

**THE GOVERNMENT**

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No. 123/2021/ND-CP

**THE SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

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*Hanoi, December 28, 2021*

**DECREE**

**AMENDMENTS TO SEVERAL ARTICLES OF DECREES PROVIDING FOR ADMINISTRATIVE PENALTIES FOR MARITIME OFFENCES; ROAD TRAFFIC OFFENCES AND RAIL TRANSPORT OFFENCES; CIVIL AVIATION OFFENCES**

*Pursuant to the Law on Government Organization dated June 19, 2015; Law on Amendments to some Articles of the Law on Government Organization and Law on Local Government Organization dated November 22, 2019;*

*Pursuant to the Law on Penalties for Administrative Violations dated June 20, 2015 and Law on Amendments to the Law on Penalties for Administrative Violations dated November 13, 2020;*

*Pursuant to the Vietnam Maritime Code dated November 25, 2015;*

*Pursuant to the Law on Vietnam Civil Aviation dated June 29, 2006 and Law on Amendments to the Law on Vietnam Civil Aviation dated November 21, 2014;*

*Pursuant to the Law on Road Traffic dated November 13, 2008;*

*Pursuant to the Law on Railway Transport dated June 16, 2017;*

*At the request of the Minister of Transport;*

*The Government hereby promulgates a Decree on amendments to several Articles of Decrees providing for administrative penalties for maritime offences; road traffic offences and rail transport offences; civil aviation offences.*

**Article 1. Amendments to some Articles of Government's Decree No. 142/2017/ND-CP dated December 11, 2017 on administrative penalties for maritime offences**

1. Clauses 2 and 3 of Article 1 are amended as follows:

“2. The administrative maritime offences specified in this Decree consist of:

- a) Offences against regulations on construction, management and operation of maritime infrastructure;
- b) Offences against regulations on construction, management and operation of dry depots;
- c) Offences against regulations on ship operations;
- d) Offences against regulations on against regulations on ship registration and deregistration and seafarer assignment; use of certificates of competency and discharge books;
- dd) Offences against regulations on maritime pilotage;
- e) Offences against regulations on provision of maritime transport services, multimodal transport services, auxiliary services for maritime transport and maritime safety services;
- g) Offences against regulations on eligibility requirements to be satisfied by ship building, modification and repair facilities and ship-breakers;
- h) Offences against regulations on container safety;
- i) Offences against regulations on maritime search and rescue; marine salvage and aids to navigation;
- k) Offences against regulations on training for seafarers;
- l) Offences against regulations on prevention of marine pollution;
- m) Offences against regulations on maritime labor; reporting of maritime occupational accidents;
- n) Offences against regulations on natural disaster management in the maritime field;
- o) Offences against regulations on prevention and control of infectious diseases in the maritime field;

3. If the administrative offences prescribed in clause 2 of this Article are committed outside the seaport waters and are not prescribed in the Decree on administrative penalties for offences committed within the territorial waters, islands and continental

shelf of the Socialist Republic of Vietnam, they shall be sanctioned in conformity with regulations herein.”.

2. Clauses 2a and 2b are added after clause 2 of Article 2 as follows:

“2a. The organizations specified in clause 1 of this Article include:

- a) Business organizations established under regulations of law;
- b) Social organizations, socio-political organizations, socio-professional organizations and socio-political-professional organizations;
- c) Public service providers and other organizations established under regulations of law.

2b. Household businesses that are required to register their business as prescribed by law and households shall incur the same penalties as those incurred by individuals involved in commission of administrative offences specified in this Decree.”.

3. Article 3 is amended as follows:

**“Article 3. Prescriptive time limits for imposing administrative penalties for offences**

The prescriptive time limits for imposition of penalties for maritime offences shall be 01 year; the prescriptive time limits for imposition of administrative penalties for offences against regulations on construction of seaports, dry depots, marine structures, environmental protection, price management and management of overseas labor shall be 02 years.”.

4. Article 3a is added after Article 3 as follows:

**“Article 3a. Completed and in-progress administrative offences**

1. Completed administrative offences include the following administrative offences:

- a) Offences against regulations on loading goods specified in point a clause 1, clause 2, clause 3 Article 16 of this Decree. The date on which an offence terminates begins from the date of detecting the act of carrying cargo in excess of the permissible payload;

b) The offences detected through technical and professional means and equipment. The date on which an offence terminates begins from the date on which the technical and professional means or equipment records the offence;

c) The administrative offences specified in this Decree and not specified in points a and b of this Article but had been completed before the competent person discovered such offences. In the absence of any document or evidence determining the accurate date on which the offences terminate, it will be considered that the prescriptive time limit has not expired.

2. The administrative offences specified in this Decree but not specified in clause 1 of this Article are treated as in-progress ones.”.

5. Several clauses of Article 4 are amended as follows:

a) Clause 2 of Article 4 is amended as follows:

“2. Depending on the nature and severity of the offences, the violating entity may incur one or more additional penalties below:

a) Suspension of the license or practicing certificate;

b) Suspension of the operation;

c) Confiscation of the exhibits and instrumentalities involved in commission of administrative offences, including certificates, licenses, written confirmation, written permission and documents which are erased or altered to a degree that changes their information or not issued by competent authorities and instrumentalities involved in commission of administrative offences.”.

b) Clause 3 of Article 4 is amended as follows:

“3. Apart from the remedial measures specified in points a, b and c clause 1 Article 28 of the Law on Penalties for Administrative Violations, this Decree provides for remedial measures as follows:

a) Enforced assignment of sufficient seaport security officers in accordance with regulations; enforced assignment of sufficient pilots in accordance with regulations; enforced deployment of pilots in conformity with their certificate of maritime pilotage competency or certificate of maritime pilotage area; enforced use or provision of adequate boarding and landing equipment and facilities for pilots in accordance with regulations or use of boarding and landing equipment and facilities for pilots meeting safety requirements; enforced granting of rest periods to seafarers

in accordance with regulations; enforced making of arrangements for repatriation of seafarers

- b) Enforced possession of a seaport security plan approved as prescribed;
- c) Enforced inspection of quality of port infrastructure by the prescribed deadline or after a collision that affects the marine structure;
- d) Enforced unloading of the cargo exceeding permissible payload and exceeding dimensional limits or compliance with the instructions given by law enforcement officers in the area where the offence is detected;
- dd) Enforced equipment of life saving appliances or enforced equipment of suitable life saving appliances in accordance with regulations;
- e) Enforced establishment of aids to navigation or enforced establishment of suitable aids to navigation in accordance with regulations;
- g) Enforced relocation of bottom gillnets, cages or vehicles serving fishery and aquaculture activities and exploitation of natural resources within the seaport waters or navigational channels which are not located in designated positions;
- h) Enforced guarantee of readiness, continuous and stable operation of dredging control systems installed on vehicles used for transporting and discharging dredged materials during construction;
- i) Enforced installation of dredging control systems on vehicles used for transporting and discharging dredged materials during construction;
- k) Enforced possession or correct implementation of the maritime safety plan or traffic safety plan approved by the competent authority;
- l) Enforced formulated of a marine structure protection plan or enforced implementation of the approved marine structure protection plan; formulation of a disaster response plan in accordance with regulations;
- m) Enforced use of the dry depot's name announced by the competent authority;
- n) Enforced provision of additional and accurate information;
- o) Enforced payment of maritime fees and charges and relevant costs in accordance with regulations; enforced payment of salvage costs in accordance with regulations;

- p) Enforced moving of obstacles on a wharf surface to a designated location; enforced removal from the operating area not suitable for the ship class;
- q) Enforced disembarkation of excess passengers in accordance with regulations; enforced disembarkation of seafarers in case of offences against regulations on assignment of foreign seafarers working on board Vietnamese ships;
- r) Enforced adoption of safety measures in case of transport of oversized cargo;
- s) Enforced entry of adequate and accurate electronic information on embarkation, disembarkation and awarding of titles to seafarers to the seafarer database of the Vietnam Maritime Administration according to regulations;
- t) Enforced registration of flying of the Vietnamese national ensign according to regulations; enforced deregistration of ships according to regulations;
- u) Enforced provision of adequate and timely pilotage services in a compulsory pilotage area or on designated navigation routes; enforced supply of necessities and foods to seafarers working on board the ship; enforced provision of financial security for the repatriation of seafarers;
- uu) Enforced fulfillment of the shipowner's responsibilities towards seafarers who suffer occupational accidents and occupational diseases; enforced purchase of compulsory insurance for seafarers working on board the ship;
- v) Enforced conclusion of the seafarer employment contract in accordance with the work permit;
- x) Enforced correction of information about locations and status of ships in operation upon occurrence of disasters;
- y) Enforced payment of costs of expert assessment, inspection, measurement and analysis of environmental samples in case where an offence results in oil spill or environmental pollution according to the applicable norms and unit prices.”.

c) Clause 5 is added after clause 4 of Article 4 as follows:

“5. For an administrative offence related to a ship about which the information is not available to serve the conversion of its gross tonnage specified in clause 4 of this Article, the method of determining the deadweight tonnage and capacity of a ship as the basis for penalty imposition is as follows:

a) The deadweight tonnage of the ship is denoted by T (tonne) and is calculated using the formula  $T = A \times K$ , where:

- A is the value of the of the main deck measured from the bow to rudder of the ship multiplied by the breadth measured amidships multiplied by the depth measured from the upper surface of keel to the surface of main deck amidships and is calculated using the formula  $A = L \times B \times D$ , where:

L (m): Length of the main deck measured from the bow to the stern.

B (m): Breadth measured amidships;

D (m): Depth measured from the upper surface of keel to the surface of main deck amidships;

- K: Coefficient corresponding to value of A and determined as follows:

If value of A ranges from 4.55 m<sup>3</sup> to 18.76 m<sup>3</sup>, K = 0.26;

If value of A ranges from 18.76 m<sup>3</sup> to 49.80 m<sup>3</sup>, K = 0.29;

If value of A ranges from 49.80 m<sup>3</sup> to 387.20 m<sup>3</sup>, K = 0.35;

If value of A ranges from 387.20 m<sup>3</sup> to 1,119.80 m<sup>3</sup>, K = 0.51;

If value of A is greater than 1,119.8 m<sup>3</sup>, K = 0.57.

b) If it is not a cargo or passenger ship, rely on the total power of the main engine installed on the ship to impose a penalty or fine. If the main engine power cannot be determined or the engine does not have a label, the fine shall be imposed according to the 50 HP engine.

c) If deadweight tonnage cannot be determined as prescribed in point a clause 5 of this Article, the competent person shall request the registry to determine the deadweight tonnage as the basis for making a penalty imposition decision.

d) For vehicles such as floating decks or other floating structures on which dredgers, mining machines or cargo-handling equipment are placed, their deadweight tonnage or capacity shall be determined as follows (if the grounds for determination of deadweight tonnage or capacity are not sufficient):

If the maximum length and maximum breadth is 10 meters and 4 meters respectively, the deadweight tonnage shall be from 05 to 15 tonnes;

If the maximum length and maximum breadth is greater than 10 meters and 4 meters respectively, the deadweight tonnage shall be greater than 15 tonnes;

The Length of a vehicle is the distance between the tip of the bow and rudder or two outermost points of the vehicle;

Breadth of a vehicle is the distance at the widest point measured to the outer surface of the frames.”.

6. Article 7 is amended as follows:

**“Article 7. Offences against regulations on announcement of the opening of a seaport, offshore oil port, quay or wharf**

1. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for provision of false information in the application for announcement of the opening of a seaport, offshore oil port, quay or wharf.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for using a certificate, license, written confirmation, written permission or document which is erased or altered to a degree that changes its information or which is not issued by a competent authority to apply for announcement of the opening of a port, offshore oil port, quay or wharf.

3. Additional penalties: Confiscate the certificate, license, written confirmation, written permission or document which is erased or altered to a degree that changes its information or which is not issued by a competent authority if the offence in clause 2 of this Article is committed.”.

7. Several points and clauses of Article 10 are amended as follows:

a) Points i and k are added after point h clause 5 of Article 10 as follows:

“i) Failure to fully archive documents serving management, operation and maintenance of marine structures;

k) Failure to inspect vehicles, loading and unloading equipment, specialized vehicles and machinery or operating vehicles, loading and unloading equipment, specialized vehicles and machinery inside a port without inspecting them according to regulations.”;

b) Point d clause 6 of Article 10 is amended as follows:



“d) Failure to inspect quality of port infrastructure by the prescribed deadline or after a collision that affects the marine structure;”;

c) Clause 7 of Article 10 is amended as follows:

“7. Additional penalties:

a) Suspend the docking of the ships operating on international voyages into the seaport for 01 - 03 months if any of the offences specified in points d and e clause 5 and point c clause 6 of this Article is committed;

b) Suspend the docking of the ship into the seaport for 01 - 03 months if the offence specified in point d clause 6 of this Article is committed.”;

d) Clause 8 is added after clause 7 of Article 10 as follows:

“8. Remedial measures:

The violator is compelled to:

a) Assign adequate seaport security officers as prescribed if the offence specified in point e clause 5 of this Article is committed;

b) Have an approved seaport security plan adequate seaport as prescribed if the offence specified in point c clause 6 of this Article is committed;

c) Inspect quality of port infrastructure by the prescribed deadline or after a collision that affects the maritime structure if the offence specified in point d clause 6 of this Article is committed.”.

8. Article 12 is amended as follows:

**“Article 12. Offences against regulations on assurance of maritime safety and environmental protection upon construction or upgrade of seaports or construction or installation of other structures and equipment affecting maritime safety**

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

a) Failure to equip life saving appliances or equipping unsuitable life saving appliances as prescribe;

b) Failure to inform the port authority of any other structures constructed within the seaport waters;

c) Establishing aids to navigation which are inadequate or unsuitable or fail to operate or incorrectly indicate the position where the construction is in progress;

d) Causing obstruction to operation of navigational channels due to anchoring construction vessels and other ships serving the construction outside the permitted areas;

dd) Failure to record the results of dredging and discharge of dredged materials or failure to make entries in the construction logbook as prescribed; failure to submit periodical reports to the port authority and the Vietnam Maritime Administration on the status and results of execution of project on dredging of navigational channels and dedicated waters in the seaport waters in association with re-use of dredged materials as prescribed;

e) Placing cages or vehicles serving fishery and aquaculture activities and exploitation of natural resources within the seaport waters or navigational channels without obtaining an approval from the port authority or failure to place them in the designated locations or within the approved time limit;

g) Setting bottom gillnets within the seaport waters or navigational channels.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the following offences:

a) Failure to carry out the construction at the licensed site;

b) Failure to carry out construction within the time limit specified in the construction permit issued by the competent authority as prescribed;

c) Failure to apply for an approval from the port authority as prescribed before using specialized means and equipment for performing survey, dredging, installation of aids to navigation and other activities within the seaport waters;

d) Failure to clear or remove obstacles upon the completion of construction;

dd) Failure to sufficiently implement the maritime safety plan or traffic safety plan approved by the competent authority;

e) Creating obstacles within the seaport waters and territorial waters of Vietnam resulting in adverse influence on maritime operations;

g) Installing dredging control systems of an unsuitable kind on vehicles used for transporting and discharging dredged materials in course of dredging or maintaining navigational channels or dedicated waters; using a dredging control system that fails to meet mandatory technical specifications or that is not at the ready for operation or fails to operate continuously and stably;

h) Failure to organize supervision of construction and discharge of dredged materials as prescribed.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for any of the following offences:

a) Failure to establish aids to navigation as prescribed;

b) Failure to install dredging control systems on vehicles used for transporting and discharging sludge in course of dredging or maintaining navigational channels or dedicated waters;

c) Failure to implement or incorrectly implementing the maritime safety plan or traffic safety plan approved by the competent authority.

4. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for carrying out construction in a case other than that specified in point a clause 5 of this Article before obtaining a license or written approval from a competent authority as prescribed.

5. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for any of the following offences:

a) Carrying out construction in a case where an economic-technical report on construction or construction project is mandatory before obtaining a license or written approval from a competent authority as prescribed;

b) Failure to construct a structure according to the appraised and approved design;

c) Failure to have a maritime safety plan or traffic safety plan as prescribed.

6. A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for failure to construct a structure in conformity with the approved planning.

7. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed for any of the following offences:

- a) Carrying out construction without obtaining permission from a competent authority and causing an accident;
- b) Failure to carry out construction at the licensed site and causing an accident;
- c) Failure to have or incorrectly implementing the maritime safety plan or traffic safety plan approved by the competent authority and thus causing an accident.

#### 8. Remedial measures:

The violator is compelled to:

- a) Equip life saving appliances or equip suitable life saving appliances in accordance with regulations if the offence specified in point a clause 1 of this Article is committed;
- b) Establish adequate and suitable aids to navigation as prescribed if the offence specified in point c clause 1 of this Article is committed;
- c) Relocate bottom gillnets, cages or vehicles serving fishery and aquaculture activities and exploitation of natural resources within the seaport waters or navigational channels which are not located in designated locations if any of the offences specified in points e and g clause 1 of this Article is committed;
- d) Restore to the original condition which has been altered due to one of the offences prescribed in point d clause 1 and point e clause 2 of this Article;
- dd) Dismantle the illegally constructed structure if any of the offences prescribed in point a clause 2, clause 4, clause 5, clause 6 and points a and b clause 7 of this Article is committed;
- e) Guarantee of readiness, continuous and stable operation of dredging control systems installed on vehicles used for transporting and discharging dredged materials during construction if the offence specified in point g clause 2 of this Article is committed;
- g) Install dredging control systems installed on vehicles used for transporting and discharging dredged materials during construction if the offence specified in point b clause 3 of this Article is committed;
- h) Have the maritime safety plan or traffic safety plan approved by the competent authority if any of the offences specified in point c clause 5 and point c clause 7 is committed; implement or correctly implement the maritime safety plan or traffic

safety plan approved by the competent authority if any of the offences specified in point c clause 5 and point c clause 7 is committed.”.

9. Article 15 is amended as follows:

**“Article 15. Offences against regulations on verification of gross mass of containers used in maritime transport**

A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the following offences:

1. Failure to weigh a container to verify its gross mass as prescribed.
2. Failure to provide the verified container gross mass certificate as prescribed.”.

10. Article 16 is amended as follows:

**“Article 16. Offences against regulations on loading goods onto motor vehicles within the port land area**

1. A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for any of the following offences:

a) Loading goods onto a motor vehicle (including trailers and semi-trailers) beyond the permissible payload written in the certificate of technical and environmental safety inspection by > 10% - 50%; regarding a liquid-carrying tanker, by > 20% - 50%;

b) Loading cargo onto a motor vehicle without certifying the loading on the transport order as prescribed.

2. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for loading cargo onto a motor vehicle (including trailers and semi-trailers) beyond the permissible payload written in the Certificate of technical and environmental safety inspection by > 50% - 100%.

3. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed for loading cargo onto a motor vehicle (including trailers and semi-trailers) beyond the permissible payload written in the Certificate of technical and environmental safety inspection by > 100%.

4. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for loading oversized cargo onto a vehicle without a transport permit or expired transport permit or with a transport permit not issued by the competent authority.

5. Remedial measures: The violator is compelled to unload the cargo exceeding permissible payload if the motor vehicle has not left the loading area if any of the offences specified in point a clause 1, clauses 2 and 3 of this Article is committed.”.

11. Article 17 is amended as follows:

**“Article 17. Offences committed by operators of motor vehicles and the like within the port land area**

1. A fine ranging from VND 800,000 to VND 1,000,000 shall be imposed for operating a motor vehicle and the like in excess of the speed limit by 05 km/h to less than 10 km/h.

2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for operating a motor vehicle and the like in excess of the speed limit by 10 km/h to 20 km/h.

3. A fine ranging from VND 6,000,000 to VND 8,000,000 shall be imposed upon an operator of a motor vehicle and the like for any of the following offences:

a) Operating the motor vehicle and the like in excess of the speed limit by more than 20 km/h to 35 km/h;

b) Operating the motor vehicle and the like while BAC does not exceed 50 mg per 100 ml of blood or BrAC does not exceed 0.25 mg per liter of breath.

4. A fine ranging from VND 10,000,000 to VND 12,000,000 shall be imposed for operating a motor vehicle and the like in excess of the speed limit by > 35 km/h.

5. A fine ranging from VND 16,000,000 to VND 18,000,000 shall be imposed for operating a motor vehicle and the like while BAC exceeds 50 - 80 mg per 100 ml of blood or BrAC exceeds 0.25 - 0.4 mg per liter of breath.

6. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for operating a motor vehicle and the like while BAC exceeds 80 mg per 100 ml of blood or BrAC exceeds 0.4 mg per liter of breath.

7. Additional penalties:

- a) Suspend the driver's license for 01 - 03 months if the offence specified in clause 2 of this Article is committed;
- b) Suspend the driver's license for 02 - 04 months if any of the offences specified in point a clause 3, clause 4 of this Article is committed;
- c) Suspend the driver's license for 10 - 12 months if the offence specified in point b clause 3 of this Article is committed;
- d) Suspend the driver's license for 16 - 18 months if the offence specified in clause 5 of this Article is committed;
- dd) Suspend the driver's license for 22 - 24 months if the offence specified in clause 6 of this Article is committed.”.

12. Article 20 is amended as follows:

**“Article 20. Offences against regulations on use of certificate of eligibility for commercial operation of seaport and conditions for commercial operation of a seaport**

- 1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for operating a seaport against the certificate of eligibility for commercial operation of seaport issued by the competent authority as prescribed.
- 2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for any of the following offences:
  - a) Failure to formulate an occupational health and safety plan as prescribed;
  - b) Failure to meet fire prevention requirements or failure to prepare a firefighting plan as prescribed;
  - c) Failure to have environmental protection-related documents approved by competent authorities as prescribed;
  - d) Failure to have adequate facilities, warehouses, storage yards and other necessary equipment that meet the national technical regulations applicable to seaports or failure to enter into a warehouse or storage yard lease contract in case where the seaport does not have sufficient warehouse or storage yard as prescribed;
  - dd) Failure to provide adequate facilities for receiving and recovering waste from ships for treatment as prescribed;

e) Failure to provide adequate human resources, systems, structures or equipment for management and treatment of waste generated within the seaport area as prescribed.

3. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the following offences:

a) Operating a seaport against the certificate of eligibility for commercial operation of seaport issued by the competent authority as prescribed;

b) Erasing or altering the certificate of eligibility for commercial operation of seaport to a degree that changes its information;

c) Using one of the documents: certificate, license, written confirmation, written permission or document which is erased or altered to a degree that changes its information or which is not issued by a competent authority to apply for the certificate of eligibility for commercial operation of seaport;

d) Buying, selling, leasing, leasing out, borrowing or lending the certificate of eligibility for commercial operation of seaport.

4. Additional penalties:

a) Suspend the certificate of eligibility for commercial operation of seaport for 01 - 03 months if the offence specified in clause 2 of this Article is committed;

b) Confiscate the certificate, license, written confirmation, written permission or document which is erased or altered to a degree that changes its information or which is not issued by a competent authority in the application for the certificate of eligibility for commercial operation of seaport and the certificate of eligibility for commercial operation of seaport if any of the offences specified in points b and c clause 3 of this Article is committed.”.

13. Article 21 is amended as follows:

**“Article 21. Offences against regulations on listing of freights and surcharges of ocean container shipping services and seaport service charges**

1. A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for any of the following offences:

a) Failure to list the freights and surcharges of ocean container shipping services and seaport service charges at the place where the listing is mandatory;



b) Listing freights and surcharges of ocean container shipping services and seaport service charges in incorrect currency;

c) Failure to notify the Vietnam Maritime Administration in writing of the website on which the freights and charges are listed; failure to promptly, accurately and sufficiently relevant data and documents as requested in writing by the competent authority.

2. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for failure to announce the increase in the freights and surcharges of ocean container shipping services for at least 15 consecutive days before increasing.”.

14. Title of Section 3 in Chapter II is amended as follows:

**“Section 3. OFFENCES AGAINST REGULATIONS ON SHIP OPERATIONS”.**

15. Article 32 is amended as follows:

**“Article 32. Offences against regulations on procedures for ships’ arrival, departure or transit through a seaport**

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for providing insufficient or false information in the notice or confirmation of ship’s arrival at or departure from a seaport or the general declaration or the crew list or the passenger list as prescribed.

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

a) Initiating the procedures for ship’s arrival at, departure from or transit through a seaport after the prescribed deadline;

b) Failure to initiate the procedures for re-issuance of a port clearance permit in case it is expired as prescribed.

3. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the following offences:

a) Within the prescribed time limit, failure to provide one of the mandatory certificates or documents or providing an inappropriate certificate or document when following the procedures for ship’s arrival at, departure from or transit through a seaport;

b) Failure to provide or insufficiently providing documents related to the carriage of dangerous cargo onboard the ship as regulated;

c) Failure to provide or insufficiently providing documents or certificates concerning environmental pollution prevention; documents or certificates concerning ballast water management; anti-fouling system as prescribed;

d) Failure to provide the original or certified true copy of the bank guarantee given by a credit institution or foreign bank branch on payment of repatriation costs to seafarers as prescribed;

dd) Failure to provide or insufficiently providing information about weapons, explosives or stowaways;

e) Loading or unloading cargo without permission or letting seafarers, passengers or other unauthorized persons embark without permission before completing the entry procedures or disembark without permission after completing exit procedures as prescribed.

4. The following fines shall be imposed for failure to have an effective shipowner's liability insurance certificate or effective financial security certificate if the ship carries passengers, petroleum, petroleum products or other dangerous cargo as:

a) A fine ranging from VND 15,000,000 to VND 30,000,000 shall be imposed on the ship carrying less than 50 passengers; the ship which carries petroleum, petroleum products or other dangerous cargo and has gross tonnage of less than 200 GT;

b) A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed on the ship carrying 50 to less than 100 passengers; the ship which carries petroleum, petroleum products or other dangerous cargo and has gross tonnage of 200 GT to less than 500 GT;

c) A fine ranging from VND 50,000,000 to VND 80,000,000 shall be imposed on the ship carrying 100 to less than 300 passengers; the ship which carries petroleum, petroleum products or other dangerous cargo and has gross tonnage of 500 GT to less than 3,000 GT;

d) A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed on the ship carrying 300 passengers or more; the ship which carries petroleum, petroleum products or other dangerous cargo and has gross tonnage of 3,000 GT or more;

5. The following fines shall be imposed for failure to obtain the last port clearance certificate as prescribed or leaving the port before obtaining permission from a competent authority:

a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed on a ship of less than 200 GT;

b) A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed on a ship of 200 GT to less than 500 GT;

c) A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed on a ship of 500 GT to less than 3,000 GT;

d) A fine ranging from VND 40,000,000 to VND 80,000,000 shall be imposed on a ship of 3,000 GT or more.

6. A fine ranging from VND 80,000,000 to VND 100,000,000 shall be imposed on a foreign-flagged ship for engaging in inland waterway transport or carrying out specific activities without obtaining permission from a competent authority as prescribed.

7. Additional penalties: Suspend the master's certificate of competency for 03 - 06 months if any of the offences prescribed in clause 5 of this Article is committed.

8. Remedial measures:

The violator is compelled to:

a) Provide additional and accurate information if the offence specified in clause 1 of this Article is committed;

b) Pay maritime fees and charges and relevant costs as prescribed if the offence specified in clause 5 of this Article is committed.”.

16. Title of Section 4 in Chapter II is amended as follows:

**“Section 4. OFFENCES AGAINST REGULATIONS ON REGISTRATION AND DEREGISTRATION OF SHIPS, PUBLIC SERVICE SHIPS, SUBMARINES, SUBMERSIBLES, FLOATING STORAGE UNITS AND MOBILE OFFSHORE DRILLING UNITS AND SEAFARER ASSIGNMENT; USE OF CERTIFICATES OF COMPETENCY AND DISCHARGE BOOKS”.**

17. Article 40 is amended as follows:

**“Article 40. Offences against regulations on registration and deregistration; use of certificates of ships, public service ships, submarines, submersibles, floating storage units and mobile offshore drilling units**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the following offences:

- a) Failure to register changes as prescribed;
- b) Failure to register changes to the ship ownership after the ship is sold or purchased or in case of transfer of ownership;
- c) Failure to change the Minimum Safe Manning Certificate upon change of the managing or operating enterprise;
- d) Providing false information; using a document which is erased or altered or which is not issued by a competent authority to apply for the certificate;
- dd) Vietnamese ship owner’s failure to send the copy of the registration certificate to the Vietnam National Registry of Ships for management when registering flying of the foreign national ensign;
- e) Failure to register flying of the Vietnamese national ensign as prescribed with respect to the purchased or newly built ship of a state-owned enterprise or state-invested enterprise;
- g) Failure to carry out deregistration as prescribed.

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

- a) Operating a ship, public service ship, submarine, submersible, floating storage unit or mobile offshore drilling unit before obtaining a certificate;
- b) Using one of the certificates of a ship, public service ship, submarine, submersible, floating storage unit or mobile offshore drilling unit or the certificate which is erased or altered to a degree that changes its information or which is not issued by a competent authority.

3. Additional penalties: Confiscate the exhibits involved in commission of administrative offences if any of the offences prescribed in point d clause 1 and point b clause 2 of this Article is committed.

4. Remedial measures:

The violator is compelled to:

a) Follow procedures for registering flying of the Vietnamese national ensign officers as prescribed if the offence specified in point e clause 1 of this Article is committed;

b) Follow procedures for ship deregistration if the offence specified in point g clause 1 of this Article is committed.”.

18. Article 42 is amended as follows:

**“Article 42. Offences against regulations seafarer assignment, use of certificates of competency, practicing certificates and seaman’s discharge books**

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

a) Failure to make entries or making insufficient or inaccurate entries in the seaman’s discharge book (hereinafter referred to as “discharge book”) as prescribed;

b) Failure to carry practicing certificate, certificate of competency and discharge book when working onboard a ship as prescribed.

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

a) Assigning a seafarer who does not have a certificate of competency, practicing certificate and discharge book or who uses the expired certificate of proficiency and practicing certificate to work onboard a ship; awarding a seafarer a title which is not conformable with his certificate of competency or practicing certificate;

b) Failure to assign duties to a seafarer in conformity with his title specified in the discharge book;

c) Failure to enter or inaccurately entering electronic information on embarkation, disembarkation and awarding of titles to seafarers to the seafarer database of the Vietnam Maritime Administration according to regulations

3. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for buying, selling, leasing, leasing out, borrowing or lending the certificate of competency, practicing certificate or discharge book.

4. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for any of the following offences:

a) Using the certificate of competency, practicing certificate or discharge book which is not issued by the competent authority or has been erased or altered;

b) Using certificate of competency, practicing certificate or discharge book of another person to work onboard a ship;

c) Providing false information or using documents which have been altered or are not issued by the competent authority when applying for issuance or re-issuance of the certificate of competency, practicing certificate or discharge book.

5. Additional penalties:

a) Suspend the practicing certificate or certificate of competency for 06 - 12 months if the offence in clause 3 of this Article is committed;

b) Confiscate the practicing certificate, certificate of competency or discharge book if any of the offences in clause 4 of this Article is committed.

6. Remedial measures: The violator is compelled to enter adequate and accurate electronic information on embarkation, disembarkation and awarding of titles to seafarers to the seafarer database of the Vietnam Maritime Administration according to regulations if the offence in point c clause 2 of this Article is committed.”.

19. Article 44 is amended as follows:

**“Article 44. Offences against regulations on assignment of pilots**

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

a) Sending the daily pilotage plan after the prescribed deadline or failure to give a notification of any unexpected changes to the pilotage plan to the port authority;

b) Assigning pilots against the pilot assignment plan of the seaport authorities without giving a prior notice to the port authority.

2. A fine ranging from VND 6,000,000 to VND 10,000,000 shall be imposed for any of the following offences:

a) Assigning a pilot to navigate a ship with an inappropriate certificate of maritime pilotage competency or inappropriate certificate of maritime pilotage area;

b) Failure to sufficiently and promptly render pilotage services in a compulsory pilotage area or on designated navigation routes without giving legitimate reasons.

3. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed for failure to use or to provide adequate boarding and landing equipment and facilities for pilots as regulated or for use of the ones failing to meet safety requirements.

4. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for failure to provide adequate pilots or required facilities/equipment as regulated.

5. Remedial measures:

The violator is compelled to:

a) Assign a pilot to navigate the ship with an appropriate certificate of maritime pilotage competency or appropriate certificate of maritime pilotage area if the offence specified in point a clause 2 of this Article is committed;

b) Sufficiently and promptly render pilotage services in the compulsory pilotage area or on designated navigation routes if the offence specified in point b clause 2 of this Article is committed;

c) Use or to provide adequate boarding and landing equipment and facilities for pilots as regulated or use the ones failing to meet safety requirements if the offence specified in clause 3 of this Article is committed;

d) Provide adequate pilots or required facilities/equipment as regulated if the offence specified in clause 4 of this Article is committed.”.

20. Article 45 is amended as follows:

**“Article 45. Offences against regulations committed by a pilot during pilotage**

1. A fine ranging from VND 4,000,000 to VND 6,000,000 shall be imposed upon a pilots for one of the following offences:

- a) Failure to promptly inform the port authority of any maritime accident or incident or change to navigational channels or aids to navigation found during the pilotage;
- b) Failure to give notification or confirmation to the port authority of time and place of embarking and disembarking the ship or the pilotage status as regulated;
- c) Failure to promptly inform the port authority of the ship operating in excess of the speed limit in a restricted speed zone and sailing against the traffic flow of a one-way channel or dodging and overtaking in the area where dodging and overtaking are banned;
- d) Failure to embark the ship by the prescribed time or failure to embark or disembark at prescribed places without giving legitimate reasons;
- dd) Failure to pilot a ship to enter or leave the port or maneuver according to the dispatching plan of the port authority or failure to pilot the designated ship without giving legitimate reasons;
- e) Leaving the ship without obtaining the master's consent;
- g) Failure to wear maritime pilot uniforms as prescribed upon pilotage.

2. A fine ranging from VND 6,000,000 to VND 8,000,000 shall be imposed upon a pilot whose BAC does not exceed 50 mg per 100 ml of blood or whose BrAC does not exceed 0.25 mg per liter of breath or who uses other stimulants banned by law when piloting a ship.

3. A fine ranging from VND 10,000,000 to VND 16,000,000 shall be imposed upon a pilot who:

- a) Pilots the ship to anchor or berth at the wharf or maneuver within the port waters without receiving the dispatching order from the port authority or at a position other than the one designated by the port authority; or
- b) Refuses to pilot the ship without giving legitimate reasons or failure to promptly inform the port authority or the maritime pilotage service provider of his refusal to pilot the ship; or
- c) Pilots the ship on an unannounced navigational channel without permission; or
- d) Causes a less serious maritime accident due to his mistake.



4. A fine ranging from VND 16,000,000 to VND 18,000,000 shall be imposed upon a pilot whose BAC exceeds 50 - 80 mg per 100 ml of blood or whose BrAC exceeds 0.25 - 0.4 mg per liter of breath when piloting a ship.

5. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed upon a pilot who:

a) Causes a less serious maritime accident due to his mistake; or

b) Instruct the master to operate the ship exceeding the speed limit by 01 - 02 nautical miles/hour.

6. A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed upon a pilot who:

a) Causes an extremely serious maritime accident due to his mistake; or

b) Instructs the master to operate the ship exceeding the speed limit by more than 02 nautical miles/hour or sail against the traffic flow of a one-way channel or dodge and overtake in the area where dodging and overtaking are banned; or

c) Has BAC exceeding 80 mg per 100 ml of blood or BrAC exceeding 0.4 mg per liter of breath when piloting a ship.

7. Additional penalties:

a) Suspend the certificate of maritime pilotage competency for 03 - 06 months if any of the offences specified in clause 2 and point a clause 5 of this Article is committed;

b) Suspend the certificate of maritime pilotage competency for 06 - 09 months if any of the offences specified in clause 4 and point a clause 6 of this Article is committed;

c) Suspend the certificate of maritime pilotage competency for 09 - 12 months if the offence specified in point c clause 6 of this Article is committed.”.

21. Article 46 is amended as follows:

**“Article 46. Offences against regulations on conditions for provision of maritime transport services, multimodal transport services, auxiliary services for maritime transport**

1. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for failure to provide multimodal transport services against the license issued by the competent authority as prescribed.

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

a) Providing multimodal transport services without the license issued by the competent authority as prescribed;

b) Failure to satisfy mandatory requirements when providing maritime transport services, shipping agency services or towage services.

3. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for keep running business upon receipt of a competent authority's decision on suspension of business operations or the license or certificate of eligibility to provide services.

4. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the following offences:

a) Erasing or altering the license or certificate of eligibility to provide services classified as conditional business lines to a degree that changes its information;

b) Using any of the documents which is erased or altered to a degree that changes its information or is not issued by the competent authority to apply for the license or certificate of eligibility to provide services classified as conditional business lines;

c) Buying, selling, leasing, leasing out, borrowing or lending the license or certificate of eligibility to provide services classified as conditional business lines.

5. Additional penalties:

a) Suspend the license to provide services for 01 - 03 months if the offence specified in point c clause 2 of this Article is committed in the case of repeating the offence after or before penalty imposition;

b) Confiscate the license or certificate of eligibility to provide services if any of the offences specified in points a and b clause 4 of this Article is committed.”.

22. Clause 4 and point b clause 5 of Article 47 are amended as follows:

a) Clause 4 of Article 47 is amended as follows:

“4. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the following offences:

a) Erasing or altering the license to import marine flares to a degree that changes its information;

b) Using any of the documents which is erased or altered to a degree that changes its information or is not issued by the competent authority to apply for designation of ship navigation route or the license to import marine flares;

c) Buying, selling, leasing, leasing out, borrowing or lending the license to import marine flares.”.

b) Point b clause 5 of Article 47 is amended as follows:

“b) Confiscate the license to import marine flares if any of the offences specified in points a and b clause 4 of this Article is committed.”.

23. Point e is added after point dd clause 2 and point e is added after point dd clause 5 of Article 48 as follows:

a) Point e is added after point dd clause 2 of Article 48 as follows:

“e) Failure to make arrangements for repatriation of seafarers by the prescribed deadline.”;

b) Point e is added after point dd clause 5 of Article 48 as follows:

“e) Make arrangements for repatriation of seafarers by the prescribed deadline as prescribed in point e clause 2 of this Article.”.

24. Clause 1 of Article 51 is amended as follows:

“1. A fine ranging from VND 30,000,000 to VND 60,000,000 shall be imposed for any of the following offences:

b) Failure to break the ship within the prescribed time limit;

b) Breaking each ship before the competent authority approves the shipbreaking plan as prescribed.”.

25. Title of Section 11 in Chapter II is amended as follows:

**“Section 11. OFFENCES AGAINST REGULATIONS ON PREVENTION OF MARINE POLLUTION”.**

26. Article 57 is amended as follows:

**“Article 57. Offences against regulations on oil spill response**

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

- a) Causing an oil spill or failing to promptly report to the competent authority in charge of receiving oil spill-related information upon the detection of an oil spill accident as regulated;
- b) Failure to update or supplement the oil spill response plan as prescribed;
- c) Failure to notify the oil spill response plan approved by the competent authority to authorities, units and local governments concerned for cooperation in implementation thereof.

2. A fine ranging from VND 10,000,000 to VND 30,000,000 shall be imposed for any of the following offences:

- a) Failure to organize training courses or appoint officials and employees directly participating in response to join training courses for the purpose of improving their skills in oil spill response;
- b) Failure to undergo practical training in oil spill response in accordance with regulations.

3. A fine ranging from VND 30,000,000 to VND 50,000,000 shall be imposed for failure to promptly report to a competent authority for assistance in case the oil spill is beyond the capacity of an establishment’s capacity or local resources are not affordable for response activities as prescribed.

4. Penalties for offences involving in petrol and oil production, trading and services that pose a risk of causing oil spills on land at a less severe level are as follows:

- a) A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to notify the approved oil spill response plan to the district-level People’s Committee for cooperation in implementation thereof;

b) A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for failure to invest in or enter into contracts to get prepared for response to oil spills with establishments that have means and equipment used for response activities or with Regional Oil Spill Response Centers at the level commensurate with possibilities of oil spill occurring in areas under jurisdiction to promptly mobilize means, equipment and supplies to carry out response activities as prescribed;

c) A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for failure to get ready to mobilize means, equipment and supplies to participate in cooperation in response to and remediation of consequences of oil spills at the request of competent authorities;

b) A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for failure to have the oil spill response plan approved by the district-level People's Committee or the supervisory authority as prescribed;

dd) A fine ranging from VND 25,000,000 to VND 30,000,000 shall be imposed for failure to formulate an emergency plan to respond to oil spills and form forces to ensure timely and effective prevention of and response to oil spills at the level corresponding to the possibility of oil spills caused by establishments.

5. Penalties for the offences in relation to activities of gasoline stockpiles, warehouses or storage facilities with total reserve volume of 50,000 m<sup>3</sup> or more and petrol and oil ports capable of receiving ships with a tonnage of 50,000 DWT or more are as follows:

a) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to invest in or enter into contracts to get prepared for response to oil spills with establishments that have means and equipment used for response activities or with Regional Oil Spill Response Centers at the level commensurate with possibilities of oil spill occurring in areas under jurisdiction to promptly mobilize means, equipment and supplies to carry out response activities as prescribed;

b) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for failure to lead and command their own forces, means and equipment or those stated in oil spill response contracts to carry out response activities in a timely manner; failure to get ready to mobilize means, equipment and supplies to participate in cooperation in response to and remediation of consequences of oil spills at the request of competent authorities;

c) A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for failure to have the oil spill response plan approved by the National Committee for Search and Rescue as prescribed;

d) A fine ranging from VND 60,000,000 to VND 70,000,000 shall be imposed for failure to formulate an emergency plan to respond to oil spills and form forces to ensure timely and effective prevention of and response to oil spills at the level corresponding to the possibility of oil spills which they cause.

6. Penalties for the offences in relation to activities of local ports, gasoline stockpiles, warehouses or storage facilities with a total reserve volume of less than 50,000 m<sup>3</sup>, petrol and oil ports capable of receiving the ship of less than 50,000 DWT are as follows:

a) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to invest in or enter into contracts to get prepared for response to oil spills with establishments that have means and equipment used for response activities or with Regional Oil Spill Response Centers at the level commensurate with possibilities of oil spill occurring in areas under jurisdiction to promptly mobilize means, equipment and supplies to carry out response activities as prescribed;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to lead and command their own forces, means and equipment or those stated in oil spill response contracts to carry out response activities in a timely manner; failure to get ready to mobilize means, equipment and supplies to participate in cooperation in response to and remediation of consequences of oil spills at the request of competent authorities;

c) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for failure to have the oil spill response plan approved by the provincial People's Committee as prescribed;

d) A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for failure to formulate an emergency plan to respond to oil spills and form forces to ensure timely and effective prevention of and response to oil spills at the level corresponding to the possibility of oil spills which they cause.

7. Penalties for offences involving activities of investors in ports, owners of establishments and project owners that pose a risk of causing oil spills are as follows:

a) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to invest in or enter into contracts to get prepared for response to oil spills with establishments that have means and equipment used for response activities or with Regional Oil Spill Response Centers at the level commensurate with possibilities of oil spill occurring in areas under jurisdiction to promptly mobilize means, equipment and supplies to carry out response activities as prescribed;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to lead and command their own forces, means and equipment or those stated in oil spill response contracts to carry out response activities in a timely manner; failure to get ready to mobilize means, equipment and supplies to participate in cooperation in response to and remediation of consequences of oil spills at the request of competent authorities; failure to monitor activities with high risk of oil spills occurring within their remit in order to promptly implement appropriate response measures; failure to fully conform to the requirements and instructions of competent authorities in order to prevent or minimize damage caused by oil pollution upon occurrence of an oil spill.

c) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for failure to have the oil spill response plan approved by the provincial People's Committee as prescribed; failure to rework the oil spill response plan for submission to a competent authority for approval;

d) A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for failure to formulate an emergency plan to respond to oil spills and form forces to ensure timely and effective prevention of and response to oil spills at the level corresponding to the possibility of oil spills which they cause.

8. Penalties for offences involving offshore petroleum activities that pose a risk of causing oil spills are as follows:

a) A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to notify the approved oil spill response plan to the People's Committee of provinces at risk of being affected by incidents that may occur at establishments or projects;

b) A fine ranging from VND 30,000,000 to VND 40,000,000 shall be imposed for failure to invest in or enter into contracts to get prepared for response to oil spills with establishments that have means and equipment used for response activities or with Regional Oil Spill Response Centers at the level commensurate with possibilities of oil spill occurring in areas under jurisdiction to promptly mobilize means, equipment and supplies to carry out response activities as prescribed;

c) A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for failure to get ready to mobilize means, equipment and supplies to participate in cooperation in response to and remediation of consequences of oil spills at the request of competent authorities;

d) A fine ranging from VND 50,000,000 to VND 60,000,000 shall be imposed for failure to have the oil spill response plan approved by the National Committee for Search and Rescue as prescribed;

dd) A fine ranging from VND 60,000,000 to VND 70,000,000 shall be imposed for failure to formulate an emergency plan to respond to oil spills and form forces to ensure timely and effective prevention of and response to oil spills at the level corresponding to the possibility of oil spills caused by establishments.

9. Penalties for offences involving activities of oil tankers that pose a risk of causing oil spills are as follows:

a) A fine ranging from VND 15,000,000 to VND 25,000,000 shall be imposed for failure to notify the plan for oil transshipment between tankers at sea so as for the competent authority to carry out supervision and adopt timely response measures upon occurrence of an oil spill as prescribed;

b) A fine ranging from VND 25,000,000 to VND 35,000,000 shall be imposed for failure to have the oil pollution response plan approved by a competent authority of the Ministry of Transport with respect to the oil tankers flying the Vietnamese national ensign with a gross tonnage of 150 GT or more and other ships other than oil tankers with a gross tonnage of 400 GT or more;

c) A fine ranging from VND 35,000,000 to VND 45,000,000 shall be imposed for failure to have the oil pollution response plan approved by a competent authority of the Ministry of Transport with respect to the oil tankers flying the Vietnamese national ensign engaged in the transshipment of oil between tankers at sea;

d) A fine ranging from VND 45,000,000 to VND 55,000,000 shall be imposed for carrying out transshipment of oil between tankers at sea without obtaining consent from the National Contact Point or port authority as prescribed;

dd) A fine ranging from VND 55,000,000 to VND 65,000,000 shall be imposed for failure to buy insurance or maintain other financial security in respect of civil liability as required by laws in order to compensate for damage caused by the oil pollution as regulated.

10. Remedial measures:

The violator is compelled to:

a) Pay the costs of expert assessment, inspection, measurement and analysis of environmental samples in case where an offence results in oil spill or environmental



pollution according to the applicable norms and unit prices if any of the offences specified in this Article is committed;

b) Implement remedial measures for environmental pollution and submit a remedial action completion report, and compensate for damage caused by the oil pollution as regulated within the time limit specified by the person who has the power to impose penalties in the decision on imposition of penalties for administrative offences if any of the offences prescribed in clauses 8 and 9 of this Article is committed.”.

27. Article 58a is added after Article 58 as follows:

**“Article 58 a. Offences against regulations on management of collection and treatment of waste from ships within seaport waters**

1. A fine ranging from VND 500,000 to VND 1,000,000 shall be imposed for any of the following offences:

a) Failure to post or incorrectly posting the list of organizations and individuals that have signed contracts for provision of waste collection and treatment services and prices of waste collection and treatment services as prescribed;

b) Failure to submit a report on management of collection and treatment of waste from ships within seaport waters as prescribed;

2. A fine ranging from VND 5,000,000 to VND 8,000,000 shall be imposed:

a) upon a ship’s declarant who fails to declare or incorrectly declare information about the waste to be treated to the port authority as prescribed; or

b) for causing drop, dispersion or leakage of waste during the collection thereof from ships.

3. A fine ranging from VND 20,000,000 to VND 30,000,000 shall be imposed for failure to provide vehicles for receiving waste from ships within seaport waters or failure to enter into contracts with waste collection and treatment service providers as regulated.

4. Remedial measures:

The violator is compelled to:

a) Post or correctly posting the list of organizations and individuals that have signed contracts for provision of waste collection and treatment services and prices of waste

collection and treatment services as prescribed if the offence specified in point a clause 1 of this Article is committed;

b) Submit the report on management of collection and treatment of waste from ships as prescribed if the offence specified in point b clause 1 of this Article is committed;

c) Declare or incorrectly declare information about the waste to be treated to the port authority as prescribed if the offence specified in point a clause 2 of this Article is committed;

d) Implement the measures to remediate environmental pollution caused by the drop, dispersion or leakage of waste during collection of waste from ships if the offence specified in point b clause 2 of this Article is committed.”.

28. Article 58b is added after Article 58a as follows:

**“Article 58b. Offences against regulations on prevention of pollution caused by ships**

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

a) Failure to provide equipment for storing and classifying garbage as prescribed or failure to store garbage at the designated place;

b) Removing rust, old paint and coatings from the ship without obtaining permission from the port authority;

c) Failure to assign any person to stand watch on the deck and at the fuel receiving area upon ship refueling;

d) Dumping garbage or throwing other objects from the ship into water or wharf.

2. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for any of the following offences:

a) Carrying out transfer or receipt of fuel between the ship and other vehicles without obtaining permission from the port authority as prescribed;

b) Failure to have oily-water separating equipment or oily-water filtering equipment or having one that cannot be used;

c) Failure to adhere to one of the technical safety procedures or rules for fuel receipt;

- d) Letting other ships come alongside while carrying out ship-to-ship transfer of fuel;
- dd) Operation of garbage or waste incinerator within a seaport or use of fuel oil with sulphur content in excess of the permissible limits for operating the main engine or generator engine;
- e) Failure to make entries in the oil and other hazardous substance record book as prescribed.

3. A fine ranging from VND 90,000,000 to VND 100,000,000 shall be imposed for failure to pumping or discharging types of waste from a ship to the wharf or within seaport waters against regulations.

4. Remedial measures: The violator is compelled to implement remedial measures to prevent pollution caused by ships if any of the offences specified in clauses 1, 2 and 3 of this Article is committed.”.

29. Article 58c is added after Article 58b as follows:

**“Article 58c. Offences against regulations control of harmful anti-fouling systems on ships**

1. A fine ranging from VND 90,000,000 to VND 100,000,000 shall be imposed for any of the following offences:

- a) Applying harmful anti-fouling systems at ports, shipbuilders and shiprepairers;
- b) Disposal of wastes generated from application or removal of a harmful anti-fouling system against regulations into the environment.

2. Additional penalties: Suspend the operation of the port enterprises, shipbuilders and shiprepairers for 03 - 06 months if any of the offences specified in clause 1 of this Article is committed.

3. Remedial measures: The violator is compelled to implement measures to remediate the environmental pollution caused by offences specified in clause 1 of this Article.”.

30. Article 58d is added after Article 58c as follows:

**“Article 58d. Offences against regulations management and control of ships’ ballast water and sediments**

1. A fine ranging from VND 90,000,000 to VND 100,000,000 shall be imposed for any of the following offences:

a) Failure to pump and discharge ballast water as prescribed and as instructed by the port authority;

b) Discharging harmful aquatic organisms and pathogens within ballast water and sediments within seaport waters and Vietnam's territorial waters.

2. Remedial measures: The violator is compelled to implement measures to remediate the environmental pollution and rectify the offences against regulations on management and control of ships' ballast water and sediments specified in clause 1 of this Article.”.

31. Article 58dd is added after Article 58d as follows:

**“Article 58dd. Offences against regulations on dumping**

1. A fine ranging from VND 90,000,000 to VND 100,000,000 shall be imposed for any of the following offences:

a) Failure to dump dredged materials at designated places;

b) Loading and unloading matters subject to ocean dumping against the ocean dumping permit.

2. Additional penalties: Suspend the ocean dumping permit for 01 - 03 months if the offence specified in point b clause 1 of this Article is committed.

3. Remedial measures: The violator is compelled to implement measures to remediate the environmental pollution caused by offence specified in clause 1 of this Article.”.

32. Section 12 is added after Section 11 in Chapter II and Articles 58e, 58g and 58h are added thereto as follows:

**“Section 12. OFFENCES AGAINST REGULATIONS ON MARITIME LABOR; REPORTING OF MARITIME OCCUPATIONAL ACCIDENTS**

**Article 58e. Offences against regulations on conclusion of employment contracts and seafarers' employment contracts**

Fines shall be imposed upon an employer who fails to conclude an employment contract or seafarers' employment contract in writing if the employment duration is at least 3 months; who concludes a seafarers' employment contract which fails to contain primary contents of a contract as follows:

1. A fine ranging from VND 2,000,000 to VND 5,000,000 shall be imposed for the offence that involves 01 to 10 seafarers.
2. A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for the offence that involves 11 to 50 seafarers.
3. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed for the offence that involves 51 to 100 seafarers.
4. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for the offence that involves 101 to 300 seafarers.
5. A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed for the offence that involves 301 seafarers or more.

**Article 58g. Offences against regulations on conditions to be satisfied by foreign seafarers to work onboard Vietnam's ships**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for concluding a seafarers' employment contract inconsistently with the work permit issued by a Vietnam's competent authority.
2. A fine ranging from VND 30,000,000 to VND 45,000,000 shall be imposed for assigning a foreign seafarer who does not have a work permit issued by a Vietnam's competent authority or has an expired work permit.
3. Remedial measures:

The violator is compelled to:

- a) The violator is compelled to re-conclude the seafarers' employment contract consistently with the work permit if the offence specified in clause 1 of this Article is committed;
- b) The seafarer is compelled to leave the ship if the offence specified in clause 2 of this Article is committed.

## **Article 58h. Offences against regulations on reporting of maritime occupational accidents occurring onboard ships**

A fine ranging from VND 5,000,000 to VND 10,000,000 shall be imposed for failure to report maritime occupational accidents as prescribed.”.

33. Section 13 is added to Chapter II and Articles 58i and 58k are added thereto as follows:

### **“Section 13. OFFENCES AGAINST REGULATIONS ON NATURAL DISASTER MANAGEMENT IN THE MARITIME FIELD**

#### **Article 58i. Offences against regulations on formulation of plans for natural disaster response and reports on natural disaster management in the maritime field**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed upon an enterprise for any of the following offences:

- a) Failure to formulate a natural disaster management response plan as prescribed;
- b) Failure to submit a report before, during and after a natural disaster to the port authority as prescribed.

2. Remedial measures: The violator is compelled to formulate the natural disaster response plan if the offence specified in clause 1 of this Article is committed.

#### **Article 58k. Offences against regulations on natural disaster preparedness and response**

1. A fine ranging from VND 15,000,000 to VND 25,000,000 shall be imposed upon an enterprise for any of the following offences:

- a) Providing inaccurate information about locations and status of ships in operation upon occurrence of a disaster;
- b) Failure to comply with regulations on natural disaster management for ships;
- c) Failure to prepare or insufficiently provide human resources, supplies, equipment and necessities for natural disaster response according to the approved disaster response plan.

2. A fine ranging from VND 25,000,000 to VND 35,000,000 shall be imposed upon an enterprise for its failure to get ready to comply the port authority's requests for mobilizing vehicles to participate in disaster recovery.

3. Remedial measures: The violator is compelled to provide accurate information about locations and status of ships in operation upon occurrence of a disaster if the offence specified in point a clause 1 of this Article is committed.”.

34. Section 14 is added to Chapter II and Articles 58l is added thereto as follows:

**“Section 14. OFFENCES AGAINST REGULATIONS ON PREVENTION AND CONTROL OF INFECTIOUS DISEASES IN THE MARITIME FIELD**

**Article 58l. Offences against regulations on prevention and control of infectious diseases in the maritime field**

1. A fine ranging from VND 1,000,000 to VND 3,000,000 shall be imposed for any of the following offences:

a) Failure to provide; failure to accurately or promptly provide information about prevention and control of infectious diseases to employers, seafarers and passengers at the request of competent authorities;

b) Failure to implement measures to maintain personal hygiene and protection to prevent infectious diseases on ships at the request of competent authorities;

c) Failure to undergo tests at the request of competent authorities during the infectious disease surveillance.

2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for any of the following offences:

a) Failure to immediately contact the health quarantine unit if a passenger or seafarer onboard a ship show any symptom or sign of an infectious disease before the ship enters a port;

b) Deliberately embarking or disembarking, unloading or receiving goods when a ship anchors pending health quarantine or is quarantined, unless the ship is in distress.

3. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed for any of the following offences:

a) Failure to follow the health inspection and control carried out by the border health quarantine unit as prescribed by law, except the case prescribed in point b clause 5 of this Article;

b) Failure to strictly comply with regulations on quarantine signs for incoming ships;

c) Failure to make health declaration or making untruthful declaration of border health quarantine as prescribed by law.

4. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed for concealing, failure to report or delaying the reporting of the infection with an infectious disease of oneself or another person onboard a ship.

5. A fine ranging from VND 15,000,000 to VND 20,000,000 shall be imposed for any of the following offences:

a) Deliberately leaving the ship before following health quarantine procedures or without obtaining permission from a competent authority;

b) Failure to implement medical isolation, coercive medical isolation and health control of people, ships, cargo and other health quarantine subjects carrying pathogens causing infectious diseases as prescribed or at the request of a competent authority.

6. Remedial measures:

The violator is compelled to:

a) Follow the health inspection and control if the offence specified in point a clause 3 of this Article is committed;

b) Return to the ship or the health quarantine area if the offence specified in point a clause 5 of this Article is committed;

c) Implement medical isolation, coercive medical isolation and health control of people, ships and cargo carrying pathogens causing infectious diseases if the offence specified in point b clause 5 of this Article is committed.”.

35. Article 59 is amended as follows:

**“Article 59. Power to make administrative offence records**



The persons having power to impose penalties for administrative offences, public officials, public employees, people working for the People's Army and People's Public Security Forces in the performance of their duty under the management of the persons having power to impose penalties for administrative offences specified in Articles 60 to 66 of this Decree in the performance of their duty within their jurisdiction shall, upon detection of any administrative maritime offence, promptly prevent it and make an administrative offence record as prescribed. For an administrative offence committed onboard a ship or inland waterway vehicle, the ship master or inland waterway vehicle operator shall make administrative offence record and immediately transfer it to the person having the power to impose penalties for administrative offences when the ship enters the port.”.

36. Several points and clauses of Article 60 are amended as follows:

a) Points c and d clause 1 of Article 60 are amended as follows:

“c) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which value does not exceed VND 1,000,000.

d) enforce the remedial measures mentioned in points a and c clause 1 Article 28 of the Law on Penalties for Administrative Violations.”;

b) Points d and dd clause 2 of Article 60 are amended as follows:

“d) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which value does not exceed VND 100,000,000;

dd) Enforce the remedial measures mentioned in points a, b and c clause 1 Article 28 of the Law on Penalties for Administrative Violations and other remedial measures mentioned in clause 3 Article 4 of this Decree.”;

c) Points d and dd clause 3 of Article 60 are amended as follows:

“d) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which value does not exceed VND 140,000,000;

dd) Enforce the remedial measures mentioned in points a, b and c clause 1 Article 28 of the Law on Penalties for Administrative Violations and other remedial measures mentioned in clause 3 Article 4 of this Decree.”;

d) Points dd clause 4 of Article 60 is amended as follows:

“dd) Enforce the remedial measures mentioned in points a, b and c clause 1 Article 28 of the Law on Penalties for Administrative Violations and other remedial measures mentioned in clause 3 Article 4 of this Decree.”.

37. Several points and clauses of Article 61 are amended as follows:

a) Point c clause 1 of Article 61 is amended as follows:

“c) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which value does not exceed VND 20,000,000.”;

b) Clause 2 of Article 61 is amended as follows:

“2. Directors of port authorities and chiefs of specialized inspectorates of the Vietnam Maritime Administration have the power to:

a) Issue warnings;

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

c) Suspend the license or practicing license or suspend the operation;

d) Confiscate any exhibit or instrumentality involved in commission of administrative offences;

dd) enforce the remedial measures mentioned in points a, b and c clause 1 Article 28 of the Law on Penalties for Administrative Violations and other remedial measures mentioned in clause 3 Article 4 of this Decree.”.

38. Clause 5 of Article 62 is amended as follows:

“5. Enforce the remedial measures mentioned in points a, b and c clause 1 Article 28 of the Law on Penalties for Administrative Violations and other remedial measures mentioned in clause 3 Article 4 of this Decree.”.

39. Clause 5 of Article 63 is amended as follows:

“5. Enforce the remedial measures mentioned in points a, b and c clause 1 Article 28 of the Law on Penalties for Administrative Violations and other remedial measures mentioned in clause 3 Article 4 of this Decree.”.

40. Article 64 is amended as follows:

## **“Article 64. Power to impose penalties for administrative offences of the People’s Public Security**

1. Soldiers of the People’s Public Security in the performance of their duty have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 500,000.

2. Team Leaders supervising the soldiers of the People’s Public Security in the performance of their duty have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 1,500,000.

3. Commune-level Police Chiefs, Heads of Police Posts and Captains of Squadrons have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 2,500,000;
- c) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which value does not exceed VND 5,000,000;
- d) Enforce the remedial measures mentioned in points a and c clause 1 Article 28 of the Law on Penalties for Administrative Violations.

4. District-level Police Chiefs; the Head of the Professional Division of the Police Department of Administrative Management of Social Order; the Head of the Professional Division of the Traffic Police Department; the Head of the Professional Division of the Department of Fire Prevention, Fighting and Rescue; the Chiefs of provincial Police Departments, including: Chiefs of Waterway Police Divisions, Chiefs of Police Divisions for Prevention and Control of Environmental Crimes, Chiefs of Firefighting, Prevention and Rescue Police Divisions, Chiefs of Economic Security Divisions and Captains of Squadrons have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 20,000,000;
- c) Suspend the license or practicing license or suspend the operation;

d) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which value does not exceed VND 40,000,000;

dd) Enforce the remedial measures mentioned in points a and c clause 1 Article 28 of the Law on Penalties for Administrative Violations; clause 3 Article 4 of this Decree.

5. Directors of provincial Police Departments have the power to:

a) Issue warnings;

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

c) Suspend the license or practicing license or suspend the operation;

d) Confiscate any exhibit or instrumentality involved in commission of administrative offences;

dd) Enforce the remedial measures mentioned in points a and c clause 1 Article 28 of the Law on Penalties for Administrative Violations; clause 3 Article 4 of this Decree.

6. Director General of the Economic Security Department, Director General of the Police Department for Administrative Management of Social Order, Director General of the Investigation Police Department for Corruption, Economic and Smuggling Crimes, Director General of the Traffic Police Department, Director General of the Firefighting, Prevention and Rescue Police Department and Director General of the Police Department for Prevention and Control of Environmental Crimes have the power to:

a) Issue warnings;

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

c) Suspend the license or practicing license or suspend the operation;

d) Confiscate any exhibit or instrumentality involved in commission of administrative offences;

dd) Enforce the remedial measures mentioned in points a and c clause 1 Article 28 of the Law on Penalties for Administrative Violations; clause 3 Article 4 of this Decree.

## 7. Delegation of power to impose penalties for administrative offences of the People's Public Security

a) Soldiers of the People's Public Security in the performance of their duty shall impose penalties for the administrative offences committed by inland waterway vehicles operating within seaport waters or outside seaport waters where the inland waterway vehicles are permitted to operate in direct relation to the fields under their management within their power to impose penalties for administrative offences and the administrative offence specified in clause 1 Article 33 of this Decree;

b) Team Leaders supervising the soldiers of the People's Public Security in the performance of their duty shall impose penalties for the administrative offences committed by inland waterway vehicles operating within seaport waters or outside seaport waters where the inland waterway vehicles are permitted to operate in direct relation to the fields under their management within their power to impose penalties for administrative offences and the administrative offences specified in clause 1 Article 13; clause 1 Article 30; clauses 1 and 2 Article 33 of this Decree;

c) Commune-level Police Chiefs, Heads of Police Posts and Captains of Squadrons shall impose penalties for the administrative offences committed by inland waterway vehicles operating within seaport waters or outside seaport waters where the inland waterway vehicles are permitted to operate in direct relation to the fields under their management within their power to impose penalties for administrative offences and the administrative offences specified in clause 1 Article 13; clause 1 Article 30; clauses 1 and 2 Article 33 of this Decree;

d) District-level Police Chiefs; the Head of the Professional Division of the Police Department of Administrative Management of Social Order; the Head of the Professional Division of the Traffic Police Department; the Head of the Professional Division of the Department of Fire Prevention, Fighting and Rescue; the Chiefs of provincial Police Departments, including: Chiefs of Waterway Police Divisions, Chiefs of Police Divisions for Prevention and Control of Environmental Crimes, Chiefs of Firefighting, Prevention and Rescue Police Divisions, Chiefs of Economic Security Divisions and Captains of Squadrons shall impose penalties for the administrative offences committed by inland waterway vehicles operating within seaport waters or outside seaport waters where the inland waterway vehicles are permitted to operate in direct relation to the fields under their management within their power to impose penalties for administrative offences and the administrative offences specified in points d, e and g clause 2 Article 12; clauses 1, 2 and 3 Article 13; clauses 1 and 2 Article 28; clauses 1, 2 and 3 Article 30; clauses 1 and 2 point a clause 3, points a and b clause 10 Article 33 of this Decree;

dd) Directors of provincial Police Departments shall impose penalties for the administrative offences committed by inland waterway vehicles operating within seaport waters or outside seaport waters where the inland waterway vehicles are permitted to operate in direct relation to the fields under their management within their power to impose penalties for administrative offences and the administrative offences specified in points d, e and g clause 2 Article 12; clauses 1, 2 and 3 Article 13; Article 28; Article 30; clauses 1 and 2, point a clause 3, clause 10 Article 33 of this Decree;

e) Director General of the Economic Security Department, Director General of the Police Department for Administrative Management of Social Order, Director General of the Investigation Police Department for Corruption, Economic and Smuggling Crimes, Director General of the Traffic Police Department, Director General of the Firefighting, Prevention and Rescue Police Department and Director General of the Police Department for Prevention and Control of Environmental Crimes shall impose penalties for the administrative offences committed by inland waterway vehicles operating within seaport waters or outside seaport waters where the inland waterway vehicles are permitted to operate in direct relation to the fields under their management within their power to impose penalties for administrative offences and the administrative offences specified in points d, e and g clause 2 Article 12; Article 13; Article 28; Article 30; clauses 1 and 2, point a clause 3, clause 10 Article 33; point a clause 1 Article 58dd of this Decree.”.

41. Article 65 is amended as follows:

**“Article 65. Power of the Border Guard**

1. The Border Guard officers in the performance of their duty have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 500,000.

2. Senior officers of the persons mentioned in clause 1 of this Article have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 2,500,000.

3. Commanding Officers of Border Guard Posts, Captains of Naval Border Guard Flotillas and Commanders of the Border Guard Commands at port border gates have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 20,000,000;
- c) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which value does not exceed VND 40,000,000;
- d) Enforce the remedial measures mentioned in points a and c clause 1 Article 28 of the Law on Penalties for Administrative Violations; clause 3 Article 4 of this Decree.

4. Chief Commander of provincial-level Border Guards; Captains of Naval Border Guard Squadrons affiliated to the Border Guard High Command have the power to:

- a) Issue warnings;
- b) Impose fines up to the maximum fine for the offences in direct relation to the fields under their management;
- c) Suspend the license or practicing license or suspend the operation;
- d) Confiscate any exhibit or instrumentality involved in commission of administrative offences;
- dd) Enforce the remedial measures mentioned in points a and c clause 1 Article 28 of the Law on Penalties for Administrative Violations; clause 3 Article 4 of this Decree.

5. Delegation of power to impose penalties for administrative offences of the Border Guard

- a) The Border Guard officers shall impose penalties for the administrative offences specified in clause 1 Article 33; clause 1 Article 34; point a clause 5, point a clause 6, point a clause 7, point a clause 8 Article 36 of this Decree;
- a) Senior officers of the persons mentioned in point a clause 5 of this Article shall impose penalties for the administrative offences specified in clause 1 Article 33; clause 1 Article 34; point a clause 5, point a clause 6, point a clause 7, point a clause 8 Article 36; clause 1 Article 58l of this Decree;
- c) Commanding Officers of Border Guard Posts, Captains of Naval Border Guard Flotillas and Commanders of the Border Guard Commands at port border gates shall impose penalties for the administrative offences specified in clause 1, clause 2 Article 12; clause 1, clause 2, points a, b, dd and e clause 3; points a and b, clause 5,

clause 7, clause 8 Article 32; clause 1, clause 3, point e clause 5, point a clause 10 Article 33; clauses 1, 2 and 3 Article 34; clause 1, clause 2, clause 3, point a, point b Clause 4, clause 5, clause 6, point a, point b clause 7, point a clause 8, clause 9, clause 10, point a, point b clause 11 Article 36; clause 1, clause 2, point a, point b clause 3, clause 8 Article 37; clause 1, clause 3, clause 4 Article 40; clause 1, clause 3 Article 42; point a, point b clause 1, point a, point b, point c, point d, point dd clause 2 Article 58b; clause 1, point a clause 3 Article 58g; Article 58l of this Decree;

d) Chief Commander of provincial-level Border Guards; Captains of Naval Border Guard Squadrons affiliated to the Border Guard High Command shall impose penalties for the administrative offences specified in Article 12; clause 3, clause 4 Article 19; clause 1, clause 2, point a, point dd, point e Clause 3, clause 5, cause 6, clause 7, clause 8 Article 32; clause 1, clause 3, point e clause 5 and clause 10 Article 33; Article 34; Article 36; Article 37; Article 40; clause 1, clause 3, point a, point b, point c clause 4 Article 42; point a, point b clause 1, point a, point b, point c, point d, point dd clause 2 Article 58b; point a clause 1 Article 58dd; Article 58g; Article 58l of this Decree.”.

42. Article 66 is amended as follows:

**“Article 66. Power of the Coast Guard**

1. Coastguard officers in the performance of their duty have power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 1,500,000.

2. Captains of coastguard teams have power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 5,000,000.

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

- a) Issue warnings;
- b) Impose a fine of up to VND 10,000,000;
- c) Enforce the remedial measures mentioned in points a and c clause 1 Article 28 of the Law on Penalties for Administrative Violations.



4. Commanders of coastguard platoons have power to:

a) Issue warnings;

b) Impose a fine of up to VND 20,000,000;

c) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which value does not exceed VND 40,000,000;

d) Enforce the remedial measures mentioned in points a and c clause 1 Article 28 of the Law on Penalties for Administrative Violations; clause 3 Article 4 of this Decree.

5. Commanders in chief of coastguard squadrons; Heads of Reconnaissance Commissions; Heads of Task Force Commissions for Drug Crime Prevention and Control under the control of the Command of Coast Guard of Vietnam have the power to:

a) Issue warnings;

b) Impose a fine of up to VND 30,000,000;

c) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which value does not exceed VND 60,000,000;

d) Enforce the remedial measures mentioned in points a and c clause 1 Article 28 of the Law on Penalties for Administrative Violations; clause 3 Article 4 of this Decree.

6. Commanders of regional coastguard command centers and Director General of the Department of Operations and Legislation under the control of the Command of Coast Guard of Vietnam have the power to:

a) Issue warnings;

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

c) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which value does not exceed VND 100,000,000;

d) Enforce the remedial measures mentioned in points a and c clause 1 Article 28 of the Law on Penalties for Administrative Violations; clause 3 Article 4 of this Decree.

7. Commander of Vietnam Coast Guard has the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 100,000,000;
- c) Suspend the license or practicing license or suspend the operation;
- d) Confiscate any exhibit or instrumentality involved in commission of administrative offences;
- dd) Enforce the remedial measures mentioned in points a, b and c clause 1 Article 28 of the Law on Penalties for Administrative Violations; clause 3 Article 4 of this Decree.

#### 8. Delegation of power to impose penalties for administrative offences of the Coast Guard

- a) The Border Guard officers shall impose penalties for the administrative offences detected outside seaport waters in direct relation to the fields under their management specified in clause 1 Article 34; point a clause 5, point a clause 6, point a clause 7, point a clause 8 Article 36 of this Decree;
- b) Captains of coastguard teams shall impose penalties for the administrative offences detected outside seaport waters in direct relation to the fields under their management specified in clause 3, clause 4 Article 33; clauses 1 and 2 Article 34; clause 1, point a, point b clause 5, point a, point b clause 6, point a clause 7, point a clause 8, point a clause 9 Article 36; clause 1 Article 37; clause 1 Article 42 of this Decree;
- c) Coastguard squad leaders and captains of coastguard stations shall impose penalties for the administrative offences detected outside seaport waters in direct relation to the fields under their management specified in clause 3, clause 4, point e clause 5 Article 33; clauses 1, 2 and 3 Article 34; clause 1, clause 2, point a clause 4, clause 5, point a, point b, point c clause 6, point a clause 7, point a clause 8, point a, point b clause 9, point a clause 10 Article 36; clause 1, clause 2, point a clause 3, clause 8 Article 37; clause 1, clause 2, clause 3 Article 42 of this Decree;
- d) Commanders of coastguard platoons shall impose penalties for the administrative offences detected outside seaport waters in direct relation to the fields under their management specified in clause 3, clause 4, point e clause 5, clause 6 Article 33; clauses 1, 2 and 3 Article 34; clause 1, clause 2, clause 3, point a, point b clause 4, clause 5, clause 6, point a, point b clause 7, point a clause 8, clause 9, clause 10, point a, point b clause 11 Article 36; clause 1, clause 2, point a, point b clause 3, clause 8 Article 37; clause 1, clause 3, point a clause 4 Article 40; clauses 1, 2 and 3

Article 42; points a, b, c, d and dd clause 2 Article 58b; clause 1, point a clause 3 Article 58g of this Decree;

dd) Commanders in chief of coastguard squadrons; Heads of Reconnaissance Commissions; Heads of Task Force Commissions for Drug Crime Prevention and Control under the control of the Command of Coast Guard of Vietnam shall impose penalties for the administrative offences detected outside seaport waters in direct relation to the fields under their management specified in clause 3, clause 4, point e clause 5, clause 6 Article 33; Article 34; clause 1, clause 2, clause 3, point a, point b, point c clause 4, clause 5, clause 6, point a, point b, point c clause 7, point a clause 8, clause 9, clause 10, clause 11 Article 36; clause 1, clause 2, point a, point b clause 3, clause 8 Article 37; Article 40; Article 42; points a, b, c, d and dd clause 2 Article 58b; clause 1, point a clause 3 Article 58g of this Decree;

e) Commanders of regional coastguard command centers and Director General of the Department of Operations and Legislation under the control of the Command of Coast Guard of Vietnam shall impose penalties for the administrative offences detected outside seaport waters in direct relation to the fields under their management specified in clause 3, clause 4, point e clause 5, clause 6 Article 33; Article 34; clause 1, clause 2, clause 3, clause 4, clause 5, clause 6, clause 7, point a, point b clause 8, clause 9, clause 10, clause 11, point a clause 12 Article 36; clause 1, clause 2, point a, point b, point c clause 3, clause 4, clause 5, clause 6, clause 8 Article 37; Article 40; Article 42; points a, b, c, d and dd clause 2 Article 58b; Article 58g of this Decree;

g) Commander of Vietnam Coast Guard shall impose penalties for the administrative offences detected outside seaport waters in direct relation to the fields under their management specified in point a clause 3, clause 4, point e clause 5 and clause 6 Article 33; Article 34; Article 36; Article 37; Article 40, Article 42; points a, b, c, d and dd clause 2 Article 58b; point a clause 1 Article 58dd, Article 58g of this Decree.”.

43. Article 6, Article 9, Article 18, Article 22, Article 23, Article 27, Article 35, Article 41, clause 1 Article 43, clause 1 of Article 47 and Article 58 are abrogated.

44. The phrase “tháo dỡ” (“dismantle”) in clause 5 of Article 24 is replaced with “phá dỡ” (“destroy”).

## **Article 2. Amendments to some Articles of the Government’s Decree No. 100/2019/ND-CP dated December 30, 2019 on administrative penalties for road traffic offences and rail transport offences**

1. Point h clause 2 of Article 2 is amended as follows:

“h) Cooperative groups;”.

2. Article 4a is added after Article 4 as follows:

**“Article 4a. Completed and in-progress administrative offences**

1. Completed administrative offences include the following administrative offences:

a) Offences against regulations on cargo loading specified in point a clause 1, point a clause 3, clause 5 Article 28 of this Decree. The date on which an offence terminates begins from the date of detecting the act of carrying cargo in excess of the permissible payload;

b) The offences detected through technical and professional means and equipment. The date on which an offence terminates begins from the date on which the technical and professional means or equipment records the offence;

c) The administrative offences specified in this Decree and not specified in points a and b of this Article but had been completed before the competent person discovered such offences. In the absence of any document or evidence determining the accurate date on which the offences terminate, it will be considered that the prescriptive time limit has not expired.

2. The administrative offences specified in this Decree but not specified in clause 1 of this Article are treated as in-progress ones.”.

3. Several points and clauses of Article 5 are amended as follows:

a) Point k clause 3 of Article 5 is amended as follows:

“k) Making a u-turn at a level crossing; making a u-turn at narrow section of the road, on a slope, on a curve section of the road with limited sight or making a u-turn while operating a vehicle prohibited from doing so by a “no u-turn” sign; making a left turn while operating a vehicle prohibited from doing so by a “no left turn” sign; making a right turn while operating a vehicle prohibited from doing so by a “no right turn” sign;”;

b) Point c clause 4 of Article 5 is amended as follows:

“c) Failure to stop a vehicle ineligible for free flow electronic toll collection (ETC) (for the vehicle that is not equipped with an e-tag or is equipped with an e-tag but has not enough balance in the ETC account to pay a toll on ETC lane) from entering lanes for free-flow ETC at toll booths;”;

c) Point b clause 6 of Article 5 is amended as follows:

“b) Failure to yield to or obstructing emergency vehicles on duty that are sending out emergency signals;”;

d) Point d is added after point c clause 7 of Article 5 as follows:

“d) Stopping or parking on freeway in locations against regulations and law; failure to provide signals to inform other drivers in case of compulsory stop or parking on freeway at an undesignated location; making a u-turn on freeway;”.

4. Several points and clauses of Article 6 are amended as follows:

a) Point a clause 3 of Article 6 is amended as follows:

“a) Turning without slowing down or signaling (except for going along a curved segment where there is no intersection); making a left turn while operating a vehicle prohibited from doing so by a “no left turn” sign; making a right turn while operating a vehicle prohibited from doing so by a “no right turn” sign;”;

b) Points n and o are added after point m clause 3 of Article 6 as follows:

“n) Failure to wear a motorcycle helmet properly or wearing it improperly;

“o) Carrying a person who does not wear a motorcycle helmet or does not wear the motorcycle helmet properly, unless that person is a patient who needs urgent medical care, a child under 06 years of age, or a criminal being escorted.”;

c) Clause 5 of Article 6 is amended as follows:

“5. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed upon a vehicle operator who commits any of the following offences:

a) Entering a blocked road or restricted area; going against traffic direction of a one-way road or a road where a “Cấm đi ngược chiều” (“No entry”) sign is erected, except for the offences specified in point a clause 6 of this Article and emergency vehicles on duty as prescribed;

b) Failure to yield to or obstructing emergency vehicles on duty that are sending out emergency signals.”;

d) Point c clause 10 of Article 6 is amended as follows:

“c) The offence(s) specified in point a clause 6; points a and b clause 7; points a, b, c and d clause 8 of this Article shall lead to suspension of the driver’s license from 02 - 04 months; repetition of offence(s) before or after penalty imposition specified in points a, b, c and d clause 8 of this Article shall lead to the confiscation of vehicles. Committing the offences in any of the following points and clauses of this Article and causing an accident shall lead to suspension of the driver’s license from 02 - 04 months: points a, g, h, k, l, m, n and q clause 1; points b, d, e, g, l and m clause 2; points a, b, c, k and m clause 3; points e, g and g clause 4; point b clause 5 of this Article;”.

5. Point g clause 4 of Article 7 is amended as follows:

“g) Making a u-turn at a level crossing; making a u-turn at narrow section of the road, on a slope, on a curve section of the road with limited sight or making a u-turn while operating a vehicle prohibited from doing so by a “no u-turn” sign; making a left turn while operating a vehicle prohibited from doing so by a “no left turn” sign; making a right turn while operating a vehicle prohibited from doing so by a “no right turn” sign;”.

6. Points dd and e are added after point d clause 4 of Article 8 as follows:

“dd) The operator of a motored bicycle (including electric bicycle) not wearing a motorcycle helmet or wearing a helmet improperly;

e) Carrying a person on a motored bicycle (including electric bicycle) who does not wear a motorcycle helmet or does not wear the helmet properly, unless that person is a patient who needs urgent medical care, a child under 06 years of age, or a criminal being escorted.”.

7. Clause 6 of Article 11 is amended as follows:

“6. A fine ranging from VND 400,000 to VND 600,000 shall be imposed upon persons on motorcycles, mopeds (including electric mopeds), motorcycle-like vehicles, moped-like vehicles, motored bicycles (including electric bicycles) who commit any of the following offences:

a) Hanging onto, pulling or pushing other vehicles or other objects, leading animals, carrying bulky objects, standing on the seat, cargo racks or sitting on the handles;

b) Failure to wear a motorcycle helmet or wearing it improperly.”.

8. Clause 4a is added after clause 4 of Article 15 as follows:

“4a. A fine ranging from VND 400,000 to VND 600,000 shall be imposed upon a vehicle operator or vehicle owner who avoids paying or fails to pay road user charges when passing through toll booths.”.

9. Article 16 is amended as follows:

**“Article 16. Penalties imposed upon by operators of motor vehicles (including trailers or semi-trailers being towed) and the like violating regulations on roadworthiness of vehicles**

1. A fine ranging from VND 100,000 to VND 200,000 shall be imposed for operating a vehicle without a windshield or without an intact and functional one (for vehicles having a windshield).

2. A fine ranging from VND 300,000 to VND 400,000 shall be imposed for any of the following offences:

a) Operating a vehicle without adequate and functional headlamps, plate lamp, brake lamps, turn signals, windshield wipers, rear-view mirrors, safety belts, emergency equipment, fire fighting equipment, pressure meter, and speedometer (for vehicles required to have them), except for the offences specified in point m clause 3 Article 23 and point q clause 4 Article 28 of this Decree;

b) Operating a vehicle without a horn or without a functional one;

c) Operating a vehicle without a sound or smoke suppression device or a functional one or without one that meets environmental regulations on emissions and noise.

3. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed for any of the following offences:

a) Controlling a vehicle with additional lights at the front, the back, on top, underneath, on either or both sides of the vehicle;

b) Operating a vehicle with a steering system that fails to meet technical standards;

c) Operating a vehicle without sufficient wheels or tires; or the sizes of the wheels or tires do not fit or not comply with technical standards (including trailers and semi-trailers);

d) Operating a passenger-carrying motor vehicle with added or removed seats/beds or with dimension of its luggage compartment that fails to meet the technical

specification written on the certificate of technical and environmental safety inspection for the vehicle.

4. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for any of the following offences:

a) Operating a vehicle without a certificate of vehicle registration or using an expired certificate of vehicle registration (including trailer and semi-trailer);

b) Operating a vehicle (including trailer and semi-trailer) without a license plate (if required);

c) Operating a truck (including trailer and semi-trailer) with dimension of its trunk that fails to meet the technical specification written on the certificate of technical and environmental safety inspection for the truck;

d) Installing or using a horn the loudness of which is beyond legal limit on the vehicle.

5. A fine ranging from VND 3,000,000 to VND 4,000,000 shall be imposed for any of the following offences:

a) Operating a vehicle with a certificate of technical and environmental safety inspection or technical and environmental safety inspection stamp that has expired for less than 01 month (including trailer and semi-trailer);

b) Operating a vehicle without a decent or functional and conformable brake system (including trailer and semi-trailer).

6. A fine ranging from VND 4,000,000 to VND 6,000,000 shall be imposed for any of the following offences:

a) Operating a vehicle with a license plate other than that specified in the certificate of vehicle registration or with a license plate that is not issued by a competent authority (including trailer and semi-trailer);

b) Using a certificate of technical and environmental safety inspection or stamp of technical and environmental safety or certificate of vehicle registration that is not issued by a competent authority or is falsified; using a certificate of vehicle registration on which the vehicle's chassis or engine number is incorrect (including trailer and semi-trailer);



c) Operating a vehicle without a certificate of technical and environmental safety inspection or technical and environmental safety inspection stamp (if required, except for temporarily registered vehicles) or with one that has expired for 01 month or more (including trailer and semi-trailer);

d) Operating a vehicle without an adequate quantity of license plates or with an improperly positioned license plate; with a license plate on which the letters and numbers are not distinct; altering the letters or numbers on the license plates by paint or sticker or changing color of the letters, numbers and background of the license plates (including trailer and semi-trailer).

7. A fine ranging from VND 10,000,000 to VND 12,000,000 shall be imposed for any of the following offences:

a) Operating a temporarily registered vehicle beyond its temporary operational period; operating a restricted vehicle beyond its permissible operating area;

b) Operating a vehicle (including trailer and semi-trailer) beyond its maximum service life (if limited);

c) Operating an illegally manufactured or assembled vehicle on public road (including modified farm vehicle banned from traffic, trailer and semi-trailer being towed).

8. Apart from incurring fines, the violating operator shall incur the following additional penalties:

a) The offence(s) specified in point a, point b clause 3; clause 4; clause 5; point c clause 6; point a clause 7 of this Article shall lead to suspension of the driver's license from 01 - 03 months;

b) The offence(s) specified in point a, point b clause 3; clause 4 of this Article shall lead to confiscation of additional lights and horns exceeding loudness limit;

c) The offence(s) specified in point a, point b clause 6 of this Article shall lead to confiscation of the certificate of technical and environmental safety inspection or technical and environmental safety inspection stamp, the certificate of vehicle registration or the license plate that is not conformable with regulations or is falsified; suspension of the driver's license from 01 - 03 months;

d) The offence(s) specified in point b, point c clause 7 of this Article shall lead to confiscation of the vehicle (except for cases in which automobiles with 10 seats or more providing passenger transportation services whose service life exceeds

regulations on business conditions of registered business form less than 20 years from the year of manufacture and automobiles with less than 10 seats providing passenger transportation services) and suspension of the driver's license from 01 - 03 months;

dd) The offence(s) specified in point a clause 4, point b clause 6 of this Article in case of failure to have the certificate of vehicle registration or using the certificate of vehicle registration that is not issued by a competent authority, on which the vehicle's chassis or engine number is incorrect or which is falsified (including trailer and semi-trailer) without any document proving the vehicle's origin (no document concerning the transfer of vehicle ownership or document concerning the vehicle's legal origin) shall lead to confiscation of the vehicle;

9. Apart from the penalties, the violator is compelled to:

a) Install equipment or replace equipment that meets technical safety standards or restore technical attributes of the equipment as prescribed if the offence specified in clause 1; clause 2; point b, point c clause 3; point c, point d clause 4; point b clause 5; point d clause 6 of this Article is committed;

b) Install equipment or restore technical attributes of the equipment or remove additional equipment installed against regulations if any of the offences specified in point a, point d clause 3 of this Article is committed.”.

10. Point d is added after point c clause 2 of Article 17 as follows:

“d) Operating a vehicle with an inappropriate license plate; with a license plate on which the letters and numbers are not distinct; with a license plate that is bent, blocked or damaged; altering the letters or numbers on the license plate by paint or sticker or changing color of the letters, numbers and background of the license plate.”.

11. Article 21 is amended as follows:

**“Article 21. Penalties for offences against regulations on qualification for operating motor vehicles**

1. A person from 14 to under 16 years of age that operates a motorcycle or moped (including electric moped) and motorcycle-like vehicles or motor vehicle and the like and tractor shall receive a warning.

2. A fine ranging from VND 100,000 to VND 200,000 shall be imposed upon:

- a) Any person operating a motorcycle or moped and the like without carrying an unexpired certificate of civil liability insurance for motor vehicles; or
- b) Any person operating a motorcycle or moped and the like without carrying the certificate of vehicle registration; or
- c) Any person operating a motorcycle and the like without carrying a driver's license, except for the offences specified in point b clause 5 and point c clause 7 of this Article.

3. A fine ranging from VND 200,000 to VND 400,000 shall be imposed upon:

- a) Any person operating a motor vehicle and the like or tractor without carrying a driver's license, except for the offence specified in point c clause 8 of this Article; or
- b) Any person operating a motor vehicle and the like or tractor without carrying the certificate of vehicle registration (including trailer and semi-trailer); or
- c) Any person operating a motor vehicle and the like or tractor without carrying the certificate of technical and environmental safety inspection (if required, including trailer and semi-trailer).

4. A fine ranging from VND 400,000 to VND 600,000 shall be imposed upon:

- a) Any person from 16 to under 18 years of age operating a motorcycle with engine displacement of 50 cm<sup>3</sup> or more; or
- b) Any person operating a motor vehicle and the like or tractor without carrying an unexpired certificate of civil liability insurance for motor vehicles.

5. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed upon an operator of a two-wheeled motorcycle whose engine displacement is under 175 cm<sup>3</sup> and motorcycle-like vehicles who commits any of the following offences:

- a) Failure to have a driver's license or using a driver's license that is not issued by a competent authority or using a falsified driver's license;
- b) Possessing an international driver's license issued by any of the Member States of the Convention of Road Traffic 1968 (except for international driver's licenses issued by Vietnam's authority);

c) Using an invalid driver's license (driver's license template number at the back does not match the latest issued template number in the driver's license management system license).

6. A fine ranging from VND 2,000,000 to VND 4,000,000 shall be imposed for operating a person from 16 to under 18 years of age that operates a motor vehicle and the like or tractor.

7. A fine ranging from VND 4,000,000 to VND 5,000,000 shall be imposed upon an operator of a two-wheeled motorcycle whose engine displacement is 175 cm<sup>3</sup> or more and three-wheeled motorcycles who commits any of the following offences:

a) Possessing a driver's license inconsistent with the vehicle being operated;

b) Failure to have a driver's license or using a driver's license that is not issued by a competent authority or using a falsified driver's license;

c) Possessing an international driver's license issued by any of the Member States of the Convention of Road Traffic 1968 (except for international driver's licenses issued by Vietnam's authority);

d) Using an invalid driver's license (driver's license template number at the back does not match the latest issued template number in the driver's license management system license).

8. A fine ranging from VND 5,000,000 to VND 7,000,000 shall be imposed upon an operator of a motor vehicle and the like or tractor for any of the following offences:

a) Possessing a driver's license that has been expired for less than 03 months;

b) Possessing an international driver's license issued by any of the Member States of the Convention of Road Traffic 1968 (except for international driver's licenses issued by Vietnam's authority);

c) Using an invalid driver's license (driver's license template number at the back does not match the latest issued template number in the driver's license management system license).

9. A fine ranging from VND 10,000,000 to VND 12,000,000 shall be imposed upon an operator of a motor vehicle and the like or tractor for any of the following offences:

a) Possessing a driver's license inconsistent with the vehicle being operated or possessing a driver's license that has been expired for 03 months or more;

b) Failure to have a driver's license or using a driver's license that is not issued by a competent authority or using a falsified driver's license.

10. Apart from incurring fines, the violating operator shall incur the following additional penalties:

a) The offence(s) specified in point a, point c clause 5; point b, point d clause 7; point c clause 8; point b clause 9 of this Article shall lead to suspension of the driver's license that is not issued by a competent authority, falsified driver's license or invalid driver's license;

b) The offence(s) specified in point c clause 5, point d clause 7, point c clause 8 shall lead to suspension of the most recently-issued driver's licenses according to information system for management of driver's license from 01 - 03 months.”.

12. Several points and clauses of Article 23 are amended as follows:

a) Point p clause 5 of Article 23 is amended as follows:

“p) Operating a passenger-carrying motor vehicle without installing cameras as prescribed (if required by the law) or installing cameras without ability to record and store images on the vehicle (including the driver and the vehicle doors) during the vehicle's operation as prescribed or employing technical measures, peripherals or other measures to falsify data from cameras installed on the vehicle;”;

b) Point dd clause 6 of Article 23 is amended as follows:

“dd) Operating a passenger-carrying motor vehicle without installing the vehicle's tracker as prescribed or with the vehicle's tracker which fails to operate as prescribed or employing technical measures, peripherals or other measures to falsify data from the tracker installed on the vehicle;”;

c) Clause 7a is added after clause 7 of Article 23 as follows:

“7a. A fine ranging from VND 10,000,000 to VND 12,000,000 shall be imposed upon a vehicle operator who picks up or disembarks passengers on a freeway.”;

d) Point b clause 8 of Article 23 is amended as follows:

“b) The offence specified in clause 7a of this Article shall lead to suspension of the driver’s license for 02 - 04 months;”.

13. Several points and clauses of Article 24 are amended as follows:

a) Point c clause 3 of Article 24 is amended as follows:

“c) Operating a cargo-carrying motor vehicle without installing cameras as prescribed (if required by the law) or installing cameras without ability to record and store images of the driver during the vehicle's operation as prescribed or employing technical measures, peripherals or other measures to falsify data from cameras installed on the vehicle;”;

b) Point c clause 5 of Article 24 is amended as follows:

“c) Operating a cargo-carrying motor vehicle without installing the vehicle’s tracker as prescribed or with the vehicle’s tracker which fails to operate as prescribed or employing technical measures, peripherals or other measures to falsify data from the tracker installed on the vehicle;”;

c) Clause 8a is added after clause 8 of Article 24 as follows:

“8a. A fine ranging from VND 10,000,000 to VND 12,000,000 shall be imposed upon a vehicle operator who loads or unloads cargo on a freeway.”;

d) Point b clause 9 of Article 24 is amended as follows:

“b) The offence specified in clause 7, point c clause 8 and clause 8a of this Article shall lead to suspension of the driver’s license for 02 - 04 months;”.

14. Article 25 is amended as follows:

**“Article 25. Penalties imposed upon vehicle operators violating regulations on transport of oversized cargo**

1. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for any of the following offences:

a) Transporting oversized cargo without a sign indicating its size;

b) Failure to comply with the transport permit, except for the offences specified in clause 2; points b, c and d clause 3 of this Article.

2. A fine ranging from VND 8,000,000 to VND 10,000,000 shall be imposed for transporting oversized cargo with an unexpired transport limit but the gross vehicle weight (GVW) or outer size (after cargo is loaded) exceeds the limits specified in the transport permit.

3. A fine ranging from VND 13,000,000 to VND 15,000,000 shall be imposed for any of the following offences:

a) Transporting oversized cargo without a transport permit or expired transport permit or with a transport permit not issued by the competent authority;

b) Transporting oversized cargo with an unexpired transport permit but the GVW or outer size (after cargo is loaded) exceeds the limits in the transport permit.

c) Transporting oversized cargo with valid transport permit without sticking to the routes designated in the transport permit;

d) Transporting oversized cargo with valid transport permit without transporting the type of goods designated in the transport permit.

4. Apart from incurring fines, the violator shall incur the following additional penalties:

a) The offence specified in clause 1 of this Article shall lead to suspension of the driver's license for 01 - 03 months;

b) The offences specified in clauses 2 and 3 of this Article shall lead to suspension of the driver's license for 02 - 04 months;

c) The offence specified in point a clause 3 of this Article shall lead to suspension of the transport permit that is expired or is not issued by a competent authority.

5. If the bridge or road is damaged by the offences specified in clauses 1, 2 and 3 of this Article, the violator shall be compelled to restore it to its original condition apart from incurring the penalties.”.

15. Several points and clauses of Article 28 are amended as follows:

a) Point e clause 2 of Article 28 is amended as follows:

“e) Failure to number seats and beds on a passenger-carrying motor vehicle as prescribed;”;

b) Point i is added after point h clause 2 of Article 28 as follows:

“i) Failure to provide ticket refund to passengers in the case of a fixed route covering a distance of less than 300 km.”;

c) Clause 3 of Article 28 is amended as follows:

“3. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed on an individual and from VND 4,000,000 to VND 6,000,000 on an organization that commits any of the following offences:

a) Loading cargo on each vehicle (including trailer and semi-trailer) beyond the maximum permissible payload written on the certificate of technical and environmental safety inspection by more than 50% to 100%;

b) Failure to provide ticket refund to passengers in the case of a fixed route covering a distance of more than 300 km;

c) Failure to return badges to the provincial Department of Transport as prescribed.”;

d) Point d clause 4 of Article 28 is amended as follows:

“d) Operating a passenger taxis without attaching the “TAXI” roof light box and failure to attach the “XE TAXI” (“TAXI”) phrase to the front and rear windshields as prescribed or attaching the “TAXI” roof light box or the “XE TAXI” (“TAXI”) phrase which is removable, has incorrect dimensions or is not made of retroreflective material); failure to affix a phone number or affixing a phone number other than that specified in the certificate of enterprise (cooperative) registration;”;

dd) Point o clause 6 of Article 28 is amended as follows:

“o) Operating a vehicle providing transportation services without installing cameras as prescribed (if required by the law) or installing cameras without ability to record and store images on the vehicle (including the driver and the vehicle doors) during the vehicle's operation as prescribed or employing technical measures, peripherals or other measures to falsify data from cameras installed on the vehicle;”;

e) Point p clause 6 of Article 28 is amended as follows:

“p) Failure to provide, update, transmit, store and manage images from cameras installed on the motor vehicle as prescribed, failure to grant accounts used to access their servers to competent authorities as prescribed;”;



g) Clause 8 of Article 28 is amended as follows:

“8. A fine ranging from VND 20,000,000 to VND 40,000,000 shall be imposed upon:

a) Any entity manufacturing, assembling and importing motor vehicle trackers which fails to assign personnel for each position as prescribed; or

b) Any entity manufacturing, assembling and importing motor vehicle trackers which fails to update and adjust firmware of trackers as prescribed; or

c) Any provider of application software assisting transport connection which fails to correctly comply with regulations on provision of application software assisting transport connection; fails to publicize procedures for handling customers' complaints and fails to develop a system for storing customers' complaints as prescribed; or

d) Any provider of application software assisting transport connection which fails to provide lists of transport businesses using their software and automobiles and drivers thereof or accounts used to access the application software assisting transport connection to competent authorities upon request or failure to carry out storage as prescribed.”;

h) Clause 9 of Article 28 is amended as follows:

“9. A fine ranging from VND 40,000,000 to VND 60,000,000 shall be imposed upon:

a) Any entity manufacturing, assembling and importing motor vehicle trackers or motor vehicle tracking service provider which falsifies information and data from motor vehicle trackers; or

b) Any entity manufacturing, assembling and importing motor vehicle trackers or any provider of hardware and software for processing and transmitting data from cameras installed on motor vehicles which falsifies information and data from cameras installed on motor vehicles.”.

16. Article 29 is amended as follows:

**“Article 29. Penalties for illegal manufacturing and assembly of motor vehicles; illegal manufacturing and sale of license plates**

1. A fine ranging from VND 10,000,000 to VND 20,000,000 shall be imposed upon an individual, from VND 20,000,000 to VND 24,000,000 upon an organization that sells license plates that are not manufactured or allowed by competent authorities.

2. A fine ranging from VND 30,000,000 to VND 35,000,000 shall be imposed upon an individual, from VND 60,000,000 to VND 70,000,000 upon an organization that manufactures license plates that illegally manufactures or assembles motor vehicles.

3. Apart from incurring fines, the violator that commits any of the offences specified in clause 1 and clause 2 of this Article shall have their illegal license plates or illegally manufactured or assembled vehicles confiscated.

4. Apart from incurring penalties, the violator that commits any of the offences specified in clause 1 and clause 2 of this Article is compelled to return the benefits illegally obtained from administrative offences.”.

17. Several points and clauses of Article 30 are amended as follows:

a) Clause 3 of Article 30 is amended as follows:

“3. For each passenger carried beyond the seating capacity, a fine ranging from VND 400,000 to VND 600,000 shall be imposed upon an individual, from VND 800,000 to VND 1,200,000 upon an organization that is the vehicle owner that allows their employee or representative to operate the vehicle committing the offence specified in clause 2 Article 23 of this Decree or directly operates the vehicle committing the offence specified in clause 2 Article 23 of this Decree (nevertheless, the total fine incurred by such individual shall not exceed VND 75,000,000; the total fine incurred by such organization shall not exceed VND 150,000,000).”;

b) Point b clause 4 of Article 30 is amended as follows:

“b) Failure to follow procedures for issuance of revised certificates of vehicle registration as prescribed when changing address of vehicle owners or in other cases as prescribed;”;

c) Clause 4a is added after clause 4 of Article 30 as follows:

“4a. For owners of motorcycles and the like and mopeds: A fine ranging from VND 800,000 to VND 1,000,000 shall be imposed upon an individual, from VND 1,600,000 to VND 2,000,000 upon an organization which fails to comply with regulations on license plates, except for the offences specified in points i and k clause 5 of this Article.”;

d) Point g clause 5 of Article 30 is amended as follows:

“g) Operating a vehicle without the certificate of vehicle registration or with an expired certificate of vehicle registration; failure to operate a vehicle with the certificate of temporary vehicle registration within the permitted time limit or failure to operate a vehicle with restricted operation areas on the permitted routes or within the permitted areas;”;

dd) Clause 6 of Article 30 is amended as follows:

“6. For each passenger carried beyond the seating capacity, a fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed upon an individual, from VND 2,000,000 to VND 4,000,000 upon an organization that allows their employee or representative to operate the vehicle committing the offence specified in clause 4 Article 23 of this Decree or directly operates the vehicle committing the offence specified in clause 4 Article 23 of this Decree (nevertheless, the total fine incurred by such individual shall not exceed VND 75,000,000; the total fine incurred by such organization shall not exceed VND 150,000,000).”;

e) Point d clause 7 of Article 30 is amended as follows:

“d) Failure to follow procedures for issuance of revised certificates of vehicle registration as prescribed after renovating the vehicle or when changing address of vehicle owners or in other cases as prescribed;”;

g) Point m clause 7 of Article 30 is amended as follows:

“m) Changing the vehicle’s color other than that specified in the certificate of vehicle registration.”;

h) Point g clause 8 of Article 30 is amended as follows:

“g) Failure to comply with regulations on license plates and lettering on sides and doors of vehicles (including trailers and semi-trailers), except for the offences specified in point i clause 9 of this Article, points a, b, c, d and dd clause 2 of Article 28; point b clause 3 Article 37 of this Decree;”;

i) Point a clause 9 of Article 30 is amended as follows:

“a) Changing the chassis, engine, brake system or transmission system without permission; changing the original shape or size of a vehicle against the manufacturer’s design or design in the documentation submitted to the vehicle registry or the modification design approved by a competent authority without

permission; changing the functions of a vehicle without permission or installing trunk and container lifting devices on a vehicle (including trailer and semi-trailer);”;

k) Point dd clause 9 of Article 30 is amended as follows:

“dd) Allowing an employee or representative to operate the vehicle committing any of the offences specified in clause 2 Article 33 hereof or directly operating the vehicle committing the offence clause 2 Article 33 hereof;”;

l) Points e and g clause 9 of Article 30 are amended as follows:

“e) Operating a truck (including trailer and semi-trailer) with dimension of its trunk that fails to meet the technical specification written on the certificate of technical and environmental safety inspection for the truck;

g) Operating a passenger-carrying motor vehicle with added or removed seats/beds or dimension of its luggage compartment different from that specified in the certificate of technical and environmental safety inspection for the vehicle;”;

m) Point i is added after point h clause 9 of Article 30 as follows:

“i) Operating a vehicle without a license plate (if required); operating a vehicle with a license plate other than that specified in the certificate of vehicle registration or with a license plate that is not issued by a competent authority (including trailer and semi-trailer);”;

n) Clause 10 of Article 30 is amended as follows:

“10. For owners of motor vehicles and the like, tractors and transport construction machinery: A fine ranging from VND 14,000,000 to VND 16,000,000 shall be imposed on an individual and from VND 28,000,000 to VND 32,000,000 on an organization that commits any of the following offences:

a) Allowing an employee or representative to operate the vehicle committing any of the offences specified in point a, point b clause 6 Article 24 hereof or directly operating the vehicle committing any of the offences specified in point a, point b clause 6 Article 24 hereof;

b) Operating a vehicle without the certificate of vehicle registration or with an expired certificate of vehicle registration; failure to operate a vehicle with the certificate of temporary vehicle registration within the permitted time limit or failure to operate a vehicle with restricted operation areas on the permitted routes or within the permitted areas.”;

o) Clause 12 of Article 30 is amended as follows:

“12. For owners of motor vehicles and the like, tractors and transport construction machinery: A fine ranging from VND 18,000,000 to VND 20,000,000 shall be imposed on an individual and from VND 36,000,000 to VND 40,000,000 on an organization that commits any of the following offences:

a) Allowing an employee or representative to operate the vehicle committing any of the offences specified in point a, point b clause 8 Article 24 hereof or directly operating the vehicle committing any of the offences specified in point a, point b clause 8 Article 24 hereof;

b) Allowing an employee or representative to operate the vehicle committing any of the offences specified in clause 2 Article 25 hereof or directly operating the vehicle committing the offence clause 2 Article 25 hereof;

c) Allowing an employee or representative to operate the vehicle committing any of the offences specified in clause 3 Article 33 hereof or directly operating the vehicle committing the offence clause 3 Article 33 hereof;

p) Clause 13 of Article 30 is amended as follows:

“13. For owners of motor vehicles and the like, tractors and transport construction machinery: A fine ranging from VND 28,000,000 to VND 32,000,000 shall be imposed on an individual and from VND 56,000,000 to VND 64,000,000 on an organization that commits any of the following offences:

a) Allowing an employee or representative to operate the vehicle committing any of the offences specified in point a clause 3 Article 25 hereof or directly operating the vehicle committing the offence point a clause 3 Article 25 hereof;

b) Allowing an employee or representative to operate the vehicle committing any of the offences specified in point b clause 3 Article 25 hereof or directly operating the vehicle committing the offence point b clause 3 Article 25 hereof;

c) Allowing an employee or representative to operate the vehicle committing any of the offences specified in point c clause 3 Article 25 hereof or directly operating the vehicle committing the offence point c clause 3 Article 25 hereof;

d) Allowing an employee or representative to operate the vehicle committing any of the offences specified in point d clause 3 Article 25 hereof or directly operating the vehicle committing the offence point d clause 3 Article 25 hereof;

dd) Allowing an employee or representative to operate the vehicle committing any of the offences specified in point a clause 4 Article 33 hereof or directly operating the vehicle committing the offence point a clause 4 Article 33 hereof;

e) Allowing an employee or representative to operate the vehicle committing any of the offences specified in point b clause 4 Article 33 hereof or directly operating the vehicle committing the offence point b clause 4 Article 33 hereof;

g) Allowing an employee or representative to operate the vehicle committing any of the offences specified in point c clause 4 Article 33 hereof or directly operating the vehicle committing the offence point c clause 4 Article 33 hereof.”;

q) Clause 14 of Article 30 is amended as follows:

“14. A fine ranging from VND 70,000,000 to VND 75,000,000 shall be imposed upon an individual, from VND 140,000,000 to VND 150,000,000 upon an organization that is the vehicle owner that allows their employee or representative to operate the vehicle committing any of the offence specified in point a clause 5 Article 33 hereof or directly operates the vehicle committing the offence specified in point a clause 5 Article 33 hereof.”;

r) Clause 15 of Article 30 is amended as follows:

“15. Apart from incurring fines, the violator shall incur the following additional penalties:

a) The offence(s) specified in point b, point d, point h, point i, point k clause 5; point b, point e clause 7; point e, point i clause 8; point i clause 9 of this Article shall lead to confiscation of license plates and certificates of vehicle registration (re-issued); confiscation of forged documents and files; confiscation of license plates, equipment used to modify the license plates, certificates of vehicle registration, certificates of technical and environmental safety inspection, technical and environmental safety inspection stamps and certificates of temporary vehicle registration that are unsatisfactory or erased;

b) The offence(s) specified in point a clause 5, point a clause 7, point dd clause 8, point b clause 9 of this Article shall lead to confiscation of vehicles;

c) The offence(s) specified in points g and h clause 5; point e clause 8, point b clause 10 of this Article in case of failure to have the certificate of vehicle registration or using the certificate of vehicle registration that is not issued by a competent authority, on which the vehicle’s chassis or engine number is incorrect or which is falsified (including trailer and semi-trailer) without any document proving the

vehicle's origin (no document concerning the transfer of vehicle ownership or document concerning the vehicle's legal origin) shall lead to confiscation of the vehicle;

d) The offence(s) specified in points g, h, i and k clause 5; points g and i clause 7; points b, c, d, dd, e, g and i clause 8; points c, d, h and i clause 9; clause 10; point c clause 12; point dd clause 13 of this Article in case vehicle owners directly operate the vehicles shall lead to suspension of the driver's license (in case of road vehicles) and certificates of training in traffic rules (in case of transport construction machinery) for 01 - 03 months;

dd) The offence(s) specified in clause 11; point b clause 12; points a, b, c, d, e and g clause 13 of this Article in case vehicle owners directly operate the vehicles shall lead to suspension of the driver's license (in case of road vehicles) and certificates of training in traffic rules (in case of transport construction machinery) for 02 - 04 months;

e) The offence(s) specified in point a clause 12, clause 14 of this Article in case vehicle owners directly operate the vehicles shall lead to suspension of the driver's license (in case of road vehicles) and certificates of training in traffic rules (in case of transport construction machinery) for 03 - 05 months;

g) The offence(s) specified in clauses 3 and 6 of this Article in case a vehicle owner directly operates a vehicle exceeding the seating capacity by more than 50% - 100% shall lead to suspension of the driver's license for 01 - 03 months;

h) The offence(s) specified in clauses 3 and 6 of this Article in case a vehicle owner directly operates a vehicle exceeding the seating capacity by more than 100% shall lead to suspension of the driver's license for 03 - 05 months;

i) The offence(s) specified in point h clause 7, point d clause 9, point a clause 10, clause 11, point a clause 12 of this Article where the trunk or payload of a vehicle is not conformable with applicable regulations shall lead to suspension of the certificate of technical and environmental safety inspection and inspection stamp for 01 - 03 months;

k) The offence(s) specified in points a, e and g clause 9 of this Article shall lead to confiscation of the certificate of technical and environmental safety inspection or inspection stamp for 01 - 03 months;

l) The offence(s) specified in clauses 3 and 6 of this Article in case of operating a vehicle exceeding the seating capacity by more than 50% shall lead to suspension of badges for 01 - 03 months (if any). The offence(s) specified in point h, point i clause

7; point c, point d clause 9; point a clause 10; clause 11; clause 12; clause 13; clause 14 of this Article shall lead to suspension of badges for 01 - 03 months (if any).”;

s) Clause 16 is added after clause 15 of Article 30 as follows:

“16. Apart from the penalties, the violator is compelled to:

a) Restore the brand or paint color to that which is written on the certificate of vehicle registration as prescribed if the offence specified in clause 1 or point m clause 7 of this Article is committed;

b) Replace it with the equipment satisfactory to technical safety standards as prescribed (installing correct type of safety glass) if the offence specified in point a clause 2 of this Article is committed;

c) Correctly comply with regulations on license plates and lettering on sides and doors of vehicles if the offence specified in clause 4a or point g clause 8 of this Article is committed;

d) Restore the original shape, size or technical condition of the vehicle and apply for another registration before the vehicle is put back into operation if the offence specified in points a, e and g clause 9 of this Article is committed;

dd) Adjust the trunk in accordance with applicable regulations, apply for another registration and adjust the amount of goods in a manner that is satisfactory to the certificate of technical and environmental safety inspection in accordance with applicable regulations before the vehicle is put back into operation in case of committing the offence specified in point h clause 7, point d clause 9, point a clause 10, clause 11 or point a clause 12 of this Article where the vehicle’s trunk or amount of goods permitted for transport are not conformable with applicable regulations;

e) Restore the bridge or road to its original condition in case of committing any of the offences specified in point g, point h, point i clause 7; point c clause 8; point d, point dd clause 9; point a clause 10; clause 11; clause 12; clause 13; clause 14 of this Article, thereby damaging a bridge or road;

g) Follow procedures for vehicle registration, transfer of vehicle ownership, replacement or revocation of the certificate of vehicle registration, license plate or certificate of technical and environmental safety inspection as prescribed (except for vehicle confiscation) if any of the offences specified in point b clause 4; points e and g clause 5; points c, d and l clause 7; point b clause 10 of this Article is committed.”.

18. Article 33 is amended as follows:



**“Article 33. Penalties imposed upon operators of tracked vehicles; vehicles exceeding the capacity or dimensional limit of a bridge or road (including passenger vehicles)**

1. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed for failure to comply with the transport permit, except for the offences specified in points a and b clause 3; points b and c clause 4 of this Article.

2. A fine ranging from VND 4,000,000 to VND 6,000,000 shall be imposed for operating a vehicle whose GVW exceeds the capacity of the bridge or road by more than 10% to 20%, unless it is permitted in an unexpired transport permit.

3. A fine ranging from VND 8,000,000 to VND 10,000,000 shall be imposed for any of the following offences:

a) Carrying goods exceeding the dimensional limit of the bridge or road written in the transport permit;

b) Operating a tracked vehicle on public roads without a transport permit or with an expired one or without taking measures to protect the road on which it is running;

c) Operating a vehicle whose size or cargo size exceeds the dimensional limit of the bridge or road on which it is running, unless it is permitted in an unexpired transport permit.

4. A fine ranging from VND 13,000,000 to VND 15,000,000 shall be imposed for any of the following offences:

a) Operating a vehicle whose GVW or gross axle weight (including cargo and passengers on the vehicle) exceeds the capacity of the bridge or road by more than 20% to 50%, unless it is permitted in an unexpired transport permit;

b) Operating a vehicle with an unexpired transport permit but the GVW or gross axle weight of which (including cargo and passengers (if any) on the vehicle) exceeds the limit written in the transport permit;

c) Operating a vehicle with a valid transport permit without sticking to the routes designated in the transport permit.

5. A fine ranging from VND 40,000,000 to VND 50,000,000 shall be imposed for any of the following offences:

a) Operating a vehicle whose GVW or gross axle weight (including cargo and passengers on the vehicle) exceeds the capacity of the bridge or road by more than 50%, unless it is permitted in an unexpired transport permit;

b) Disobeying the order for weight or size inspection; transferring load or using other tricks to pass the inspection.

6. Apart from incurring fines, the violating operator shall incur the following additional penalties:

a) The offence(s) specified in clause 1, clause 3 and point a clause 4 of this Article shall lead to suspension of the driver's license (in case of motor vehicles and the like and tractors) and the certificate of training in traffic rules (in case of transport construction machinery) from 01 - 03 months;

b) The offence(s) specified in point b and point c clause 4 of this Article shall lead to suspension of the driver's license (in case of motor vehicles and the like and tractors) and the certificate of training in traffic rules (in case of transport construction machinery) from 02 - 04 months;

c) The offence specified in clause 5 of this Article shall lead to suspension of the driver's license (in case of motor vehicles and the like and tractors) and the certificate of training in traffic rules (in case of transport construction machinery) from 03 - 05 months;

7. If the bridge or road is damaged by the offences specified in clauses 1, 2, 3, 4 and 5 of this Article, the violator shall be compelled to restore it to its original condition apart from incurring the penalties.”.

19. Several points and clauses of Article 34 are amended as follows:

a) Clause 2 of Article 34 is amended as follows:

“2. A fine ranging from VND 10,000,000 to VND 15,000,000 shall be imposed illegally racing motorcycles, mopeds, and electric motorcycles.”;

b) Clause 3 of Article 34 is amended as follows:

“3. A fine ranging from VND 20,000,000 to VND 25,000,000 shall be imposed illegally racing cars.”.

20. Article 35 is amended as follows:

### **“Article 35. Penalties imposed upon operators of motor vehicles bearing foreign license plates**

1. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed upon an operator of a motor vehicle bearing a foreign license plate who commits any of the following offences:

- a) The vehicle documents are not translated into English or Vietnamese;
- b) Operating a passenger vehicle without a list of passengers as prescribed.

2. A fine ranging from VND 3,000,000 to VND 5,000,000 shall be imposed for any of the following offences:

- a) Operating a vehicle without a symbol for nationality recognition as prescribed;
- b) Operating a vehicle without a international transport license or international shipping badge or without an unexpired one;
- c) Transporting passengers or cargo against the concluded Agreements or Protocols on road transport, except for the offences specified in clauses 1, 3, 4 and 5 of this Article.

3. A fine ranging from VND 8,000,000 to VND 10,000,000 shall be imposed for any of the following offences:

- a) Operating a vehicle without a temporary license plate (if required) or one issued by a competent authority;
- b) Operating a right-hand drive vehicle or a foreigner’s vehicle in Vietnam on public roads for tourism purposes without a guiding vehicle as prescribed;
- c) The nationality of the operator of the right-hand drive vehicle or a vehicle bearing a foreign license plate is not correct.

4. A fine ranging from VND 10,000,000 to VND 12,000,000 shall be imposed for any of the following offences:

- a) Operating a vehicle beyond permissible areas;
- b) Operating a vehicle within Vietnam’s territory less than 30 days behind schedule;

5. A fine ranging from VND 30,000,000 to VND 35,000,000 shall be imposed for operating a vehicle within Vietnam’s territory 30 days or more behind schedule.

6. Apart from incurring penalties, the vehicle operator that commits any of the offences in point b, point c clause 2; point a clause 3; point b clause 4; clause 5 of this Article is compelled to re-export the vehicle from Vietnam.”.

21. Point d is added after point c clause 2 of Article 37 as follows:

“d) Providing training to learners who fail to submit sufficient required documents.”;

22. Point c is added after point b clause 1 of Article 38 as follows:

c) Failure to correctly perform the tasks assigned.”.

23. The introductory paragraph and point a clause 3 of Article 44 are amended as follows:

a) The introductory paragraph of clause 3 of Article 44 is amended as follows:

“3. A fine ranging from VND 2,000,000 to VND 3,000,000 shall be imposed upon a passenger train driver, passenger train captain or deputy to passenger train captain responsible for safety who commits any of the following offences:”;

b) Point a clause 3 of Article 44 is amended as follows:

“a) The passenger train driver, passenger train captain or deputy to passenger train captain responsible for safety who allows the train to run without receiving a safety signal from the traffic controller or the signaling employee;”.

24. Title and several points and clauses of Article 66 are amended as follows:

a) Title of Article 66 is amended as follows:

**“Article 66. . Penalties incurred by train drivers, co-driver and persons directly operating railway vehicles in service of technology lines of enterprises”;**

b) The introductory paragraph of clause 3 of Article 66 is amended as follows:

“3. A fine ranging from VND 1,000,000 to VND 2,000,000 shall be imposed upon a train driver or person directly operating railway vehicles in service of technology lines of enterprises who commits any of the following offences:”;

c) Point c clause 3 of Article 66 is amended as follows:

“c) Operating a train or railway vehicle in service of technology lines of enterprises that exceeds the speed limits in maximum speed order by up to 10 km/h.”;

d) Clause 4 of Article 66 is amended as follows:

“4. A fine ranging from VND 4,000,000 to VND 6,000,000 shall be imposed upon a train driver or person directly operating railway vehicles in service of technology lines of enterprises who operates a train or railway vehicle in service of technology lines of enterprises in excess of the speed limits in maximum speed order by more than 10 km/h to 20 km/h.”;

dd) The introductory paragraph of clause 5 of Article 66 is amended as follows:

“5. A fine ranging from VND 6,000,000 to VND 8,000,000 shall be imposed upon a train driver or person directly operating railway vehicles in service of technology lines of enterprises who commits any of the following offences:”;

e) Point a clause 5 of Article 66 is amended as follows:

“a) Operating a train or railway vehicle in service of technology lines of enterprises that exceeds the speed limits in maximum speed order by more than 20 km/h;”.

25. Point a clause 1 of Article 67 is amended as follows:

“a) Failure to conduct medical check-up for railway employees directly serving train operation under their management as prescribed by law;”.

26. Several points and clauses of Article 74 are amended as follows:

a) Points e and g clause 2 of Article 74 are amended as follows:

“e) Clause 1; clause 2; point a clause 3; points a, b, c, d, dd, e, p and q clause 4; clause 5; points d, dd, e, i, m, n, o, p and q clause 6; points a, b, h and i clause 7 of Article 28;

g) Article 29, Article 30, Article 31, Article 32, Article 33, Article 34, Article 35 (except for point b, point c clause 2; point a clause 3; point a clause 3; point b clause 4; clause 5 Article 35), Article 36;”;

b) Points a and b clause 3 of Article 74 are amended as follows:

“a) Point dd, point g clause 1; points g and h clause 2; points b, d, dd, e, k, r and s clause 3; points b, d, dd, g and i clause 4; points b and c clause 5; points b and c clause 6; point b clause 7; point c clause 8; clause 9; clause 10 of Article 5;

b) Point g, point n clause 1; points a, dd, h and l clause 2; points b, c, d, dd, e, i, k, m, n and o clause 3; points b, d, e, g and h clause 4; clause 5; points a and c clause 6; point c clause 7; clause 8; clause 9 of Article 6;”;

c) Point h clause 3 of Article 74 is amended as follows:

“h) Point b clause 3; points a, b, c, dd, e and k clause 5; points a, b and c clause 6; clause 7a of Article 23;”;

d) Clause 3a is added after clause 3 of Article 74 as follows:

“3a. Firefighting, prevention and rescue police shall, within the ambit of their assigned functions and tasks relating to road and railway transport order and safety, impose penalties for the offences specified in point a clause 2 Article 16; point a clause 6 Article 23; point a clause 2 Article 32; point b clause 3 Article 40; point c clause 2 Article 51; point d clause 2 Article 73.”;

dd) Clause 4 of Article 74 is amended as follows:

“3a. Commune-level Police Chiefs, Heads of Police Posts, Heads of Police Stations at border gates and export processing zones shall, within the ambit of their assigned functions and tasks relating to road and railway transport order and safety, impose penalties for the offences specified in points, clauses and Articles of this Decree as follows:”;

e) Point b clause 4 of Article 74 is amended as follows:

“b) Points g and n clause 1; points a, dd, h and l clause 2; points c, d, dd, k, m, n and o clause 3; points b and d clause 4 of Article 6; except for causing traffic accidents;”;

g) Point e clause 4 of Article 74 is amended as follows:

“e) Clauses 1, 2, 6 and 7 of Article 11;”;

h) Point g clause 5 of Article 74 is amended as follows:

“g) Clauses 1 through 6; point b clause 7 of Article 16;”;

i) Point i clause 5 of Article 74 is amended as follows:

“i) Clause 3; point b clause 4; clause 6; clause 8; clause 9 of Article 21;”;

k) Point l clause 5 of Article 74 is amended as follows:

“l) Points a and b clause 1; points a, b, d and dd clause 2; clause 3; clause 4; clause 5; clause 6; clause 7; points a and b clause 8; clause 8a of Article 24;”;

l) Point n clause 5 of Article 74 is amended as follows:

“n) Point a clause 2; clause 3; clause 6; points a, g, h, i and m clause 7; clause 8; clause 9; clause 10; clause 11; clause 12; clause 13; clause 13; clause 14 of Article 30;”;

m) Point p clause 5 of Article 74 is amended as follows:

“p) Clause 1; point b, point c clause 2; point c clause 3; clause 4; clause 5 of Article 35;”.

27. Article 75 is amended as follows:

**“Article 75. Power to impose administrative penalties of People’s Committees at all levels**

1. Chairmen/Chairwomen of communal People’s Committees have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 5,000,000 for road traffic offences and rail transport offences;
- c) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which does not exceed VND 10,000,000.
- d) Enforce the remedial measures specified in points a, b and c clause 1 Article 4 of this Decree.

2. Chairmen/Chairwomen of district-level People’s Committees have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 37,500,000 for road traffic offences and rail transport offences;
- c) Suspend the license or practicing certificate or suspend the operation;
- d) Confiscate any exhibit or instrumentality involved in commission of administrative offences;

dd) Enforce the remedial measures specified in points a, b, c, dd and e clause 1 Article 4 of this Decree.

3. Chairmen/Chairwomen of provincial People's Committees have the power to:

a) Issue warnings;

b) Impose a fine of up to VND 75,000,000 for road traffic offences and rail transport offences;

c) Suspend the license or practicing certificate or suspend the operation;

d) Confiscate any exhibit or instrumentality involved in commission of administrative offences;

dd) Enforce the remedial measures specified in clause 1 Article 4 of this Decree.”.

28. Article 76 is amended as follows:

**“Article 76. Power to impose administrative penalties of the People's Public Security**

1. Soldiers of the People's Public Security in the performance of their duty have the power to:

a) Issue warnings;

b) Impose a fine of up to VND 500,000 for road traffic offences and rail transport offences.

2. Heads of company-level Mobile Police units, Station Heads and Team Leaders supervising the persons defined in clause 1 of this Article have the power to:

a) Issue warnings;

b) Impose a fine of up to VND 1,500,000 for road traffic offences and rail transport offences.

3. Commune-level Police Chiefs, Heads of Police Posts, Heads of Police Stations at border gates, export processing zones and Majors of Mobile Police Battalions have the power to:

a) Issue warnings;



b) Impose a fine of up to VND 2,500,000 for road traffic offences and rail transport offences;

c) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which does not exceed VND 5,000,000;

d) Enforce the remedial measures specified in points a and c clause 1 Article 4 of this Decree.

4. District-level Police Chiefs; the Head of the Professional Division of the Traffic Police Department; the Head of the Professional Division of the Police Department for Administrative Management of Social Order, the Head of the Professional Division of the Department of Fire Prevention, Fighting and Rescue; the Chiefs of provincial Police Departments including Chiefs of Police Divisions for Administrative Management of Social Order, Chiefs of Traffic Police Divisions, Chiefs of Road and Railway Traffic Police, Chiefs of Road Traffic Police Divisions, Chiefs of Mobile Police Divisions, Chiefs of Firefighting, Prevention and Rescue Police Divisions and Colonels of Mobile Police Regiments have the power to:

a) Issue warnings;

b) Impose a fine of up to VND 15,000,000 for road traffic offences and rail transport offences;

c) Suspend the license or practicing certificate or suspend the operation;

d) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which does not exceed VND 30,000,000;

dd) Enforce the remedial measures specified in points a, b and e clause 1 Article 4 of this Decree.

5. Directors of provincial Police Departments have the power to:

a) Issue warnings;

b) Impose a fine of up to VND 37,500,000 for road traffic offences and rail transport offences;

c) Suspend the license or practicing certificate or suspend the operation;

d) Confiscate any exhibit or instrumentality involved in commission of administrative offences;

dd) Enforce the remedial measures specified in points a, c, dd and e clause 1 Article 4 of this Decree.

6. Director General of the Traffic Police Department, Director General of the Police Department for Administrative Management of Social Order, Director General of the Firefighting, Prevention and Rescue Police Department and Commander of the Mobile Police have the power to:

a) Issue warnings;

b) Impose a fine of up to VND 75,000,000 for road traffic offences and rail transport offences;

c) Suspend the license or practicing certificate or suspend the operation;

d) Confiscate any exhibit or instrumentality involved in commission of administrative offences;

dd) Enforce the remedial measures specified in points a, c, dd and e clause 1 Article 4 of this Decree.”.

29. Article 77 is amended as follows:

**“Article 77. Power to impose administrative penalties of specialized inspectors, seaport authorities, airport authorities, inland waterways port authorities**

1. Inspectors and persons authorized to perform specialized inspection tasks in the performance of their duty have the power to:

a) Issue warnings;

b) Impose a fine of up to VND 500,000 for road traffic offences and rail transport offences;

c) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which does not exceed VND 1,000,000;

d) Enforce the remedial measures specified in points a and c clause 1 Article 4 of this Decree.

2. Chief Inspectors of Provincial Departments of Transport, Chief Inspectors of Provincial Departments of Natural Resources and Environment, Chief Inspector of Civil Aviation Authority of Vietnam, Chief Inspector of Vietnam Maritime

Administration, chiefs of local road authorities affiliated to Directorate for Roads of Vietnam, chief of inspectorates of Provincial Departments of Transport, chief of inspectorates of Provincial Departments of Natural Resources and Environment, chiefs of inspectorates of Vietnam Environment Administration, chiefs of inspectorates of Directorate for Roads of Vietnam, chiefs of inspectorates of Vietnam Railway Administration, chiefs of inspectorates of local road authorities affiliated to Directorate for Roads of Vietnam have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 37,500,000 for road traffic offences and rail transport offences;
- c) Suspend the license or practicing certificate or suspend the operation;
- d) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which does not exceed VND 75,000,000;
- dd) Enforce the remedial measures specified in clause 1 Article 4 of this Decree.

3. Chiefs of inspectorates of the Ministry of Transport and the Ministry of Natural Resources and Environment have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 52,500,000 for road traffic offences and rail transport offences;
- c) Suspend the license or practicing certificate or suspend the operation;
- d) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which does not exceed VND 105,000,000;
- dd) Enforce the remedial measures specified in clause 1 Article 4 of this Decree.

4. Chief Inspector the Ministry of Transport, Chief Inspector of the Ministry of Natural Resources and Environment, Director General of Vietnam Environment Administration, Director General of Directorate for Roads of Vietnam, Director General of Vietnam Railway Administration, Director General of Vietnam Maritime Administration, Director General of Civil Aviation Authority of Vietnam and Director General of Vietnam Inland Waterway Administration have the power to:

- a) Issue warnings;

b) Impose a fine of up to VND 75,000,000 for road traffic offences and rail transport offences;

c) Suspend the license or practicing certificate or suspend the operation;

d) Confiscate any exhibit or instrumentality involved in commission of administrative offences;

dd) Enforce the remedial measures specified in clause 1 Article 4 of this Decree.

5. Chief representatives of seaport authorities, airport authorities and inland waterway port authorities have the power to:

a) Issue warnings;

b) Impose a fine of up to VND 10,000,000 for road traffic offences.

6. Directors of seaport authorities, airport authorities and inland waterway port authorities affiliated to Vietnam Inland Waterway Administration have the power to:

a) Issue warnings;

b) Impose a fine of up to VND 50,000,000 for road traffic offences;

c) Suspend the license or practicing certificate or suspend the operation;

d) Confiscate any exhibit or instrumentality involved in commission of administrative offences;

dd) Enforce the remedial measures specified in points a, b, c, dd and e clause 1 Article 4 of this Decree.”.

30. Several points and clauses of Article 80 are amended as follows:

a) Clause 1 of Article 80 is amended as follows:

“1. If the owner of the violating vehicle is present at the scene of the violation, the competent person shall rely on the violation to make an administrative violation record and a decision on administrative penalty imposition in accordance with corresponding points and clauses in Article 30 of this Decree.”;

b) Clause 2 of Article 80 is amended as follows:

“2. If the owner of the violating vehicle is not present at the scene of the violation, the competent person shall rely on the violation to make an administrative violation record and impose penalties as prescribed by law. The vehicle operator shall sign the record as a witness.”;

c) Point a clause 3 of Article 80 is amended as follows:

“a) Penalties for the offences against regulations on license plates, certificates of vehicle registration and certificates of temporary vehicle registration specified in Article 16 (point a, point b clause 4; points a, b and d clause 6; point a clause 7), Article 17 (clause 2; point a clause 3), Article 19 (point a Clause 1; points a, d, dd and e Clause 2) and corresponding offences specified in Article 30 (point 4a; points g, h and k clause 5; points e and g clause 8; point i clause 9; point b clause 10) in case vehicle owners directly operate the vehicles shall be imposed according to corresponding points and clauses of Article 30 of this Decree;”;

d) Point b clause 3 of Article 80 is amended as follows:

“b) Penalties for the offences against regulations on certificates and technical and environmental safety inspection stamps of vehicles specified in Article 16 (point a clause 5; points b and c clause 6), Article 19 (point dd clause 1; points c and e clause 3) and corresponding offences specified in Article 30 (points b and e clause 8; point c clause 9) in case vehicle owners directly operate the vehicles shall be imposed according to corresponding points and clauses of Article 30 of this Decree;”;

dd) Points d, dd and e clause 3 of Article 80 are amended as follows:

“d) Penalties for the offences against regulations on service life of vehicles specified in Article 16 (point b clause 7) and corresponding offences specified in Article 28 (point i clause 6), Article 30 (point dd clause 8) in case vehicle owners or transport service providers directly operate the vehicles shall be imposed according to point i clause 6 Article 28 or point dd clause 8 Article 30 of this Decree;

dd) Penalties for the offences against regulations on trunks, luggage compartments, removal or addition of seats and beds on motor vehicles specified in Article 16 (point d clause 3, point c clause 4) and corresponding offences specified in Article 30 (point e, point g clause 6) in case vehicle owners directly operate the vehicles shall be imposed according to corresponding points and clauses of Article 30 of this Decree;

e) Penalties for the offences against regulations on installation and use of trackers and cameras on motor vehicles specified in Article 23 (point p clause 5; point dd clause 6), Article 24 (point c clause 3; points c clause 5) and corresponding offences specified in Article 28 (points d and o clause 6) in case transport service providers

directly operate the vehicles shall be imposed according to corresponding points and clauses of Article 28 of this Decree;”;

e) Point k clause 3 of Article 80 is amended as follows:

“k) Penalties for the offences against regulations on picking up and disembarking passengers, loading and unloading cargo specified in Article 23 (clause 7a), Article 24 (clause 8a) and corresponding offences specified in Article 28 (point i clause 7) in case transport service providers directly operate the vehicles shall be imposed according to point i clause 6 Article 28 of this Decree;”;

g) Clause 4 of Article 80 is amended as follows:

“4. Regarding the offences against regulations vehicular weight and dimensional limits of vehicles, bridges and roads specified in Articles 24, Article 33 of this Decree if the vehicle owner or vehicle operator commits both offences specified in Article 24 and offences specified in Article 33 of this Decree, he/she shall incur a penalty for each offence; regarding the offences against regulations specified in point a clause 4 and point a clause 5 of Article 33 of this Decree, if the vehicle owner or vehicle operator commits both offences against regulations on GVW and offences against regulations on gross axle weight, the higher fine shall be imposed.”;

h) Point c clause 5 of Article 80 is amended as follows:

“c) The offence(s) specified in Points g, h and i clause 7; point c clause 8; points d and dd clause 9; point a clause 10; clause 11; clause 12; clause 13; clause 14 of Article 30 shall lead to unloading of the cargo exceeding permissible payload and exceeding dimensional limits as instructed by competent authorities at the scene of the offences;”;

i) Point e is added after point dd clause 5 of Article 80 as follows:

“e) The offence(s) specified in clauses 2 and 4 of Article; clauses 3 and 6 of Article 30 (in case of passenger transportation) shall lead to enforced provision of another vehicle for carrying the excess passengers.”;

k) Clause 7 of Article 80 is amended as follows:

“7. When imposing a penalty upon any of the vehicle owners specified in clause 6 of this Article, the time limit for issuing a penalty decision may be extended but not exceeding 02 months to identify the entity that incurs the penalty as prescribed in clause 1 Article 66 of the Law on Penalties for Administrative Violations (amended in 2020).”.

31. Clause 2 of Article 81 is amended as follows:

“2. In case an individual or organization incurs a fine for multiple administrative offences, the fine shall be a sum of fines for all of the offences. If the offences are punishable by suspension of the license or practicing certificate, the maximum suspension duration of the most severe offence shall apply.”

32. Several points and clauses of Article 82 are amended as follows:

a) Clause 1 of Article 82 is amended as follows:

“1. Pursuant to clauses 2 and 8 Article 125 of the Law on Penalties for Administrative Violations (amended in 2020), to immediately stop the violation, the person entitled to impose penalties is allowed to impound the vehicle before issuing a decision on to impose penalties for the offences specified in the following Articles, clauses and points of this Decree:

a) Point c clause 6; points a and c clause 8; clause 10 of Article 5;

b) Points b and c clause 6; point c clause 7; points a, b, c, d, e, g, h and i clause 8; clause 9 of Article 6;

c) Point c clause 6; point b clause 7; points a and b clause 8; clause 5 of Article 7;

d) Point q clause 1; point e clause 3; punts a, c, d and dd (if the violating vehicle operator is under 16 years of age), point g (if the violating vehicle operator is under 16 years of age) clause 4 of Article 8;

dd) Clause 9 of Article 11;

c) Points a and b clause 4; clause 5; points a, b and c clause 6 of Article 16;

g) Points a, b and c clause 2 of Article 17;

h) Points b and dd clause 1; points c, d, dd and e clause 2 of Article 19;

i) Clause 1; point a clause 4; clause 5; clause 6; clause 7; clause 8; clause 9 of Article 21;

k) Points dd, g, h and k clause 5; points b, e and h clause 8; points c and i clause 9; point b clause 10 of Article 30;

l) Point b clause 5 of Article 33.”;

b) Clause 2 of Article 82 is amended as follows:

“2. To ensure the implementation of the penalty imposition decision or to verify the facts before issuing the penalty imposition decision, the person entitled to impose penalties may impound the vehicle and papers related to the operator that commits one of the offences in this Decree according to clause 6 and clause 8 Article 125 of the Law on Penalties for Administrative Violations (amended in 2020). When the papers are impounded according to clause 6 Article 125 of the Law on Penalties for Administrative Violations, if the violator fails to settle the case at a competent agency after the arranged date and keeps operating the vehicle, that person shall incur a penalty for operating a vehicle without papers.”.

33. Some words and phrases are added to the following Articles, clauses and points:

a) The phrase “khoản 4a” (“clause 4a”) is added before the phrase “khoản 5” (“clause 5”) in point d clause 2 and point e clause 3 of Article 74;

b) The phrase “điểm d khoản 7” (“point d clause 7;”) is added after the phrase “khoản 6” (“clause 6”) in point a clause 5 of Article 74;

c) The phrase “điểm a” (“point a”) is added before the phrase “khoản 3” (“clause 3”) in clause 6 of Article 75; point dd clause 1 of Article 79; point b clause 5 of Article 80.

34. Some words and phrases in the following Articles, clauses and points are replaced:

a) The phrase “điểm a, điểm b khoản 6; điểm a, điểm c khoản 7” (“point a, point b clause 6; point a, point c clause 7”) in point a clause 1 of Article 5 is replaced with the phrase “điểm a khoản 6; điểm a, điểm c, điểm d khoản 7” (“point a, clause 6; point a, point c, point d clause 7”);

b) The phrase “điểm b khoản 6” (“point b clause 6”) in point h clause 2, point e clause 3, point d clause 4 of Article 5 is replaced with the phrase “điểm d khoản 7” (“point d clause 7”);

c) The phrase “điểm h, điểm i khoản 5” (“point h, point i clause 5”) in point b clause 11 of Article 5 is replaced with the phrase “điểm i khoản 5” (“point i clause 5”);

d) The phrase “1.000.000 đồng đến 2.000.000 đồng” (“from VND 1,000,000 to VND 2,000,000”) under the title of clause 4 Article 5, clause 5 Article 7, clause 7 Article 47 is replaced with the phrase “2.000.000 đồng đến 3.000.000 đồng” (“from VND 2,000,000 to VND 3,000,000”).



dd) The phrase “3.000.000 đồng đến 5.000.000 đồng” (“from VND 1,000,000 to VND 2,000,000”) under the title of clause 5 Article 5, clause 8 Article 47 is replaced with the phrase “4.000.000 đồng đến 6.000.000 đồng” (“from VND 4,000,000 to VND 6,000,000”);

e) The phrase “điểm d, điểm g, điểm i, điểm m khoản 3” (“point d, point g, point i, point m clause 3”) in point a clause 1 of Article 6 is replaced with the phrase “điểm a, điểm d, điểm g, điểm i, điểm m khoản 3” (“point a, point d, point g, point i, point m clause 3”);

g) The phrase “600.000 đồng đến 1.000.000 đồng” (“from VND 600,000 to VND 1,000,000”) in clause 4 Article 6, clause 5 Article 47 is replaced with the phrase “800.000 đồng đến 1.000.000 đồng” (“from VND 800,000 to VND 1,000,000”);

h) The phrase “điểm b khoản 6 Điều 33” (“point b clause 6 Article 33”) in clause 9 Article 11 is replaced with the phrase “điểm b khoản 5 Điều 33” (“point b clause 5 Article 33”);

i) The phrase “200.000 đồng đến 400.000 đồng” (“from VND 200,000 to VND 400,000”) under the title of clause 1 Article 5, clause 2 Article 7, clause 1 Article 42, clause 1 Article 43, clause 1 Article 46 is replaced with the phrase “từ 300.000 đồng đến 400.000 đồng” (“from VND 300,000 to VND 400,000”);

k) The phrase “200.000 đồng đến 300.000 đồng” (“from VND 200,000 to VND 300,000”) under the title of clause 2 Article 6, clause 3 Article 8, clause 2 Article 18, clause 4 Article 47 is replaced with the phrase “từ 300.000 đồng đến 400.000 đồng” (“from VND 300,000 to VND 400,000”);

l) The phrase “từ 200.000 đồng đến 300.000 đồng đối với cá nhân, từ 400.000 đồng đến 600.000 đồng đối với tổ chức” (“a fine ranging from VND 200,000 to VND 300,000 shall be imposed on an individual and from VND 400,000 to VND 600,000 on an organization”) under the title of clause 2 Article 15 is replaced with the phrase “từ 300.000 đồng đến 400.000 đồng đối với cá nhân, từ 600.000 đồng đến 800.000 đồng đối với tổ chức” (“a fine ranging from VND 300,000 to VND 400,000 shall be imposed on an individual and from VND 600,000 to VND 800,000 on an organization”);

m) The phrase “300.000 đồng đến 400.000 đồng” (“from VND 300,000 to VND 400,000”) under the title of clause 2 Article 17, clause 1 Article 19 is replaced with the phrase “800.000 đồng đến 1.000.000 đồng” (“from VND 800,000 to VND 1,000,000”);

n) The phrase “800.000 đồng đến 1.000.000 đồng” (“from VND 8,00,000 to VND 1,000,000”) under the title of clause 3 Article 17 is replaced with the phrase “2.000.000 đồng đến 3.000.000 đồng” (“from VND 2,000,000 to VND 3,000,000”);

o) The phrase “tổng mức phạt tiền tối đa không vượt quá 40.000.000 đồng” (“the total fine incurred by such operator shall not exceed 40,000,000”) in clause 2, clause 4 Article 23 is replaced with the phrase “tổng mức phạt tiền tối đa không vượt quá 75.000.000 đồng” (“the total fine incurred by such operator shall not exceed 75,000,000”);

p) The phrase “điểm a khoản 7” (“point a clause 7”) in point dd, point e, point k clause 5 of Article 23 is replaced with the phrase “khoản 7a” (“clause 7a”);

q) The phrase “có thiết kế từ 09 chỗ” in point c clause 4 of Article 28 is replaced with the phrase “có thiết kế từ 09 chỗ”;

r) The phrase “từ 7.000.000 đồng đến 10.000.000 đồng đối với cá nhân, từ 14.000.000 đồng đến 20.000.000 đồng đối với tổ chức” (“a fine ranging from VND 7,000,000 to VND 10,000,000 shall be imposed on an individual and from VND 14,000,000 to VND 20,000,000 on an organization”) under the title of clause 7 Article 28 is replaced with the phrase “từ 10.000.000 đồng đến 12.000.000 đồng đối với cá nhân, từ 20.000.000 đồng đến 24.000.000 đồng đối với tổ chức” (“a fine ranging from VND 10,000,000 to VND 12,000,000 shall be imposed on an individual and from VND 20,000,000 to VND 24,000,000 on an organization”);

s) The phrase “tháo dỡ” (“dismantle”) in point b clause 1, point a clause 2, point l clause 3 Article 4; point a clause 12 Article 11; point dd clause 10 Article 12; point a clause 2 Article 14; point g clause 6 Article 51; point b clause 4 Article 52; point d, point dd, point e, point g clause 5 Article 53; point dd clause 2, point c clause 5 of Article 54 is replaced with the phrase “điểm d khoản 7” (“point d clause 7”) is replaced with the phrase “phá dỡ” (“destroy”);

t) The phrase “Đối với những hành vi phạm quy định về tải trọng, khổ giới hạn của phương tiện, của cầu, đường được quy định tại Điều 24, Điều 28, Điều 30, Điều 33, Điều 65 của Nghị định này” (“Regarding the offences against regulations on vehicular weight and dimensional limits of vehicles, bridges and roads specified in Article 24, Article 28, Article 30, Article 33 and Article 65 of this Decree) under the title of clause 5 of Article 80 is replaced with the phrase “Đối với các hành vi vi phạm quy định về chở người vượt quá quy định được phép chở của phương tiện, vi phạm quy định về tải trọng, khổ giới hạn của phương tiện, của cầu, đường được quy định tại Điều 23, Điều 24, Điều 28, Điều 30, Điều 33, Điều 65 của Nghị định này” (“Regarding the acts of carrying passengers exceeding the vehicle’s seating capacity

and committing offences against regulations on vehicular weight and dimensional limits of vehicles, bridges and roads in Article 23, Article 24, Article 28; Article 30, Article 33 and Article 65 of this Decree”.

35. Some words and phrases are removed from the following Articles, clauses and points:

- a) The phrase “công lập” (“public”) is removed from point c clause 2 Article 2; the phrase “, tổ hợp tác” (“cooperative groups”) is removed from clause 3 Article 2;
- b) The phrase “hoặc tái phạm hành vi quy định tại điểm b khoản 7 Điều này,” (“or recidivism of offence(s) specified in point b clause 7 of this Article,” is removed from point d clause 11 of Article 5;
- c) The phrase “điểm đ” (“point dd”) is removed from point b clause 10 of Article 6;
- d) The phrase “kinh doanh vận tải, dịch vụ hỗ trợ vận tải” (“transport service, transport auxiliary service”) is removed from title of clause 1 of Article 28.

36. The following points, clauses and Articles are abrogated:

- a) Point h clause 5 of Article 5;
- b) Point i, point k clause 2; point dd clause 4 of Article 6;
- c) Points d and dd clause 3 of Article 8;
- d) Clause 3 of Article 11;
- dd) Point b clause 1 of Article 17;
- e) Point g clause 5, point a clause 7 of Article 23;
- g) Point a clause 3, point c clause 6 of Article 24;
- h) Point clause 2; point c clause 4; points dd and k clause 7 of Article 30;
- i) Clause 11 of Article 80;
- k) Article 83.

**Article 3. Amendments and abrogation of some Articles of Government’s Decree No. 162/2018/ND-CP dated November 30, 2018 on administrative penalties for civil aviation offences**

1. Article 4a is added after Article 4 as follows:

**“Article 4a. Prescriptive time limits for imposing administrative penalties for offences**

1. The prescriptive time limits for imposition of penalties for aviation offences shall be 01 year, the prescriptive time limits for imposition of administrative penalties for offences against regulations on fees and charges; price management; construction of aviation facilities; environmental protection in aviation sector; land of airports and aerodromes; sale of goods at airports; sale of banned and counterfeit goods shall be 02 years.

2. Completed administrative offences

a) The offence specified in point k clause 1 Article 7 of this Decree. The ending date of such offence is the date of completing the maintenance of the aircraft, engine, propeller or equipment of the aircraft at an aircraft maintenance facility which does not obtain appropriate approved rating;

b) The offence specified in point b clause 2 Article 7 of this Decree. The ending date of such offence is the date of completing the inspection or calibration of the equipment serving aircraft maintenance and repair at an unlicensed facility;

c) The offences specified in point a clause 3 Article 10; point d clause 1 Article 14; point d clause 1 Article 20; point a, point b clause 1 Article 23 and point c clause 1 Article 29 of this Decree. The ending date of such an offence relating to report submission is the prescribed reporting deadline;

d) The administrative offences other than those specified in points a, b and c of this Article which had been completed before the competent person discovered such offences are treated as completed ones. The ending dates of the offences begin from the date on which such offences are completed.

3. The administrative offences other than those specified in clause 2 of this Article are treated as in-progress ones:”.

2. Point a clause 2 of Article 8 is amended as follows:

“a) Smoking, including e-cigarettes or causing smoke or fire onboard the aircraft;”.

3. Points and clauses of Article 9 is amended as follows:

a) Point e clause 2 of Article 9 is amended as follows:

“e) Failure to update, amend or supplement the aerodrome operation literature or facility operation literature when there is any change to technical specifications of facilities and equipment within an aerodrome, aircraft operation procedures, procedures for operation and provision of services within an aerodrome or at the request of a competent authority; failure to request a competent authority to approve changes to technical specifications of facilities and equipment within an aerodrome, aircraft operation procedures, procedures for operation and provision of services within an aerodrome.”;

b) Points a and b clause 3 of Article 9 are amended as follows:

“a) Failure to publish aeronautical information according to regulations on publication of aeronautical information upon construction, renovation, upgrade, maintenance and repair of facilities and installation, maintenance and repair of equipment within an airport or aerodrome affecting operations at the airport or aerodrome or repair of unexpected damage to runways, taxiways, aprons and equipment serving air navigation directly menacing aviation safety and security;

b) Failure to correctly implement the construction measures or construction plan as prescribed upon construction, renovation, upgrade or repair of facilities in an airport or aerodrome;”;

c) Points k and l are added to clause 3 of Article 9 as follows:

“k) Changing the time of construction, renovation, upgrade, maintenance or repair of facilities or installation, maintenance or repair of equipment within an airport or aerodrome affecting flight activities as notified according to regulations on publication of aeronautical information without reaching an agreement with authorities and organizations concerned before following the procedures for notifying the change;

l) Failure to correctly implement the plan to maintain security, safety and environmental hygiene during construction, renovation, upgrade, maintenance or repair of facilities or installation, maintenance or repair of equipment within an airport or aerodrome as prescribed.”.

d) Point d clause 4 of Article 9 is amended as follows:

“d) Failure to implement the construction measures or construction plan as prescribed upon construction, renovation, upgrade or repair of facilities in an airport or aerodrome;”;

dd) Points dd and e are added to clause 4 of Article 9 as follows:

“dd) Failure to examine the conditions of runways, taxiways and aprons to remove foreign object debris;

e) Failure to implement the plan to maintain security, safety and environmental hygiene during construction, renovation, upgrade, maintenance or repair of facilities or installation, maintenance or repair of equipment within an airport or aerodrome as prescribed.”;

e) Point k clause 5 of Article 9 is amended as follows:

“k) Installing light boards and advertisement panels using rotary lamp, laser light protector and lighting device within an airport or aerodrome or its vicinity which interfere with the flight activities in the airport or aerodrome;”;

g) Point m clause 5 of Article 9 is amended as follows:

“m) Constructing, renovating, upgrading, maintaining or repairing facilities or installing, maintaining or repairing equipment within an airport or aerodrome without obtaining the competent authority’s approval for the aviation security and safety assurance plan;”;

h) Points n and o are added to clause 5 of Article 9 as follows:

“n) Constructing, renovating or upgrading a facility or installing equipment within an airport or aerodrome in a manner that fails to serve its intended purpose or conform to the airport or aerodrome planning or general floor plan approved by the competent authority;

o) Constructing, renovating, upgrading, maintaining or repairing facilities or installing, maintaining or repairing equipment within an airport or aerodrome without obtaining the competent authority’s approval for the construction plan.”;

i) Point d is added after clause 8 of Article 9 as follows:

“d) Being compelled to make adjustments so that it conforms to the airport or aerodrome planning or general floor plan approved by the competent authority if the offence specified in point n clause 5 of this Article is committed.”.

4. Several points and clauses of Article 10 are amended as follows:

b) Points a, b and c clause 1 of Article 10 are amended as follows:

“a) Providing non-aviation services at an airport without ensure satisfaction of standards and quality of sold services and products; failure to openly post prices of services and products; failure to ensure that products are duly marked; failure to have the certificate of product quality and certificate goods origin;

b) Placing advertising panels or use of fliers and sound for advertisement in the air operations area or at emergency exits of the facilities at an airport or aerodrome;

c) Using sound for advertisement in facilities of the airport/aerodrome infrastructure; in other facilities causing interference with aviation services;”;

b) Points d and dd are added to clause 1 of Article 10 as follows:

“d) Placing advertising panels that interfere with aviation safety, aviation security, fire safety, traffic safety or movement of persons and vehicles at an aerodrome or airport;

dd) Constructing advertising works and installing advertising facilities causing interference with the aesthetic and architectural features of the terminals and the signs inside the terminals.”;

c) Point e is added to clause 2 of Article 10 as follows:

“e) Installing electronic devices and screens for advertisement on the ground vehicles operating in restricted areas of the airport/aerodrome or the equipment in the apron.”;

d) Point dd is added to clause 4 of Article 10 as follows:

“dd) Providing non-aviation services in air operations areas against regulations.”;

dd) Point g is added to clause 5 of Article 10 as follows:

“g) Failure to maintain the fulfillment of conditions for operating facilities and equipment of the airport/aerodrome and failure to provide aviation services in accordance with applicable standards and technical regulations.”.

5. Clause 6 of Article 11 is amended as follows:

“6. Additional penalties:

a) Suspend the license for 01 - 03 months if an aviation staff member commits the offence prescribed in point a, b or c clause 1 of this Article;

b) Suspend the license for 03 - 05 months if an aviation staff member commits the offence prescribed in clause 2 or point a, b, c, d, dd, e or l clause 3, clause 4 or point g clause 5 of this Article.”.

6. Points dd, e and g are added to clause 1 of Article 14 as follows:

“dd) Failure to formulate a fuel monitoring plan as prescribed;

e) Failure to send the fuel monitoring plan as prescribed;

g) Failure to submit the emission report regarding an international flight; fuel use report regarding a domestic flight as prescribed.”.

7. Title of Section 4 in Chapter II is amended as follows:

**“Section 4. OFFENCES AGAINST REGULATIONS ON WORK PERFORMANCE AS PER WORK INSTRUCTION MANUAL, WORK PERFORMANCE PROCEDURE AND JOB REQUIREMENTS BY AVIATION STAFF AND OTHER EMPLOYEES; PROFESSIONAL TRAINING AND COACHING COURSES, EMPLOYMENT AND MEDICAL EXAMINATION FOR AVIATION STAFF**

8. Title and several points and clauses of Article 16 are amended as follows:

a) Title of Article 16 is amended as follows:

**“Article 16. Offences against regulations on work performance as per work instruction manual, work performance procedure and job requirements”;**

b) Point d clause 2 of Article 16 is amended as follows:

“b) Performing duties against the work instruction manual, work performance procedure and job requirements, except for the cases in point b clause 3; point dd clause 4 and point d clause 5 of this Article;”;

c) Points a and b clause 3 of Article 16 are amended as follows:

“a) Performing duties against the work instruction manual, work performance procedure and job requirements resulting in influence on civil aviation activities except but not menacing aviation security and safety, except for the cases in point b clause 3; point dd clause 4 and point d clause 5 of this Article;



b) Performing the duty of maneuvering an aircraft, controlling air traffic, maintaining or repairing an aircraft and its equipment, formulating an aircraft maintenance plan, generating aircraft maintenance data or ensuring aircraft engineering against the work instruction manual, work performance procedure and job requirements;”;

d) Point d clause 3 of Article 16 is amended as follows:

“d) Failure to fulfill duties of aviation staff as stated in the issued or recognized aviation staff license or professional certificate, except for the cases in point b clause 4 and point e clause 5 of this Article.”;

dd) Point a clause 4 of Article 16 is amended as follows:

“a) Perform duties against the work instruction manual, work performance procedure and job requirements resulting in menacing aviation security and safety, except for the cases in point b clause 3, point dd clause 4 and point d clause 5 of this Article;”;

e) Points c and dd clause 4 of Article 16 are amended as follows:

“c) Failure to fulfill duties of aviation staff as stated in the issued or recognized aviation staff license or professional certificate resulting in menacing aviation security and safety, except for the cases in point b clause 4 and point e clause 5 of this Article;

dd) Performing the duty of maneuvering an aircraft, controlling air traffic, maintaining or repairing an aircraft and its equipment, formulating an aircraft maintenance plan, generating aircraft maintenance data or ensuring aircraft engineering against the work instruction manual, work performance procedure and job requirements or cooperation procedures resulting in influence on civil aviation activities but not menacing aviation security and safety, except for the cases in point b clause 3 and point d clause 5 of this Article;”;

g) Point a clause 5 of Article 16 is amended as follows:

“a) Using an aviation staff license, rating, professional certificate, fit for work certificate or certificate of English language proficiency not issued by a competent authority;”;

h) Point d clause 5 of Article 16 is amended as follows:

“d) Performing the duty of maneuvering an aircraft, controlling air traffic, maintaining or repairing an aircraft and its equipment, formulating an aircraft maintenance plan, generating aircraft maintenance data or ensuring aircraft engineering against the work instruction manual, work performance procedure and job requirements resulting in menacing aviation security and safety;”;

i) Points a and b clause 7 of Article 16 are amended as follows:

“a) Suspend the license for 01 - 03 months if an aviation staff member commits the any of offences prescribed in point a, c or h clause 4, point b, d, dd, e or g clause 5 or point c clause 6 of this Article;

b) Suspend the license for 03 - 05 months if an aviation staff member commits the offence prescribed in point a clause 6 of this Article;”.

9. Title and several points and clauses of Article 18 are amended as follows:

a) Title of Article 18 is amended as follows:

**“Article 18. Offences against regulations on professional training, refresher training and coaching courses for aviation staff”;**

b) Clause 1 of Article 18 is amended as follows:

“1. A fine ranging from VND 5,000,000 (five million) to VND 10,000,000 (ten million) shall be imposed for hiring or asking another person to do the test or impersonating the candidate or assisting the candidate in doing his/her professional knowledge test; aviation English language proficiency test;

c) Points b, c and d clause 2 of Article 18 are amended as follows:

“b) Providing a professional training, refresher training or coaching course on aviation against the training program; failure to provide sufficient training hours as regulated;

c) Employing unqualified teachers to provide professional training, refresher training or coaching courses on aviation;

d) Failure to archive or insufficiently archiving training and coaching documents as prescribed.”;

d) Point d clause 3 of Article 18 is amended as follows:

“b) Providing aviation training and coaching courses beyond the scope of the certificate of eligibility to provide aviation training and coaching services issued by the competent authority.”;

dd) Clause 5 of Article 18 is amended as follows:

“5. Remedial measures:

Enforced invalidation of the result if the offence prescribed in clause 1 of this Article is committed.”.

10. Clause 4 of Article 19 is amended as follows:

“4. A fine ranging from VND 30,000,000 (thirty million) to VND 40,000,000 (forty million) shall be imposed for any of the following offences:

a) Failure to maintain the fulfillment of eligibility requirements regarding organizational structure; facilities and equipment; medical examination and assessment procedures; personnel as stated in the aviation medical center certificate granted by a competent authority;

b) Failure to operate an approved quality assurance system or equivalent as prescribed.”.

11. Clause 1 of Article 21 is amended as follows:

“1. A fine ranging from VND 3,000,000 (three million) to VND 5,000,000 (five million) shall be imposed for dropping or flying equipment, items and other objects in the air affecting flight activities.”.

12. Several points of clause 1 of Article 82 are amended as follows:

a) Point b clause 1 of Article 22 is amended as follows:

“b) Failure to notify the competent authority as prescribed of changes subject to notification; notification contents;”;

b) Point c is added to clause 1 of Article 22 as follows:

“c) Failure to post or disclose hotline as prescribed.”.

13. Points g, h and i are added to clause 1 of Article 23 as follows:

“g) Failure to notify operations of representative offices and ticket offices of foreign airlines to the competent authority as of the date of issue of the license as prescribed;

h) Failure to operate at the head office as of the date of issue of the license to set up representative office or ticket office of the foreign airline; failure to post on a newspaper issued in Vietnam as prescribed;

i) Failure to notify the competent authority of the change of personnel who is a foreigner.”.

14. Points l and m are added to clause 3 of Article 24 as follows:

“l) Failure to provide information about the reasons for flight cancellation or flight delay as prescribed;

m) Failure to notify or insufficiently notify non-refundable advance compensation as prescribed.”.

15. Title and several points and clauses of Article 25 are amended as follows:

a) Title of Article 25 is amended as follows:

**“Article 25. Offences against regulations on management and use of aviation security control badges and permits and identity documents”;**

b) Points a, b and c clause 2 of Article 25 are amended as follows:

“a) Using an aviation security control badge or permit or aviation security or safety inspector card or quality service inspector card of another person to enter restricted areas in an airport or aerodrome or board an aircraft;

b) Using an identity document not issued by a competent authority or; ticket or boarding pass not issued by a competent airline or using an identity document, ticket or boarding pass of another person to enter the secure area or board an aircraft or allowing another person to enter the secure area or board an aircraft;

c) Letting another person use the aviation security control badge or permit or aviation security or safety inspector card or quality service inspector card of another person to enter restricted areas in an airport or aerodrome or board an aircraft.”;

c) Clause 3 of Article 25 is amended as follows:

“3. A fine ranging from VND 5,000,000 (five million) to VND 10,000,000 (ten million) shall be imposed for using the aviation security control badge or permit or aviation security or safety inspector card or quality service inspector card not issued by a competent authority.”.

16. Point a clause 9 of Article 26 is amended as follows:

“a) Suspend the license for 01 - 03 months if an aviation staff member commits the any of offences prescribed in point a clause 4, point b, c, dd, i or l clause 5 or point b clause 6 of this Article;”.

17. Several points and clauses of Article 27 are amended as follows:

a) Point i is added after clause 2 of Article 27 as follows:

“i) Failure to provide the consignment security declaration to the transit or transfer airport/aerodrome operator and the airline as prescribed.”;

b) Point a clause 3 of Article 27 is amended as follows:

“a) Failure to correctly the aviation security program or aviation security regulation approved by the competent authority;”;

c) Point a clause 4 of Article 27 is amended as follows:

“a) Failure to have an aviation security program or aviation security regulation approved by a competent authority;”.

18. Clause 6 of Article 28 is amended as follows:

“6. Additional penalties:

Suspend the license for 01 - 03 months if an aviation staff member commits the offence prescribed in point a clause 4 of this Article.”.

19. Clause 5 of Article 30 is amended as follows:

“5. Additional penalties:

Suspend the license for 01 - 03 months if an aviation staff member commits any of the offences prescribed in point b clause 2 or clause 3 of this Article.”.

20. Several points and clauses of Article 31 are amended as follows:

a) Point e clause 1 of Article 31 is amended as follows:

“c) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which does not exceed VND 1,000,000;”;

b) Point d clause 2 of Article 31 is amended as follows:

“d) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which does not exceed VND 100,000,000;”;

c) Point d clause 3 of Article 31 is amended as follows:

“d) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which does not exceed VND 140,000,000;”.

21. Several points and clauses of Article 32 are amended as follows:

a) Point c clause 1 of Article 32 is amended as follows:

“c) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which does not exceed VND 20,000,000.”;

b) Point b clause 2 of Article 32 is amended as follows:

“b) Impose a fine of up to VND 50,000,000;”;

c) Point d clause 2 of Article 32 is amended as follows:

“d) Confiscate any exhibit or instrumentality involved in commission of administrative offences;”.

22. Several points and clauses of Article 33 are amended as follows:

a) Point c clause 1 of Article 33 is amended as follows:

“c) Confiscate any exhibit or instrumentality involved in commission of administrative offences, the value of which does not exceed VND 1,000,000;”;

b) Point d clause 2 of Article 33 is amended as follows:

“d) Confiscate any exhibit or instrumentality involved in commission of administrative offences;”.

23. Article 34 is amended as follows:

## **“Article 34. Power to impose administrative penalties of the People’s Public Security**

1. Soldiers of the People’s Public Security in the performance of their duty have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 500,000.

2. Heads of company-level Mobile Police units, Station Heads and Team Leaders supervising the persons defined in clause 1 of this Article have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 1,500,000.

3. Commune-level Police Chiefs, Heads of Police Posts, Heads of Police Stations at border gates, Heads of International Airport Police and Majors of Mobile Police Battalions have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 2,500,000;
- c) Confiscate any exhibit or instrumentality involved in commission of administrative offences if its value is not 02 times as high as the penalty amount specified in point b of this clause;
- d) Enforce the remedial measures specified in point c clause 3 Article 4 of this Decree.

4. District-level Police Chiefs; the Head of the Professional Division of the Traffic Police Department; the Head of the Professional Division of the Police Department for Administrative Management of Social Order; the Head of the Professional Division of the Department of Fire Prevention, Fighting and Rescue; the Head of the Professional Division of the Immigration Department; the Chiefs of provincial Police Departments including Chiefs of Police Divisions for Administrative Management of Social Order, Chiefs of Traffic Police Divisions, Chiefs of Road and Railway Traffic Police, Chiefs of Road Traffic Police Divisions, Chiefs of Mobile Police Divisions, Chiefs of Police Divisions for Prevention and Control of Environmental Crimes, Chiefs of Firefighting, Prevention and Rescue Police Divisions and Colonels of Mobile Police Regiments have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 20,000,000;
- c) Suspend the license or suspend the operation;
- d) Confiscate any exhibit or instrumentality involved in commission of administrative offences if its value is not 02 times as high as the penalty amount specified in point b of this clause;
- dd) Enforce the remedial measures specified in points c, dd and e clause 3 Article 4 of this Decree.

5. Directors of provincial Police Departments have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 50,000,000;
- c) Suspend the license or suspend the operation;
- d) Confiscate any exhibit or instrumentality involved in commission of administrative offences;
- dd) Make decision on imposition of deportation penalty;
- e) Enforce the remedial measures specified in points c, dd, e and n clause 3 Article 4 of this Decree.

6. Director General of the Police Department for Administrative Management of Social Order, Director General of the Investigation Police Department for Social Order Crimes, Director General of the Traffic Police Department, Director General of the Firefighting, Prevention and Rescue Police Department, Director General of the Police Department for Prevention and Control of Environmental Crime, Director General of the Internal Security Department and Commander of the Mobile Police have the power to:

- a) Issue warnings;
- b) Impose a fine of up to VND 100,000,000;
- c) Suspend the license or suspend the operation;



d) Confiscate any exhibit or instrumentality involved in commission of administrative offences;

dd) Enforce the remedial measures specified in points c, dd, e and n clause 3 Article 4 of this Decree.

7. The Director General of Immigration Department has the power to impose penalties as prescribed in clause 6 of this Article and make decision on imposition of deportation penalty.

8. The People's Public Security force has the power to impose penalties for administrative civil aviation offences in the following circumstances:

a) The administrative offence is discovered during the implementation of an emergency plan;

b) Administrative civil aviation offences regarding social security, order and safety are discovered at public areas of airports or aerodromes or are transferred by civil aviation authorities.”.

24. The introductory paragraph and several points and clauses of Article 36 are amended as follows:

a) The introductory paragraph of Article 36 is amended as follows:

“Aviation inspectors and airports authorities have the power to make administrative offence records; impose primary and additional penalties; apply remedial measures to the administrative offences mentioned in this Decree and administrative aviation offence violations specified in the following documents:”;

b) Clause 5 of Article 36 is amended as follows:

“5. Clause 2 Article 6, Article 7, Article 11, clauses 1 and 2 Article 23 and clause, point c clause 3 Article 30 of the Government's Decree No. 98/2020/ND-CP dated August 26, 2020 prescribing penalties for administrative violations against regulations on commerce, production and trade in counterfeit and prohibited goods, and protection of consumer rights.”

c) Clause 7 of Article 36 is amended as follows:

“7. Point dd clause 1 Article 9, point a clause 3 Article 10, Article 20, Article 21 and point a clause 1, point b clauses 4 through 8 Article 22 of the Government's Decree

No. 155/2016/ND-CP dated November 18, 2016 on penalties for administrative violations against regulations on environmental protection.”;

d) Point 9 is added to Article 36 as follows:

“9. Clause 1, clause 2, clause 4 Article 6, point b clause 2 Article 11, point a clause 1, clause 4 Article 12, clause 2 Article 14, Article 18, clauses 2 and 3 Article 25, Article 26, clause 2, point a, point b clause 4 Article 29, Article 30 and Article 31 of the Government’s Decree No. 117/2020/ND-CP dated September 28, 2020 prescribing penalties for administrative violations in medical sector.”.

25. The phrase “chứng chỉ hành nghề” (“practicing certificate”) is removed from point a clause 2 Article 4, point c clause 2, point c clause 3, point c clause 4 Article 31, point c clause 2 Article 32 and point c clause 2, point c clause 3 of Article 33.

26. The phrase “tháo dỡ” (“dismantle”) in point d clause 3 Article 4, point b clause 8 Article 9, point b clause 7 Article 10 and clause 7 of Article 21 is replaced with the phrase “phá dỡ” (“destroy”).

27. Point l clause 3 Article 4; point e clause 3 Article 9; point a clause 3 Article 15; point d clause 5 Article 26 and Article 39 are abrogated.

#### **Article 4. Effect**

This Decree comes into force from January 01, 2022.

#### **Article 5. Grandfather clause**

The regulations that are advantageous to the violators shall apply to the administrative maritime offences; administrative road traffic offences and rail transport offences; administrative civil aviation offences committed before the effective date of this Decree and then discovered or currently taken into consideration.

#### **Article 6. Implementation**

Ministers, heads of ministerial agencies, heads of Governmental agencies, Chairmen/Chairwomen of People’s Committees of provinces and central-affiliated cities and organizations and individuals concerned are responsible for the implementation of this Decree.

**ON BEHALF OF THE  
GOVERNMENT  
PP. THE PRIME MINISTER  
THE DEPUTY PRIME MINISTER**

**Le Van Thanh**