

**THE GOVERNMENT**

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**THE SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom – Happiness**

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*Hanoi, May 16, 2019*

**DECREE**

**PENALTIES FOR ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON FISHERIES**

*Pursuant to the Law on Government organization dated June 19, 2015;*

*Pursuant to the Law on Penalties for administrative violations dated June 20, 2012;*

*Pursuant to the Law on fisheries dated November 21, 2017;*

*At the request of the Minister of Agriculture and Rural Development;*

*The Government promulgates a Decree providing for penalties for administrative violations against regulations on fisheries.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1. Scope**

1. This Decree deals with administrative violations, penalties, fines, remedial measures against each violation, the power to impose penalties, fines imposed by authorized title holders, and the power to record administrative violations against regulations on fisheries.

2. Other administrative violations against regulations on fisheries which are not prescribed in this Decree shall be governed by other relevant Government's decrees on penalties for administrative violations within the scope of state management.

**Article 2. Regulated entities**

1. Vietnamese and foreign organizations and individuals (hereinafter referred to as “entities”) that commit administrative violations specified in this Decree.

2. The organizations mentioned in Clause 1 of this Article include:

a) Economic organizations that are duly established under the Law on enterprises, consisting of: Private enterprises, joint-stock companies, limited liability companies, partnerships and their affiliates (including branches and representative offices);

b) Economic organizations that are duly established under the Law on co-operatives, consisting of: Co-operatives and cooperative unions;

c) Organizations that are duly established under the Law on investment, consisting of: Domestic investors, foreign investors and foreign-invested economic organizations; representative offices and branches of foreign traders in Vietnam; representative offices of foreign trade promotion organizations in Vietnam;

d) Social organizations, socio-political organizations, and socio-professional organizations;

dd) Administrative units and other organizations as prescribed by law.

3. Household businesses that are required to register their business as prescribed by law and business families shall incur the same penalties as those incurred by individuals for committing administrative violations specified in this Decree.

### **Article 3. Prescriptive periods for administrative violations punishable**

The prescriptive period for imposition of penalties for fisheries offences is 01 year. The prescriptive period for imposition of penalties for administrative violations against regulations on production, trading, import and export of fishing vessels, aquatic breeds, aquatic feeds, products used for remediation of aquaculture environment and protection of aquatic resources shall be 02 years.

### **Article 4. Penalties and remedial measures**

1. The entity that knowingly commits any of the administrative violations in fishing industry shall be fined.

2. The violating entity shall, subject to the nature and severity of each administrative violation, also incur one or some of additional penalties as follows:

a) Suspension of license or practicing certificate or operations for a fixed period;

b) Confiscation of exhibits and instrumentalities of administrative violations, including: Fishing vessels, fishing gears, electrofishing equipment, chemicals, banned chemicals, toxins, fish and fishery products, certificates, licenses, permits or written approvals whose contents are erased or altered.

3. In addition to the remedial measures specified in Clause 1 Article 28 of the Law on penalties for administrative violations, this Decree also provides remedial measures as follows:

- a) Enforced release of live aquatic animals;
- b) Enforced transfer of dead aquatic animals of endangered, rare and precious species to regulatory authorities;
- c) Enforced additional farming of endangered, rare and precious aquatic species as prescribed;
- d) Enforced restoration to original conditions of functional sub-areas of marine protected areas, habitats of aquatic animals, marine areas, land areas, waters and facilities of fishing ports;
- dd) Enforced destruction or repurposing of aquatic breeds, aquatic species, fishery products, aquatic feeds and aqua environmental remediation products;
- e) Enforced re-export of aquatic breeds, aquatic species, aquatic breeds and aqua environmental remediation products;
- g) Enforced recycling of aquatic breeds and aqua environmental remediation products;
- h) Fishing vessel owners are compelled to cover costs for bringing their fishermen seized by foreign regulatory authorities into Vietnam;
- i) Enforced destruction of fishing vessels which are prohibited from development or the ones built or modified without written approval from regulatory authorities;
- k) Enforced flying of the national flag of the Socialist Republic of Vietnam or the flag of the ship's nationality;
- l) Enforced return of encroached areas;
- m) Enforced re-export of fishing vessels.

#### **Article 5. Fines and power to impose fines**

1. The maximum fine for a violation against regulations on fisheries incurred by an individual is VND 1,000,000,000.
2. The fines prescribed in Chapter II hereof are imposed for administrative violations committed by individuals, except the administrative violations mentioned in Article 40 hereof. The fine incurred by an organization is twice as much as that incurred by an individual for committing the same administrative violation.
3. The fines imposed by the persons mentioned in Chapter III hereof are incurred by individuals. The fines they may impose upon organizations are twice as much as the fines they impose upon individuals.

#### **Chapter II**

## **ADMINISTRATIVE VIOLATIONS, PENALTIES AND REMEDIAL MEASURES**

### **Section 1. VIOLATIONS AGAINST REGULATIONS ON AQUATIC RESOURCE PROTECTION**

#### **Article 6. Violations against regulations on protection of aquatic habitats**

1. The following fines shall be imposed for violations against regulations on protection of aquatic habitats if not liable to criminal prosecution:

- a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to leave movement pathways of fishes when carrying out fishing operations by using fixed fishing gears in rivers, lakes and lagoons; failure to create migration corridors or movement pathways for aquatic species when building, modifying or demolishing building structures or carrying out other operations affecting the movement of aquatic animals; illegally blocking the natural movement of aquatic species;
- b) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed for destroying aquatic resources, aquatic ecosystems, areas where fishes live in the breeding season, or areas where juvenile fishes live; destroying the habitats of endangered, rare and precious aquatic species or endangered, rare and precious aquatic species that need protection;
- c) A fine ranging from VND 100,000,000 to VND 150,000,000 shall be imposed for encroaching, appropriating or harming protected areas of aquatic resources;
- d) A fine ranging from VND 150,000,000 to VND 200,000,000 shall be imposed for the acts of exploring/exploiting natural resources or building/demolishing structures underwater or within subaqueous soil that deteriorate or cause loss of aquatic resources or harm the areas where fishes live in the breeding season or where juvenile fishes live or the migration corridors of aquatic species.

2. Additional penalties:

Exhibits and instrumentalities for committing the violations specified in Clause 1 of this Article shall be confiscated.

3. Remedial measures:

The violator is compelled to restore the original condition which is changed by any of the violations specified in Points a, c and d Clause 1 of this Article.

#### **Article 7. Violations against regulations on areas banned from commercial fishing**

1. The following fines shall be imposed for commercial fishing in no-take areas or areas banned from commercial fishing for a fixed term if not liable to criminal prosecution:

a) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for the commercial fishing using fishing vessels whose length overall is < 12 m or commercial fishing without using fishing vessels;

b) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the commercial fishing using fishing vessels whose length overall is from 12 m to under 15 m;

c) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the commercial fishing using fishing vessels whose length overall is from 15 m to under 24 m;

d) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for the commercial fishing using fishing vessels whose length overall is  $\geq$  24 m.

2. The fines imposed for the violations specified in Clause 1 of this Article and involving fishing vessels used in trawls, light-combined fishing occupations and gears (except squid hand-lining) shall be twice as much as the fines specified in Clause 1 of this Article.

3. Additional penalties:

Fishing gears shall be confiscated in case of commission of any of the violations specified in Clause 1 and Clause 2 of this Article.

4. Remedial measures:

a) The violator is compelled to release fishes alive into their habitats in case of commission of any of the violations specified in Clause 1 and Clause 2 of this Article;

b) The violator is compelled to transfer dead aquatic animals of endangered, rare and precious species in group I to regulatory authorities in case of commission of any of the violations specified in Clause 1 and Clause 2 of this Article.

### **Article 8. Violations against regulations on management of endangered, rare and precious aquatic species**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to comply with the written approval or plan for catching of endangered, rare and precious aquatic species.

2. The following fines shall be imposed for illegal fishing of endangered, rare and precious aquatic species in Group II if not liable to criminal prosecution:

a) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for the violation involving a total catch of < 10 kg;

b) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the violation involving a total catch of from 10 kg to under 20 kg;

c) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the violation involving a total catch of from 20 kg to under 50 kg;

d) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the violation involving a total catch of from 50 kg to under 100 kg;

dd) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for the violation involving a total catch of  $\geq 100$  kg.

3. The following fines shall be imposed for illegal fishing of endangered, rare and precious aquatic species in Group I if not liable to criminal prosecution:

a) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the violation involving a total catch of  $< 10$  kg;

b) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for the violation involving a total catch of from 10 kg to under 20 kg;

c) A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for the violation involving a total catch of from 20 kg to under 50 kg;

d) A fine ranging from VND 60,000,000 to VND 70,000,000 shall be imposed for the violation involving a total catch of from 50 kg to under 100 kg;

dd) A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for the violation involving a total catch of  $\geq 100$  kg.

4. A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed for failure to release the required amount of produced aquatic breeds of endangered, rare and precious species into natural waters within the prescribed time limit when obtaining permission from a regulatory authority to catch endangered, rare and precious aquatic species for the purposes of research, creation and production of aquatic breeds.

5. Additional penalties:

The fishing license shall be suspended for 03 - 06 months in case of commission of any of the violations specified in Points d and dd Clauses 2, Points d and dd Clause 3 of this Article.

6. Remedial measures:

a) The violator is compelled to release fishes alive into their habitats in case of commission of any of the violations specified in Clause 2 and Clause 3 of this Article;

b) The violator is compelled to transfer dead aquatic animals of endangered, rare and precious species to regulatory authorities in case of commission of any of the violations specified in Clause 2 and Clause 3 of this Article;

c) The violator is compelled to additionally release endangered, rare and precious aquatic species as regulated in case of commission of the violation specified in Clause 4 of this Article.

### **Article 9. Violations against regulations on management of marine protected areas (MPAs)**

1. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for commission of one of the following violations within the buffer zones of MPAs:

- a) Illegally placing buoys;
- b) Carrying out investigations or scientific research without the approval from a regulatory authority;
- c) Illegally operating fishing vessels, ships or other waterway vehicles;
- d) Illegally providing tourist services and other services;
- dd) Illegally executing infrastructure works;
- e) Carrying out illegal aquaculture or commercial fishing.

2. A fine ranging from VND 70,000,000 to VND 100,000,000 shall be imposed for commission of one of the violations specified in Clause 1 of this Article within service-administrative zones of MPAs.

3. A fine ranging from VND 100,000,000 to VND 150,000,000 shall be imposed for commission of one of the following violations within ecological restoration zones of MPAs:

- a) Committing any of the violations specified in Points a, b, c and d Clause 1 of this Article;
- b) Performing any prohibited acts in ecological restoration zones.

4. A fine ranging from VND 150,000,000 to VND 200,000,000 shall be imposed for commission of one of the following violations within highly protected zones:

- a) Committing the violation specified in Point a or Point b Clause 1 of this Article;
- b) Performing any prohibited acts in highly protected zones.

5. Remedial measures:

The violator is compelled to restore the original condition which is changed by the violation specified in Point dd Clause 1 of this Article.

### **Section 2. VIOLATIONS AGAINST REGULATIONS ON AQUATIC BREEDS**

## **Article 10. Violations against regulations on production, raising and testing for aquatic breeds**

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for commission of one of the following violations:

- a) Failure to submit reports on production and raising of aquatic breeds as prescribed;
- b) Failure to submit written notification of using parent aquatic breeds to the relevant provincial fishery authority;
- c) Failure to record or keep records of production/ raising of aquatic breeds for tracing purpose.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for commission of one of the following violations:

- a) Failure to comply with regulations on prescribed time limits for use of parent aquatic breeds;
- b) Failure to correctly announce testing results.

3. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for production/ raising of aquatic breeds without obtaining a Certificate of eligibility as prescribed.

4. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed for production/ raising of parent aquatic breeds without obtaining a Certificate of eligibility as prescribed.

5. Remedial measures:

a) The violator is compelled to repurpose aquatic breeds if they are qualified for the new purpose or destroy aquatic breeds/ parent aquatic breeds if the repurposing cannot be made in case of commission of any of the violations specified in Point a Clause 2, Clause 3 and Clause 4 of this Article;

b) The violator is compelled to correct testing results in case of commission of the violation specified in Point b Clause 2 of this Article.

## **Article 11. Violations against regulations on export of aquatic breeds**

1. A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for failure to meet exporting conditions when exporting aquatic breeds of species on the List of aquatic species subject to conditional export, unless permitted by regulatory authorities.

2. Remedial measures:



The violator is compelled to release aquatic breeds alive into their habitats or destroy aquatic breeds if such release cannot be made in case of commission of the violation specified in Clause 1 of this Article.

#### **Article 12. Violations against regulations on naming of aquatic breeds**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for naming aquatic breeds inconsistently with applicable regulations.

2. Remedial measures:

The violator is compelled to destroy labels and correct names of aquatic breeds specified in relevant documents in case of commission of the violation specified in Clause 1 of this Article.

### **Section 3. VIOLATIONS AGAINST REGULATIONS ON AQUATIC FEEDS AND AQUA ENVIRONMENTAL REMEDIATION PRODUCTS**

#### **Article 13. Violations against regulations on provision of information about aquatic feeds and aqua environmental remediation products**

1. The following fines shall be imposed for failure to send required information to the Ministry of Agriculture and Rural Development before authorizing aquatic feeds and aqua environmental remediation products for marketing:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to send information about less than 03 products;

b) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for failure to send information about from 03 products to under 05 products;

c) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to send information about from 05 products to under 10 products;

d) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for failure to send information about 10 products or more.

2. Remedial measures:

The violator is compelled to carry out recycling or repurposing or destruction of products, whichever appropriate, in case of commission of the violation specified in Clause 1 of this Article.

#### **Article 14. Violations against requirements to be satisfied by establishments manufacturing, trading and importing aquatic feeds and aqua environmental remediation products**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed upon importing and/or trading establishments for commission of one of the following violations:

a) Failure to display and store aquatic feeds and aqua environmental remediation products separately from pesticides, fertilizers and toxic chemicals;

b) Failure to use appropriate equipment and devices for storing aquatic feeds and aqua environmental remediation products as prescribed.

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for manufacturing aquatic breeds and aqua environmental remediation products without a Certificate of eligibility as prescribed.

3. Remedial measures:

The violator is compelled to carry out repurposing or destruction of batches of products, whichever appropriate, in case of commission of the violation specified in Clause 2 of this Article.

#### **Article 15. Violations against regulations on manufacturing, importing and trading of aquatic feeds and aqua environmental remediation products**

1. The following fines shall be imposed for failure to record or keep records of manufacturing operations according to manufacturing, quality control and biosafety procedures:

a) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for the violation involving less than 5 products;

b) A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for the violation involving from 5 to under 10 products;

c) A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed for the violation involving from 10 to under 15 products;

d) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for the violation involving 15 products or more.

2. The following fines shall be imposed for using raw materials of unknown origin for manufacturing of aquatic feeds and aqua environmental remediation products:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the violation involving less than 3 products;

b) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for the violation involving from 3 to under 5 products;

c) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for the violation involving from 5 to under 10 products;

d) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the violation involving 10 products or more.

3. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for manufacturing or importing aquatic feeds or aqua environmental remediation products containing ingredients which are not on the List of chemicals, biological, microorganisms and ingredients contained in aquatic feeds permitted for use in Vietnam.

4. Remedial measures:

a) The violator is compelled to carry out recycling or repurposing or destruction of products, whichever appropriate, in case of commission of the violation specified in Clause 2 and the violation involving domestically manufactured products specified in Clause 3 of this Article;

b) The violator is compelled to carry out re-export or destruction of imported aquatic feeds and aqua environmental remediation products, whichever appropriate, in case of commission of the violation specified in Clause 3 of this Article.

#### **Article 16. Violations against regulations on testing for aquatic feeds and aqua environmental remediation products**

1. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to announce correct testing results.

2. Remedial measures:

The violator is compelled to correct testing results in case of commission of the violation specified in Clause 1 of this Article.

### **Section 4. VIOLATIONS AGAINST REGULATIONS ON AQUACULTURE**

#### **Article 17. Violations against eligibility requirements for aquaculture**

1. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for failure to carry out procedures for registration of cage culture or major cultured species.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for failure to meet material facilities or technical equipment requirements as prescribed.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for carrying out marine aquaculture without permission from regulatory authorities as prescribed.

4. Remedial measures:

The violator is compelled to relocate or demolish aquaculture facilities in case of commission of the violation specified in Clause 3 of this Article.

#### **Article 18. Violations against regulations on import and export of live aquatic animals and plants**

1. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for importing live aquatic animals and/or plants for foods, decoration or entertainment without permission from a regulatory authority as prescribed.

2. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for failure to meet exporting conditions when exporting live aquatic animals and/or plants of species on the List of aquatic species subject to conditional export, unless permitted by regulatory authorities.

3. Additional penalties:

Aquatic product shipments shall be confiscated in case of commission of the violation specified in Clause 1 or Clause 2 of this Article.

#### **Article 19. Violations against regulations on rearing, breeding and artificial propagation of endangered, rare and precious aquatic species in CITES Appendices**

1. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for failure to record the breeding, rearing and artificial propagation of endangered, rare and precious aquatic species as prescribed.

2. A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed for failure to carry out procedures for registration of the breeding, rearing and artificial propagation of endangered, rare and precious aquatic species in CITES Appendices as prescribed.

3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for breeding, rearing and artificial propagation of endangered, rare and precious aquatic species of unknown origin.

4. Additional penalties:

Aquatic species of unknown origin shall be confiscated in case of commission of the violation specified in Clause 3 of this Article.

### **Section 5. VIOLATIONS AGAINST REGULATIONS ON COMMERCIAL FISHING**

#### **Article 20. Serious violations against regulations on commercial fishing**

1. A fishing vessel owner shall face a fine ranging from VND 300,000,000 to VND 500,000,000 for commission of one of the following violations:

a) Failing to obtain a fishing license or using an expired one when carrying out fishing operations within the territorial waters of Vietnam with fishing vessel of from 15 m to under 24 m in length overall;

b) Using a fishing vessel of  $\geq 24$  m in length overall to transfer catches from a fishing vessel which is found to carry out fishing operations without fishing license or with an expired one or to facilitate the exploration, search for, trapping or transport of catches of another vessel which is found to carry out illegal fishing, except force majeure events;

c) Failing to install vessel tracking unit (VTU) on a fishing vessel of from 15 m to under 24 m in length overall;

d) Failing to maintain the operation of or knowingly disabling VTU of a fishing vessel of  $\geq 24$  m in length overall during its operations at sea, except force majeure events;

dd) Failing to record fishing operations, purchase or transshipment of catches carried out by using the fishing vessel of  $\geq 24$  m in length overall;

e) Providing VTU that fails to meet technical requirements for fishers.

2. A fishing vessel owner shall face a fine ranging from VND 500,000,000 to VND 700,000,000 for commission of one of the following violations:

a) Failing to obtain a fishing license or using an expired one when carrying out fishing operations within the territorial waters of Vietnam with using a fishing vessel of from 15 m to under 24 m in length overall in case of repeated violation;

b) Using a fishing vessel of  $\geq 24$  m in length overall to transfer catches from a fishing vessel which is found to carry out fishing operations without a fishing license or with an expired one or to facilitate the exploration, search for, trapping or transport of catches of another vessel which is found to carry out illegal fishing in case of repeated violation, except force majeure events;

c) Failing to install VTU on a fishing vessel of from 15 m to under 24 m in length overall in case of repeated violation;

d) Failing to maintain the operation of or knowingly disabling VTU of a fishing vessel of  $\geq 24$  m in length overall during its operations at sea in case of repeated violation, except force majeure events;

dd) Failing to record fishing operations, purchase or transshipment of catches carried out by using a fishing vessel of  $\geq 24$  m in length overall in case of repeated violation;

e) Hiding, fabricating or destroying evidence of violations against regulations on commercial fishing and protection of aquatic resources;

g) Failing to keep fishing logbook or recording or reporting fishing operations against requirements of the regional fisheries organization when carrying out fishing operations within the waters under the jurisdiction of the regional fisheries organization;

h) Carrying out fishing operations in excess of total allowable catch approved by the regional fisheries organization.

3. A fishing vessel owner shall face a fine ranging from VND 800,000,000 to VND 1,000,000,000 for commission of one of the following violations:

a) Failing to obtain a fishing license or using an expired one when carrying out fishing operations within the territorial waters of Vietnam with a fishing vessel of  $\geq 24$  m in length overall;

b) Failing to obtain a fishing license or written approval or using an expired one when carrying out fishing operations in waters under the jurisdiction of another State or territory or under the jurisdiction of the regional fisheries organization;

c) Operating a foreign fishing vessel in the territorial waters of Vietnam without obtaining a fishing license or using an expired one;

d) Engaging in unauthorized fishing in waters under the jurisdiction of a regional fisheries organization by vessels without nationality, or by those flying the flag of a State not party to that organization;

dd) Engaging in fishing operations inconsistently with regulations on fishing and protection of aquatic resources in international waters beyond the jurisdiction of regional fisheries organizations;

e) Operating fishing vessels against regulations on management and conservation practices in international waters under the jurisdiction of one of regional fisheries organizations to which Vietnam is a Party;

g) Failing to install VTU on a fishing vessel of  $\geq 24$  m in length overall;

h) Hiding, fabricating or destroying evidence of violations against regulations on commercial fishing and protection of aquatic resources in case of repeated violation;

i) Carrying out fishing operations in excess of total allowable catch approved by regional fisheries organizations in case of repeated violation.

4. Additional penalties:

a) Fish and fishery products which are illegally caught or transhipped shall be confiscated in case of commission of any of the violations specified in Points a and b Clause 1, Points a, b and h Clause 2, Points a, b, c, d, dd and i Clause 3 of this Article;

b) Fishing vessels shall be confiscated in case of commission of any of the violations specified in Points b, c, d, dd and e Clause 3 of this Article;

c) The captain's license or certificate of competence to operate Vietnamese-flagged fishing vessels shall be suspended for 06 - 12 months in case of commission of any of the violations specified in Clause 1, Clause 2 and Clause 3 of this Article;

h) The fishing license shall be suspended for 06 - 12 months in case of commission of any of the violations specified in Point g Clauses 2, Points dd, e and g Clause 3 of this Article.

#### 5. Remedial measures:

Fishing vessel owners are compelled to cover costs for bringing their fishermen who are seized by foreign regulatory authorities into Vietnam and relevant expenses in case of commission of the violation specified in Point b Clause 3 of this Article.

### **Article 21. Violations against regulations on fishing zones**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for engaging in unauthorized fishing operations in coastal zones of another province by fishing vessels of less than 12 m in length overall.

2. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for engaging in fishing operations in inshore or offshore zones by fishing vessels of less than 12 m in length overall.

3. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for engaging in fishing operations in coastal or offshore zones by fishing vessels of from 12 m to under 15 m in length overall.

4. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for engaging in fishing operations in coastal or inshore zones by fishing vessels of from 15 m to under 24 m in length overall.

5. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for engaging in fishing operations in coastal or inshore zones by fishing vessels of  $\geq 24$  m in length overall.

6. The fines imposed for the violations specified in Clauses 3, 4 and 5 of this Article and involving fishing vessels used in trawls, light-combined fishing occupations and gears (except squid hand-lining) in coastal zones shall be twice as much as the fines specified in Clauses 3, 4 and 5 of this Article.

#### 7. Additional penalties:

a) The fishing license shall be suspended for 06 - 12 months in case of commission of the violation specified in Clause 6 of this Article;

b) The captain's license or certificate of competence to operate fishing vessels shall be suspended for 01 - 06 months in case of commission of any of the violations specified in Clauses 3, 4, 5 and 6 of this Article.

#### **Article 22. Violations against regulations on fishing quotas**

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed upon the holder of fishing license if total catch exceeds his/her quota limit by 10% to under 20%.

2. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed upon the holder of fishing license if total catch exceeds his/her quota limit by 20% to under 30%.

3. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed upon the holder of fishing license if total catch exceeds his/her quota limit by 30% or more.

4. Additional penalties:

a) The exceeding amount of catches shall be confiscated in case of commission of the violation specified in Clause 1, Clause 2 or Clause 3 of this Article.

b) The fishing license shall be suspended for 06 - 12 months in case of commission of the violation specified in Clause 3 of this Article.

#### **Article 23. Violations against regulations on fishing license**

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for commission of one of the following violations:

a) Failing to obtain a fishing license or using an expired one when carrying out fishing operations within the territorial waters of Vietnam by a fishing vessel of from 06 m to under 12 m in length overall;

b) Using a fishing vessel of less than 15 m in length overall for engaging in a fishing occupation other than the one specified in the fishing license.

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for commission of one of the following violations:

a) Failing to obtain a fishing license or using an expired one when carrying out fishing operations within the territorial waters of Vietnam by a fishing vessel of from 12 m to under 15 m in length overall;

b) Using a fishing vessel of  $\geq 15$  m in length overall for engaging in a fishing occupation other than the one specified in the fishing license.



3. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for repeating one of the following violations:

- a) Failing to obtain a fishing license or using an expired one when carrying out fishing operations within the territorial waters of Vietnam with using a fishing vessel of from 12 m to under 15 m in length overall in case of repeated violation;
- b) Using a fishing vessel of  $\geq 15$  m in length overall for engaging in a fishing occupation other than the one specified in the fishing license in case of repeated violation.

4. Additional penalties:

- a) Catches shall be confiscated in case of commission of any of the violations specified in Clause 1, Clause 2 and Clause 3 of this Article;
- b) Fishing gears shall be confiscated in case of commission of any of the violations specified in Point b Clause 1, Clause 2 and Clause 3 of this Article;
- c) The captain's license or certificate of competence to operate fishing vessels shall be suspended for 06 - 12 months in case of commission of any of the violations specified in Clause 2 and Clause 3 of this Article.

#### **Article 24. Violations against regulations on transshipment or facilitating illegal fishing operations**

1. A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed for using a fishing vessel of less than 24 m in length overall to transship fish caught by other vessels illegally or to facilitate the exploration, search for, trapping or transport of catches of another vessel which is found to carry out illegal fishing, except force majeure events.

2. A fine ranging from VND 200,000,000 to VND 300,000,000 shall be imposed if the violation specified in Clause 1 of this Article is repeated.

3. Additional penalties:

- a) The fishing license, the captain's license or certificate of competence to operate fishing vessels shall be suspended for 06 - 12 months in case of commission of the violation specified in Clause 2 of this Article;
- b) Fish illegally caught shall be confiscated in case of commission of the violation specified in either Clause 1 or Clause 2 of this Article.

#### **Article 25. Violations against regulations on logbooks and reports on fishing operations, purchase and transshipment**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for commission of any of the following violations:

- a) Failing to submit reports on fishing operations conducted by a fishing vessel of from 06 m to under 12 m in length overall;
- b) Incorrect or insufficient recording of fishing operations, purchase or transshipment of catches carried out by a fishing vessel of less than 24 m in length overall.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to keep, record or submit logbooks of fishing operations, purchase or transshipment of catches conducted by a fishing vessel of less than 24 m in length overall.

3. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for failure to have logbooks of fishing operations, purchase or transshipment of catches conducted by a fishing vessel of from 15 m to under 24 m in length overall in case of repeated violation.

4. Additional penalties:

The fishing license, the captain's license or certificate of competence to operate fishing vessels shall be suspended for 01 - 03 months in case of commission of the violation specified in Clause 3 of this Article.

#### **Article 26. Violations against regulations on fishing operations carried out by foreign organizations and individuals in territorial waters of Vietnam**

1. A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed for commission of one of the following violations:

- a) Failure to inform a regulatory authority of Vietnam before operating vessels into the territorial waters of Vietnam;
- b) Failure to enter the ports specified in the license for fishing operations, except force majeure events;
- c) Failure to carry on board all documents required by the law of Vietnam;
- d) Failure to have or record or provide sufficient information or submit logbooks of fishing operations, purchase or transshipment of catches or failure to comply with regulations on reporting;
- dd) Failure to receive supervisors or failure to disembark them at the prescribed locations or failure to ensure working and living conditions for them as regulated by the law of Vietnam.

2. A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed for failure to carry out fishing operations in the licensed zones or engaging in a fishing occupation or scope of activity other than the one specified in the license for fishing operations.

3. A fine ranging from VND 200,000,000 to VND 300,000,000 shall be imposed if the violation specified in Clause 1 or Clause 2 of this Article is repeated.

4. Additional penalties:

a) The license for fishing operations shall be suspended for 03 - 06 months in case of commission of the violation specified in Clause 1 of this Article;

b) The license for fishing operations shall be suspended for 06 - 12 months in case of commission of the violation specified in Clause 2 or Clause 3 of this Article.

#### **Article 27. Violations against regulations on fishing gears**

1. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for illegally discarding fishing gears into natural waters.

2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to mark fishing gears or marking of fishing gears against regulations.

3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the use of fishing gears which obstructs or causes damage to other organizations or individuals carrying out legal fishing operations or anchoring at the place where the fishing gear of another organization or individual is legally placed, except force majeure events.

4. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for production, trading, transport or storage of fishing gears banned from use in commercial fishing.

5. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the performance of commercial fishing by using banned fishing gears if not liable to criminal prosecution.

6. Additional penalties:

a) Fishing gears banned from use in commercial fishing shall be confiscated in case of commission of the violation specified in Clause 4 or Clause 5 of this Article;

b) The fishing license shall be suspended for 03 - 06 months in case of commission of the violation specified in Clause 5 of this Article.

#### **Article 28. Violations against regulations on use of electricity in commercial fishing**

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for the use of electrofishing equipment in case of commercial fishing without fishing vessels.
2. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for storage, transport or trading in electrofishing equipment.
3. The following fines shall be imposed for engaging in commercial fishing by using electrofishing equipment or electric current directly from generators on board fishing vessels:
  - a) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for the violation involving a fishing vessel of less than 12 m in length overall;
  - b) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the violation involving a fishing vessel of from 12 m to under 15 m in length overall;
  - c) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the violation involving a fishing vessel of  $\geq 15$  m in length overall.
4. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for the performance of commercial fishing by using electricity current (electrofishing nets) if not liable to criminal prosecution.
5. Additional penalties:
  - a) Electrofishing equipment, generators and fishing gears shall be confiscated in case of commission of any of the violations specified in Clause 1 through 4 of this Article;
  - b) The fishing license shall be suspended for 03 - 06 months in case of commission of the violation specified in Clause 3 or Clause 4 of this Article.

**Article 29. Violations against regulations on storage and use of banned substances, banned and toxic chemicals in commercial fishing**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for storage of banned substances, banned and/or toxic chemicals on board fishing vessels.
2. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for the performance of commercial fishing by using banned substances, banned chemicals, toxic chemicals or other chemicals if not liable to criminal prosecution.
3. Additional penalties:
  - a) The fishing license shall be suspended for 03 - 06 months in case of commission of the violation specified in Clause 1 or Clause 2 of this Article;

b) Banned substances, banned chemicals, toxic chemicals, other chemicals and fish caught shall be confiscated in case of commission of the violation specified in either Clause 1 or Clause 2 of this Article.

4. Remedial measures:

The violator is compelled to restore the original condition which is changed by the violation specified in Clause 2 of this Article.

### **Article 30. Violations against regulations on flying of nationality flags or national flag of the Socialist Republic of Vietnam**

1. A fine ranging from VND 2,000,000 to VND 4,000,000 shall be imposed on Vietnamese fishing vessels for failure to fly or improperly flying the national flag of the Socialist Republic of Vietnam.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on foreign fishing vessels for failure to fly or improperly flying either the flag of their country of registration or the national flag of the Socialist Republic of Vietnam.

3. Remedial measures:

The violator is compelled to fly the flag of the Socialist Republic of Vietnam or the flag of the ship's country of registration in case of commission of the violation specified in Clause 1 or Clause 2 of this Article.

## **Section 6. VIOLATIONS AGAINST REGULATIONS ON FISHING VESSELS, FISHING PORTS AND SHELTERED ANCHORAGES**

### **Article 31. Violations against regulations on building and modification of fishing vessels**

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to comply with the approved technical designs in case of building or modification of fishing vessels.

2. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for building or modification of fishing vessels without approved technical designs.

3. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for building and modification of fishing vessels without Certificate of eligibility to engage in building and modification of fishing vessels as regulated or failure to comply with the Certificate of eligibility to engage in building and modification of fishing vessels.

4. A fine ranging from VND 100,000,000 to VND 200,000,000 shall be imposed for building or modification of fishing vessels without written approval from regulatory authorities.

#### 5. Additional penalties:

The Certificate of eligibility to engage in building and modification of fishing vessels shall be suspended for 01 - 03 months in case of commission of any of the violations specified in Clauses 1, 2 and 3 of this Article.

#### 6. Remedial measures:

The violator is compelled to carry out demolition of fishing vessels in case of commission of the violation specified in Clause 2 or Clause 4 of this Article.

### **Article 32. Violations against regulations on import of fishing vessels (except fishing vessels donated by foreign governments, organizations or individuals)**

1. A fine ranging from VND 50,000,000 to VND 70,000,000 shall be imposed for import of a fishing vessel with technical parameters or characteristics different from those specified in the import license.

#### 2. Remedial measures:

The violator is compelled to re-export fishing vessels in case of commission of the violation specified in Clause 1 of this Article.

### **Article 33. Violations against regulations on technical safety of fishing vessels**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to provide safety equipment or insufficient provision of safety equipment when engaging in commercial fishing by using a fishing vessel of less than 12 m in length overall.

2. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for failure to provide safety equipment or insufficient provision of safety equipment when engaging in commercial fishing by using a fishing vessel of  $\geq 12$  m in length overall.

3. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for failure to obtain a Certificate of technical safety of fishing vessel or using an expired one when engaging in commercial fishing by a fishing vessel of  $\geq 12$  m in length overall.

### **Article 34. Violations against regulations on surveying of fishing vessels**

1. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for inadequate reporting of surveying of fishing vessels as prescribed.

2. A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed for failure to submit reports on surveying of fishing vessels as prescribed.

3. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for signing or using specialized seal and records against regulations when preparing documents concerning the surveying of fishing vessels and equipment on board fishing vessels.

4. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for falsifying surveying results or performing surveys inconsistently with national technical regulations on classification and building of ships or carrying out surveying procedures for a fishing vessel without markings as prescribed.

5. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for commission of one of the following violations:

a) Carrying out surveys of fishing vessels without obtaining a certificate of eligibility to perform surveying of fishing vessels as prescribed;

b) Carrying out inspection of fishing vessels inconsistently with the issued certificate of eligibility to perform surveying of fishing vessels;

c) Failing to maintain the satisfaction of eligibility requirements during the surveying of fishing vessels.

6. Additional penalties:

a) The surveyor card shall be suspended for 03 – 06 months in case of commission of the violation specified in Clause 3 of this Article;

b) The Certificate of eligibility to perform surveying of fishing vessels shall be suspended for 01 - 03 months in case of commission of any of the violations specified in Clause 4 and Points a, b and c Clause 5 of this Article.

### **Article 35. Violations against regulations on communications equipment and vessel tracking units on board fishing vessels**

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for removal of VTUs installed on board a fishing vessel without the supervision of VTU supplier.

2. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for commission of one of the following violations:

a) Failure to provide communications equipment as prescribed;

b) Failure to maintain the operation of or knowingly disabling VTU installed on board a fishing vessel of from 15 m to under 24 m in length overall during its operations at sea, except force majeure events;

c) Failure to comply with procedures in case of VTU failure, except force majeure events;

d) Failure to report or improper reporting of the installation of VTUs on board a fishing vessel to regulatory authorities for inspection as prescribed;

dd) Failure to use lead seal after installing VTUs on board a fishing vessel as prescribed or failure to send the specimen of lead seal to regulatory authorities as prescribed;

e) Failure to maintain confidentiality of vessel monitoring data as prescribed.

3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed if any of the violations specified in Clause 1 and Points b, c and d Clause 3 of this Article is repeated.

4. Additional penalties:

The captain's license or certificate of competence to operate fishing vessels shall be suspended for 03 - 06 months in case of commission of the violation specified in Point b Clause 2 or Clause 3 of this Article.

#### **Article 36. Violations against regulations on marking of fishing vessels**

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to mark or improper marking of the fishing vessel of from 12 m to under 15 m in length overall.

2. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for failure to mark or improper marking of the fishing vessel of from 15 m to under 24 m in length overall.

3. A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed for failure to mark or improper marking of the fishing vessel of  $\geq 24$  m in length overall.

#### **Article 37. Violations against regulations on registration of fishing vessels**

1. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for failure to display registration number or displaying registration number on the fishing vessel inconsistently with regulations.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to carry out procedures for registration or re-registration of fishing vessel as prescribed.

#### **Article 38. Violations against regulations on crew members and other persons on board fishing vessels**

1. A fine ranging from VND 300,000 to VND 500,000 shall be imposed upon a crew member or another person working on board for failure to carry identity papers.

2. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed upon a crew member working on board whose name is not included in the crew book.



3. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for commission of one of the following violations:

a) The captain or chief engineer fails to possess qualifications or certifications as prescribed.

b) Failure to have a crew book on board fishing vessel as prescribed.

4. The following fines shall be imposed for failure to buy insurance for crew members working on board a fishing vessel:

a) A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed upon the vessel owner for failure to buy insurance for less than 03 crew members working on board the fishing vessel;

b) A fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed upon the vessel owner for failure to buy insurance for from 03 to under 05 crew members working on board the fishing vessel;

c) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed upon the vessel owner for failure to buy insurance for from 05 to under 10 crew members working on board the fishing vessel;

d) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed upon the vessel owner for failure to buy insurance for 10 crew members or more working on board the fishing vessel.

### **Article 39. Violations against regulations on fishing ports and sheltered anchorages**

1. A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed for commission of one of the following violations:

a) Failure to provide notification or provision of inadequate notification of the vessel's arrival at or departure from the fishing port to the port authority.

b) The fishing vessel of  $\geq 15$  m in length overall enters ports other than designated fishing ports for unloading of their catches;

c) Failure to comply with internal regulations and shifting orders given by the authority of a fishing port or sheltered anchorage.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the use of a fishing vessel or any waterway vehicles as a means to cause damage to the port facility.

3. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for destruction, removal, alteration or replacement of any equipment and systems of the fishing port.

4. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for unlawful occupation of land, waters or any facilities of the fishing port.

5. Additional penalties:

Exhibits for committing the violation specified in Clause 3 of this Article shall be confiscated.

6. Remedial measures:

a) The violator is compelled to restore the original condition which is changed by the violation specified in Clause 2 or Clause 3 of this Article;

b) The violator is compelled to return the land area, waters or facilities unlawfully occupied in case of commission of the violation specified in Clause 4 of this Article.

#### **Article 40. Violations against regulations on fishing port management**

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for commission of one of the following violations:

a) Failure to collect logbooks of fishing operations, purchase and transshipment of catches, and reports on fishing operations;

b) Failure to promulgate and post the port's internal regulations at the fishing port;

c) Failure to provide working place for regulatory authorities to carry out inspection of compliance with laws at the fishing port;

d) Failure to immediately inform regulatory authorities of illegal fishing vessels;

dd) Failure to supervise total catches unloaded at the port;

e) Operating a fishing port before its opening is announced as prescribed.

2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to certify fish and fishery products unloaded at the port or making certification against regulations on origin of catches unloaded at fishing ports.

3. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for allowing the unloading of catches of illegal origin at the fishing port.

#### **Section 7. VIOLATIONS AGAINST REGULATIONS ON COLLECTION, PRELIMINARY PROCESSING, PROCESSING, PRESERVATION AND TRANSPORT OF FISH AND FISHERY PRODUCTS**

**Article 41. Violations against regulations on collection, trading, handling, preliminary processing, processing, preservation and transport of fish and fishery products**

1. The following fines shall be imposed for illegal collection, trading, handling, preliminary processing, processing, preservation or transport of endangered, rare and precious aquatic species in Group II or fish, fishery products and parts thereof of unknown origin of endangered, rare and precious species in Appendix II of CITES if not liable to criminal prosecution:

a) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for the violation involving an amount of fishery products of < 20 kg;

b) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for the violation involving an amount of fishery products of from 20 kg to under 50 kg;

c) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for the violation involving an amount of fishery products of from 50 kg to under 100 kg;

d) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the violation involving an amount of fishery products of from 100 kg to under 200 kg;

dd) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for the violation involving an amount of fishery products of from 200 kg to under 500 kg;

e) A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for the violation involving an amount of fishery products of  $\geq$  500 kg.

2. The following fines shall be imposed for illegal collection, trading, handling, preliminary processing, processing, preservation or transport of fish, fishery products and parts thereof of endangered, rare and precious species in Group I or those of unknown origin of endangered, rare and precious species in Appendix I of CITES if not liable to criminal prosecution:

a) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for the violation involving an amount of fishery products of < 10 kg;

b) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for the violation involving an amount of fishery products of from 10 kg to under 20 kg;

c) A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for the violation involving an amount of fishery products of from 20 kg to under 50 kg;

d) A fine ranging from VND 60,000,000 to VND 70,000,000 shall be imposed for the violation involving an amount of fishery products of from 50 kg to under 100 kg;

dd) A fine ranging from VND 70,000,000 to VND 80,000,000 shall be imposed for the violation involving an amount of fishery products of from 100 kg to under 500 kg;

e) A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for the violation involving an amount of fishery products of  $\geq 500$  kg.

3. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for collection, trading, preliminary processing, processing, preservation or transport of fishery products of unknown origin.

4. Additional penalties:

Fishery products shall be confiscated in case of commission of the violation specified in Clause 1 or Clause 2 of this Article.

**Article 42. Violations against regulations on import, temporary import, re-export and transit of fishery products from illegal, unreported and unregulated (IUU) fishing; export and import of fishery products**

1. The following fines shall be imposed for import, temporary import, re-export or transit of fishery products originating from illegal fishing:

a) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed for the shipment of less than 100 kg of fishery products;

b) A fine ranging from VND 100,000,000 to VND 300,000,000 shall be imposed for the shipment of from 100 kg to under 500 kg of fishery products;

c) A fine ranging from VND 300,000,000 to VND 500,000,000 shall be imposed for the shipment of from 500 kg to under 1,000 kg of fishery products;

d) A fine ranging from VND 500,000,000 to VND 800,000,000 shall be imposed for the shipment of from 1,000 kg to under 2,000 kg of fishery products;

dd) A fine ranging from VND 800,000,000 to VND 1,000,000,000 shall be imposed for the shipment of  $\geq 2,000$  kg of fishery products.

2. The following fines shall be imposed for illegal export of fishery products on the List of aquatic species subject to conditional export when they fail to meet prescribed exporting conditions:

a) A fine ranging from VND 50,000,000 to VND 100,000,000 shall be imposed for the shipment of less than 100 kg of fishery products;

b) A fine ranging from VND 100,000,000 to VND 300,000,000 shall be imposed for the shipment of from 100 kg to under 500 kg of fishery products;

c) A fine ranging from VND 300,000,000 to VND 500,000,000 shall be imposed for the shipment of from 500 kg to under 1,000 kg of fishery products;

d) A fine ranging from VND 500,000,000 to VND 800,000,000 shall be imposed for the shipment of from 1,000 kg to under 2,000 kg of fishery products;

dd) A fine ranging from VND 800,000,000 to VND 1,000,000,000 shall be imposed for the shipment of  $\geq 2,000$  kg of fishery products.

3. A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for illegal import of aquatic species that are not on the List of aquatic species licensed for sale in Vietnam if not liable to criminal prosecution.

4. Additional penalties:

Fishery product shipments shall be confiscated in case of commission of any of the violations specified in Clause 1, Clause 2 and Clause 3 of this Article.

5. Remedial measures:

The violator is compelled to carry out re-export or repurposing or destruction of fishery products, whichever appropriate, in case of commission of the violation specified in Clause 3 of this Article.

## **Section 8. OBSTRUCTION OF STATE MANAGEMENT OF FISHERIES**

### **Article 43. Acts of obstructing state management of fisheries**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for obstruction of investigation or exploration of aquatic resources, protection of aquatic resources, or collection or fisheries data collection performed by regulatory authorities.

2. The following fines shall be imposed for failure to bear the inspection of regulatory authorities:

a) A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to bear the inspection of regulatory authorities in respect of aquaculture operations;

b) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for failure to bear the inspection of regulatory authorities in respect of commercial fishing and protection of aquatic resources.

### **Article 44. Violations against regulations on certifications, licenses and written approvals and other regulations on fisheries**

1. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for knowingly erasing, altering or falsifying contents of any certifications, licenses or written approvals issued in fisheries sector.

2. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for commission of one of the following violations:

- a) Taking advantage of investigation and assessment of aquatic resources to cause adverse influence on lawful rights and interests of other organizations or individuals;
- b) Illegal provision, access or use of data or information about aquatic resources;

3. Additional penalties:

Certifications, licenses or written approvals shall be confiscated or revoked in case of commission of the violation specified in Clause 1 of this Article.

### **Chapter III**

#### **POWER TO RECORD ADMINISTRATIVE VIOLATIONS AND IMPOSE PENALTIES**

##### **Article 45. Power to record administrative violations**

The persons below are entitled to make records of administrative violations:

1. The officials having the power to impose administrative penalties mentioned in Article 46 through 53 of this Decree.
2. Officials and public employees of people's army or people's police working at regulatory authorities mentioned in Article 47, Article 48 and Article 49 hereof; officials and public employees who are performing their assigned duties and state management tasks in fisheries sector.

##### **Article 46. Power of Chairpersons of people's committees**

1. Chairpersons of People's Committees of communes shall have the power to:

- a) Impose a fine up to VND 5,000,000;
- b) Confiscate the exhibits and instrumentalities of administrative violation worth less than the fine specified in Point a of this Clause;
- c) Enforce the remedial measures mentioned in Points a, b, c and dd Clause 1 Article 28 of the Law on penalties for administrative violations.

2. Chairpersons of People's Committees of districts shall have the power to:

- a) Impose a fine up to VND 50,000,000;
- b) Suspend operations for a fixed period or suspend licenses, certifications or practicing certificates issued by regulatory authorities or institutions;

c) Confiscate the exhibits and instrumentalities of administrative violation worth less than the fine specified in Point a of this Clause;

d) Enforce the remedial measures mentioned in Points a, b, c, dd, e, h and i Clause 1 Article 28 of the Law on penalties for administrative violations and Points a, b, c, d, dd, e, g, k, l and m Clause 3 Article 4 herein.

3. Chairpersons of People's Committees of provinces shall have the power to:

a) Impose a fine up to VND 1,000,000,000;

b) Suspend operations for a fixed period or suspend licenses, certifications or practicing certificates issued by regulatory authorities or institutions;

c) Confiscate the exhibits and instrumentalities of administrative violations;

d) Enforce the remedial measures mentioned in Clause 1 Article 28 of the Law on penalties for administrative violations and those mentioned in Clause 3 Article 4 herein.

#### **Article 47. Power of people's police force**

1. Soldiers on duty of people's police force shall have the power to:

Impose a fine up to VND 500,000.

2. Heads of police stations, and leaders of the soldiers mentioned in Clause 1 of this Article shall have the power to:

Impose a fine up to VND 1,500,000.

3. Heads of commune-level police authorities, heads of police stations, heads of police stations at checkpoints or export processing zones shall have the power to:

a) Impose a fine up to VND 2,500,000;

b) Confiscate the exhibits and instrumentalities of administrative violation worth less than the fine specified in Point a of this Clause;

c) Enforce the remedial measures mentioned in Points a, c and dd Clause 1 Article 28 of the Law on penalties for administrative violations.

4. Heads of district-level police authorities and heads of environmental police departments of provinces shall have the power to:

a) Impose a fine up to VND 25,000,000;

- b) Suspend operations for a fixed period or suspend licenses, certifications or practicing certificates issued by regulatory authorities or institutions;
- c) Confiscate the exhibits and instrumentalities of administrative violation worth less than the fine specified in Point a of this Clause;
- d) Enforce the remedial measures mentioned in Points a, c, dd and k Clause 1 Article 28 of the Law on penalties for administrative violations and Points a, b, c, d, dd, e, g, i, k, l and m Clause 3 Article 4 herein.

5. Directors of Provincial-level Public Security Departments shall have the power to:

- a) Impose a fine up to VND 50,000,000;
- b) Suspend operations for a fixed period or suspend licenses, certifications or practicing certificates issued by regulatory authorities or institutions;
- c) Confiscate the exhibits and instrumentalities of administrative violation worth less than the fine specified in Point a of this Clause;
- d) Enforce the remedial measures mentioned in Points a, c, dd and i Clause 1 Article 28 of the Law on penalties for administrative violations and Points a, b, c, d, dd, e, g, i, k, l and m Clause 3 Article 4 herein.

6. Director of the Traffic Police Department shall have the power to:

- a) Impose a fine up to VND 1,000,000,000;
- b) Suspend operations for a fixed period or suspend licenses, certifications or practicing certificates issued by regulatory authorities or institutions;
- c) Confiscate the exhibits and instrumentalities of administrative violations;
- d) Enforce the remedial measures mentioned in Points a, c, dd and i Clause 1 Article 28 of the Law on penalties for administrative violations and in Points a, b and d Clause 3 Article 4 herein.

#### **Article 48. Power of border guard force**

1. Soldiers on duty of border guard force shall have the power to:

Impose a fine up to VND 500,000.

2. Heads of border guard stations, and leaders of the soldiers mentioned Clause 1 of this Article shall have the power to:

Impose a fine up to VND 2,500,000.



3. Heads of border-guard posts, commanders of border-guard flotillas, commanders of border-guard sub-zones, and commanders of port border guards shall have the power to:

a) Impose a fine up to VND 25,000,000;

b) Confiscate the exhibits and instrumentalities of administrative violation worth less than the fine specified in Point a of this Clause;

c) Enforce the remedial measures mentioned in Points a, c and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Points a, b, d and k Clause 3 Article 4 herein.

4. Commanders of provincial-level border guard force and commanders of border guard fleets affiliated to the Border Guard High Command shall have the power to:

a) Impose a fine up to VND 1,000,000,000;

b) Suspend operations for a fixed period or suspend licenses, certifications or practicing certificates issued by regulatory authorities or institutions;

c) Confiscate the exhibits and instrumentalities of administrative violations;

d) Enforce the remedial measures mentioned in Points a, b, c, d and i Clause 1 Article 28 of the Law on penalties for administrative violations and in Points a, b, d, h, k and l Clause 3 Article 4 herein.

#### **Article 49. Power of coast guard force**

1. Coast guard officers on duty shall have the power to:

Impose a fine up to VND 1,500,000.

2. Coastguard team leaders shall have the power to:

Impose a fine up to VND 5,000,000.

3. Coastguard squad leaders and captains of coastguard stations shall have the power to:

a) Impose a fine up to VND 10,000,000;

b) Enforce the remedial measures mentioned in Points a, b and dd Clause 1 Article 28 of the Law on penalties for administrative violations.

4. Commanders of coastguard platoons shall have the power to:

a) Impose a fine up to VND 25,000,000;

b) Confiscate the exhibits and instrumentalities of administrative violation worth less than the fine specified in Point a of this Clause;

c) Enforce the remedial measures mentioned in Points a, c, d and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Points a, b, d, k and l Clause 3 Article 4 herein.

5. Commanders in chief of coastguard squadrons shall have the power to:

a) Impose a fine up to VND 50,000,000;

b) Confiscate the exhibits and instrumentalities of administrative violation worth less than the fine specified in Point a of this Clause;

c) Enforce the remedial measures mentioned in Points a, c, d and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Points a, b, d, k and l Clause 3 Article 4 herein.

6. Commanders of regional coastguard command centers shall have the power to:

a) Impose a fine up to VND 100,000,000;

b) Confiscate the exhibits and instrumentalities of administrative violation worth less than the fine specified in Point a of this Clause;

c) Enforce the remedial measures mentioned in Points a, c, d and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Points a, b, d, k and l Clause 3 Article 4 herein.

7. Commanders of Coastguard Headquarters shall have the power to:

a) Impose a fine up to VND 1,000,000,000;

b) Suspend operations for a fixed period or suspend licenses, certifications or practicing certificates issued by regulatory authorities or institutions;

c) Confiscate the exhibits and instrumentalities of administrative violations;

d) Enforce the remedial measures mentioned in Points a, b, c, d and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Points a, b, d, h, k and l Clause 3 Article 4 herein.

## **Article 50. Power of customs agencies**

1. Customs officials on duty shall have the power to:

Impose a fine up to VND 500,000.

2. Team leaders of Customs Branches and team leaders of Post-clearance Audit Branches shall have the power to:

Impose a fine up to VND 5,000,000.

3. Directors of Customs Branches and Post-clearance Audit Branches, leaders of customs enforcement teams affiliated to provincial, inter-provincial or city Customs Departments, leaders of anti-smuggling and control teams, leaders of customs procedure teams, leaders of marine control squads and leaders of intellectual property protection and control teams, affiliated to Anti-smuggling and Investigation Department, Vietnam Customs, shall have the power to:

a) Impose a fine up to VND 25,000,000;

b) Confiscate the exhibits and instrumentalities of administrative violation worth less than the fine specified in Point a of this Clause;

c) Enforce the remedial measures mentioned in Points d, dd, g and i Clause 1 Article 28 of the Law on penalties for administrative violations and in Points dd, e, g and m Clause 3 Article 4 herein.

4. Directors of Anti-smuggling and Investigation Department and Post-clearance Audit Department affiliated to General Department of Customs, and Directors of Customs Departments of provinces shall have the power to:

a) Impose a fine up to VND 50,000,000;

b) Confiscate the exhibits and instrumentalities of administrative violation worth less than the fine specified in Point a of this Clause;

c) Suspend licenses or practicing certificates, or suspend operations for fixed periods;

d) Enforce the remedial measures mentioned in Points d, dd, g and i Clause 1 Article 28 of the Law on penalties for administrative violations and in Points dd, e, g and m Clause 3 Article 4 herein.

5. Director General of General Department of Customs shall have the power to:

a) Impose a fine up to VND 1,000,000,000;

b) Confiscate the exhibits and instrumentalities for committing administrative violations;

c) Enforce the remedial measures mentioned in Points d, dd, g and i Clause 1 Article 28 of the Law on penalties for administrative violations and in Points dd, e, g and m Clause 3 Article 4 herein.

## **Article 51. Power of market surveillance force**

1. Market controllers on duty shall have the power to:

Impose a fine up to VND 500,000.

2. Leaders of market surveillance teams shall have the power to:

a) Impose a fine up to VND 25,000,000;

b) Confiscate the exhibits and instrumentalities of administrative violation worth less than the fine specified in Point a of this Clause;

c) Enforce the remedial measures mentioned in Points a, dd, e, g and i Clause 1 Article 28 of the Law on penalties for administrative violations and in Points dd, e and g Clause 3 Article 4 herein.

3. Directors of Provincial Market Surveillance Departments and Director of Market Surveillance Operations Department affiliated to Vietnam Directorate of Market Surveillance shall have the power to:

a) Impose a fine up to VND 50,000,000;

b) Suspend operations for a fixed period or suspend licenses, certifications or practicing certificates issued by regulatory authorities or institutions;

c) Confiscate the exhibits and instrumentalities of administrative violation worth less than the fine specified in Point a of this Clause;

d) Enforce the remedial measures mentioned in Points a, c, d, dd, e, g, h and i Clause 1 Article 28 of the Law on penalties for administrative violations and in Points dd, e and g Clause 3 Article 4 herein.

4. Director General of Vietnam Directorate of Market Surveillance shall have the power to:

a) Impose a fine up to VND 1,000,000,000;

b) Suspend operations for a fixed period or suspend licenses, certifications or practicing certificates issued by regulatory authorities or institutions;

c) Confiscate the exhibits and instrumentalities of administrative violations;

d) Enforce the remedial measures mentioned in Points a, c, d, dd, e, g, h and i Clause 1 Article 28 of the Law on penalties for administrative violations and in Points dd, e and g Clause 3 Article 4 herein.

## **Article 52. Power of inspecting authorities**

1. On-duty inspectors of agriculture and rural development sector and persons who are assigned to conduct specialized inspections of fishery operations, quality control of agricultural products, forest products and aquatic products shall have the power to:

- a) Impose a fine up to VND 500,000;
- b) Confiscate the exhibits and instrumentalities of administrative violation worth less than the fine specified in Point a of this Clause.

2. Chief Inspectors of Provincial Departments of Agriculture and Rural Development, Directors of Sub-departments of Fisheries performing the function of inspection of fishery operations, quality control of agricultural products, forest products and aquatic products; heads of specialized inspections teams of Directorate of Fisheries, National Agro-Forestry-Fisheries Quality Assurance Department; heads of specialized inspections teams of Provincial Departments of Agriculture and Rural Development; heads of specialized inspections teams of Sub-departments performing the function of inspection of fishery operations, quality control of agricultural products, forest products and aquatic products shall have the power to:

- a) Impose a fine up to VND 50,000,000;
- b) Suspend operations for a fixed period or suspend licenses, certifications or practicing certificates issued by regulatory authorities or institutions;
- c) Confiscate the exhibits and instrumentalities of administrative violation worth less than the fine specified in Point a of this Clause;
- d) Enforce the remedial measures mentioned in Clause 1 Article 28 of the Law on penalties for administrative violations and those mentioned in Clause 3 Article 4 herein.

3. Heads of specialized inspection teams in fisheries sector established by the Ministry of Agriculture and Rural Development shall have the power to:

- a) Impose a fine up to VND 250,000,000;
- b) Suspend operations for a fixed period or suspend licenses, certifications or practicing certificates issued by regulatory authorities or institutions;
- c) Confiscate the exhibits and instrumentalities of administrative violation worth less than the fine specified in Point a of this Clause;
- d) Enforce the remedial measures mentioned in Clause 1 Article 28 of the Law on penalties for administrative violations and those mentioned in Clause 3 Article 4 herein.

4. The Chief Inspector of Ministry of Agriculture and Rural Development, Director General of Directorate of Fisheries, Director of Department of Animal Health, Director of the National Agro-Forestry-Fisheries Quality Assurance Department (NAFIQAD) shall have the power to:

- a) Impose a fine up to VND 1,000,000,000;
- b) Suspend operations for a fixed period or suspend licenses, certifications or practicing certificates issued by regulatory authorities or institutions;
- c) Confiscate the exhibits and instrumentalities of administrative violations;
- d) Enforce the remedial measures mentioned in Clause 1 Article 28 of the Law on penalties for administrative violations and in Points a, b, c, d, dd, e, g, i, k, l and m Clause 3 Article 4 herein.

### **Article 53. Power of fisheries resources surveillance force**

1. Fisheries resources surveillance officials on duty shall have the power to:

- a) Impose a fine up to VND 500,000;
- b) Confiscate the exhibits and instrumentalities of administrative violation worth less than the fine specified in Point a of this Clause;

2. Heads of fisheries resources surveillance stations affiliated to regional sub-departments of fisheries resources surveillance shall have the power to:

- a) Impose a fine up to VND 10,000,000;
- b) Confiscate the exhibits and instrumentalities of administrative violation worth less than the fine specified in Point a of this Clause;
- c) Enforce the remedial measures mentioned in Points a, b and i Clause 1 Article 28 of the Law on penalties for administrative violations and in Points a, b, d, k and l Clause 3 Article 4 herein.

3. Directors of regional sub-departments of fisheries resources surveillance shall have the power to:

- a) Impose a fine up to VND 100,000,000;
- b) Confiscate the exhibits and instrumentalities of administrative violation worth less than the fine specified in Point a of this Clause;
- c) Enforce the remedial measures mentioned in Points a, b, d and i Clause 1 Article 28 of the Law on penalties for administrative violations and in Points a, b, d, k and l Clause 3 Article 4 herein.

4. Director of Department of fisheries resource surveillance shall have the power to:

a) Impose a fine up to VND 1,000,000,000;

b) Suspend operations for a fixed period or suspend licenses, certifications or practicing certificates issued by regulatory authorities or institutions;

c) Confiscate the exhibits and instrumentalities for committing administrative violation worth less than the fine specified in Point a of this Clause;

d) Enforce the remedial measures mentioned in Points a, b and i Clause 1 Article 28 of the Law on penalties for administrative violations and in Points a, b, d, k and l Clause 3 Article 4 herein.

#### **Article 54. Delegation of power to impose penalties**

1. Director General of Directorate of Fisheries and Chairpersons of Provincial People's Committees shall have the power to impose penalties for the administrative violations specified in Article 6 through 44 hereof.

2. Power to impose penalties of Chairpersons of people's committees of communes and of districts:

a) Chairpersons of people's committees of communes shall have the power to impose penalties for the administrative violations specified in Clauses 1, 2 Article 19, Clause 1 Article 27, Clause 1 Article 28, Clause 1 Article 30, Clause 1 Article 35, Clause 1 Article 36, Clause 1 Article 37, Clause 1 and Clause 2 Article 38, Clause 1 Article 39, Clause 1 Article 40 and Point a Clause 2 Article 43 hereof;

b) Chairpersons of people's committees of districts shall have the power to impose penalties for the administrative violations specified in Clause 1 Article 6, Clause 1 Article 7, Clauses 1, 2 and Points a, b Clause 3 Article 8, Article 12 through 19, Article 21, Clauses 1, 2 Article 23, Article 25, Article 27, Article 28, Clause 1 Article 29, Article 30, Article 33, Article 35 through 40, Points a, b, c, d and dd Clause 1 and Points a, b Clause 2, Clause 3 Article 41, Article 43 and Article 44 hereof.

3. Power to impose penalties of people's police force:

a) Soldiers on duty of people's police force shall have the power to impose penalties for the administrative violations specified in Clause 1 Article 38 hereof;

b) Heads of police stations, and leaders of the soldiers of people's police force shall have the power to impose penalties for the administrative violations specified in Clauses 1, 2 Article 38 hereof;

c) Heads of commune-level police authorities and heads of police stations shall have the power to impose penalties for the administrative violations specified in Clauses 1 and 2 Article 19, Clause 1 Article 37 and Clauses 1, 2 Article 38 hereof;

d) Heads of district-level police authorities shall have the power to impose penalties for the administrative violations specified in Point a Clause 1 Article 6, Points a, b Clause 1 Article 7, Clause 1 and Points a, b and c Clause 2 Article 8, Clauses 1, 2 Article 10, Article 12, Article 13, Clause 1 Article 14, Clauses 1, 2 Article 15, Article 17, Article 19, Clauses 1, 2, 3 and 4 Article 21, Clause 1 Article 23, Clauses 1, 2 Article 25, Article 27, Clauses 1, 2 and Points a, b Clause 3 Article 28, Clause 1 Article 29, Article 30, Article 33, Clauses 1, 2 Article 35, Article 36 through 39, Clauses 1, 2 Article 40, Points a, b and c Clause 1 Article 41, Article 43 and Clause 1 Article 44 hereof;

dd) Heads of environmental police departments of provinces shall have the power to impose penalties for the administrative violations specified in Point a Clause 1 Article 6 hereof;

e) Directors of Provincial-level Public Security Departments shall have the power to impose penalties for the administrative violations specified in Point a Clause 1 Article 6, Clause 1 Article 7, Clauses 1, 2 and Points a, b Clause 3 Article 8, Article 10, Article 12 through 19, Clause 1 through 5 Article 21, Clauses 1, 2 Article 23, Article 25, Article 27, Article 28, Clause 1 Article 29, Article 30, Article 33, Article 35 through 40, Points a, b, c, d and dd Clause 1, Points a, b Clause 2 Article 41, Article 43 and Article 44 hereof;

g) Director of Traffic Police Department shall have the power to impose penalties for the administrative violations specified in Article 6, Point a Clause 1 Article 7, Clause 1 Article 21, Clause 1 Article 23, Article 28, Article 29, Clause 1 Article 33, Article 41, Article 43, Clause 1 Article 44 hereof.

#### 4. Power to impose penalties of border guard force:

a) Soldiers on duty of border guard force shall have the power to impose penalties for the administrative violations specified in Clause 1 Article 38 hereof;

b) Heads of border guard stations, and leaders of the soldiers of border guard force shall have the power to impose penalties for the administrative violations specified in Clause 1 Article 27, Clause 1 Article 37, Clauses 1, 2 Article 38 hereof;

c) Heads of border-guard posts, commanders of border-guard flotillas, commanders of border-guard sub-zones shall have the power to impose penalties for the administrative violations specified in Point a Clause 1 Article 6, Points a, b Clause 1 Article 7, Points a, b and c Clause 2 Article 8, Clauses 1, 2, 3 and 4 Article 21, Clause 1 Article 23, Article 27, Clauses 1, 2 and Points a, b Clause 3 Article 28, Clause 1 Article 29, Article 30, Article 33, Clauses 1, 2 and Clause 3 Article 35, Article 36, Article 37, Article 38, Article 43 and Clause 1 Article 44 hereof;

d) Commanders of provincial-level border guard force and commanders of border guard fleets affiliated to the Border Guard High Command shall have the power to impose penalties for the



administrative violations specified in Article 6 through 8, Article 21, Article 23 through 30, Article 33, Article 35 through 38, Clause 1 and Point b Clause 2 Article 43 and Clause 1 Article 44 hereof.

5. Power to impose penalties of coast guard force:

a) Coast guard officers on duty shall have the power to impose penalties for the administrative violations specified in Clauses 1, 2 Article 38 hereof;

b) Coastguard team leaders shall have the power to impose penalties for the administrative violations specified in Clause 1 Article 27, Clause 1 Article 30, Clause 1 Article 37, Clauses 1, 2 Article 38 hereof;

c) Coastguard squad leaders and captains of coastguard stations shall have the power to impose penalties for the administrative violations specified in Point a Clause 1 Article 6, Points a, b Clause 2 Article 8, Clause 1 Article 21, Clause 1 Article 25, Clauses 1, 2, 3 Article 27, Clause 1 Article 28, Article 30, Clause 1 Article 33, Clause 1 Article 35, Article 36, Article 37, Clauses 1, 2, 3 and Points a, b Clause 4 Article 38 and Clause 1 Article 43 hereof;

d) Commanders of coastguard platoons shall have the power to impose penalties for the administrative violations specified in Point a Clause 1 Article 6, Points a, b Clause 1 Article 7, Clause 1, Points a, b, c Clause 2 Article 8, Clauses 1, 2 Article 25, Article 27, Clauses 1, 2 and Points a, b Clause 3 Article 28, Clause 1 Article 29, Article 30, Article 33, Clauses 1, 2 Article 35, Article 36, Article 37, Article 38, Points a, b Clause 1 Article 41, Clause 1 and Point b Clause 2 Article 43 and Clause 1 Article 44 hereof;

dd) Commanders in chief of coastguard squadrons shall have the power to impose penalties for the administrative violations specified in Point a Clause 1 Article 6, Clause 1 Article 7, Clauses 1, 2, Points a, b Clause 3 Article 8, Clause 1 through 5 Article 21, Clauses 1, 2 Article 23, Article 25, Article 27, Article 28, Clause 1 Article 29, Article 30, Article 33, Article 35 through 38, Points a, b Clause 1 Article 41, Clause 1 and Point b Clause 2 Article 43, Clause 1 Article 44 hereof;

e) Commanders of regional coastguard command centers shall have the power to impose penalties for the administrative violations specified in Points a, b Clause 1 Article 6, Article 7, Article 8, Clause 1 Article 9, Article 21, Article 23, Article 25, Clause 1 Article 26, Article 27 through 30, Article 33, Article 35 through 39, Article 41, Clause 1 and Point b Clause 2 Article 43 and Clause 1 Article 44 hereof;

g) Commanders of Coastguard Headquarters shall have the power to impose penalties for the administrative violations specified in Article 6 through 9, Article 21, Article 23 through 30, Article 33, Article 35 through 39, Article 41, Clause 1 and Point b Clause 2 Article 43 and Clause 1 Article 44 hereof.

6. Power to impose penalties of customs agencies:

a) Directors of Customs Branches and Post-clearance Audit Branches, leaders of customs enforcement teams affiliated to provincial, inter-provincial or city Customs Departments, leaders of anti-smuggling and control teams, leaders of customs procedure teams, leaders of marine control squads and leaders of intellectual property protection and control teams, affiliated to Anti-smuggling and Investigation Department, Vietnam Customs, shall have the power to impose penalties for the administrative violations specified in Clause 1 Article 44 hereof;

b) Directors of Anti-smuggling and Investigation Department and Post-clearance Audit Department affiliated to General Department of Customs, and Directors of Customs Departments of provinces shall have the power to impose penalties for the administrative violations specified in Clause 3 Article 15, Article 18 and Clause 1 Article 44 hereof;

c) Director General of General Department of Customs shall have the power to impose penalties for the administrative violations specified in Article 11, Clause 3 Article 15, Article 18, Article 32, Article 42 and Clause 1 Article 44 hereof.

#### 7. Power to impose penalties of market surveillance force:

a) Leaders of market surveillance teams shall have the power to impose penalties for the administrative violations specified in Article 12, Article 13, Clause 1 Article 14, Clause 3 Article 19, Points a, b, c Clause 1 Article 41 and Clause 1 Article 44 hereof;

b) Directors of Provincial Market Surveillance Departments and Director of Market Surveillance Operations Department affiliated to Vietnam Directorate of Market Surveillance shall have the power to impose penalties for the administrative violations specified in Article 11, Clause 1 Article 14, Clause 2 Article 15, Clause 1 Article 18, Clause 3 Article 19 and Clause 1 Article 44 hereof;

c) Director General of Vietnam Directorate of Market Surveillance shall have the power to impose penalties for the administrative violations specified in Article 11, Clause 1 Article 14, Clauses 2 and 3 Article 15, Article 18, Clause 3 Article 19, Article 32, Article 41, Article 42 and Clause 1 Article 44 hereof.

#### 8. Power to impose administrative penalties of inspecting authorities:

a) Inspectors of agriculture and rural development sector and persons who are assigned to conduct specialized inspections of fishery operations shall have the power to impose penalties for the administrative violations specified in Clause 1 Article 38 hereof;

b) Chief Inspectors of Provincial Departments of Agriculture and Rural Development, heads of specialized inspections teams of Provincial Departments of Agriculture and Rural Development, Directors of Sub-departments of Fisheries performing the function of inspection of fishery operations, heads of specialized inspections teams of Sub-departments performing the function of inspection of fishery operations, and heads of specialized inspections teams of Directorate of Fisheries shall have the power to impose penalties for the administrative violations specified in Clause 1 Article 6, Clause 1 Article 7, Clauses 1, 2, Points a, b Clause 3 Article 8, Article 10,

Article 12 through 19, Clause 1 through 5 Article 21, Article 22, Clauses 1, 2 Article 23, Article 25, Article 27, Article 28, Clause 1 Article 29, Article 30, Clauses 1, 2 Article 31, Article 33 through 40, Points a, b, c, d and dd Clause 1, Points a, b Clause 2, Clause 3 Article 41, Article 43 and Article 44 hereof;

c) Directors of Branches of National Agro-Forestry-Fisheries Quality Assurance Department (NAFIQAD), heads of specialized inspections teams of NAFIQAD, heads of specialized inspections teams of Sub-departments performing the function of inspection of quality of agricultural products, forest products and aquatic products shall have the power to impose penalties for the administrative violations specified in Points a, b, c, d, dd Clause 1 and Points a, b Clause 2 Article 41 and Clause 1 Article 44 hereof;

d) Heads of specialized inspection teams in fisheries sector established by the Ministry of Agriculture and Rural Development shall have the power to impose penalties for the administrative violations specified in Article 8, Article 10 through 19, Article 31 through 41, Points a, b Clause 1, Points a, b Clause 2, Clause 3 Article 42, Article 43 and Article 44 hereof;

dd) Chief Inspector of Ministry of Agriculture and Rural Development shall have the power to impose penalties for the administrative violations specified in Article 8, Article 10 through 19, Article 21 through 23, Article 32 through 44 hereof;

e) Director of the National Agro-Forestry-Fisheries Quality Assurance Department (NAFIQAD) shall have the power to impose penalties for the administrative violations specified in Article 41, Article 42 and Clause 1 Article 44 hereof;

g) Director of Department of Animal Health shall have the power to impose penalties for the administrative violations specified in Article 42 and Clause 1 Article 44 hereof.

9. Power to impose administrative penalties of fisheries surveillance force:

a) Fisheries resources surveillance officials shall have the power to impose penalties for the administrative violations specified in Clause 1 Article 38 hereof;

b) Heads of fisheries resources surveillance stations affiliated to regional sub-departments of fisheries resources surveillance shall have the power to impose penalties for the administrative violations specified in Point a Clause 1 Article 6, Points a, b Clause 2 Article 8, Clause 1 Article 21, Clause 1 Article 25, Clauses 1, 2 and 3 Article 27, Clause 1 Article 28, Clauses 1, 2 Article 30, Clause 1 Article 33, Clause 1 Article 35, Article 36, Article 37, Clauses 1, 2, 3 and Points a, b Clause 4 Article 38, Clauses 1, 2 Article 39, Clauses 1, 2 Article 40 and Clause 1, Point a Clause 2 Article 43 hereof;

c) Directors of regional sub-departments of fisheries resources surveillance shall have the power to impose penalties for the administrative violations specified in Points a, b Clause 1 Article 6, Article 7, Article 8, Clauses 1, 2 Article 9, Article 21, Article 23, Article 25, Clause 1 Article 26, Article 27 through 30, Article 33, Article 35 through 41, Clause 1, Point a Clause 2 Article 43 and Clause 1 Article 44 hereof;

d) Director of Department of fisheries resource surveillance shall have the power to impose penalties for the administrative violations specified in Article 6 through 9, Article 21, Article 23 through 30, Article 33, Article 35 through 39, Article 41, Clause 1 and Point b Clause 2 Article 43 and Clause 1 Article 44 hereof.

#### **Article 55. Implementation of preventive measures and enforcement of administrative penalties**

1. In cases where only fine is imposed upon the violator, the person authorized to impose penalties for administrative violations against regulations on fisheries is entitled to impound waterway vehicle-related documents and/or professional certificates until the decision on penalty implementation is implemented. If the abovementioned documents are not available, the person authorized to impose penalties is entitled to request the violator to operate the waterway vehicle to shore or to the office of his/her working authority for handling or impound the exhibits and/or instrumentalities within his/her competence.

In case the additional penalty which is confiscation of exhibits/instrumentalities of the violation is imposed for an administrative violation as regulated in this Decree, the person authorized to impose penalties is entitled to request the violator to operate the waterway vehicle to shore or to the office of his/her working authority for handling or impound the waterway vehicle within his/her competence.

2. The implementation of preventive measures and enforcement of administrative penalties shall comply with the authority and procedures specified in the Law on penalties for administrative violations.

### **Chapter IV**

#### **IMPLEMENTATION PROVISIONS**

#### **Article 56. Effect**

1. This Decree comes into force from July 05, 2019 and supersedes the Government's Decree No. 103/2013/ND-CP dated September 12, 2013.

2. The phrase “thủy sản nuôi” (“cultured aquatic species”) is added after the phrase “vật nuôi” (“domestic animals”) in Point a Clause 6 Article 17, Clause 5 Article 18, Clause 6 Article 19 and Clause 9 Article 20 of the Government's Decree No. 119/2017/ND-CP dated November 01, 2017.

3. This Decree abrogates the following:

a) Regulations on aquatic breeds, aquatic feeds and aqua environmental remediation products in the Government's Decree No. 64/2018/ND-CP dated May 07, 2018;

b) Regulations on fishery operations in the Government's Decree No. 41/2017/ND-CP dated April 05, 2017.

### **Article 57. Transition**

1. Violations against regulations on fisheries committed before this Decree takes effect and discovered afterwards or under consideration shall be handled in accordance with regulations that are advantageous to the organizations and individuals at fault.

2. In case where a violator files a complaint against a decision on penalty imposition which is issued or implemented before this Decree takes effect, regulations of the Government's Decree No. 103/2013/ND-CP dated September 12, 2013, the Government's Decree No. 41/2017/ND-CP dated April 05, 2017 and the Government's Decree No. 64/2018/ND-CP dated May 07, 2018 shall apply.

3. In case an administrative violation against regulations on fisheries is discovered after the effective date of this Decree and subject to the transition clause specified in the Law on fisheries or its instructional documents, regulations of the Government's Decree No. 103/2013/ND-CP dated September 12, 2013, the Government's Decree No. 41/2017/ND-CP dated April 05, 2017 and the Government's Decree No. 64/2018/ND-CP dated May 07, 2018 shall apply until the transition clause expires.

### **Article 58. Responsibility for guidance and implementation**

1. The Minister of Agriculture and Rural Development shall instruct, organize and inspect the implementation of this Decree.

2. Ministers, heads of ministerial agencies, heads of Governmental agencies and Chairpersons of People's Committees of provinces shall be responsible for the implementation of this Decree./.

**ON BEHALF OF THE GOVERNMENT  
THE PRIME MINISTER**

**Nguyen Xuan Phuc**

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