonus for promotions of chance with the total prize valued from VND 100,000,000 and above without notifying competent state agencies on commerce as prescribed;

e) Organize competition and prize draws not publicly or without the presence of the representatives of customers or fails to notify the competent state agencies as prescribed when conducting promotion programs for selling or supplying services accompanied with contest coupons for customers for selecting persons who are entitled to receive awards according to the rules and prizes announced;

g) Fail to notify the competent state agencies on time, places conducting provision of evidence to determine the prize winning of goods for promotions of chance where the winning is determined based on evidence of prize winning accompanied with goods;

h) No public announcement on winning results on at least one of the mass media in the provinces, cities directly under the Central Government, where organizing promotions and at sale locations of promotions in case of conducting promotions under forms of selling goods, supplying services accompanied with contest coupons for customers in order to select winners according to rules and prizes notified or in case of conducting promotion under forms of selling goods, supplying services accompanied with participation in programs of chance;

i) Not awarding prizes within the specified time limit when conducting promotion programs included awarding;

k) No confirm accurately, timely the participation of customers in regular customers programs;

l) No sufficient record of compulsory contents as prescribed in coupons, services coupons, competition entry forms, lottery tickets, customer tags or receipts of buying goods or using services used in promotion programs.

3. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on traders committing one of the following acts of violations:

a) Conduct promotions of goods, services while they are not traders under regulations to be entitled to conduct promotion of such goods or services;

b) Conduct promotions of goods, services of other traders without agreements on promotion services as prescribed or hire traders who provide promotion services to conduct promotions for their goods, services without agreements on promotion services as prescribed;

c) No notices or registrations with competent state agencies as prescribed before conducting promotions; improper notices or registrations with provisions; contents of notices or registration are dishonest;

d) No notices or no reports on results of promotion for competent state agencies as prescribed or notices or reports are made improperly with the prescribed time limit or contents of notices or reports are dishonest;

- dd) No performance or improper performance or postponement of the implementation of the contents of promotions announced or committed with customers;
 - e) No performance or improper performance of promotion programs announced or registered with the competent state agencies;
 - g) Conduct promotions in which the value of the commodity, services used for promotions exceeding the maximum limit of value of promotional goods or services as prescribed;
 - h) Make promotional discounts in the form of discount for goods, service supplying prices which exceed the maximum level allowed discount for goods or services promoted under the provisions;
 - i) Conduct promotions in the form of lowering prices of goods, prices of service to lower the minimum prices in case the selling price of goods, services supply subject to the State's regulation on prices or regulatory framework on minimum price or discount the selling prices of goods, services supply for goods and services subject to the State's regulations on specific prices;
 - k) Conduct promotions in the form of reducing prices or in the form of selling goods, providing services together with the program of chance are not in the prescribed time allowed to conduct promotions;
 - l) Use lottery tickets have the same or similar form with the lottery which are solely issued by the State or use the results of the State's lottery to determine the winning results when conducting promotions of chance;
 - m) Do not perform or improper performance of the remit 50% of the award announced in the State Budget in case of the absence of the winners after implementing the promotions in the form of selling goods, supplying services together with participation in the program of chance as prescribed;
 - n) Terminate the implementation of promotions ahead of time announced or certified by competent state agencies, unless otherwise permitted by law or in case the competent state agencies have certified the adjustment of time for sales promotions;
 - o) Conduct promotions which are against provisions on principals of implementing promotions.
4. A fine of between VND 30,000,000 and 50,000,000 shall be imposed on one of following acts of violations:
- a) Promote banned goods and services; goods, services which are restricted from trading; goods which are not permitted for circulation yet, services which are not permitted for supply yet; goods which do not satisfy the prescribed quality;

b) Use goods, services for promotion being goods, services banned from trading; goods, services restricted from trading; goods not permitted for circulation yet, services not permitted for supply yet; goods do not satisfy the prescribed quality;

c) Promote wine, beer or use wine, beer as promotions for people under 18 year-old;

d) Promote tobacco, wine with alcohol from 30 degrees and more or use tobacco, wine with alcohol from 30 degrees or more as promotions in any form;

dd) Use medicine for human (including medicines permitted to circulate) for promotion, except cases of promotions for medicine traders;

e) Offer promotions that are dishonest or confusing about goods and services in order to deceive customers;

g) Promotion to consume goods not in accordance with quality assurance under regulations detrimental to the environment, human health and other public benefits;

h) Promotion in schools, hospitals, offices of state agencies, political organizations, socio-political organizations, people's armed forces units;

i) Promised gifts or prizes but not implemented or implemented improperly;

k) The content of the contest program of promotions in the form of sales, service supply accompanied by contest coupons for customers in order to select winners according to the rules and award prizes announced which are contrary to conventional history, culture, ethics, habits and customs of Vietnam.

5. A fine of between VND 10,000,000 and 20,000,000 for the representative offices of traders doing promotion for traders represented by them or hiring other traders to carry out promotions for traders represented by them in Vietnam.

6. A fine of twice the fines prescribed in between clause 1 and clause 5 of this Article in case of violations carried out in the area between two centrally-run provinces or cities.

7. Additional forms of penalties:

Confiscate the material evidence for acts of violations specified in points a, b, c, d, dd and g, clause 4 of this Article.

8. Remedial measures:

a) Force destruction of the violated goods for acts of violations specified in point a and point b, clause 4 of this Article.

b) Force cancellation of the results of prize draw and re-organization of prize draw for violations specified in point d, dd and e, Clause 2 of this Article;

c) Force the submission of illegal benefits gained by committing acts of violations specified at Point c, Clause 2 and Point m, Clause 3 of this Article.

Article 49. Acts of violations on show and introducing goods and services

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the following acts of violations:

a) Display, introduce goods with information about goods being displayed, introduced not proper with goods being sold or prepared to sell;

b) Display, introduce goods or services of other merchants to compare with their goods, unless goods being compared are counterfeit goods, goods infringing intellectual property rights as prescribed;

c) Display, introduce goods without goods label or label improperly with regulation;

d) Display, introduce goods which are not up to standards, technical regulations announced, applied; goods which do not satisfy quality, food safety, expired.

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

a) Representative offices of traders directly display, introduce goods and services of merchants they represent in locations which are not the headquarters of those representative offices;

b) Representative offices of traders display, introduce goods and services of merchants they represent without the authorization of such traders.

3. A fine of between VND 30,000,000 and 50,000,000 shall be imposed on one of the following acts of violations:

a) Display, introduce goods which are not allowed to be imported into Vietnam;

b) Display, introduce goods and services which are on the list of goods, services banned from business, the list of goods banned from import, goods are banned from circulation or not yet been allowed to circulate, services not yet permitted to be provided in Vietnam;

c) Consume in Vietnam goods temporarily imported for display or introduction improperly with the legal provisions of Vietnam;

d) Display, introduce goods, services or use forms, means displaying, introducing goods, services which are detrimental to national security, order, social security, landscape, environment and human health;

dd) Display, introduce goods or services or use forms or means of goods and service display or introduction which are against historical traditions, culture, ethics, habits and customs of Vietnam;

e) Display, introduce goods and services which reveal the national secrets.

4. Additional forms of penalties:

Confiscate the material evidence, for acts of violations specified in clause 3 of this Article.

5. Remedial measures:

Force payment of illicit benefits had due to committing acts of violation specified in point c, clause 3 of this Article.

Article 50. Acts of violations on fairs, trade exhibitions

1. A fine of between VND 1,000,000 and 5,000,000 shall be imposed on acts of dishonest, inexact declaration for contents in the registration dossier when registering for organizing fairs, trade exhibitions;

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of the following acts of violations:

a) Not listed topics, time of fairs or trade exhibitions held at locations where fairs and trade exhibitions are organized before the opening of fairs or trade exhibitions;

b) Change, supplement contents registered to organize fairs or trade exhibitions without registering with competent state agencies as prescribed or have not been certified by competent state agencies on changes, supplements of contents registered.

3. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the following acts of violations:

a) Display fake goods, goods infringing intellectual property rights in order to compare with the authentic goods without the approval of competent state agencies as prescribed;

b) Display fake goods, goods infringing intellectual property rights to compare with authentic goods which have not yet been verified by the competent state agencies that those are counterfeit goods or goods infringing intellectual property rights;

c) Display fake goods, goods infringing intellectual property rights which have not been clearly listed as fake goods, goods infringing intellectual property rights;

d) Display at fairs, trade exhibitions goods and services which are on the list of goods banned from business, goods banned from import, goods restricted from trade, goods not permitted or not yet permitted for circulation, services not be allowed to supply in Vietnam or goods do not satisfy quality assurance, food safety as prescribed, expired goods;

dd) Display at the fairs, exhibitions goods (including goods temporarily imported for display and introduction at fairs, exhibitions) with no labels or with labels which are not appropriate with legal provisions on goods label;

e) No written reports or have reports which are not in accordance with regulations on outcomes of organizing fairs, trade exhibitions after finishing fairs, trade exhibitions.

4. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on one of the following acts of violations:

a) Foreign traders directly organize fairs, trade exhibitions in Vietnam;

b) Organization of fairs, trade exhibitions on goods or services of merchants, other organizations without business registration of services on fairs, trade exhibitions as prescribed;

c) Representative offices of traders directly organize, participate in trade fairs, exhibitions or participate in trade fairs, exhibitions for traders to be represented without the prior authorization of such traders;

d) Organization for other merchants to participate in trade fairs, exhibitions without business registration of services on fairs, trade exhibitions as prescribed;

dd) Organization of trade fairs and exhibitions which are not registered as prescribed or have not been verified in writing by competent state management agencies on the registration of organizing trade fairs and exhibitions;

e) Registration of organizing trade fairs, exhibitions which have not been organized or have been organized improperly with verified contents without registration of amendments or supplements as prescribed with competent state management agencies and without approvals of competent state management agencies;

g) Organization of trade fairs, exhibitions in Vietnam which display, introduce banned goods, banned services, goods or services restricted from trading as prescribed or goods, services supplied by foreign traders which fall under the list of banned items as prescribed or fake goods, goods infringing intellectual property rights, unless otherwise displayed or introduced to compare with the authentic goods;

h) Organization of trade fairs, exhibitions that quality, titles of the goods, services participating in fairs or prestigious titles of traders, organizations or individuals participating in trade fairs, exhibitions which are inconsistent with names, themes of the trade fairs or exhibitions;

i) Fail to conduct the temporary import for re-export of goods displaying in trade fairs or exhibitions in Vietnam or fail to conduct the temporary export for re-import of goods and services displaying in trade fairs, exhibitions in overseas as prescribed;

k) Sell, donate or supply the imported goods at trade fairs, exhibitions without registration with customs offices or sell, donate goods at trade fairs, exhibition which are subject to import permits without prior written approvals of competent state agencies;

l) Sell, donate, supply at fairs, trade exhibitions goods which are subject to specialized management at trade fairs, exhibitions without compliance with provisions on the specialized management for such goods or services;

m) Give, donate, grant prizes or certify quality, titles for goods, services or traders, organizations, individuals within the scope of trade fairs or organizations which are improper as prescribed.

5. A fine of between VND 40,000,000 and 50,000,000 shall be imposed on one of the following acts of violations:

a) Organizing or directly carrying goods or services banned from export to foreign countries to display in trade fairs, exhibitions without the approvals of the Prime Minister on the carrying of goods and services which are banned from export for displaying in trade fairs, exhibitions in overseas;

b) Sell, donate goods banned from export but has been temporarily exported for participation in trade fairs, exhibitions abroad without the approval of the Prime Minister on the sale or donation of such goods;

c) Sell, donate goods required license for export issued by competent state agencies when not having written permission of competent state agencies about sale, donation of such goods.

6. Additional forms of penalties:

Confiscate the material evidence, shall be imposed on acts of violations specified in points a, b, c and d, clause 3 of this Article.

7. Remedial measures:

a) Re-export of goods, for acts of violations specified at Point a, i and k, clause 4 of this Article;

b) Force payment of illicit benefits had due to committing acts of violation specified in this Article.

SECTION 8. ACTS OF VIOLATION ON TRADE BROKERAGE ACTIVITIES

Article 51. Acts of violations on representatives for traders

1. A fine of between VND 3,000,000 and 5,000,000 shall be imposed on hiring representatives or being representatives of other traders without representation contracts as stipulated.
2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on hiring representatives or being representatives of other traders who are not traders as stipulated.

Article 52. Acts of violations on commercial brokerage

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on trading commercial brokerage by those are not traders as stipulated.

2. Remedial measures:

Force payment of illicit benefits gained due to conducting acts of violation specified in this Article.

Article 53. Acts of violations on entrustment of goods sale or purchase

1. A fine of between VND 1,000,000 and 5,000,000 shall be imposed on acts of consigning or receiving consignment of goods purchase and sale without entrustment contract as prescribed.
2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on acts of receiving consignment of goods purchase and sale which is inconsistent with industries, categories recorded in the certificate of business registration.

Article 54. Acts of violations on agents selling, purchasing goods or services

1. A fine of between VND 1,000,000 and 5,000,000 shall be imposed on one of following acts of violations;

a) Principals or agents that are not traders as prescribed;

b) Principals or agents without the Agency Agreements on sale and purchase of goods or services as prescribed.

2. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of following acts of violations;

a) Principals or agents making the sale and purchase of goods or services which do not guarantee conditions on principals or agents for sale and purchase of goods or services;

b) Principals or agents for sale and purchase of goods or services which are inconsistent with the business lines, products, or services specified in the certificates of business registration or business licenses;

c) Not recorded or improperly recorded names, logos of the principals on the signs at the places of purchase or sale of agents or agent service facilities as prescribed.

3. A fine of between VND 10,000,000 and 15,000,000 shall be imposed on one of following acts of violations;

a) Trade of goods and services required to be under the form of agents but fail to perform or improperly perform as prescribed;

b) Agents purchasing or selling goods and services which are inconsistent with goods and services under agency agreements;

c) Forge the capacities of agents to buy and sell goods and services for doing business;

d) Fail to comply with the conditions as specified when hiring foreign traders as sales agents in foreign countries.

4. A fine of twice the amount of penalties specified in Clauses 1 to 3 of this Article in case agents for goods or services being restricted from trade or subject to conditional business.

SECTION 9. ACTS OF VIOLATIONS IN EXPORT AND IMPORT OF GOODS AND SERVICES RELATED TO EXPORT AND IMPORT OF GOODS

Article 55. Acts of violations in goods banned from import or export

1. For acts of export, import of goods banned from export or import, the fine levels shall be as follows:

a) A fine of between VND 10,000,000 and 20,000,000 in case where infringing goods have values of less than VND 20,000,000;

b) A fine of between VND 20,000,000 and 30,000,000 in case where infringing goods have values of between VND 20,000,000 and less than VND 50,000,000;

c) A fine of between VND 30,000,000 and 50,000,000 in case where infringing goods have values of between VND 50,000,000 and less than VND 70,000,000;

d) A fine of between VND 50,000,000 and 70,000,000 in case where infringing goods have values of between VND 70,000,000 and less than VND 100,000,000;

dd) A fine of between VND 70,000,000 and 100,000,000 in case where infringing goods are valued at VND 100,000,000 or more but not prosecuted for criminal responsibility.

2. Additional forms of penalties:

Confiscate the material evidence, for acts of violations specified in this Article.

3. Remedial measures:

- a) Force destruction of the violated goods for acts of violations specified in this Article;
- b) Force removing out of the territory of Vietnam or re-exporting infringing goods for acts of violations specified in this Article.

Article 56. Acts of violations regarding goods suspended from import or export

1. For acts of export and import of goods under the list of goods being suspended from import or export without written permission of the competent State management agencies, the fine levels shall be as follows:

- a) A fine of between VND 5,000,000 and 10,000,000 shall be imposed in case where infringing goods have values of less than VND 20,000,000;
- b) A fine of between VND 10,000,000 and 30,000,000 shall be imposed in case where infringing goods have values of between VND 20,000,000 and less than VND 50,000,000;
- c) A fine of between VND 30,000,000 and 50,000,000 shall be imposed in case where infringing goods have values of between VND 50,000,000 and less than VND 70,000,000;
- d) A fine of between VND 50,000,000 and 70,000,000 shall be imposed in case where infringing goods have values of between VND 70,000,000 and less than VND 100,000,000;
- dd) A fine of between VND 70,000,000 and 80,000,000 shall be imposed in case where infringing goods are valued at VND 100,000,000 or more but not prosecuted for criminal responsibility.

2. Additional forms of penalties:

Confiscate the material evidence for acts of violations specified in this Article.

3. Remedial measures:

- a) Force to destroy the violated goods for acts of violations specified in this Article.
- b) Force to remove out of the territory of Vietnam or to re-export infringing goods for acts of violations specified in this Article.

Article 57. Acts of violations on quotas, goods export or import licenses

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on acts of arbitrarily erasing, modifying, supplementing, changing contents of quotas, goods export or import.
2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on acts of counterfeiting or illegally using quotas, goods export or import licenses.
3. For acts of exporting, importing goods which must have quotas, export licenses, import licenses as prescribed but do not have quotas, goods export or import licenses, the fine levels shall be as follows:
 - a) A fine of between VND 5,000,000 and 10,000,000 shall be imposed in case where infringing goods have values of less than VND 20,000,000;
 - b) A fine of between VND 10,000,000 and 20,000,000 shall be imposed in case where infringing goods have values of between VND 20,000,000 and less than VND 50,000,000;
 - c) A fine of between VND 20,000,000 and 30,000,000 shall be imposed in case where infringing goods have values of between VND 50,000,000 and less than VND 70,000,000;
 - d) A fine of between VND 30,000,000 and 50,000,000 shall be imposed in case where infringing goods have values of between VND 70,000,000 and less than VND 100,000,000;
 - dd) A fine of between VND 50,000,000 and 70,000,000 shall be imposed in case where infringing goods are valued at VND 100,000,000 or more but not prosecuted for criminal responsibility.

4. Additional forms of penalties:

- a) Confiscate the material evidence, for acts of violations specified in this Article;
- b) Deprive the right to use quotas, export licenses, import licenses, from 03 months to 06 months, for violations specified in Clauses 1 and 2 of this Article in case of repeated violations or recidivism.

5. Remedial measures:

Force to remove out of the territory of Vietnam or to re-export infringing goods for acts of violations specified in clause 3 of this Article.

Article 58. Acts of violation on entrusting the goods export and import

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on acts of entrusting or receiving entrustment to export and import of goods which are in the list of goods temporarily imported for re-export, temporary exported and re-import with conditions but do not satisfy business conditions as prescribed.

2. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on acts of entrusting or receiving entrustment to export and import of goods which are under the list of goods being exported or imported by quotas or export licenses, import licenses that the entrust party and entrusted party have no quotas or licenses of the competent state agencies as prescribed.

3. A fine of between VND 30,000,000 and 40,000,000 shall be imposed on acts of entrusting or receiving entrustment to export and import of goods under the list of goods suspended from export or import.

4. A fine of between VND 40,000,000 and 50,000,000 shall be imposed on acts of entrusting or receiving entrustment to export and import of goods under the list of goods banned from export or import.

Article 59. Acts of violations on temporary import for re-export or temporary export for re-import of goods

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on acts of arbitrarily erasing, modifying, amending, supplementing, changing contents of the licenses on temporary import for re-export, the licenses on temporary export for re-import of goods which are under the list of goods banned from export or import, export or import suspension.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on acts of counterfeiting or illegally using the licenses on temporary import for re-export, the licenses on temporary export for re-import of goods which are under the list of goods banned from export or import, export or import suspension.

3. A fine of between VND 20,000,000 and 40,000,000 shall be imposed on acts of trading goods of temporary import for re-export which are under the list of goods temporarily imported for re-export with conditions but do not satisfy business conditions as prescribed.

4. A fine of between VND 40,000,000 and 80,000,000 shall be imposed on acts of trading temporary import for re-export, temporary export and re-import of goods required to be licensed by the competent State agencies but do not have licenses as prescribed.

5. A fine of between VND 80,000,000 and 100,000,000 shall be imposed on acts of trading temporary import for re-export, temporary export for re-import of goods which are under the list of goods banned from trading temporary import for re-export and suspension of trading temporary import for re-export.

6. Additional forms of penalties:

a) Confiscate the material evidence, for acts of violations specified in this Article.

b) Deprive the right to use licenses on goods temporary import for re-export, temporary export for re-import, for acts of violations specified in this Article in case of repeated violations or recidivism.

7. Remedial measures:

- a) Force to re-export of goods at import border gates for acts of violations specified in clause 3 and clause 4 of this Article;
- b) Force to remove out of the territory of Vietnam or to re-export goods for acts of violations specified in clause 5 of this Article.

Article 60. Acts of violation on goods border-gate transfer

- 1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on acts of arbitrarily erasing, modifying, supplementing, changing contents of licenses on goods border-gate transfer.
- 2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on acts of counterfeiting or illegally using licenses on goods border-gate transfer.
- 3. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on acts of border-gate transfer which do not comply with categories or exceed the quantities of goods specified in the licenses granted by the competent state agencies.
- 4. A fine of between VND 30,000,000 and 50,000,000 shall be imposed on acts of goods border-gate transfer which are required to have licenses to be granted by the competent state agencies but do not have licenses.
- 5. A fine of between VND 50,000,000 and 80,000,000 shall be imposed on acts of transferring border gate for categories of products which are under the list of goods suspended from border-gate transfer.
- 6. A fine of between VND 80,000,000 and 100,000,000 shall be imposed on acts of transferring border gate for categories of products which are under the list of goods banned from border-gate transfer.

7. Additional forms of penalties:

- a) Confiscate the material evidence, for acts of violations specified in this Article.
- b) Deprive the right to use licenses on goods border-gate transfer, for acts of violations specified in this Article in case of repeated violations or recidivism.

Article 61. Acts of violation on goods transit

- 1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on transit improperly with routes, border gates allowed unless transit unless otherwise specified in point a clause 2 of this Article.

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

a) Transit of goods required to have licenses but do not follow the right routes or border gates which are permitted for transit;

b) Goods in transit are stored in the territory of Vietnam beyond the permitted duration.

3. A fine of between VND 30,000,000 and 40,000,000 shall be imposed on acts of transiting goods which are required to have licenses to be granted by the competent state agencies but do not have licenses.

4. A fine of between VND 40,000,000 and 50,000,000 shall be imposed on illegal consumption of goods or means in transit on the territory of Vietnam.

5. Additional forms of penalties:

Confiscate the material evidence, for acts of violations specified in clause 4 of this Article.

6. Remedial measures:

a) Force to transit goods through right routes or border gates, for acts of violations specified in clause 1 and point a, clause 2 of this Article;

b) Force to transit goods for violations specified in point b, clause 2 of this Article within time limits set by persons competent to sanction as prescribed;

c) Force to remove out of the territory of Vietnam at the import border gates for acts of violations specified in clause 3 of this Article;

d) Force to pay back the amounts equal to the value of goods or means in transit which were illegally sold, for acts of violations specified in Clause 4 of this Article.

Article 62. Acts of violation on activities of duty-free stores

1. A fine of between VND 2,000,000 and 3,000,000 shall be imposed on acts of selling duty-free goods in excess of the prescribed quantity.

2. A fine of between VND 3,000,000 and 5,000,000 shall be imposed on acts of selling tax-exempted goods to improper buyers.

3. For acts of trading goods without the stamp "Vietnam duty not paid" as prescribed or selling duty-free goods which are cigars, cigarettes produced in foreign countries or goods subject to conditional export or import without export or import licenses as prescribed, the fine levels shall be as follows:

- a) A warning or a fine of between VND 500,000 and 1,000,000 shall be imposed in case where infringing goods has a value of less than VND 2,000,000;
- b) A fine of between VND 1,000,000 and 3,000,000 shall be imposed in case where infringing goods has a value of between VND 2,000,000 and less than VND 5,000,000;
- c) A fine of between VND 3,000,000 and 5,000,000 shall be imposed in case where infringing goods has a value of between VND 5,000,000 and less than VND 10,000,000;
- d) A fine of between VND 5,000,000 and 10,000,000 shall be imposed in case where infringing goods has a value of between VND 10,000,000 and less than VND 20,000,000;
- dd) A fine of between VND 10,000,000 and 20,000,000 shall be imposed in case where infringing goods have a value of between VND 20,000,000 and less than VND 30,000,000;
- e) A fine of between VND 20,000,000 and 30,000,000 shall be imposed in case where infringing goods have a value of between VND 30,000,000 and less than VND 50,000,000;
- g) A fine of between VND 30,000,000 and 40,000,000 shall be imposed in case where infringing goods have a value of VND 50,000,000 and more;
4. A fine of between VND 40,000,000 and 50,000,000 shall be imposed on one of the following acts of violations:
- a) Sales of goods which are not originated from legal import at duty-free shops;
- b) Illegal consumption in domestic market of goods which are permitted to import for sale at duty-free shops.
5. A fine of between VND 50,000,000 and 70,000,000 shall be imposed on acts of selling at duty-free shops goods which are banned from export or import, or suspended export or import as prescribed.
6. Additional forms of penalties:
- a) Confiscate the material evidence, for acts of violations specified in clause 3, clause 4 and clause 5 of this Article;
- b) Deprive the right to use a certificate of eligibility for trading duty-free shops, from 01 month to 03 months for acts of violations specified in Clauses 2, 3, 4 and 5 of this Article in case of repeated violations or recidivism.
7. Remedial measures:
- Force to pay back illicit benefits gained from committing acts of violation specified in this Article.

Article 63. Acts of violation on origin of goods exported or imported

1. A fine of between VND 3,000,000 and 5,000,000 shall be imposed on one of the following acts of violations:

a) Provide documents, papers which do not true to the competent state agencies when applying for a certificate of origin;

b) Arbitrarily erase or modify contents of certificates of origin issued.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on acts of counterfeiting or using fake certificates of origin.

3. Additional forms of penalties:

Confiscate the material evidence, for acts of violations specified in this Article.

4. Remedial measures:

a) Force to pay back illegal benefits gained by committing acts of violations specified at Point b, clause 1 and clause 2 of this Article;

b) Force to correct false information about the origin of goods, for acts of violations specified at Point b, Clause 1 and Clause 2 of this Article.

Article 64. Acts of violation on processing goods with foreign elements

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on acts of ordering goods to be processed or receiving orders to process goods from foreign traders without a contract as stipulated.

2. A fine of between VND 20,000,000 and 40,000,000 shall be imposed on one of the following acts of violations:

a) Consume in Vietnam market machineries, equipment leased or borrowed or raw materials, auxiliary materials, excess materials, substandard products, scraps temporarily imported to perform processing and products from processing goods for foreign traders which do not comply with regulations;

b) Forge processing contracts with foreign traders.

3. A fine of between VND 40,000,000 and 70,000,000 shall be imposed on acts of ordering processed goods or receiving an order to process goods from foreign traders which are required to have a export, import license but without a permission of competent state agencies as prescribed.

4. A fine of between VND 70,000,000 and 100,000,000 shall be imposed on one of the following acts of violation:

- a) Process goods for foreign traders, goods which are under the list of goods banned from export or import and import or export suspension without the written consent of the competent state management agencies as prescribed;
- b) Order processing of goods in overseas to consume in domestic market goods banned from export or import, export or import suspension or goods which are subject to emergency measures, banned from circulation, revoked, suspended from circulation or counterfeit goods and goods which do not ensure food safety.

5. Additional forms of penalties:

Confiscate the material evidence, for acts of violations specified in clauses 2, 3 and 4 of this Article.

6. Remedial measures:

Force to pay back illicit benefits gained from committing acts of violation specified in point a, clause 2 of this Article.

SECTION 10. ACTS OF VIOLATION ON PROTECTION OF CONSUMERS' RIGHTS

Article 65. Acts of violation on protection of information of consumers

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the following acts of violation:

- a) Fail to clearly and publicly notify consumers on purposes before conducting activities of collecting, using information of consumers as prescribed;
- b) Use information of consumers inconsistently with the purpose informed consumers without consents of consumers as prescribed;
- c) Fail to ensure safety, accuracy and sufficiency of the consumers' information when collecting, using, and transferring as prescribed;
- d) Fail to self-adjust or apply measures for consumers to update or to adjust the information when detecting that information is incorrect as prescribed;
- dd) Transfer information of consumers to third parties without consent of consumers as prescribed, unless otherwise provided by law.

2. Impose a fine double the fines prescribed at Clause 1 of this Article in case where the relevant information is confidential information of an individual consumer.

3. Remedial measures:

Force to destroy material evidences containing information of consumers.

Article 66. Acts of violations in providing information on goods or services for consumers

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on traders who have one of violations on providing information on goods or services for consumers as follows:

a) No warning on the capacity that goods and services have adversely affected on health, life and property of the consumer and the precautions as prescribed;

b) Not provide information about the supply availability of replaceable spare parts, accessories of goods as prescribed;

c) Fail to supply instructions or fail to supply information about the conditions, duration, location, warranty procedures in cases where the goods or services covered with warranty as prescribed;

d) Fail to notify exactly or fully consumers about model contracts, general transaction conditions before conducting transactions as prescribed;

dd) Conceal information or provide incomplete, false or inaccurate information to consumers as prescribed.

2. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on third parties who have one of violations on providing information of goods or services to consumers as follows:

a) Provide information incompletely or incorrectly about goods or services as prescribed;

b) Fail to have evidence to prove or fail to perform all the measures prescribed by law in order to verify the accuracy, the completeness of information about goods and services.

3. A fine of between VND 30,000,000 and 50,000,000 shall be imposed on owners of mass media, suppliers of communication service that are third parties for one of following violations on providing information of goods or services to consumers:

a) There is no technical solution to prevent facilities and services managed by them from being used for the purposes of harassing consumers;

b) Allow organizations, individuals trading goods or services using facilities or services under their management to harass the consumers;

4. Additional forms of penalties:

Deprive the right to use business licenses, practice certificates, from 01 month to 06 months, or suspend activities, from 01 month to 06 months, for acts of violations specified in this Article in case of repeated violations or recidivism.

5. Remedial measures:

Force to rectify information which are not true or cause misleading for acts of violations specified in Point dd, Clause 1 of this Article.

Article 67. Acts of violation on contracts signed with consumers

1. A fine of between VND 5,000,000,000 and 10,000,000 shall be imposed on one of the following acts of violation:

- a) Sign contracts with the consumers in the forms or contractual languages which are improper with regulations;
- b) Fail to let consumers to consider the entire contract before concluding in case of signing contracts by electronic means as prescribed.

2. Remedial measures:

Force to amend the signed contracts in accordance with the regulations, for violations specified at Point a, Clause 1 of this Article.

Article 68. Acts of violation on registration of model contracts or general transaction conditions

1. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on acts of failing to comply with the requests of competent state agencies on cancellation or modification of contents of model contracts, general transaction conditions which violate law on protection of consumer rights or contrary to general principles on concluding into contracts.

2. A fine of between VND 30,000,000 and 50,000,000 shall be imposed on one of the following acts of violation:

- a) Fail to register or re-register model contracts, general transaction conditions with the competent state management agency to protect the rights of consumers under regulations;
- b) Fail to notify consumers about changing model contracts or general transaction conditions as prescribed.

3. Additional forms of penalties:

Deprive the right to use licenses, practice certificates, from 01 month to 03 months, or suspend activities, from 01 month to 03 months, for acts of violations specified in this Article.

Article 69. Acts of violation on form of model contracts or general transaction conditions

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on acts of using model contracts, general transaction conditions in dealing with customers which have one of following violations:

- a) There is a font size smaller than as specified;
- b) Contract language is not Vietnamese, unless otherwise agreed by the parties or other legal provisions;
- c) Paper background and ink colour reflecting the content of model contract or general transaction conditions do not contrast each other.

2. Remedial measures:

Force to modify the violation contents of the model contracts, general transaction conditions in accordance with the provisions, for acts of violations specified at Clause 1 of this Article.

Article 70. Acts of violation on performance of model contracts or general transaction conditions

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of the following acts of violation:

- a) Do not store the model contracts signed until the contracts expires under regulations;
- b) Do not give the consumer a copy of the contract in case where the contract kept by the consumer is lost or damaged as prescribed.

2. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on one of the following acts of violation:

- a) Fail to notify publicly about the general transaction conditions before dealing with consumers as prescribed;
- b) General transaction conditions do not clearly determine the date of application or are not listed at the favourable places at transaction locations for consumers to be able see as prescribed.

Article 71. Acts of violations on signing contracts, general transaction conditions with consumers which have invalid terms

1. A fine of between VND 10,000,000 and 20,000,000 for traders of goods and services who enter into contracts with consumers in which have invalid terms as prescribed.

2. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on violations specified in Clause 1 of this Article in the case of model contracts, general transaction conditions.

3. A fine of twice the fine prescribed in clause 1 and clause 2 of this Article in case of acts of violations carried out in the area of two centrally-run provinces or cities and more.

4. Remedial measures:

Force to pay back illicit benefits gained from committing acts of violation specified in this Article.

Article 72. Acts of violation on remote-concluded contracts

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on acts of signing remote-concluded contracts with consumers for one of the following cases:

a) Fail to provide full and clear information as prescribed;

b) Fail to refund money within 30 days since the consumer declares unilateral termination of the concluded contract or fail to pay interests on the amounts delayed in payment to the consumer as prescribed.

2. Remedial measures:

Forcible payment of illicit benefits gained from committing acts of violation specified in point b, clause 1 of this Article.

Article 73. Acts of violation on supply of uninterrupted services

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on traders who provide uninterrupted services to consumers with one of following acts of violations:

a) Fail to provide full and clear information as prescribed;

b) Fail to sign written contract or fail to provide the consumer with a copy of contract as prescribed;

c) Ask consumers pay before services are provided to the consumer, unless the parties agree otherwise

d) No prior notice to the consumer within 03 working days before the date of discontinuance of the service supply in case of repair, maintenance or other causes as prescribed, except unforeseen circumstances or otherwise provided by law;

dd) Fail to timely check or settle in case where the consumers notify about incidents or complaint about the quality of service as prescribed;

- e) Unilaterally terminate the contract, stop providing services without plausible reason;
- g) Refuse or hinder the consumer to terminate the contract on service supply as prescribed;
- h) Force consumers to pay costs for part of services which have not been used.

2. Remedial measures:

Force to return the money paid for unused services to consumers for acts of violations specified at Point h, Clause 1 of this Article.

Article 74. Acts of violation on door-to-door sale contracts

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on traders who provide door-to-door sale of goods commit one of following acts of violations:

- a) Door-to-door sellers do not introduce names of traders, telephone numbers, addresses, head offices or addresses of entities that are responsible for proposals of signing contracts.
- b) Door-to-door sellers deliberately get in touch with consumers to propose signing contracts in case the consumer has refused;
- c) Refuse consumers from withdrawing their agreements in case the consumers send written notice on the withdrawal of their agreements within 03 working days from the date of signing of the contract;
- d) Force consumers to pay or to perform other obligations under the contract before the expiry of 03 working days from the date of signing of the contract, unless otherwise provided by law;
- dd) Disclaimer for sales activities of the door-to-door sellers in case such sellers cause damages to the consumers.

2. Remedial measures:

Force to pay back illicit benefits obtained from committing acts of violation specified in point d, clause 1 of this Article.

Article 75. Acts of violation on responsibilities of goods warranty

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on traders selling goods who commit one of following acts of violations in case goods covered with warranty with a value of under VND 20,000,000:

- a) Fail to supply for consumers with warranty documents, clearly stating the time and conditions for performance of warranty;

provide the consumers with goods, components or similar accessories for temporary use or no other form of settlement accepted by consumers during the period of performing warranty;

c) Fail to change new or similar goods, components and accessories or withdraw goods and return money to consumers in case the time of goods, component and accessory warranty is expired but not repair or not fix defects;

d) Fail to change new or similar goods, components and accessories or withdraw goods, components, accessories and return money to consumers in case conducted the warranty for goods, components, accessories for 03 times and more within the period of warranty but still unable to fix defects;

dd) Fail to pay costs for repair or transport of goods, components or accessories to warranty places and from warranty places to residential places of consumers;

e) Fail to conduct or conduct improperly or conduct incompletely responsibilities of warranty for goods, components, accessories committed with consumers;

g) Disclaimer of warranty goods, components and accessories for the consumer in case empowered to other organizations or individuals to perform warranty.

2. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on acts of violations specified in clause 1 of this Article in case where goods, components or accessories have a value of between VND 20,000,000 and under VND 50,000,000.

3. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on acts of violations specified in clause 1 of this Article in case where goods, components or accessories have a value of between VND 50,000,000 and under VND 100,000,000.

4. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed on acts of violations specified in clause 1 of this Article in case where concerned goods, components or accessories have a value of between VND 100,000,000 and under VND 500,000,000.

5. A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed on acts of violations specified in clause 1 of this Article in case where concerned goods, components or accessories have a value of between VND 500,000,000 and under VND 1,000,000,000.

6. A fine of between VND 50,000,000 and VND 70,000,000 shall be imposed on acts of violations specified in clause 1 of this Article in case concerned goods, components or accessories have a value of between VND 1,000,000,000 and under VND 2,000,000,000.

7. A fine of between VND 70,000,000 and VND 100,000,000 shall be imposed on acts of violations specified in clause 1 of this Article in case where concerned goods, components or accessories have a value of VND 2,000,000,000 and more.

Article 76. Acts of violation on responsibility in withdrawal of the goods with defects

1. A fine of between VND 10,000,000 and 30,000,000 shall be imposed on traders manufacturing, importing goods with defects who commit one of following acts of violations:

- a) Fail to take necessary measures in order to stop the supply of goods with defects on the market;
- b) Fail to comply with the withdrawal of goods with defects according to contents already been publicly notified or fail to pay costs occurred during the withdrawing process.

2. A fine of between VND 30,000,000 and 50,000,000 shall be imposed on traders manufacturing, importing goods with defects who commit one of following acts of violations:

- a) Fail to notify publicly about goods with defects and the withdrawal of such goods as prescribed;
- b) Fail to notify about results of withdrawal of goods with defects to competent state management agencies about the protection of customer rights as prescribed.

3. Remedial measures:

Force to withdraw goods with defects for acts of violations specified in Clause 1 of this Article.

Article 77. Acts of violation on providing evidence of transaction

1. A warning or a fine of between VND 200,000 and VND 500,000 for one of the following violations in the case where goods and services of transactions has a value of less than VND 2,000,000:

- a) Fail to make or provide to customers or consumer with bills, documents or materials relating to the transaction when selling goods or providing services as prescribed;
- b) Not allow customers and consumers to access, download, store and print invoices, vouchers, documents in cases transactions are done via electronic means.

2. A fine of between VND 500,000 and 1,000,000 shall be imposed on violations specified in Clause 1 of this Article in the case where goods or services of a transaction has a value of between VND 2,000,000 and less than VND 10,000,000.

3. A fine of between VND 1,000,000 and 5,000,000 shall be imposed on violations specified in Clause 1 of this Article in the case where goods or services of a transaction has a value of between VND 10,000,000 and less than VND 20,000,000.

4. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on violations specified in Clause 1 of this Article in the case where goods or services of a transaction has a value of between VND 20,000,000 and less than VND 50,000,000.

5. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on violations specified in Clause 1 of this Article in the case where goods or service of a transaction has a value of between VND 50,000,000 and less than VND 100,000,000.

6. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on violations specified in Clause 1 of this Article in the case where goods or service of a transaction has a value of between VND 100,000,000 and less than VND 200,000,000.

7. A fine of between VND 30,000,000 and 40,000,000 shall be imposed on violations specified in Clause 1 of this Article in the case where goods or service of a transaction has a value of between VND 200,000,000 and less than VND 500,000,000.

8. A fine of between VND 40,000,000 and 50,000,000 shall be imposed on violations specified in Clause 1 of this Article in the case where goods or service of a transaction has a value of VND 500,000,000 and more.

Article 78. Acts of violation on harassing consumers

1. A warning or fine of between VND 500,000 and 2,000,000 shall be imposed on traders providing goods or services who have one of following acts of violations:

- a) Harass consumers through marketing goods or services contrary to the wishes of consumers 02 times or more;
- b) Have acts of hindering, affecting the work, the normal life of the consumers.

2. Additional forms of penalties:

Confiscate the material evidence, means used to commit violations for acts of violations specified in clause 1 of this Article.

Article 79. Acts of violation on forcing consumers

1. A fine of between VND 10,000,000 and 30,000,000 shall be imposed on one of following acts of forcing consumers as follows:

- a) Use forces or threaten to use forces or other acts causing damage to health, honour, prestige, dignity and property of consumers to force transactions;
- b) Take advantages of difficult circumstances of consumers or exploit natural disasters, epidemics to force transactions;

2. Additional forms of penalties:

Confiscate the material evidence, violated means for acts of violations specified in clause 1 of this Article.

3. Remedial measures:

Force to pay back illicit benefits obtained from committing acts of violation specified in this Article.

Article 80. Other acts of violation in relationship with customers or consumers

1. A warning or fine of between VND 500,000 and 1,000,000 shall be imposed with one of following acts in case where goods or service of a transaction has a value of under VND 5,000,000:

a) Not compensate, refund money or change goods or services with customers, consumers by mistakes;

b) Exchange fraudulently, cheat on goods or services when delivering goods or providing services to customers or consumers;

c) Not compensate, refund money or change goods or services which are fraudulently exchanged or cheated to customers, consumers;

d) Arbitrarily cut down the packaging, spare parts, replacement parts, promotional goods, technical documentation and manuals enclosed when selling goods or providing services.

2. A fine of between VND 1,000,000 and 5,000,000 shall be imposed on violations specified in Clause 1 of this Article in case where goods or service of a transaction has a value of between VND 5,000,000 and less than VND 20,000,000.

3. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on violations specified in Clause 1 of this Article in case where goods or service of a transaction has a value of between VND 20,000,000 and less than VND 50,000,000.

4. A fine of between VND 10,000,000 and 15,000,000 shall be imposed on violations specified in Clause 1 of this Article in case where goods or service of a transaction has a value of between VND 50,000,000 and less than VND 100,000,000.

5. A fine of between VND 15,000,000 and 20,000,000 shall be imposed on violations specified in Clause 1 of this Article in case where goods or services of a transaction has a value of VND 100,000,000 or more

6. Additional sanctions:

Deprive the right to use the business license, certificate of business eligibility, practice certificates, from 01 month to 03 months, or suspend the operation of a term of 01 month to 03 months, for acts of violations specified in this Article in case of repeated violations or recidivism.

7. Remedial measures:

Force to pay back the benefits gained from committing acts of violation of provisions of this Article.

SECTION 11. ACTS OF VIOLATION ON E-COMMERCE

Article 81. Acts of violation on setting up e-commerce websites

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of acts of violations as follows:

a) Provide information incompletely or wrongly when notifying competent state agencies about the setting up e-commerce website for selling goods as prescribed;

b) Fail to notify about amendments, supplementations when having changes of information pertaining to e-commerce website for selling goods as prescribed;

c) Disclose the registered information on website providing e-commerce services which do not consistent with the registered contents with competent state agencies;

d) Fail to comply with provisions on forms, specifications to disclose information on the website which provides e-commerce services.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of acts of violation as follows:

a) Set up e-commerce websites to sell goods without notifying the competent state agencies as prescribed;

b) Fail to send notification on amendments or supplementations when there is a change of information pertaining to the website providing e-commerce services which was registered with the competent state agencies as prescribed.

3. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on one of acts of violation as follows:

a) Set up a website providing e-commerce services without confirmation on the registration as prescribed;

b) Receive the assignment of the website offering e-commerce services without implementation of the assignment procedures or re-registration of its domain name;

c) Deploy the supply of e-commerce services which is not right with registration documents;

d) Dishonesty or provide false information when registering a website providing e-commerce services;

dd) Falsify registered information on the website which offers e-commerce services;

e) Continue providing e-commerce services after terminating or cancelling the registration.

4. Additional penalties:

Suspend e-commerce activities, from 06 months to 12 months, for acts of violations specified in clauses 1, 2 and points a, b, c and d Clause 3 of this Article in cases of repeated violations or recidivism.

5. Remedial measures:

Force to withdraw the domain “.vn” of e-commerce websites for acts of violations specified at Points b, c, dd and e, Clause 3 of this Article.

Article 82. Acts of violation on information and transaction on e-commerce websites

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of acts of violation as follows:

a) Fail to provide complete information to customers about merchants, organizations or individuals that own websites, information about goods, services, prices, transportation, forwarding, payment method, the terms of contracts and general transaction conditions before customers enter into contracts using the online ordering function on e-commerce websites;

b) Not allow clients to review, supplement, modify or confirm the contents of the transaction before using the online ordering function on e-commerce sites to send the proposal for entering into contracts;

c) Set up a website providing e-commerce services or websites providing online services without disclosure of information clearly and completely on processes and procedures for termination of contracts as prescribed;

d) Use links to provide information which is contrary or falsified in comparison with the published information in areas incorporating a link to this website;

dd) Intervene in operating systems and Internet browsers in the electronic equipment accessing to the website in order to force customers to save the website in contrary to their wishes.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of acts of violations as follows:

- a) Provide falsified information about traders, organizations, individuals that own the websites, information on goods, services, prices, transportation, forwarding, payment methods, terms of contracts and general transaction conditions on e-commerce websites;
- b) Not allow clients to store information which confirmed the contents of the transaction after entering into contracts by using the online ordering function on e-commerce websites;
- c) Set up websites providing e-commerce services or other websites providing online services without providing online tools to clients for them to send requests to terminate the contract when they have no demand in using services anymore;
- d) Implement online payment function on ecommerce websites but there are no mechanisms for clients to review and confirm detailed information of each payment transaction before using this function to make the payments;
- dd) Fail to store data on the payment transactions made through its systems in accordance with the time limits as prescribed.

3. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on one of acts of violations as follows:

- a) Use links, logos or other technology to cause confusion about the relationships with other merchants, organizations and individuals;
- b) Use the logo of the program evaluating the prestige of e-commerce websites when website has not yet been accredited officially by these programs;
- c) Falsify information of other traders, organizations and individuals to participate in e-commerce activities;
- d) Not implement measures to ensure the safety and security for payment transactions of customers.

4. A fine of between VND 30,000,000 and 40,000,000 shall be imposed on one of acts of violation as follows:

- a) Forge or copy the interfaces of e-commerce websites of other merchants, organizations and individuals to make profit or to cause confusion or to lose confidence of customers with such merchants, organizations and individuals;
- b) Steal, use, disclose, transfer, sell information related to trade secrets of other traders, organizations, or personal information of consumers in e-commerce without the consent of relevant parties.

5. A fine of between VND 40,000,000 and 50,000,000 shall be imposed on one of acts of violation as follows:

- a) Cheat customers of e-commerce website;
- b) Take advantages of e-commerce trading operation to raise funds illegally from other traders, organizations or individuals;
- c) Take advantages of e-commerce services to trade counterfeited goods, goods or services infringing intellectual property rights or goods and services banned from business.

6. Additional penalties:

- a) Confiscate material evidence, means used to commit acts of violation as prescribed in clauses 4 and 5 of this Article;
- b) Suspend e-commerce operations, from 06 months to 12 months, for acts of violations specified in Clauses 4 and 5 of this Article.

7. Remedial measures:

- a) Rectify information which is untrue or cause confusions for acts of violations specified at Point a, Clause 2, points a, b and c, Clause 3 and point a clause 4 of this Article;
- b) Force to withdraw the domain name ".VN" of e-commerce websites for acts of violations specified in Clauses 4 and 5 of this Article;
- c) Force to submit illegal benefits which were gained from conducting acts of violation specified in clauses 4 and 5 of this Article.

Article 83. Acts of violation on provision of e-commerce services

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of acts of violation as follows:

- a) Set up online ordering function on the website providing e-commerce services to enable merchants, organizations and individuals to enter into contracts, but the process of concluding those contracts do not comply legal provisions;
- b) Fail to guarantee the safety of personal information of consumers and information related to trade secrets of traders, organizations and individuals that are involved in transactions on the website providing e-commerce services;
- c) Fail to support customers to protect their legitimate rights and interests when conflicts with the sellers arise in transactions on websites providing e-commerce services;
- d) Fail to publish on the website clearly the process of receiving, responsibility for handling of customers' complaints and the dispute resolution mechanism related to contracts concluded on the online promotion website;

dd) Fail to public mechanism for resolving disputes arising in the course of conducting transactions on e-commerce transactions floors and online auctions websites.

2. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on one of acts of violations as follows:

a) Fail to disclose regulations or disclose regulations on websites which are different with information in the registration dossiers of websites providing e-commerce services certified by competent state management agencies;

b) Change contents of the website regulations which provide e-commerce services but fail to inform to the subjects who use those services before apply those changes;

c) Fail to request merchants, organizations and individuals being sellers on websites that provide e-commerce services in order to supply information as prescribed;

d) Fail to store the registered information of traders, organizations or individuals engaged in websites providing e-commerce services;

dd) Fail to notify complete information on goods, services being promoted on the online promotion websites as prescribed;

e) Set up online auction websites but do not provide tools for the sellers to notify or list publicly, completely or exactly necessary information pertaining to auction goods, including pictures of goods and the accompanying introduction documents;

g) Set up online auction websites but the technical systems serving the online auction operation do not comply with legal provisions.

3. A fine of between VND 30,000,000 and 40,000,000 shall be imposed on one of acts of violations as follows:

a) Fail to apply handling measures when detecting or receiving reports on trading acts which violate legal provisions on the websites providing e-commerce services;

b) Fail to provide information and support the state management agencies investigating trading acts which violate legal provisions on the websites providing e-commerce services;

c) Not conduct obligations in doing statistics or reports as prescribed.

4. A fine of between VND 40,000,000 and 50,000,000 shall be imposed on acts of organizing business, marketing network for e-commerce services in which each participant must pay an initial sum of money to purchase services and receive commissions, bonuses or other economic benefits from mobilizing others to join the networks.

5. Additional penalties:

a) Confiscate material evidence, means of violations being used to commit acts of provisions as prescribed in clause 4 of this Article;

b) Suspend e-commerce operations, from 06 months to 12 months, for acts of violations specified in Clause 4 of this Article.

6. Remedial measures:

a) Force to withdraw the domain name ".VN" of e-commerce websites for acts of violations specified in Clause 4 of this Article;

b) Force to submit illegal benefits gained from conducting acts of violations as prescribed in clause 4 of this Article.

Article 84. Acts of violation on protection of personal information in e-commerce activities

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on one of acts of violations as follows:

a) Develop policies to protect personal information which is contrary to regulations;

b) No show to consumers the policies protecting personal information before or at the time of collecting information;

c) Fail to check, update, amend or cancel personal information upon being requested by the subject of information.

2. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of acts of violations as follows:

a) Do not set up a mechanism for receiving and resolving complaints from consumers regarding the use of personal information which is improper with purpose or notified scope;

b) Not build, promulgate and implement policies to ensure safety and security for the collection and use of personal information of consumers.

3. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on one of acts of violations as follows:

a) Collect personal information of consumers without the prior consent of the subject of information;

b) Set up a default mechanism to force consumers to agree with the fact that their personal information be shared, disclosed or used for purposes of advertising and other commercial purposes;

c) Use the personal information of consumers improperly with the purpose and the notified scope.

4. Additional penalties:

Suspend e-commerce activities, from 06 months to 12 months for acts of violations specified in clause 3 of this Article in cases of repeated violations or recidivism.

5. Remedial measures:

Force to submit illegal benefits gained from conducting acts of violations specified in clause 3 of this Article.

Article 85. Acts of violation on activities of assessment, supervision and certification in e-commerce

1. A fine of between VND 10,000,000 and 20,000,000 shall be imposed on one of acts of violations as follows:

a) Fail to comply with process and criteria for evaluation, supervision and certification as announced;

b) Fail to supervise activities of e-commerce websites under its evaluation, supervision and authentication.

2. A fine of between VND 20,000,000 and 30,000,000 shall be imposed on one of acts of violation as follows:

a) Provide services on assessment, supervision and authentication in electronic commerce which do not comply with registration or licensing dossiers;

b) Fail to perform statistical obligations, reports as prescribed.

3. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed on one of following acts of violation:

a) Provide services on assessment, supervision and certification in e-commerce when having not yet been certified the registration or licensed as prescribed;

c) Cheat or provide false information when registering or applying for a license to provide services on assessment, supervision and certification in e-commerce;

c) Fail to coordinate with state management agencies in inspection, testing and handling e-commerce websites which have been associated with prestigious logos but have signs of violations;

d) Fail to coordinate with state management agencies in the inspection, testing and handling traders, organizations which have been certified with policies on protection of personal information but have signs of law violation;

dd) Not supply documents and support state management agencies in investigating acts of violations pertaining to its electronic documents being stored and certified.

4. A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed on one of following acts of violation:

a) Take advantage of evaluation, supervision and authentication in e-commerce to get illicit profits;

b) Continue to operate after having terminated or having been cancelled registration, having terminated or having been revoked the operating licenses on assessment, supervision and authentication in e-commerce.

5. Additional forms of penalties:

a) Deprive the right to use the operating licenses on assessment and certifications on policies to protect personal information, licenses certifying e-contracts in e-commerce, from 06 months to 12 months, for acts of violations specified in point b, Clause 3 and point a, clause 4 of this Article;

b) Suspend activities of prestigious assessment of e-commerce websites, from 06 months to 12 months, for acts of violations specified at Points a and b, Clause 3 and Point a, Clause 4 of this Article.

6. Remedial measures:

Force to submit illegal benefits gained from committing acts of violations specified in Clause 4 of this Article.

SECTION 12. ACTS OF VIOLATION IN SETTING UP AND CONDUCTING COMMERCIAL ACTIVITIES OF FOREIGN TRADERS AND FOREIGNERS IN VIETNAM

Article 86. Acts of violation in setting up and operation of representative offices of foreign traders in Vietnam (below collectively referred to as representative offices)

1. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on one of following acts of violation:

a) Fail to operate within the prescribed time limit after being granted with the license on setting up a representative office;

b) Fail to perform or perform improperly provisions on publication on newspapers to notify about operation of the representative offices or contents published on newspapers are not correct or incomplete as prescribed;

c) Fail to notify competent state agencies within the prescribed time limit on the opening operation at its registered head office;

d) Declare dishonestly contents of the proposal documents for the issuance, re-issuance, amendment, supplementation, extension of licenses for establishment of representative offices;

dd) Fail to perform or perform improperly with provisions on publication on newspapers or listing publicly about the termination of operation of representative offices.

2. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on one of following acts of violation:

a) Have no location for the head office of a representative office or sublease of the head office of a representative office or operation which do not comply with the address stated in the license;

b) Fail to perform periodic reports or report dishonestly on the activities of the representative office with the competent state management agency that has granted the license as prescribed;

c) Fail to submit reports or provide documents or explanations about issues related to the operation of a representative offices at the request of the competent state agencies as prescribed;

d) Fail to carry out procedures for amendment, supplementation or re-issuance of a license for setting up a representative office as prescribed;

dd) Stop operation in excess of the prescribed time limit without notice to the competent state management agencies as prescribed;

e) Self-write additionally, erase or modify contents of the license on setting up the representative office already been granted.

3. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on one of following acts of violation:

a) To forge papers, documents in the application dossier for the issuance, re-issuance, amendment, supplementation, extension of the license for setting up a representative office;

b) Operate improperly with contents recorded in the license of the representative office;

c) Conduct promotions or hire other traders to conduct promotions in Vietnam for traders that they represent;

d) Direct display and introduce goods and services of a foreign trader that they represent at a location which is not the head office of the representative office or display, introduce goods or services of a foreign trader that they represent without the authorization of such trader;

dd) Perform additional function of representing other foreign traders;

e) The chief of a representative office concurrently is the head of a branch of such foreign trader in Vietnam;

g) The chief of a representative office concurrently is the legal representative of a foreign trader to sign contracts without the written authorization of such foreign trader;

h) The chief of a representative office concurrently is the legal representative of an enterprise being established according to laws of Vietnam;

i) The chief of a representative office enter into, amend, supplement a contract which has already entered into with a foreign trader without a valid written authorization of such foreign trader for each conclusion, amendment, supplementation unless otherwise permitted by laws;

k) Hire, borrow or rent, lend a license on setting up a representative office.

4. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on one of following acts of violation:

a) Continue operating after the foreign trader stopped their operation;

b) Continue operating after the competent state management authority withdrew its license for setting up of the representative office or the license expired and refused for extension.

Article 87. Acts of violation on setting up and operating representative offices of foreign trade promotion organizations in Vietnam (below collectively referred to as offices)

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on one of following acts of violation:

a) Declare dishonestly or incorrectly contents of the application dossier for the issuance, re-issuance, amendment, supplementation, extension of the license for setting up a representative office;

b) Fail to notify competent state agencies on the opening operation at the head office after being granted with a license for setting up an office at the registered head office as prescribed;

c) Fail to conduct notification publicly on the operation of the office in Vietnam as prescribed;

d) Fail to conduct procedures for amendment, supplementation of the license for setting up an office when changing the head of the office, the location of the head office of a foreign trade

promotion organization, the location of the head office within a province or centrally-run city, name or activities of the licensed office as prescribed;

dd) Fail to conduct procedures for re-issuance of the license on setting up an office when changing location of the head office to another province or centrally-run city or changing the name, activities, location where registering the establishment of a foreign trade promotion organization from a country to another country as prescribed;

e) Self-erase or amend contents of the license for setting up the representative office granted;

g) Fail to have location of the head office of a representative office or location of the head office of a representative office does not consistent with location recorded in the license for setting up the representative office;

h) Sublease the head office or perform the representative function for another trade promotion organization.

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on one of the following acts of violation:

a) Fail to officially operate within 06 months from the day of receiving the license on its establishment;

b) Stop operating in a consecutive period of 06 months without notice to the competent state management agency which granted the license of establishment;

c) Fail to submit a report or submit a report which do not comply with the prescribed time limit or fail to provide documents or explanations on matters pertaining to activities of the office at the request of a competent state agency;

d) Operate improperly with contents recorded in the license for setting up the office, except cases as prescribed in Point b, Clause 3 of this Article;

dd) The head of the office concurrently is the chief of the representative office of another foreign trader or organization in Vietnam;

e) Stop operating before the operation period recorded in the license when it is not approved by the licensing agency yet;

g) Perform improperly provisions of the State Bank of Vietnam on opening, using and closing the bank account of the office;

h) Continue operating after the license for setting up the office being revoked by the licensing agency or the operating period recorded in the license for setting up the office is expired but has not yet been extended;

i) Continue operating after its foreign trade promotion organization stopped operating.

3. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on one of following acts of violation:

a) Set up more than a representative office in Vietnam;

b) Set up an office which is directly associated with a representative office of a trade promotion organization in Vietnam;

c) Conduct activities relating to trade promotion in Vietnam without setting up of a trade promotion representative office;

d) Set up a trade promotion representative office illegally in Vietnam;

dd) Conduct directly profit-generating activities in Vietnam.

4. Remedial measures:

Force to submit illicit benefits gained from conducting acts of violation specified in point h of clause 1 and point dd of clause 3 of this Article.

Article 88. Acts of violation on the establishment and commercial operation of Vietnam-based branches of foreign traders (below collectively referred to as branches)

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on one of following acts of violation:

a) Fail to operate within the prescribed time limit after receiving the license for setting up a branch;

b) Fail to perform or perform improperly provisions on publication on newspapers to notify about operation of a branch or contents published on newspapers are incorrect or incomplete as prescribed;

c) Fail to notify competent state management agencies within the prescribed time limit about the opening operation at the registered head office;

d) Declare dishonestly contents in the application dossier for the issuance, re-issuance, amendment, supplementation, extension of the license for setting up a branch;

dd) Fail to perform or perform improperly with provisions on publication on newspapers or listing publicly when stopping operation of the branch.

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on one of following acts of violation:

a) Fail to have the head office of the branch or sublease the head office of the branch or operate improperly with the location being recorded in the license;

b) Fail to conduct periodic reports or report dishonestly on the activities of the branch with the competent state management agency which granted the license as prescribed;

c) Fail to submit reports or provide documents or explanation about issues related to the operation of a branch at the request of the competent state agencies;

d) Fail to carry out procedures for amendment, supplementation or re-issuance of a license for setting up a branch as prescribed;

dd) Stop operation in excess of the prescribed time limit without notifying the competent state agencies;

e) Self-write additionally, erase or modify contents of the license for setting up the branch granted.

3. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed on one of following acts of violation:

a) Falsify papers, documents in the application dossier for issuance, re-issuance, amendment, supplementation or extension of the license for setting up the branch;

b) Operate improperly with contents recorded in the license for setting up the branch;

c) Perform the function of representing other foreign traders;

d) The head of a branch concurrently is the legal representative of a representative office of the same foreign trader in Vietnam;

dd) The head of a branch concurrently is the legal representative of a representative office, a branch of other foreign traders in Vietnam;

e) Rent or lease the license for setting up a branch.

4. A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed on one of following acts of violation:

a) Continue operating after the foreign trader stopped operation;

b) Continue operating after the competent state management agency withdraws its license for setting up the branch or the license is expired but not been extended.

Article 89. Acts of violation on goods sale and purchase activities or activities related directly to goods sale and purchase of foreign-invested enterprises in Vietnam

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on one of following acts of violation:

a) Declare dishonestly contents of the application dossier for the issuance, re-issuance, amendment, supplementation, extension of the business license, license for setting up a retail establishment;

b) Fail to declare the lost of the business license or the license for setting up the retail establishment with the competent state management agencies as prescribed;

c) Fail to submit reports, provide documents or explanations on matters related to the operation of enterprise with the competent state agencies as prescribed;

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on one of following acts of violation:

a) Fail to conduct procedures for amendment, supplementation of the business license or the license for setting up a retail establishment as prescribed when changing one of contents recorded in the business license or the license for setting up a retail establishment;

b) Fail to conduct procedures for re-issuance of the business license or the license for setting up a retail establishment in case where the business license or the license for setting up a retail establishment is lost, ragged, crushed fired or destroyed under other forms as prescribed.

3. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed on one of following acts of violation:

a) Organize a network to buy goods in Vietnam for export which is in contrary to legal provisions of Vietnam and international treaties in which the Socialist Republic of Vietnam is a contracting party;

b) Organize or participate in a goods distribution system in Vietnam which is contrary to legal provisions of Vietnam and international treaties in which the Socialist Republic of Vietnam is a contracting party;

c) Trade goods or services which do not comply with commitments on opening the market of Vietnam or legal provisions of Vietnam;

dd) Operate out of scope of contents recorded in the business license or the license for setting up a retail establishment;

dd) Set up a retail establishment in Vietnam illegally.

4. A fine of between VND 40,000,000 and VND 50,000,000 for the act of continuing its operation after the competent state management agency withdraws its business license or its

license for setting up a retail establishment or its business license or its license for setting up a retail establishment is expired, not been extended.

5. Additional forms of penalties:

Deprive the right to use its business license or its license for setting a retail establishment, from 01 month to 06 months, or suspend its operation, from 01 month to 06 months, for acts of violations specified in clause 3 of this Article.

6. Remedial measures:

Force to submit illicit benefits gained from conducting acts of violation specified in clause 3 and clause 4 of this Article.

Article 90. Acts of violation on performance of the export right, the import right of foreign traders without their presence in Vietnam

1. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on one of following acts of violation:

- a) Declare dishonestly contents in the application dossier for issuance, re-issuance, amendment, supplementation or extension of a certificate on registration of the export right and the import right;
- b) Fail to register the contact address with the competent state management agencies as prescribed;
- c) Fail to conduct procedures for amendment, supplementation, re-issuance or extension of the certificate on registration of the export right and the import right as prescribed;
- d) Fail to perform or perform improperly provisions on the publication on mass media of Vietnam after being granted or amended, supplemented or extended the certificate on registration of the export right and the import right.

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on one of following acts of violation:

- a) Fail to submit annual reports or ad-hoc reports at the request of the competent state management agencies on situation of export or import of the trader as prescribed or fail to report completely, accurately or in the prescribed time limit;
- b) Fail to send notification on the termination of its operation to the state agency which granted the certificate on registration of the export right and the import right or fail to send notification timely before the date expected to terminate its operation as prescribed;

c) Fail to perform or perform improperly with provisions on the public notification on mass media in Vietnam when expecting to terminate its operation.

3. A fine of between VND 30,000,000 and VND 40,000,000 shall be imposed on one of following acts of violation:

a) Falsify papers, documents in the application dossier for issuance, re-issuance, amendment, supplementation or extension of a certificate on registration of the export right and the import right;

b) Purchase goods for export from or sell the imported goods to Vietnamese traders which do not register their business for such a category of goods;

c) Export a category of goods which is not under the category of goods permitted to export as recorded in the certificate on registration of the export right and the import right granted, amended, supplemented or extended;

d) Import a category of goods which is not under the category of goods permitted to import as recorded in the certificate on registration of the export right and the import right granted, amended, supplemented or extended;

4. A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed on acts of exporting, importing goods that the state management agency has withdrawn the certificate on registration of the export right and the import right or the certificate on registration of the export right and the import right is expired but not been extended.

5. Additional forms of penalties:

Confiscate material evidence for acts of violation specified in point d, clause 3 and clause 4 of this Article.

6. Remedial measures:

Force to remove out of the territory of Vietnam at the import border gate or force to re-export the material evidence for acts of importing goods specified in point d of clause 3 and clause 4 of this Article.

Article 91. Acts of violation on illegal commercial activities of foreigners in the territory of Vietnam

1. A fine of between VND 5,000,000 and 10,000,000 shall be imposed on foreigners who have acts of illegally selling in the territory of Vietnam duty-free imported consumer goods for use according to the prescribed standards.

2. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on foreigners who have acts of illegal commercial operation in the territory of Vietnam.

3. A fine of between VND 40,000,000 and 50,000,000 shall be imposed on foreigners who fall in one of the following cases:

- a) Conduct illegal commercial operation in an organized manner in the territory of Vietnam;
- b) Consume illegally means of moving, means of transport, informatics machines, office equipment or interior equipment imported with tax exemption for use according to the prescribed standards;
- c) Consume illegally means of moving, means of transport which temporarily entry into Vietnam.

4. Additional forms of penalties:

Confiscate material evidence, means of violation for acts of violation specified in this Article.

5. Remedial measures:

Force to submit illicit benefits gained from conducting acts of violation specified in this Article.

SECTION 13. OTHER ACTS OF VIOLATION IN COMMERCIAL ACTIVITIES

Article 92. Acts of violation in multi-level marketing operation

1. A warning or a fine of between VND 300,000 and VND 500,000 shall be imposed on a person who participates in the multi-level marketing have one of following acts of violation:

- a) Fail to perform properly provisions on objects permitted to participate in multi-level marketing;
- b) Fail to present the card on participation in multi-level marketing before introducing goods or marketing goods;
- c) Fail to notify completely contents according to provisions when patronizing another person to participate in the network of multi-level marketing.

2. A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed on a person who participates in the multi-level marketing having one of following acts of violation:

- a) Fail to comply with provisions on the operating regulations and the goods selling program of a multi-level marketing enterprise registered with the competent state agency;
- b) Use a person who participates in the multi-level marketing network for introducing selling activities without stating his/ her name, age, duration of participation and profits earned in each period or fail to present invoices verified by a tax agency that collected tax from such person.

3. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed on a person who participates in multi-level marketing requesting the person who are guaranteed by him / her participating in the multi-level marketing network to pay any charges for a studying course, a training course, a conference, a social activity or other similar activities.

4. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on a person who participates in the multi-level marketing having one of following acts of violation:

a) Provide false information on benefits of the participation in multi-level marketing for other persons to participate in the multi-level marketing;

b) Provide misleading information about qualification, effects of goods for other persons to participate in the multi-level marketing;

c) Provide misleading information about activities of multi-level marketing traders to pursue other persons to participate in the multi-level marketing.

5. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on a multi-level marketing trader who has one of following acts of violation:

a) Fail to build or notify publicly the operational regulation of trader and persons who participate in the multi-level marketing;

b) Fail to enter into a written agreement with a participant or the agreement does not have complete basic contents as prescribed;

c) Fail to issue a card for participating in the multi-level marketing network to a participant or issue a card which does not comply with the prescribed sample;

d) Fail to provide completely information, documents as prescribed to a person who intends to participate in the multi-level marketing network;

dd) Violate provisions on the termination of an agreement on participation in multi-level marketing;

e) Fail to conduct deduction of personal income tax of a participant to submit to the state budget before paying commission, bonus or other economic benefits to such participant;

g) Fail to notify a participant about goods which shall not be bought back by the enterprise before such participant conducts his/ her purchase;

h) Fail to perform reporting regime or report insufficiently, dishonestly, lately to the competent state agencies as prescribed;

i) Fail to notify, fail to provide completely or provide wrongly the list of participants in multi-level marketing before these persons deploying their sales or developing their multi-level

marketing networks outside a centrally-run province or city where the enterprise locating its head office to state management agencies as prescribed;

k) Fail to compensate to consumers or participants in cases as prescribed;

l) Fail to supervise regularly activities of participants to make sure that participants perform properly with the operational principals and goods sale programs of the enterprise;

m) Fail to train, refresh multi-level marketing skills, laws on multi-level marketing for participants;

n) Train participants improperly with the programs, locations, time of training as registered with competent state agencies.

6. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on a multi-level marketing trader who has one of following acts of violation:

a) Withdraw or use a part or all deposits which is contrary to the legal provisions, except case where multi-level marketing operation has been terminated or suspended;

b) Reject, without plausible reasons, to pay amounts of commissions, bonuses or other economic benefits that participants are entitled to get;

c) Change contents of the goods selling program without conducting procedures for proposing to issue additionally the registration on multi-level marketing organization;

d) Fail to notify competent state management agencies where a goods selling network is developed when developing a goods selling network to provinces or centrally-run cities where the enterprise's head office is not located as prescribed;

dd) Fail to perform obligations as prescribed when suspending or terminating activities;

e) Provide purposely dishonest information in the application dossier for issuance of the registration on multi-level marketing.

7. A fine of between VND 40,000,000 and VND 50,000,000 shall be imposed on a multi-level marketing trader who has one of following acts of violation:

a) Organize multi-level marketing without registration on multi-level marketing organization granted by a competent state agency;

b) Fail to perform properly provisions on goods being permitted to trade according to multi-level marketing method.

8. Additional forms of penalties:

- a) Confiscate material evidence for acts of violation specified in point b, clause 7 of this Article;
- b) Deprive the right to use its registration on multi-level marketing organization, from 01 month to 03 months, or suspend its operation, from 01 month to 03 months, for acts of violations specified in between clause 5 and clause 7 of this Article.

9. Remedial measures:

- a) Force to correct information which is untrue or causes confusion for acts of violation specified in points b, c of clause 4 of this Article;
- b) Force to submit illicit benefits gained from conducting acts of violation specified in this Article.

Article 93. Acts of violation on trading in bidding of goods or services

- 1. A fine of between VND 1,000,000 and 3,000,000 shall be imposed on acts of inviting bids with incomplete contents as prescribed.
- 2. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed on acts of failing to make records when opening a bid or contents of a bid opening record is improperly made as prescribed.
- 3. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on acts of amending the bid dossier after opening the bid.
- 4. For acts of violation on bidding for goods or services pertaining to public procurement and use of the state capital, provisions on sanctioning administrative violations in related state management areas shall be applied.

5. Remedial measures:

- a) Force to cancel bidding results for violations specified in clauses 2 and 3 of this Article.
- b) Force to submit illegal benefits gained from conducting acts of violations as prescribed in clause 3 of this Article.

Article 94. Acts of violation on providing commercial assessment services

- 1. A warning or a fine of between VND 500,000 and VND 1,000,000 shall be imposed on acts of authorizing the assessment or re-authorizing the assessment without having a contract as prescribed.
- 2. A fine of between VND 1,000,000 and 3,000,000 shall be imposed on acts of providing an assessment service which goes beyond services registered in the certificate of business registration or other papers granted or certified as prescribed.

3. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed on one of following acts of violation:

- a) Providing an assessment service which does not ensure conditions as prescribed;
- b) Appoint assessors to conduct commercial assessment who do not meet criteria as prescribed.

4. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on one of following acts of violation:

- a) Use professional seals on assessment certificates when such seals have not been registered with the competent state management agencies as prescribed;
- b) Change, supplement professional seals without re-registering with the competent state agencies as prescribed;
- c) Fail to submit professional seals to the competent state management agencies in case the registration of professional seals is cancelled;
- d) Conduct a commercial assessment service in cases where such an assessment is concerned with the main rights and interests of such an assessment enterprise and such an assessor.

5. Additional forms of penalties:

- a) Confiscate material evidence for acts of violation specified in clause 4 of this Article;
- b) Suspend activities, from 01 month to 03 months, for acts of violations specified in clauses 2, 3 and points a, b, c and d of clause 4 of this Article, in cases of repeated violations or recidivism.

6. Remedial measures:

Force to submit illicit benefits gained from conducting acts of violation specified in this Article.

Article 95. Acts of violation on providing commercial franchise

1. A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed on acts of commercial franchise which do not have contracts as prescribed.

2. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed on one of following acts of violation:

- a) Declare dishonestly, inaccurately contents in the application dossier for registration of commercial franchise operation;
- b) Language and main contents of commercial franchise contracts which are improper with provisions;

c) Provide dishonest information, information with incomplete compulsory contents in the introduction of the commercial franchise;

d) Fail to provide or provide incompletely, inaccurately information in commercial franchise activities as prescribed;

dd) Fail to submit reports or provide documents or report dishonestly or incompletely about matters pertaining to commercial franchise activities at the request of the competent state management agencies.

3. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on one of following acts of violation:

a) Fail to register commercial franchise activities as prescribed;

b) Provide commercial franchise when conditions have not satisfied yet as prescribed;

c) Fail to notify the competent state management agencies on changes in commercial franchise activities as prescribed.

4. A fine of between VND 10,000,000 and VND 30,000,000 shall be imposed on one of following acts of violation:

a) Provide commercial activities - for goods being applied with emergency measures as conditional circulation or required to have licenses but fail to ensure conditions or to have licenses as prescribed;

b) Continue providing commercial franchise when the time limit of commercial franchise contracts is expired.

5. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on acts of providing commercial franchise of banned goods or services banned from trading, circulated goods being applied with emergency measures of banning circulation or suspending circulation.

6. Remedial measures:

Force to submit illicit benefits gained from conducting acts of violation specified in this Article.

Article 96. Acts of violation on goods processing in commerce

1. A warning or a fine of between VND 500,000 and VND 1,000,000 shall be imposed on acts of placing orders of processing goods in commerce or receiving the orders of processing goods in commerce without contracts as prescribed.

2. A fine of between VND 10,000,000 and VND 30,000,000 shall be imposed on acts of placing orders of processing or receiving orders of processing banned goods, domestically-circulated

goods being applied with emergency measures of banning circulation or suspending circulation as prescribed.

3. Additional forms of penalties:

Confiscate material evidence for acts of violation specified in clause 2 of this Article.

4. Remedial measures:

Force to submit illegal benefits gained from conducting acts of violations as prescribed in clauses 1 and 2 of this Article.

Article 97. Acts of violation on goods sale and purchase through the Goods Exchange Departments

1. A fine of between VND 1,000,000 and VND 3,000,000 shall be imposed on acts of staff of the goods exchange Departments who conduct brokerages for goods sale and purchase through the Goods Exchange Departments.

2. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed on one of following acts of violation:

a) Participate in activities of goods sale and purchase through the Goods Exchange Departments in foreign countries which do not comply with the road map, scope and conditions according to legal provisions;

b) Conduct activities of goods sale and purchase through the Goods Exchange Departments while not being a trading member of the Goods Exchange Departments.

3. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on staff of the Goods Exchange Departments who has one of acts of violation as follows:

a) Fail to ensure for making separate accounting for activities of goods sale and purchase through the Goods Exchange Departments of each customer and of themselves;

b) Fail to keep the mandate contracts for transactions, the mandate commands for transactions and requirements of adjustments or cancellation of the mandate commands for transactions of customers;

c) Fail to reserve completely documents and accounts reflecting in details, precision of transactions for customers and for themselves;

d) Fail to inform customs the reasons for terminating their memberships and the performance of obligations of customers according to the mandate contracts;

dd) Fail to perform or perform improperly the notification of transactions for customers as prescribed;

e) Fail to sign the mandate contracts in writing with customers according to legal provisions or perform transactions for customers while they have not receive the mandate command for transactions from customers;

g) Be brokers but without contracts signed with customers as prescribed;

h) Take mandated transactions from customers improperly with provisions.

4. A fine of between VND 10,000,000 and VND 30,000,000 shall be imposed on staff of the Goods Exchange Departments who has one of acts of violation as follows:

a) Entice customers to sign contracts by promising to compensate the whole or a part of damages arising or guarantee a share of profits for customers;

b) Use artificial price and other fraudulent measures while acting as a broker for customers;

c) Conduct brokerage activities for goods purchase and sale through the Goods Exchange Departments while not being a broker of the Goods Exchange Departments.

5. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on staff of the Goods Exchange Departments who has one of acts of violation as follows:

a) Fail to perform or perform improperly escrow for transaction as prescribed;

b) Fail to perform improperly provisions on the total transaction limit or the transaction limit;

c) Entice customers to sign contracts by promising to compensate the whole or a part of damages arising or guarantee a share of profits for customers;

6. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on the Goods Exchange Departments having one of following acts of violation:

a) Declare inaccurately or untimely contents in the application dossier for issuance, re-issuance, amendment or supplementation of the license for setting up a Goods Exchange Department;

b) Refuse to accept the membership of the Goods Exchange Department without a written response or fail to state clearly reasons thereof.

7. A fine of between VND 10,000,000 and VND 30,000,000 shall be imposed on the Goods Exchange Departments having one of following acts of violation:

a) Fail to notify the specific time of transactions as prescribed;

b) Fail to notify the operation charter, the license for setting up the Goods Exchange Department accredited, granted, amended or supplemented by the competent state management agency;

c) Fail to conduct procedures for requesting the re-issuance of the license for setting up the Goods Exchange Department in case the license for setting up the Goods Exchange Department is lost, ragged, fired or destroyed under other forms;

d) Fail to conduct procedures for requesting the amendment, supplementation of the license for setting up the Goods Exchange Department in case where there are changes in contents in the license for setting up the Goods Exchange Department;

dd) Fail to notify or notify untimely about cases of suspending transactions as prescribed;

e) Fail to notify, notify incompletely or incorrectly the list and information of members of the Goods Exchange Department; information on transactions and transaction commands on goods purchase and sale through the Goods Exchange Department and other information according to the operation charter of the Goods Exchange Department;

g) Fail to perform or perform inaccurately or incompletely provisions on periodic reports or ad-hoc reports at the request of the competent state management agency regarding information relating to activities of goods purchase and sale through the Goods Exchange Department and members of the Goods Exchange Department at the time of reporting;

h) Provide misleading news about transactions, markets or prices of goods being sold or purchased through the Goods Exchange Department.

8. A fine of between VND 30,000,000 and VND 50,000,000 shall be imposed on the Goods Exchange Department having one of following acts of violation:

a) Use fake papers in the application dossier for the establishment, amendment, supplementation or re-issuance of the license for setting up the Goods Exchange Department;

b) Accept the membership for traders who do not satisfy conditions as prescribed;

c) Fail to perform or perform improperly escrow for transactions as prescribed;

d) Fail to establish the internal control system, risk management and supervision, prevention of internal interest conflicts and in transaction necessarily as prescribed;

dd) Allow members who have been terminated their memberships to continue conducting activities of goods purchase and sale through the Goods Exchange Department;

e) Organize transaction activities for categories of goods which are not under the list of goods announced by the competent state agency;

g) Fail to properly perform provisions on the total transaction limit or the transaction limit;

h) Fail to properly conduct transaction methods or principals for matching transaction commands or disclosing information of transaction as prescribed.

9. Remedial measures:

Force to submit illicit benefits gained from conducting acts of violation specified in this Article.

Article 98. Acts of violation on doing business in supermarkets or commercial centers

1. A fine of between VND 3,000,000 and VND 5,000,000 shall be imposed on one of following acts of violation:

a) Name the trading establishment as supermarket or commercial center or similar words in a foreign language which does not satisfy criteria as prescribed;

b) The operation regulation of supermarket, commercial center does not reflect full contents according to provisions or has not been approved by the competent state management agency;

c) Fail to list the operation regulation at the supermarket or the commercial center;

d) Fail to make periodic or ad-hoc reports on the situation of activities of the supermarket, the commercial center at the request of the competent state management agency as prescribed.

2. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on one of following acts of violation:

a) Fail to have a sign board for the supermarket or the commercial center as prescribed;

b) Have a sign board for the supermarket or the commercial center improperly with contents and forms as prescribed;

c) Operate supermarkets or commercial centers by enterprises which do not have business registration of commercial activities as prescribed;

d) Goods traded in supermarkets or commercial centers have no name of goods, services and name of supermarket or commercial center as prescribed;

dd) Goods sold in supermarkets, commercial centers having warranty regimes which do not state clearly the time limit or locations for warranty as prescribed.

3. A fine of between VND 10,000,000 and VND 30,000,000 shall be imposed on acts of selling or purchasing in supermarkets, commercial centers categories of goods which contain radioactive substances or radiation devices exceeding the permitted levels; explosive materials, liquid chemicals, flammable gases; veterinary medicines, insecticides and goods containing toxic chemicals which are under the list of items restricted from trading as prescribed.

4. Additional forms of penalties:

Suspend operation, from 01 month to 06 months, for acts of violation specified in clause 3 of this Article.

Article 99. Violations of regulations on sealing, seizing material evidence or means of violation

1. A fine of between VND 2,000,000 and VND 5,000,000 shall be imposed on acts of arbitrarily removing or destroying seals on material evidence or means of violation which are being sealed, seized or arbitrarily changing the scene of administrative violation.

2. A fine of between VND 5,000,000 and VND 10,000,000 shall be imposed on acts of changing, exchanging fraudulently the material evidence or means which are being inspected, checked, sealed or seized.

3. A fine of between VND 10,000,000 and VND 20,000,000 shall be imposed on acts of storing or keeping illegally the material evidence or means which are being inspected, checked, sealed or seized.

4. A fine of between VND 20,000,000 and VND 30,000,000 shall be imposed on acts of consuming, hiding or destroying the material evidence or means which are being inspected, checked, sealed or seized.

5. Remedial measures:

Force to withdraw the material evidence, means of violation which have been hidden or force to submit an amount of money which is equal to value of the material evidence, means of violation which have been sold, hidden or destroyed for acts of violation specified in clauses 3 and 4 of this Article.

Chapter 3.

COMPETENCY IN MAKING RECORDS OF ADMINISTRATIVE VIOLATIONS AND SANCTIONING ADMINISTRATIVE VIOLATIONS

Article 100. The competency in making records of administrative violation

Persons who have competency in imposing penalties on administrative violation specified from Article 101 and Article 103 of this Decree shall have competency to inspect, check, make records of administrative violation for acts of administrative violation specified in this Decree according to their functions, tasks and powers assigned.

Article 101. The competencies of Chairpersons of the People's Committees at all levels

1. The Chairpersons of the ward-level People's Committees have powers:

- a) To impose warnings;
- b) To impose a fine which is up to VND 5,000,000;
- c) Confiscate the material evidence, means of administrative violation with a value not exceeding the fine level specified in point b of this clause;
- d) Apply remedial measures for acts of administrative violation specified in this Decree according to competencies provided in points a, b, c and dd of clause 1 of Article 28 of the Law on handling of administrative violation.

2. The Chairpersons of the district-level People's Committees have powers:

- a) To impose warnings;
- b) To impose a fine which is up to VND 50,000,000;
- c) To deprive the right to use the license, the practice certificate with a time limit or suspend the operation with a time limit;
- d) To confiscate the material evidence, means of administrative violation with value not exceeding the fine level specified in point b of this clause;
- dd) To apply remedial measures for acts of administrative violation specified in this Decree according to competencies provided in points a, b, c, dd, e, h, i and k of clause 1 of Article 28 of the Law on handling of administrative violation.

3. The Chairpersons of the provincial-level People's Committees have powers:

- a) To impose warnings;
- b) To impose a fine up to the maximum level specified in this Decree;
- c) To deprive the right to use the license, the practice certificate with a time limit or suspend the operation with a time limit;
- d) To confiscate the material evidence or means of administrative violation;
- dd) To apply remedial measures for acts of administrative violation specified in this Decree according to competencies provided in clause 1 of Article 28 of the Law on handling of administrative violation.

Article 102. The competencies of the Market Control agencies

1. Market controllers on duty have powers:

a) To impose warnings;

b) To impose a fine which is up to VND 500,000.

2. The Chief of a Market Control Squad have powers:

a) To impose warnings;

b) To impose a fine which is up to VND 25,000,000;

c) To confiscate the material evidence, means of administrative violation with a value not exceeding the fine level specified in point b of this clause;

d) To apply remedial measures specified in this Decree, except measures that force to remedy the environment pollution situation, epidemic spreads and force to remove out of the territory of Vietnam or force to re-export goods, items or means.

3. Directors of the Market Surveillance Sub-Departments under the provincial Departments of Industry and Trade, Heads of the Anti-smuggling Department, Heads of Anti-counterfeiting Department, and Heads of Goods Quality Control under the Market Surveillance Department shall have powers:

a) To impose warnings;

b) To impose a fine which is up to VND 50,000,000;

c) To confiscate the material evidence, means of administrative violation with a value not exceeding the fine level specified in point b of this clause;

d) To deprive the right to use the license, the practice certificate with a time limit or suspend the operation with a time limit;

dd) To apply remedial measures prescribed in this Decree.

4. The Chief of Market Surveillance Department shall have powers:

a) To impose warnings;

b) To impose a fine up to the maximum level specified in this Decree;

c) To confiscate the material evidence or means of administrative violation;

d) To deprive the right to use the license, the practice certificate with a time limit or suspend the operation with a time limit;

dd) To apply remedial measures prescribed in this Decree.

Article 103. The competency of the People’s Police, Customs agencies, Border Guards, Maritime Police and Specialized Inspection Agencies

1. Competent officials of the People’s Police have competency in imposing penalties on administrative violation, applying remedial measures for acts of administrative violation prescribed in this Decree according to the competencies specified in Article 39 of the Law on handling of administrative violation and their functions, tasks, powers assigned.
2. Competent officials of the Customs agencies have competency in imposing penalties on administrative violation, applying remedial measures for acts of administrative violation regarding import, export of goods or services pertaining to the import, export of goods and goods exchange between the border residents prescribed in this Decree according to the competencies specified in Article 42 of the Law on handling of administrative violation and their functions, tasks, powers assigned.
3. Competent officials of the border guards have competency in imposing penalties on administrative violation, applying remedial measures for acts of administrative violation regarding sale, purchase, and transport of goods through borders prescribed in this Decree according to the competencies specified in Article 40 of the Law on handling of administrative violation and their functions, tasks, powers assigned.
4. Competent officials of the maritime police have competency in imposing penalties on administrative violation, applying remedial measures for acts of administrative violation regarding sale, purchase or transport of goods through borders prescribed in this Decree according to the competencies specified in Article 41 of the Law on handling of administrative violation and their functions, tasks, powers assigned.
5. Competent officials of the inspection agencies prescribed in Article 46 of the Law on handling of administrative violation have competency in imposing penalties on administrative violation, applying remedial measures for acts of administrative violation prescribed in this Decree according to the competencies specified in Article 46 of the Law on handling of administrative and the management domains of sector.

Article 104. Determination of competency in imposing fines

The competency in imposing a fine of officials who have competencies in imposing penalties on administrative violation prescribed from Article 101 to Article 103 of this Decree is the competency being applied with one act of administrative violation of an individual; in case the act of violation is committed by an organization, the competency in imposing a fine shall double the competency on imposing a fine for an individual.

Chapter 4.

IMPLEMENTATION PROVISIONS

Article 105. Implementation effect

1. This Decree comes into effect from 01 January 2014.
2. This Decree replaces:
 - a) The Government's Decree No. 06/2008/ND-CP dated January 16, 2008, regarding the penalties on administrative violations in commercial activities;
 - b) The Government's Decree No. 112/2010/ND-CP dated December 01, 2010, regarding the amendment and supplementation of a number of articles of the Government's Decree No. 06/2008/ND-CP dated January 16, 2008, regarding the penalties on administrative violations in commercial activities;
 - c) The Government's Decree No. 107/2008/ND-CP dated September 22, 2008, stipulating the administrative penalties on acts of speculating, hoarding, increasing prices, spreading false information, smuggling and commercial fraud;
 - d) The Government's Decree No. 06/2009/ND-CP dated January 11, 2009, regarding the penalties on administrative violation in production and trade of wines and cigarettes;
 - dd) The Government's Decree No. 76/2010/ND-CP dated July 12, 2010, regarding the amendment and supplementation of Article 11 of The Government's Decree No. 06/2009/ND-CP dated January 11, 2009 regarding the penalties on administrative violation in production and trade of wines and cigarettes;
 - e) The Government's Decree No. 19/2012/ND-CP dated March 16, 2012, stipulating the penalties on administrative violation in the domain of protection of the consumer rights;
 - g) The Government's Decree No. 08/2013/ND-CP dated January 10, 2013, stipulating the penalties on administrative violation for acts of production or trade of fake goods.

Article 106. Transitional provisions

For acts of administrative violations in commercial activities, production, trade of fake goods, banned goods and protection of the consumer rights occurred before the effective date of this Decree, provisions on penalties which are favorable to violated individuals and organizations shall apply.

Article 107. Implementation Obligation

1. The Minister of Industry and Trade shall be responsible for guiding the implementation of this Decree.
2. The Minister of Finance shall be responsible for detailing the illegal benefits gained from conducting acts of violation being forced to submit according to Article 37 of the Law on handling of administrative violation and point dd, clause 5 of Article 4 of this Decree.

3. Ministers, Heads of ministerial-level agencies, Heads of governmental agencies, Chairpersons of People's Committees of provinces or centrally-run cities shall, within their scopes of functions and tasks, be responsible for implementing this Decree./.

**ON BEHALF OF THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Tan Dung

*This translation is made by **LawSoft** and for reference purposes only. Its copyright is owned by **LawSoft** and protected under Clause 2, Article 14 of the Law on Intellectual Property. Your comments are always welcomed*