

THE GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 124/2015/NĐ-CP

Hanoi, November 19, 2015

DECREE

AMENDMENTS AND SUPPLEMENTS TO A NUMBER OF ARTICLES OF THE GOVERNMENT'S DECREE
No. 185/2013/NĐ-CP DATED NOVEMBER 15, 2013 REGULATING PENALTIES FOR ADMINISTRATIVE
VIOLATIONS IN COMMERCIAL ACTIVITIES, PRODUCTION AND TRADING IN COUNTERFEIT AND BANNED
GOODS, AND PROTECTION OF CONSUMER RIGHTS

Pursuant to the Law on Government organization dated December 25, 2001;

Pursuant to the Law on Actions against administrative violations dated June 20, 2012;

Pursuant to the Law on Investment dated November 26, 2014;

Pursuant to the Law on Enterprise dated November 26, 2014;

Pursuant to the Law on Commerce dated June 14, 2005;

Pursuant to the Law on Electronic transaction dated November 29, 2005;

Pursuant to the Law on Tobacco Harm Prevention dated June 18, 2012;

Pursuant to the Law on consumers' right protection dated November 17, 2010;

At the request of the Minister of Industry and Trade,

The Government promulgates the Decree providing amendments and supplements to a number of articles of the Government's Decree No. 185/2013/NĐ-CP dated November 15, 2013 regulating penalties for administrative violations in commercial activities, production and trading in counterfeit and banned goods, and protection of consumer rights.

Article 1. Amendments and supplements to a number of articles of the Government's Decree No. 185/2013/NĐ-CP dated November 15, 2013 regulating penalties for administrative violations in commercial activities, production and trading in counterfeit and banned goods, and protection of consumer rights

1. Supplements to Clause 5, Article 1:

"5. For acts of commercial speculation, hoarding of goods, procurement of goods and services, and franchising that show signs of competition restriction under the law on competition, apply provisions on investigation and handling of violations of the law on competition."

2. Amendments to Clause 3, Article 2:

"3. Organizations as prescribed in Clause 1, this Article include economic organizations being enterprises established and operating under the Law on Enterprise; cooperatives, and unions of cooperatives established under the Law on Cooperatives; other economic organizations established and operating according to law provisions and their affiliates; representative offices, branches of foreign dealers in Vietnam; representative offices of foreign trade promotion organizations in Vietnam."

3. Amendments to Point b, Clause 8, Article 3:

"b) Goods that include at least one of quality norms or basic technical characteristics creating value in use only reaching a level of 70% and lower in comparison with the quality standards or technical standards registered, announced for application or printed on packages;"

4. Supplements to Clause 14, Article 3:

"14. "Goods with origin unclear" mean the goods that are circulating in the market without clear origin."

5. Amendments to Point d, Clause 5, Article 4:

"d) Force withdrawal, destruction or elimination of factors of violations applied to types of products, goods as prescribed in Articles 33, 35 and 36 of the Law on Actions against administrative violations that are still circulating in the market and consumed, sold by individuals or organizations who commit administrative violations;"

6. Amendments to Clause 2, Article 5:

"2. For exhibits being counterfeits as prescribed in Points a, b, c, d, dd, and e of Clause 8, Article 3 of this Decree, price of such exhibits is market price of actual goods or goods having the same technical features and use at the time the violation is detected as prescribed in Point d, Clause 2, Article 60 of the Law on Actions against administrative violations. Apply Clause 1, this Article in case price can not be determined.

7. Amendments to Article 6:

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

1. "A fine from VND 1,000,000 - 2,000,000 with respect to business activities conducted on locations or head offices inconsistent with Certificate of Business registration.

2. "A fine from VND 2,000,000 - 3,000,000 with respect to business activities in the form of business households without Certificate of business household registration as prescribed.

3. "A fine from VND 3,000,000 - 5,000,000 with respect to business activities in the form of enterprises without Certificate of Enterprise registration as prescribed.

4. "A fine from VND 5,000,000 - 10,000,000 with respect to acts of continuing business activities which are currently being suspended by competent state management agencies or with Certificate of Business registration being revoked.

5. A fine twice the level for violations as prescribed from Clauses 1 – 4, this Article shall be applied with respect to conditional business lines and trades."

8. Amendments to Article 7:

"Article 7. Acts of violation in business activities according to business licenses

1. "Warnings or fines from VND 500,000 – 1,000,000 for illegal supplements, erasure or rectification of information printed on certificates for goods and services subject to business restriction.

2. A fine from VND 1,000,000 – 3,000,000 for one of the following acts:

a) Lease out, lend, mortgage, sell or transfer certificates for goods and services subject to business restriction;

b) Lease, borrow, receive a mortgage, buy or receive transfer of certificates for goods and services subject to business restriction.

3. A fine from VND 3,000,000 - 5,000,000 for business activities inconsistent with scope, entities, scale, time, administrative division, locations and commodities specified in granted certificates for goods and services subject to business restriction;

4. A fine from VND 5,000,000 – 10,000,000 for one of the following acts:

a) Trade in goods and services subject to business restriction without certificates for goods and services subject to business restriction as prescribed;

b) Trade in goods and services subject to business restriction when the certificate for goods and services subject to business restriction expires;

c) Use the certificate for goods and services subject to business restriction owned by others for doing business;

5. A fine from VND 10,000,000 - 15,000,000 with respect to acts of continuing business activities which are currently being suspended by competent state management agencies or with Certificate for goods and services subject to business restriction being revoked.

6. A fine twice the level for violations as prescribed in Clauses 1 – 5, this Article shall be imposed on activities of industrial production or distribution and trading in alcoholic, tobacco products, and tobacco ingredients committing administrative violations.

7. Additional penalties:

Strip certificates for goods and services subject to business restriction from 1 - 3 months for violations as prescribed in Point a, Clauses 2 and 3, this Article in case of multiple or repeated violations."

9. Amendments to heading of Article 10:

"Article 10. Acts of production, trading, transport, hoarding, delivery and receipt of banned goods"

10. Amendments to Point a, Clause 3, Article 10:

"a) Acts of transporting banned goods;"

11. Amendments to Clause 4, Article 13:

"4. Remedial measures:

a) Force removal of factors of violations from labels, packages of counterfeits or destroy counterfeits for violations as prescribed in this Article;

b) Force withdrawal or removal of factors of violations from labels, packages of counterfeits or withdraw counterfeits that are circulating in the market for violations as prescribed in this Article;

c) Force out of Vietnam's territory or re-exportation of counterfeits for acts of importation of counterfeits as prescribed in this Article;

d) Force re-payment of illegal profits made by violations as prescribed in this Article."

12. Amendments to Clause 4, Article 14:

"4. Remedial measures:

a) Force removal of factors of violations from labels, packages of counterfeits or destroy counterfeits for violations as prescribed in this Article;

b) Force withdrawal or removal of factors of violations from labels, packages of counterfeits or withdraw counterfeits that are circulating in the market for violations as prescribed in this Article;

d) Force re-payment of illegal profits made by violations as prescribed in this Article."

13. Amendments to Article 16:

"Article 16. Acts of producing counterfeit stamps, labels, and packages

1. For acts of producing counterfeit stamps, labels, and packages as prescribed in Point h, Clause 8, level of penalties as follows:

a) Warnings or a fine from VND 300,000 – 500,000 in case quantity of counterfeit stamps, labels, and packages is under 100 pieces;

b) A fine from VND 500,000 – 1,000,000 in case quantity of counterfeit stamps, labels, and packages is from 100 – less than 500 pieces;

c) A fine from VND 1,000,000 – 2,000,000 in case quantity of counterfeit stamps, labels, and packages is from 500 – less than 1,000 pieces;

d) A fine from VND 2,000,000 – 5,000,000 in case quantity of counterfeit stamps, labels, and packages is from 1,000 – less than 2,000 pieces;

dd) A fine from VND 5,000,000 – 10,000,000 in case quantity of counterfeit stamps, labels, and packages is from 2,000 – less than 3,000 pieces;

e) A fine from VND 10,000,000 – 15,000,000 in case quantity of counterfeit stamps, labels, and packages is from 3,000 – less than 5,000 pieces;

g) A fine from VND 15,000,000 – 20,000,000 in case quantity of counterfeit stamps, labels, and packages is from 5,000 – less than 10,000 pieces;

h) A fine from VND 20,000,000 – 30,000,000 in case quantity of counterfeit stamps, labels, and packages is from 10,000 pieces and over;

2. A fine twice the level for violations as prescribed in Clause 1, this Article for one of the following cases:

a) Counterfeit stamps, labels, and packages produced for food, food additives, food processing aids, food preservatives, functional food, preventive drugs, conventional medicine, cosmetics, medical equipment, helmets;

b) Counterfeit stamps, labels, and packages for detergents, insecticides, animal feed, fertilizers, veterinary medicine, pesticide, plant and animal varieties, cements, construction steel;

3. Additional penalties:

a) Confiscate counterfeit stamps, labels, and packages for violations as prescribed in this Article;

b) Confiscate tools, machinery and other things used for production of counterfeit stamps, labels, and packages for violations as prescribed in this Article;

c) Strip practice certificate, licenses from 3 - 6 months for violations as prescribed in Point a, Clauses 2 and 3, this Article in case of multiple or repeated violations.

d) Suspend part or whole of the production activity from 3 - 6 months for violations as prescribed in this Article;

4. Remedial measures:

a) Force destruction of counterfeit stamps, labels, and packages for violations as prescribed in this Article;

b) Force withdrawal or destruction of counterfeit stamps, labels, and packages currently in circulation for violations as prescribed in this Article;

d) Force re-payment of illegal profits made by violations as prescribed in this Article.”

14. Amendments to Clause 2, Article 17:

“2. A fine twice the level imposed on activities of trading in illegal imports as prescribed in Clause 1, this Article for one of the following cases:

a) Offenders are importers of the goods;

b) Illegal goods are among the list of items banned or temporarily suspended from import;

c) Illegal imports include food, food additives, food processing aids, food preservatives, functional food, preventive drugs, conventional medicine, cosmetics, detergent, insecticides, medical equipment, animal feed, fertilizers, veterinary medicine, pesticides, plant and animal varieties, cements, construction steel, helmets.”

15. Amendments to Clause 3, Article 17:

“3. Level of financial penalties as prescribed in Clauses 1 and 2, this Article is also applied to impose administrative penalties on:

a) Deliberate transport of illegal imports;

b) Owners of storage facilities (warehouses, wharves, yards, houses...) who carry out transport of illegal imports;

c) Deliberate delivery and receipt of illegal imports;”

16. Amendments to Clause 5, Article 17:

“5. Remedial measures:

a) Force destruction of goods or items harmful to health of people, domestic animals, plants, environment, toys harmful to character education and children health, damaging cultural products, goods banned from circulation or not safe for violations as prescribed in this Article;

b) Force withdrawal or destruction of goods or items harmful to health of people, domestic animals, plants, environment, toys harmful to character education and children health, damaging cultural products, goods banned from circulation or not safe for violations as prescribed in this Article;

c) Force re-payment of illegal profits made by violations as prescribed in this Article.”

17. Amendments to Article 21:

“Article 21. Violations in shelf life of goods, goods of unclear origin and others”

18. Amendments to Point a, Clause 1, Article 21:

“a) Trade in goods exceeding shelf life as printed on labels or packages;”

19. Supplements to Point dd, Clause 1, Article 21:

“dd) Purchase, sell, transport, hoard, consume mineral products without legal origin.”

20. Amendments to Point b, Clause 14, Article 21:

“b) Confiscate tools, machinery or other things used for committing administrative violations for violations as prescribed in Point b, Clause 1, this Article.”

21. Amendments to Clause 15, Article 21:

“15. Remedial measures:

a) Force destruction of exhibits of violations; force withdrawal of exhibits of violations currently circulating in the market for violations as prescribed in Points a and b, Clause 1, this Article;

b) Force removal of factors of violations from labels, packages; force withdrawal or elimination of factors of violations from labels, packages for violations as prescribed in Point d, Clause 1, this Article;

c) Force re-payment of illegal profits made by violations as prescribed in this Article.”

22. Amendments to Article 25:

“Article 25. Violations in trading, transport, hoarding, delivery and receipt of banned goods as illegally imported tobacco

1. Acts of trading in banned goods as illegally imported tobacco (hereinafter referred to as ‘illegal tobacco’), level of penalties as follows:

a) Warnings or a fine from VND 500,000 – 1,000,000 in case quantity of illegal tobacco is less than 10 packs (1 pack = 20 cigarettes (pieces) or 1 pack = 20 gram (for tobacco of other forms))

b) A fine from VND 1,000,000 – 2,000,000 in case quantity of illegal tobacco is from 10 – less than 20 packs;

c) A fine from VND 2,000,000 – 5,000,000 in case quantity of illegal tobacco is from 20 – less than 50 packs;

d) A fine from VND 5,000,000 – 10,000,000 in case quantity of illegal tobacco is from 50 – less than 100 packs;

dd) A fine from VND 10,000,000 – 20,000,000 in case quantity of illegal tobacco is from 100 – less than 200 packs;

e) A fine from VND 20,000,000 – 30,000,000 in case quantity of illegal tobacco is from 200 – less than 300 packs;

g) A fine from VND 30,000,000 – 50,000,000 in case quantity of illegal tobacco is from 300 – less than 400 packs;

h) A fine from VND 50,000,000 – 70,000,000 in case quantity of illegal tobacco is from 400 – less than 500 packs;

2. If quantity of illegal tobacco is found from 500 packs and over, the case should be transferred to the criminal proceedings agency for criminal prosecution as prescribed in Article 62 of the Law on Actions against administrative violations; in case the legal proceeding agency decides not to bring the case into court, a fine from VND 70,000,000 – 100,000,000 shall be applied.

3. Financial penalties as prescribed in Clauses 1 and 2, this Article is also applied to impose administrative penalties on:

- a) Deliberate transport of illegal tobacco;
- b) Owners of storage facilities (warehouses, wharves, yards, houses...) who carry out hoarding of illegal tobacco;
- c) Delivery and receipt of illegal tobacco;

4. Additional penalties:

- a) Confiscate exhibits of violations for violations as prescribed in this Article;
- b) Confiscate transport vehicles used for transport of illegal tobacco in case quantity is found from 500 packs and over or in case of multiple or repeated violations for violations as prescribed as prescribed in this Article;
- c) Strip tobacco business licenses from 12 - 24 months for violations as prescribed in Clause 1, this Article in case of multiple or repeated violations.

23. Amendments to Point h, Clause 1, Article 26:

"h) A fine from VND 30,000,000 – 50,000,000 in case quantity of illegal tobacco is from 400 – less than 500 packs;

24. Amendments to Point b, Clause 4, Article 26:

"b) Confiscate transport vehicles used for transport of raw materials of illegal tobacco in case exhibits are found from 2,000 kg and over or in case of multiple or repeated violations for violations as prescribed as prescribed in this Article;

25. Point b, Clause 3, Article 45 is hereby annulled.

26. Amendments to Article 63:

"Article 63. Violations in origin of imported, exported goods

1. A fine from VND 10,000,000 - 20,000,000 for deliberate falsification of Certificate of Origin or documents of self-certification of product origin, or written approval for self-certification of product origin issued by competent agencies;

2. A fine from VND 20,000,000 - 30,000,000 for supply of falsified documents or materials to competent agencies as requested or for verification of Certificate of Product Origin.

3. A fine from VND 30,000,000 – 40,000,000 for one of the following acts:

- a) Falsify product origin as granted the right to self-certify product origin by competent state agencies;
- b) Forge Certificate of Product Origin or documents of self-certification of product origin;
- c) Supply falsified documents or materials to competent agencies as requested for self-certification of product origin or for verification of documents of self-certification of product origin;

4. A fine from VND 40,000,000 - 50,000,000 for use of fake certificate of product origin or documents of self-certification of product origin;

5. Additional penalties:

Confiscate exhibits for violations as prescribed in this Article;

6. Remedial measures:

- a) Force re-payment of illegal profits made by violations as prescribed in this Article."
- b) Force correction of misleading information about product origin for violations as prescribed in this Article."

27. Amendments to Article 68:

"Article 68. Violations in registration for model contracts, general transaction conditions

1. A fine from VND 20,000,000 – 30,000,000 for failure to comply with requirements of competent state agencies for postponement or amendments to model contracts, general transaction conditions violating the law on customers' right protection or in conflict with general principles on contracting.

2. A fine from VND 30,000,000 – 50,000,000 for one of the following acts:

a) Failure to register model contracts, general transaction conditions with competent state management agencies on customers' right protection as prescribed;

b) Failure to make notification to consumers about change of model contracts, general transaction conditions as prescribed;

c) Failure to apply model contracts, general transaction conditions with competent state management agencies on customers' right protection as prescribed;

3. A fine twice the level for violations as prescribed in Clauses 1 and 2, this Article for violations committed on administrative divisions from two central-affiliated cities and provinces and over."

28. Amendments to Article 72:

"Article 72. Violations of remotely concluded contract

1. A fine from VND 10,000,000 – 20,000,000 for acts of concluding contracts remotely with consumers for one of the following cases:

a) Fail to provide information as prescribed;

b) Fail to refund within 30 days since consumer unilaterally declares termination of the contract or failure to pay interests on the delayed payment to the consumer as prescribed;

c) Restrict or hinder the consumer from unilaterally terminating the contract within ten days since the contract is concluded in case business organizations and individuals fail to provide adequate information as prescribed;

d) Force or require consumers to pay fees for permission to terminate the contract except for expenses for goods and services already used by the consumer;

2. Remedial measures:

Force re-payment of illegal profits made by violations as prescribed in Points b and d, Clause 1, this Article."

29. Supplements to Points e and g, Clause 1, Article 74:

"e) Fail to provide adequate and accurate explanation to consumers about terms and conditions of the contract and information concerning goods and services to be transacted with consumers;

g) Door-to-door delivery contract is not made in writing and sent to consumers a copy as prescribed unless otherwise as agreed."

30. Amendments to Point a, Clause 1, Article 75:

"a) Fail to provide a warranty note to consumers;"

31. Amendments to Article 80:

"Article 80. Other violations in client and consumer relationship

1. Warnings or a fine from VND 500,000 to 1,000,000 for one of the following acts in case transacted goods or services are less than VND 5,000,000 in value:

a) Fail to compensate, refund or change goods, services mistakenly delivered to clients or consumers;

b) Swap or cheat on delivery or supply of goods and services to clients, consumers;

c) Fail to compensate, refund or change swapped or cheated goods, services for consumers;

d) Willingly cut down packages, spare parts, promotion items, technical documents and user manual attached upon delivery of goods and services;

- dd) Conduct trade promotion activities or propose transaction with persons incapable of civil acts;
 - e) Force or require consumers to make payment for delivered goods and services without prior agreement;
 - g) Take advantage of difficult circumstances of consumers or take advantage of natural disasters, epidemics to provide goods and services without quality assurance;
2. A fine from VND 1,000,000 to 5,000,000 for violations as prescribed in Clause 1, this Article in case transacted goods or services are from VND 5,000,000 – less than 20,000,000 in value.
 3. A fine from VND 5,000,000 to 10,000,000 for violations as prescribed in Clause 1, this Article in case transacted goods or services are from VND 20,000,000 – less than 50,000,000 in value.
 4. A fine from VND 10,000,000 to 15,000,000 for violations as prescribed in Clause 1, this Article in case transacted goods or services are from VND 50,000,000 – less than 100,000,000 in value.
 5. A fine from VND 15,000,000 to 20,000,000 for violations as prescribed in Clause 1, this Article in case transacted goods or services are from VND 100,000,000 in value.
 6. A fine from VND 1,000,000 –5,000,000 for one of the following acts:
 - a) Fail to provide explanation, or provide explanation outside prescribed time, or fail to provide information, documents or evidence at request of state administration agencies for protection of consumer rights;
 - b) Refuse to receive request for negotiation from consumers or fail to conduct negotiation with consumers within seven working days since receipt of request from consumers as prescribed.
 7. Additional penalties:

Strip business licenses, certificates of satisfaction of business conditions, practice certificates, or suspend operation for one to three months for violations as prescribed in Clauses 1, 2, 3, 4 and 5, this Article in case of multiple or repeated violations.
 8. Remedial measures:
 - a) Force recall of goods without quality assurance for violations as prescribed in Point g, Clause 1, this Article;
 - b) Force re-payment of illegal profits made by violations as prescribed in Clauses 1, 2, 3, 4 and 5, this Article.”
32. Amendments to Article 81:

“Article 81. Violations in establishment of e-commerce websites or mobile-based e-commerce applications (mobile apps)

1. A fine from VND 1,000,000 –5,000,000 for one of the following acts:
 - a) Fail to provide additional information for the announcement of selling e-commerce websites or mobile-based selling applications (hereinafter referred to as ‘selling apps’) as prescribed;
 - b) Fail to provide addition information for the registration for websites providing e-commerce services (hereinafter referred to as e-commerce service websites) or mobile-based e-commerce service supply applications (hereinafter referred to as ‘e-commerce service apps’);
 - b) Fail to make notice about amendments or supplements to website-related information as prescribed;
 - d) Fail to comply with regulations on manners of publishing information on e-commerce service websites or e-commerce service apps.
2. A fine from VND 5,000,000 –10,000,000 for one of the following acts:
 - a) Provide inadequate or misleading information when making notice about the establishment of selling e-commercial websites or selling apps to competent state management agencies;
 - b) Publish registration information on e-commerce service websites or e-commerce service apps inconsistent with information registered with competent state management agencies;
3. A fine from VND 10,000,000 –20,000,000 for one of the following acts:

a) Establish selling e-commerce websites or selling apps without making notice to competent state management agencies as prescribed;

b) Fail to make notice about amendments and supplements made to e-commerce service websites or e-commerce service apps registered with competent state management agencies as prescribed;

4. A fine from VND 20,000,000 –30,000,000 for one of the following acts:

a) Establish e-commerce service websites or e-commerce service apps without registration with competent state management agencies as prescribed;

b) Receive transfer of e-commerce service websites or e-commerce service apps without following procedures on transfer or fail to register again with competent state management agencies as prescribed;

c) Carry out supply of e-commerce services inconsistently with registration documents;

d) Falsify information for registration of e-commerce service websites or e-commerce service apps;

dd) Forge registration information on e-commerce service websites or e-commerce service apps;

e) Continue supply of e-commerce services after termination or postponement of registration;

5. Additional penalties:

Suspend e-commerce activities from six to 12 months for violations as prescribed in Clauses 2, 3 and Points a, b, c and d, Clause 4, this Article in case of multiple or repeated violations.

6. Remedial measures:

Force withdrawal of domains “.vn” of e-commerce websites or removal of mobile apps from app stores or from supplied addresses for violations as prescribed in Points b, c, dd and e, Clause 4, this Article.”

33. Amendments to Article 82:

“Article 82. Violations in information and transaction on e-commerce websites or mobile apps;

1. A fine from VND 1,000,000 –5,000,000 for one of the following acts:

a) Fail to provide the client with adequate information about dealers, organizations, individuals as owners of e-commerce websites or mobile apps, information about goods, services, price, transportation, delivery, receipt, payment terms, contract provisions and general transaction conditions before the client has concluded the contract for use of online order placement function on e-commerce websites or mobile apps;

b) Fail to allow the client to check, supplement, amend or confirm transaction information before use of online order placement function on e-commerce websites or mobile apps for sending request for concluding the contract;

c) Establish e-commerce service websites or e-commerce service apps or other websites without public announcement of processes and procedures on termination of the contract as prescribed.

2. A fine from VND 5,000,000 –10,000,000 for one of the following acts:

a) Use links to provide information in conflict with the information announced in the area of e-commerce websites or mobile apps attached with such links;

b) Intervene in the operating system and internet browser in electronic devices accessing e-commerce websites or mobile apps to force the client to save unwanted websites or mobile apps;

3. A fine from VND 10,000,000 –20,000,000 for one of the following acts:

a) Provide misleading information about dealers, organizations, individuals as owners of e-commerce websites or mobile apps, goods, services, price, transportation, delivery, receipt, payment terms, contract provisions and general transaction conditions on e-commerce websites or mobile apps;

b) Fail to allow the client to save confirmations on transaction after concluding the contract for use of online order placement function on e-commerce websites or mobile apps;

c) Establish e-commerce service websites or e-commerce service apps or other websites without provision of online tools to the client for sending request for termination of contract when demands for use of services expire;

d) Develop online payment functions on e-commerce websites or mobile apps without a mechanism for the client to check and confirm details of payment transaction before use of this function for payment;

dd) Fail to store data about payment transactions via its system according to prescribed time;

4. A fine from VND 20,000,000 –30,000,000 for one of the following acts:

a) Use links, icons or other technologies to cause confusions over relationship with other dealers, organizations and individuals;

b) Use icons of e-commerce website or mobile apps credit rating programs without prior consent;

c) Forge information from other dealers, organizations and individuals to participate in e-commerce activities;

d) Fail to develop measures to ensure safety and confidentiality for the client's payment transactions;

5. A fine from VND 30,000,000 –40,000,000 for one of the following acts:

a) Forge or make illegal copy of interfaces of e-commerce websites or mobile apps owned by other dealers, organizations and individuals to make profits or cause the client's confusions and mistrust in such dealers, organizations and individuals;

b) Steal, disclose, transfer or sell business secrets of other dealers, organizations or individuals or consumers' personal information in e-commerce without prior consent of relevant parties;

6. A fine from VND 40,000,000 –50,000,000 for one of the following acts:

a) Cheat clients on e-commerce websites or mobile apps;

b) Take advantage of business activities of e-commerce to illegally mobilize capital from other dealers, organizations and individuals;

7. Additional penalties:

a) Confiscate exhibits, means used for committing violations as prescribed in Clauses 5 and 6, this Article;

b) Suspend e-commerce activities from six to 12 months for violations as prescribed in Clauses 5 and 6, this Article;

8. Remedial measures:

a) Force rectification of untrue or confusing information for violations as prescribed in Point a, Clause 3, Points a, b, and c, Clause 4 and Point a, Clause 5, this Article;

b) Force withdrawal of domains “.vn” of e-commerce websites or removal of mobile apps from app stores or from supplied addresses for violations as prescribed in Clauses 5 and 6, this Article;

c) Force re-payment of illegal profits made by violations as prescribed in Clauses 1, 2, 3, 5 and 6, this Article.”

34. Amendments to Article 83:

“Article 83. Violations in supply of e-commerce services

1. A fine from VND 1,000,000 –3,000,000 for one of the following acts:

a) Fail to make online announcement of the process of receiving and handling complaints from clients and the mechanism of settling disputes concerning the contract concluded on online promotion websites or e-commerce service apps;

b) Fail to make public disclosure of the mechanism of settling disputes arising during the transaction on e-commerce trading floor and online auction websites or e-commerce service apps;

c) Fail to assist the client in protecting his/her lawful rights and interests in case of conflicts with sellers during transaction on e-commerce service websites or apps;

2. A fine from VND 10,000,000 –20,000,000 for one of the following acts:

a) Establish online order placement function on e-commerce service websites or apps for dealers, organizations and individuals to carry out concluding of contract but the concluding of contract fails to comply with law provisions;

b) Fail to ensure safety for consumers' personal information and business secrets of dealers, organizations and individuals involved in transactions on e-commerce service websites or apps;

3. A fine from VND 30,000,000 –30,000,000 for one of the following acts:

b) Fail to publish the statute on the website or the statute published on the website is found inconsistent with registration documents for e-commerce service websites or e-commerce service apps confirmed by competent state management agencies;

b) Change information of the statute of e-commercial service websites or apps without notice to service users;

c) Fail to require dealers, organizations and individuals as sellers on e-commerce service websites or e-commerce service apps to provide information as prescribed;

d) Fail to store registration information provided by dealers, organizations and individuals participating in e-commerce service websites or e-commerce service apps;

dd) Fail to publish information about goods and services promoted on online promotion websites or e-commerce service apps as prescribed;

e) Establish online auction websites or e-commerce service apps but fail to provide tools for sellers to make notice, public announcement of necessary information related to auction goods including images of goods and attached documents;

g) Establish online auction websites or e-commerce service apps but technical system serving online auction activities fails to comply with law provisions;

h) Fail to provide measures to prevent and remove from e-commerce websites or mobile apps information about sale or supply of goods and services belonging to the list of goods banned from trading and subject to business restriction as prescribed;

i) Fail to perform statistical reports as prescribed;

4. A fine from VND 30,000,000 –40,000,000 for one of the following acts:

a) Fail to take handling measures upon detection or receipt of reports on illegal business acts on e-commerce service websites or e-commerce service apps;

b) Fail to provide information and assist state administration agencies in investigating illegal business acts on e-commerce service websites or e-commerce service apps;

5. A fine from VND 40,000,000 – 50,000,000 for organization of a business and marketing network for e-commerce services where each participant pays an initial amount for purchasing the service and receiving commissions, bonus or other economic interests from persuading other people to take part in the network.

6. Additional penalties:

a) Confiscate exhibits, means used for committing violations for violations as prescribed in Clauses 5, this Article;

b) Suspend e-commerce activities from six to 12 months for violations as prescribed in Clauses 5, this Article;

7. Remedial measures:

b) Force withdrawal of domains “.vn” of e-commerce websites or removal of mobile apps from app stores or from supplied addresses for violations as prescribed in Clauses 5, this Article;

b) Force re-payment of illegal profits made by violations as prescribed in Clauses 1, 2, 3, 5, this Article.”

35. Amendments to Article 84:

“Article 84. Violations in protection of personal information in e-commerce activities

1. A fine from VND 1,000,000 –5,000,000 for one of the following acts:

- a) Establishment of policies on protection of personal information is in conflict with law provisions;
 - b) Fail to display on e-commerce websites policies on protection of personal information for consumers;
2. A fine from VND 5,000,000 –10,000,000 for one of the following acts:
- a) Fail to display policies on protection of personal information before or at the time of information collection;
 - b) Fail to inspect, update, adjust or postpone personal information as requested;
3. A fine from VND 10,000,000 –20,000,000 for one of the following acts:
- a) Fail to establish mechanism of receiving and handling consumers' complaints about personal information wrongly used;
 - b) Fail to establish, issue or implement policies on safety and security for the collection and use of personal information of consumers;
4. A fine from VND 20,000,000 –30,000,000 for one of the following acts:
- a) Collect personal information without prior consent;
 - b) Establish default option which forces consumers to agree that their personal information may be shared, disclosed or used for purposes of advertising or other commercial purposes;
 - c) Abuse personal information of consumers;
5. Additional penalties:
- Suspend e-commerce activities from six to 12 months for violations as prescribed in Clauses 4, this Article in case of multiple or repeated violations;
6. Remedial measures:
- Force re-payment of illegal profits made by violations as prescribed in Clauses 4, this Article.”

36. Amendments to Article 85:

“Article 85. Violations in activities of assessment, supervision and authentication in e-commerce

1. A fine from VND 5,000,000 –10,000,000 for one of the following acts:
- a) Fail to publish processes and criteria for assessment, supervision and authentication on e-commerce websites or mobile apps;
 - b) Fail to add registration documents for activities of assessment, supervision and authentication on e-commerce websites or mobile apps as prescribed;
 - c) Fail to add, update and publicly announce the list of e-commerce websites or mobile apps that have been assessed, supervised and authenticated by its own as prescribed;
2. A fine from VND 10,000,000 –20,000,000 for one of the following acts:
- a) Fail to follow the process and criteria for assessment, supervision and authentication as publicly announced;
 - b) Fail to conduct supervision of e-commerce websites or mobile apps that have been assessed, supervised and authenticated by its own;
3. A fine from VND 20,000,000 –30,000,000 for one of the following acts:
- a) Supply services of assessment, supervision and authentication inconsistently with registration documents;
 - b) Fail to perform statistical reports as prescribed;
4. A fine from VND 30,000,000 –40,000,000 for one of the following acts:
- a) Supply services of assessment, supervision and authentication without permission as prescribed;
 - b) Falsify information to apply for licenses for assessment, supervision and authentication of e-commerce;

- c) Fail to cooperate with state administration agencies in conducting inspection, investigation and handling of e-commerce websites or mobile apps attached with credit symbol but showing signs of violations;
- d) Fail to cooperate with state administration agencies in conducting inspection, investigation and handling of dealers, organizations with policies on protection of personal information certified but showing signs of violations;
- dd) Fail to provide documents and assist state administration agencies in carrying out inspection of violations concerning electronic documentary evidence stored and authenticated by its own;

5. A fine from VND 40,000,000 –50,000,000 for one of the following acts:

- a) Take advantage of activities of assessment, supervision and authentication in e-commerce for illegal profits;
- b) Continue operation even though registration for activities of assessment, supervision and authentication is postponed or terminated, or the license thereto is terminated or revoked;

6. Additional penalties:

- a) Strip licenses for activities of assessment and certification of policies on protection of personal information, licenses for electronic contract authentication in e-commerce from six to 12 months for violations as prescribed in Point b, Clause 4, and Point a, Clause 5 hereof;
- b) Suspend activities of credit rating for e-commerce websites or mobile apps from six to 12 months for violations as prescribed in Points a and b, Clause 4, and Point a, Clause 5 hereof;

7. Remedial measures:

Force re-payment of illegal profits made by violations as prescribed in Clauses 5, this Article.”

37. Amendments to Article 92:

“Article 92. Violations in activities of multi-level marketing

1. A fine from VND 500,000 –1,000,000 to persons involved in multi-level marketing who commit one of the following acts:

- a) Carry out activities of multi-level marketing without member card as prescribed;
- b) Fail to present member card when introducing or marketing goods;
- c) Fail to provide adequate information about companies and goods traded in the form of multi-level marketing as prescribed when sponsoring other persons to participate in the multi-level marketing network;

2. A fine from VND 1,000,000 – 3,000,000 to persons involved in multi-level marketing who commit one of the following acts:

- a) Fail to comply with the company’ operation rules, prize winning programs as included in the application for issuance of certificate of multi-level marketing registration;
- b) Falsify information about goods offered;

3. A fine from VND 3,000,000 – 5,000,000 to persons involved in multi-level marketing who require others to pay a certain amount of money, a deposit or buy a certain quantity of goods in any form for the right to participate in the multi-level marketing network;

4. A fine from VND 5,000,000 – 10,000,000 to persons involved in multi-level marketing who falsify information about benefits of participation in multi-level marketing as well as characteristics, uses of traded goods or activities of multi-level dealers to entice other to participate in multi-level marketing;

5. A fine from VND 10,000,000 – 20,000,000 for persons involved in multi-level marketing who commit one of the following acts:

- a) Organize client conferences, seminars, product introduction conferences or training workshops without written authorization from multi-level dealers;
- b) Entice or bribe people from other multi-level marketing networks into joining its own network;

c) Misuse title, power, or social status for requiring others to participate in multi-level marketing network or to buy goods traded under multi-level marketing manner;

6. A fine from VND 10,000,000 – 20,000,000 to multi-level dealers who commit one of the following acts:

- a) Fail to satisfy conditions for registration for activities of multi-level marketing as prescribed during the operation;
 - b) Fail to follow procedures on amendments or supplements to certificates of multi-level marketing registration when making changes to the application for issuance of certificates of multi-level marketing registration as prescribed;
 - c) Fail to follow procedures on re-issuance of certificates of multi-level marketing registration in case the old one is lost, damaged or destroyed as prescribed;
 - d) Falsify information to apply for issuance of certificates of multi-level marketing registration;
 - dd) Conclude contracts with individuals unqualified for multi-level marketing as prescribed;
 - e) Reject or underestimate provision of training to staff involved in multi-level marketing as prescribed;
 - g) Reject or underestimate obligations for issuance, renewal or revocation of multi-level marketing member cards as prescribed;
 - h) Reject or underestimate public announcement of information, documents at the head office or supply of such information, documents to persons who plan to participate in multi-level marketing as prescribed;
 - i) Fail to carry out regular supervision of multi-level marketing participants (hereinafter referred to as 'participants') to ensure they comply with the company's operation rules, prize winning programs;
 - k) Fail to deduct personal income tax of participants for state budget before paying commissions, bonus or other economic interests to the participants;
 - l) Fail to control participants through member card system as prescribed;
 - m) Reject or underestimate public announcement of goods that are supposed not to be re-purchased by the enterprise to participants before they make a purchase;
 - n) Contracts concluded with participants are not made in writing or do not include basic information as prescribed;
 - o) Fail to carry out recovery and return of certificates of training skills within 15 working days since receipt of decision on recovery of certificates as prescribed;
7. A fine from VND 20,000,000 – 30,000,000 to multi-level dealers who commit one of the following acts:
- a) Fail to comply with regulations on multi-level marketing entities or manners with respect to goods not registered with the licensing agency as prescribed;
 - b) Reject or underestimate obligations as prescribed when temporarily suspending or resuming multi-level marketing activities after a break;
 - c) Reject or underestimate obligations for making notice to competent agencies upon termination of multi-level marketing activities;
 - d) Organize multi-level marketing activities in central-affiliated cities and provinces without official confirmations by the Service of Industry and Trade of such provinces, cities;
 - dd) Reject or underestimate obligations for making notice to the Service of Industry and Trade where client conferences, seminars, training workshops are organized;
 - e) Reject or underestimate obligations for re-purchasing the goods from participants at their request as prescribed;
 - g) Total value of commissions, bonus and other interests combined in a year paid to the participants exceeds 40% of the company's revenue in such year.
 - h) Reject or underestimate obligations as prescribed upon termination of the contract for participation in multi-level marketing;

- k) Fail to make a deposit or provide written confirmation of a new deposit to the licensing agency when changing head office into other central-affiliated cities and provinces;
 - l) Reject or underestimate provision of regular reports on multi-level marketing activities to competent state agencies as prescribed;
 - m) Fail to make notification about amendments and supplements to certificates of multi-level marketing registration to the Service of Industry and Trade of central-affiliated cities and provinces where the company is headquartered;
 - n) Public notice about organization of conferences, seminars and training workshops is inconsistent with published information;
8. A fine from VND 30,000,000 - 50,000,000 for multi-level marketing activities without registration with competent state agencies;
9. A fine twice the level for violations as prescribed in Clauses 8, this Article for violations committed on administrative divisions from two central-affiliated cities and provinces and over;
10. Remedial measures:
- a) Force re-payment of illegal profits made by violations as prescribed in this Article.”
 - b) Force rectification of untrue or confusing information for violations as prescribed in Point c, Clause 1, Points b, Clause 2 and Clause 4, this Article;”

38. Amendments to Article 100:

“Article 100. Authority to make written record of administration violation

Competent persons as prescribed in Articles from 101 – 103 hereof and scouts of the Coast guard on duty have the authority to make a written record of administrative violations prescribed hereof within assigned functions, tasks, powers.”

39. Amendments to Article 103:

“Article 103. Assignment of authorities of People’s Police, Customs authorities, the Border guard, the Coast guard and Inspectorate

- 1. Competent persons of the People’s Police have the authority to impose penalties on administrative violations and take remedial measures for consequences caused by acts of violations as prescribed hereof within competence prescribed in Article 103a hereof and assigned functions, tasks, powers.
- 2. Competent persons of Customs authorities have the authority to impose penalties on administrative violations and take remedial measures for consequences caused by acts of violations as prescribed in Section 9, Chapter II and administrative violations in connection with importation, exportation, temporary importation for export, temporary exportation for import, and transshipment of goods as prescribed in Articles 11, 13, 15, 17, 18, 21, 25, 26, 27, 29, 33, 41, 42, 49, 50, 53, 90 and 91 hereof in transit within competence prescribed in Article 103a hereof and assigned functions, tasks, powers.
- 3. Competent persons of the Border guard have the authority to impose penalties on administrative violations and take remedial measures for consequences caused by acts of violations as prescribed in Section 2, Chapter II and Articles 17, 21, 25, 55 and 91 hereof within competence prescribed in Article 103a hereof and assigned functions, tasks, powers.
- 4. Competent persons of the Coast guard have the authority to impose penalties on administrative violations and take remedial measures for consequences caused by acts of violations as prescribed in Section 2, Chapter II and Articles 17, 21, 25, 26, 55, 56, 59, 61 and 91 hereof within competence prescribed in Article 103d hereof and assigned functions, tasks, powers.
- 5. Competent persons of the Inspectorate have the authority to impose penalties on administrative violations and take remedial measures for consequences caused by acts of violations as prescribed hereof within competence prescribed in Article 103dd hereof and assigned functions, tasks, powers.

40. Supplements to Article 103a:

“Article 103a. Authority of the People’s Police

1. People's police soldiers on duty has the authority to:

- a) Impose penalties as a warning;
- b) Impose a fine up to VND 500,000;

2. Chief, heads of police station as prescribed in Clause 1, this Article have the authority to:

- a) Impose penalties as a warning;
- b) Impose a fine up to VND 1,500,000;

3. Heads of commune-level police authorities, heads of police stations based in checkpoints or processing and exporting zones have the authority to:

- a) Impose penalties as a warning;
- b) Impose a fine up to VND 2,500,000;
- c) Confiscate the exhibits and instruments for committing administrative violations with value not in excess of penalty levels as prescribed in Point b, this Clause;
- d) Take remedial measures for consequences as prescribed in Points a, c and dd, Clause 1, Article 28 of the Law on Actions against administrative violations

4. Heads of commune-level police authorities; heads of professional department affiliated to the Agency of Railway, Road Traffic Police; heads of professional department affiliated to Agency of Waterways Police; heads of provincial-level police authorities have the authority to:

- a) Impose penalties as a warning;
- b) Impose a fine up to VND 25,000,000 for acts of violations as prescribed in Section 2, Chapter II and Article 25 hereof; a fine up to VND 20,000,000 for other violations as prescribed hereof;
- c) Impose temporary suspension of practice licenses and certificates or the operation;
- c) Confiscate the exhibits and instruments for committing administrative violations with value not in excess of penalty levels as prescribed in Point b, this Clause;
- dd) Take remedial measures for consequences as prescribed in Points a, c, dd and k, Clause 1, Article 28 of the Law on Actions against administrative violations;

5. Directors of provincial-level police authorities have the authority to:

- a) Impose penalties as a warning;
- b) Impose a fine up to VND 50,000,000 for violations as prescribed hereof;
- c) Impose temporary suspension of practice licenses and certificates or the operation;
- d) Confiscate the exhibits and instruments for committing administrative violations with value not in excess of penalty levels as prescribed in Point b, this Clause;
- dd) Take remedial measures for consequences as prescribed in Points a, c, dd, i and k, Clause 1, Article 28 of the Law on Actions against administrative violations;

6. General directors of Agency of internal political security, Agency of economical security, Agency of ideology-cultural security, Agency of network security and information security, Agency of socio-economic criminal investigation, Agency of drug-related criminal investigation, Agency of railway, road traffic police, Agency of waterway police; Agency of environment-related criminal prevention and fighting, Agency of hi-tech related criminal prevention and fighting have the authority to:

- a) Impose penalties as a warning;
- b) Impose a maximum fine as prescribed hereof;
- c) Impose temporary suspension of practice licenses and certificates or the operation;

d) Confiscating the exhibits and instruments for committing administrative violations;

dd) Take remedial measures for consequences as prescribed in Points a, c, dd, i and k, Clause 1, Article 28 of the Law on Actions against administrative violations;

41. Supplements to Article 103b:

“Article 103b. Authority of Customs authorities

1. Customs officials on duty has the authority to:

a) Impose penalties as a warning;

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

2. Captains of Sub-department of Customs, Sub-department of Post-Clearance Inspection have the authority to:

a) Impose penalties as a warning;

b) Impose a fine up to VND 5,000,000;

3. Directors of Sub-department of Customs, Sub-department of Post-Clearance Inspection, captains of control teams pertaining to customs departments of central-affiliated cities, provinces, inter-provinces, captains of smuggling control teams, captains of customs procedure teams have the authority to:

a) Impose penalties as a warning;

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

c) Confiscate the exhibits and instruments for committing administrative violations that are not in excess of penalty levels as prescribed in Point b, this Clause;

dd) Take remedial measures for consequences as prescribed in Points d, dd, g, i and k, Clause 1, Article 28 of the Law on Actions against administrative violations;

4. General directors of the Smuggling Investigation and Prevention Department, Post-Clearance Inspection Department, customs departments of central-affiliated cities, provinces, inter-provinces have the authority to:

a) Impose penalties as a warning;

b) Impose a fine up to VND 5,000,000;

c) Impose temporary suspension of practice licenses and certificates or the operation;

d) Confiscate the exhibits and instruments for committing administrative violations with value not in excess of penalty levels as prescribed in Point b, this Clause;

dd) Take remedial measures for consequences as prescribed in Points d, dd, g, i and k, Clause 1, Article 28 of the Law on Actions against administrative violations;

5. General Director of the General Department of Customs has the authority to:

a) Impose penalties as a warning;

b) Impose a maximum fine as prescribed hereof;

d) Confiscate the exhibits and instruments for committing administrative violations;

dd) Take remedial measures for consequences as prescribed in Points d, dd, g, i and k, Clause 1, Article 28 of the Law on Actions against administrative violations;

42. Supplements to Article 103c:

“Article 103c. Authority of Border guard

1. Border guard's soldiers on duty have the authority to:

a) Impose penalties as a warning;

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

2. Station chiefs, heads as prescribed in Clause 1, this Article has the authority to:

a) Impose penalties as a warning;

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

3. Chiefs of border guard stations, captains of Naval groups, commanders of border sub-committees, commanders of port checkpoints have the authority to:

a) Impose penalties as a warning;

b) Impose a fine up to VND 25,000,000 for acts of violations as prescribed in Section 2, Chapter II and Article 25 hereof; a fine up to VND 20,000,000 for other violations as prescribed hereof;

c) Confiscate the exhibits and instruments for committing administrative violations that are not in excess of penalty levels as prescribed in Point b, this Clause;

dd) Take remedial measures for consequences as prescribed in Points a, c, dd and k, Clause 1, Article 28 of the Law on Actions against administrative violations;

4. Commanders of provincial-level border guards, commanders of naval battalions affiliated to High command of Border guard have the authority to:

a) Impose penalties as a warning;

b) Impose a maximum fine as prescribed hereof;

c) Impose temporary suspension of practice licenses and certificates or the operation;

d) Confiscate the exhibits and instruments for committing administrative violations;

dd) Take remedial measures for consequences as prescribed in Points a, c, dd, i and k, Clause 1, Article 28 of the Law on Actions against administrative violations;

43. Supplements to Article 103d:

“Article 103d. Authority of Coast guard

1. Coast guards on duty have the authority to:

a) Impose penalties as a warning;

b) Impose a fine up to VND 1,500,000;

2. Heads of operation teams have the authority to:

a) Impose penalties as a warning;

b) Impose a fine up to VND 5,000,000;

3. Heads of operation groups, chiefs of coast guard stations have the authority to:

a) Impose penalties as a warning;

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

c) Take remedial measures for consequences as prescribed in Points a, c and dd, Clause 1, Article 28 of the Law on Actions against administrative violations

4. Captains of Naval groups have the authority to:

a) Impose penalties as a warning;

b) Impose a fine up to VND 25,000,000 for acts of violations as prescribed in Section 2, Chapter II and Article 25 hereof; a fine up to VND 20,000,000 for other violations as prescribed hereof;

c) Confiscate the exhibits and instruments for committing administrative violations that are not in excess of penalty levels as prescribed in Point b, this Clause;

dd) Take remedial measures for consequences as prescribed in Points a, c, dd and k, Clause 1, Article 28 of the Law on Actions against administrative violations;

5. Captains of Naval battalions have the authority to:

a) Impose penalties as a warning;

b) Impose a fine up to VND 50,000,000 for acts of violations as prescribed in Section 2, Chapter II and Article 25 hereof; a fine up to VND 30,000,000 for other violations as prescribed hereof;

c) Confiscate the exhibits and instruments for committing administrative violations that are not in excess of penalty levels as prescribed in Point b, this Clause;

dd) Take remedial measures for consequences as prescribed in Points a, c, d, dd and k, Clause 1, Article 28 of the Law on Actions against administrative violations;

6. Commanders of border guard zone have the authority to:

a) Impose penalties as a warning;

b) Impose a fine up to VND 100,000,000 for acts of violations as prescribed in Section 2, Chapter II and Article 25 hereof; a fine up to VND 50,000,000 for other violations as prescribed hereof;

c) Confiscate the exhibits and instruments for committing administrative violations that are not in excess of penalty levels as prescribed in Point b, this Clause;

dd) Take remedial measures for consequences as prescribed in Points a, c, d, dd and k, Clause 1, Article 28 of the Law on Actions against administrative violations;

7. Commanders of High command of Border guard have the authority to:

a) Impose penalties as a warning;

b) Impose a maximum fine as prescribed hereof;

c) Impose temporary suspension of practice licenses and certificates or the operation;

d) Confiscate the exhibits and instruments for committing administrative violations;

dd) Take remedial measures for consequences as prescribed in Points a, b, c, d, dd and k, Clause 1, Article 28 of the Law on Actions against administrative violations;"

44. Supplements to Article 103d:

“Article 103d. Authority of Inspectorate

1. Inspectors who are assigned to conduct specialty inspection have the authority to:

a) Impose penalties as a warning;

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

c) Confiscate the exhibits and instruments for committing administrative violations that are not in excess of penalty levels as prescribed in Point b, this Clause;

d) Take remedial measures for consequences as prescribed in Points a, c and dd, Clause 1, Article 28 of the Law on Actions against administrative violations

2. Chief inspectors of departments, directors of Branches of food safety and hygiene, directors of Branches of crop production and plant protection, directors of Branches of livestock and veterinary medicine, directors of Branches of fisheries, directors of Branches of the Service of Agriculture and Rural Development have the authority to:

a) Impose penalties as a warning;

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

- c) Impose temporary suspension of practice licenses and certificates or the operation;
- d) Confiscate the exhibits and instruments for committing administrative violations with value not in excess of penalty levels as prescribed in Point b, this Clause;

dd) Take remedial measures for consequences as prescribed in Clause 1, Article 28 of the Law on Actions against administrative violations;

3. Chief inspectors of the ministries, ministerial-level agencies, general directors of Directorate for standards, metrology, and quality, Directorate of forest, Directorate of fisheries, Directorate of geology and minerals of Vietnam, Directorate of environment, directors of Chemical agency, Industrial safety techniques and environment agency, Agency of animal health, Agency of plant protection, Agency of crop production, Agency of livestock, National agro-forestry-fisheries quality assurance agency, Agency of processing for agro-forestry-fisheries products and salt production, Agency of telecommunications, Agency of broadcasting and electronic information, Agency of press, Agency of publication, print and release, Drug administration of Vietnam, Agency of health examination and treatment, Agency of administration of environmental health, Agency of preventive medicine, Agency of foods safety have the authority to:

- a) Impose penalties as a warning;
- b) Impose a maximum fine as prescribed hereof;
- c) Impose temporary suspension of practice licenses and certificates or the operation;
- d) Confiscate the exhibits and instruments for committing administrative violations;
- dd) Take remedial measures for consequences as prescribed in Clause 1, Article 28 of the Law on Actions against administrative violations;

4. Heads of departmental inspectorate, heads of inspectorate of state administration agencies have the authority to impose penalties as prescribed in Clause 2, this Article.

5. Heads of ministerial inspectorate have the authority to:

- a) Impose penalties as a warning;
- b) Impose a fine up to VND 140,000,000 for acts of violations as prescribed in Section 2, Chapter II and Article 25 hereof; a fine up to VND 70,000,000 for other violations as prescribed hereof;
- c) Impose temporary suspension of practice licenses and certificates or the operation;
- d) Confiscate the exhibits and instruments for committing administrative violations with value not in excess of penalty levels as prescribed in Point b, this Clause;
- dd) Take remedial measures for consequences as prescribed in Clause 1, Article 28 of the Law on Actions against administrative violations;

Article 2. Effect

This Decree takes effect since January 05, 2016.

Article 3. Implementary provisions

1. The Minister of Industry and Trade shall be responsible for monitoring and providing guidance on this Decree.
2. Ministers, heads of ministerial-level agencies, heads of governmental agencies, presidents of People's committees of central-affiliated cities and provinces and relevant agencies, organizations, and individuals shall be responsible for executing this Decree./.

**PP THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Tan Dung