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GVN issues Decree sanctioning violations in plant quarantine

Report Categories:

Sanitary/Phytosanitary/Food Safety

Fresh Fruit

Dried Fruit

Potatoes and Potato Products

Snack Foods

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Report Highlights:

This report provides a summary and an unofficial translation of Decree 31/2016/ND-CP dated May 6, 2016 of the Government of Vietnam (GVN) stipulating sanction of administrative violations in the field of plant varieties, plant protection and quarantine. This is the second decree issued by the GVN regulating the import of plant products into Vietnam pursuant to the Law on Plant Protection and Quarantine which came into force on January 1, 2015. This Decree took effect from June 25, 2016.

Summary:

Decree 31/2016/ND-CP dated May 6, 2016 stipulates sanctioning of administrative violations in the field of plant varieties, plant protection and quarantine in Vietnam. This Decree provides for acts of administrative violation, forms and levels of sanction, measures for remedying consequences with respect to acts of violation and the competence of sanction in the field of plant varieties, plant protection and quarantine. This Decree replaces Decree 114/2013/ND-CP dated October 3, 2013 on handling administrative violations in the field of plant varieties, plant protection and quarantine.

This is the second GVN Decree along with several relevant circulars issued by the Ministry of Agriculture and Rural Development (MARD) regulating the quarantine of imported plant products pursuant to the Law on Plant Protection and Quarantine. The first Decree was Decree 116/2014 promulgating detailed provisions of some articles of the Law on Plant Protection and Quarantine (see [VNM4072](#) for details). Decree 31/2016 took effect from June 25, 2016.

This Decree applies to organizations and individuals that commit acts of administrative violation related to plant varieties, plant protection and quarantine in the territory of Vietnam. Accordingly, each act of administrative violation shall be imposed with one of the main forms of sanction, which is a warning or a fine. Depending on the nature and seriousness of the act of violation, one or several additional forms of sanction may be imposed on an organization or individual that commits the violative act.

Chapter III of this Decree regulates acts of administrative violations, forms and levels of sanction, and measures for remedying consequences in the field of plant protection and quarantine.

Article 20 of this Decree provides some acts of violation and levels of sanction with regard to the import and transit of plant products as follows:

- *A fine of from VND 1,000,000 up to VND 2,000,000 shall be imposed for failing to conduct the declaration procedure for plant quarantine prior to the import and transit of articles¹ subject to plant quarantine²;*

- *A fine of from VND 3,000,000 up to VND 5,000,000 shall be imposed for one of the following violative acts:*

- *Bringing into the territory of Vietnam articles subject to plant quarantine without conducting the procedure for quarantine at the border-gate³;*
- *Bringing into the territory of Vietnam articles subject to plant quarantine without Phytosanitary Certificate of the exporting country, unless otherwise permitted by the specialized plant protection and quarantine agency of the Ministry of Agriculture and Rural Development⁴;*
- *Having no Phytosanitary Permit for import in accordance with the regulations unless otherwise permitted by the specialized plant protection and quarantine agency of the Ministry of Agriculture and Rural Development⁵.*

¹ Articles subject to plant quarantine include plant, plant products, means used for production, preservation and transport, or other articles possibly carrying harmful organisms.

² Point a Clause 1 Article 20

³ Point a Clause 2 Article 20

⁴ Point b Clause 2 Article 20

⁵ Point c Clause 2 Article 20

- A fine of from VND 10,000,000 up to VND 20,000,000 shall be imposed for adding article(s) [subject to plant quarantine] not being quarantined to the consignment(s) having been issued with a Phytosanitary Certificate⁶;
- A fine of from VND 20,000,000 up to VND 30,000,000 for one of the following violative acts:
 - Bringing into the territory of Vietnam article(s) subject to plant quarantine without implementing the treatment measures as stipulated in the Phytosanitary Permit for Import⁷;
 - Failing to re-export article(s) subject to plant quarantine which are contaminated with objects subject to plant quarantine or exotic harmful organisms in accordance with the time-limit decided by the specialized plant protection and quarantine agency⁸;

In addition to the forms of sanction mentioned above, Point b Clause 6 Article 20 of this Decree provides measures for remedying consequences for the acts of violation as follows: *Compulsorily bringing out of Vietnam's territory articles subject to plant quarantine when there is a decision of the specialized plant protection and quarantine agency with respect to the violations stipulated in Points b and c of Clause 2 of this Article; or cases of recidivism with respect to the violative act stipulated in Point a Clause 5 of this Article. After 30 days from the date of receipt of the decision on sanction from the competent authority, if article(s) subject to plant quarantine have not been taken out of Vietnam's territory, the competent person stipulated in Clause 4 of Article 33 of this Decree shall issue a decision on destruction [of the article(s)], unless there is proper reason(s) otherwise.*

Post notes that the new provisions mentioned above may apply for the import of highly processed and consumer packaged products posing little or no risk to Vietnam's plant health which are on the list of HS codes for regulated articles subject to plant quarantine of Vietnam as stipulated in MARD's Decision 2515 (see [VM5047](#)).

Post and Washington agencies will continue working closely with MARD's Plant Protection Department (PPD) to clarify the detailed interpretation of regulated articles in this list and to seek enforcement that minimizes the impact on the trade of agricultural products from the United States. Should U.S. exporters of plant and plant origin products have any questions please email: aghanoi@fas.usda.gov, but in many instances, Post will refer inquiries to USDA's Animal and Plant Health Inspection Service (APHIS) to determine what certifications can or cannot be issued for meeting Vietnam's requirements.

The Decree 31/2016 in Vietnamese is available at:
[http://congbao.chinhphu.vn/loi-dung-van-ban-so-31-2016-N%C4%90-CP-\(19596\)?cbid=19592](http://congbao.chinhphu.vn/loi-dung-van-ban-so-31-2016-N%C4%90-CP-(19596)?cbid=19592)

Below is an unofficial translation of Decree 31/2016.

GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No: 31/2016/ND-CP

Hanoi, May 6, 2016

DECREE

⁶ Point b Clause 4 Article 20
⁷ Point a Clause 5 Article 20
⁸ Point d Clause 5 Article 20

**Providing for sanctioning administrative violations
in the field of plant varieties, plant protection and quarantine**

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

Pursuant to the Law on Handling of Administrative Violations dated June 20, 2012;

Pursuant to the Law on Intellectual Property dated November 29, 2005 and the Law amending and adding to some articles of the Law on Intellectual Property dated June 19, 2009;

Pursuant to the Law on plant protection and quarantine dated November 25, 2013;

Pursuant to the Ordinance on plant varieties dated March 24, 2004;

At the request of the Minister of Agriculture and Rural Development,

Government promulgates a decree providing for sanctioning administrative violations in the field of plant varieties, plant protection and quarantine

Chapter I

GENERAL PROVISIONS

Article 1. Scope of governing

1. This Decree provides for violation acts, forms of sanction, levels of sanction, measures for remedying consequences in respect to administrative violation acts, the competence to sanction, the competence to make minutes of administrative violations in the field of plant varieties, plant protection and quarantine.
2. Administrative violation acts related to plant varieties, plant protection and quarantine stipulated in this Decree shall include:
 - a) Violation of the regulations on plant varieties;
 - b) Violation of the regulations on plant protection and quarantine and pesticides.
3. Other administrative violation acts in the field of plant varieties, plant protection and quarantine not stipulated in this Decree shall be applied with the provisions of other Government's decrees on sanctioning administrative violations in the relevant field of state management for sanction.

Article 2. Subjects to be sanctioned for administrative violations

This Decree shall apply to organizations and individuals that commit administrative violation acts related to plant varieties, plant protection and quarantine in the territory of Vietnam.

Article 3. Limitation period for sanctioning administrative violation

1. The limitation period for sanctioning of administrative violations in the field of plant varieties, plant protection and quarantine is one year, except for cases of administrative violations [of the regulations] on intellectual property for a plant variety; manufacturing, exporting, importing and trading plant varieties, pesticides, plants, plant products, the limitation period for sanctioning against administrative violations is two years.

2. The time for calculating the limitation period for sanctioning of administrative violations provided for in Clause 1 of this Article shall comply with the provisions of Point b of Clause 1, Article 6 of the Law on Handling of Administrative Violations.

Article 4. Forms of sanction, measures for remedying consequences,

1. For each administrative violative act in the field of plant varieties, plant protection and quarantine, organization or individual must be imposed with one of the main forms of sanction, which are a warning or a fine.
2. Depending on the nature and seriousness of the violation, the additional forms of sanction may be imposed on an organization or individual that commits the violation act:
 - a) To deprive the right to use permits and practice certificate definitely, including: rights-to-plant varieties representation practice certificate, examiner's card of rights to plant varieties, certificate of prototypal plant or prototypal garden, decision on designating the testing of plant varieties, Practice Certificate for treatment of articles subject to plant quarantine, Practice Card for treatment of articles subject to plant quarantine, Certificate of eligibility for manufacture of pesticides; Certificate of eligibility for trading pesticides; Permits for import of pesticides; pesticide-testing permits; phytosanitary Permits for import;
 - b) To suspend operations with for a term;
 - c) To confiscate exhibits and means used for committing administrative violations in the field of plant varieties, plant protection and quarantine.
3. In addition to the measures for remedying consequences stipulated at Points a, c, d, dd, e, g, h, i of Clause 1 of Article 28 of the Law on Handling of Administrative Violations, this Decree shall provide for the following measures for remedying consequences:
 - a) Compulsorily converting the use purpose of plant varieties;
 - b) Compulsorily attaching code to the plant varieties;
 - c) Compulsorily making records of provision for propagation materials;
 - d) Compulsorily transferring the right to use the plant varieties;
 - dd) Compulsorily paying remuneration to plant variety breeders in accordance with the regulations;
 - e) Compulsorily implementing the right obligations to help the Protection Certificate holder to maintain propagation materials of the protected plant varieties;
 - g) Compulsorily recycling pesticides that are still able to be recycled as drug with the active ingredient content of 70% or more compared with announced applicable standards, or respective technical regulations;
 - h) Compulsorily complying with the measures for fighting against the epidemic when there is a decision on announcement of plant pest-epidemic;
 - i) Compulsorily treating wood packaging in accordance with the regulations;
 - k) Compulsorily treating articles subject to plant quarantine thoroughly that are infected with phytosanitary subjects;

- l) Compulsorily cancelling the testing results which have been performed;
- m) Compulsorily changing labels in accordance with the regulations.

Article 5. Provisions on levels of fines and competence to impose a fine

- 1. The maximum fine in the field of plant varieties, plant protection and quarantine for an individual is VND 50,000,000, for an organization is 100,000,000.
- 2. The levels of fines stipulated in this Decree are those applicable administrative violation acts committed by individuals. For organizations that commit the same violation acts, the levels of fines shall be double as those applicable to individuals.
- 3. The competence to sanction administrative violations of the persons stipulated in this Decree is the competence applicable to an administrative violation act of an individual; in the case of imposition of fines, the competence to impose [a fine] on an organization shall be double as the competence to impose [a fine] on an individual.

Chapter II

ADMINISTRATIVE VIOLATION ACTS, FORMS AND LEVELS OF SANCTION AND MEASURES FOR REMEDYING CONSEQUENCES IN THE FIELD OF PLANT VARIETIES

Article 6. Violation of the regulations on management, use and conservation of plant genetic resources in conservation areas

- 1. A fine of from VND 3,000,000 up to VND 5,000,000 shall be imposed for violative act of exploiting or using plant genetic resource(s) in conservation area(s) beyond the limit permitted by competent State agency.
- 2. A fine of from VND 7,000,000 up to VND 10,000,000 shall be imposed for violative act of exploiting or using plant genetic resource(s) in the conservation area(s) without permission of the competent State agency.
- 3. A fine of from VND 10,000,000 up to VND 15,000,000 shall be imposed for one of the following violation acts:
 - a) Appropriating genetic resource(s) in conservation area(s);
 - b) Destroying genetic resource(s) of plant varieties in conservation area(s), in the case their original state can be restored.
- 4. A fine of from VND 15,000,000 up to VND 20,000,000 shall be imposed for a violative act of destroying genetic resource(s) of plant varieties in conservation area(s) to the extent that the original state cannot be restored.
- 5. Additional forms of sanction
To confiscate exhibits and means of violation, for violation acts stipulated in Clauses 2, 3 and 4 of this Article.
- 6. Measures for remedying the consequences

Compulsorily restore the original state in respect to violation acts stipulated in Clause 3 of this Article.

Article 7. Violations of the regulations on the collection, conservation of precious and rare plant genetic resources in the List of precious and rare plant genetic resources that need to be conserved

1. A fine of from VND 15,000,000 up to VND 20,000,000 shall be imposed for one of the following violation acts:
 - a) Appropriating precious and rare genetic resources in conservation area(s);
 - b) Destroying precious and rare genetic resource(s) in conservation area(s), in case that its original state can be restored.
2. A fine of from VND 30,000,000 up to VND 40,000,000 shall be imposed for violative act of destroying precious and rare plant genetic resources required to be conserved, to an extent that its original state could not be restored.
3. Additional forms of sanction:

To confiscate exhibits and means used for committing violation in respect to violation acts stipulated in Clauses 1 and 2 of this Article.
4. Measures for remedying consequences
Compulsorily restore the original state in respect to violation acts stipulated in Point b of Clause 1 of this Article.

Article 8 Violation of the regulations on export of precious and rare genetic resources and plant varieties

1. A fine of from VND 10,000,000 up to VND 15,000,000 shall be imposed for violative act of exporting each rare plant genetic resource in excess of the permitted quantity in comparison with written consent of the competent state agency.
2. A fine of from VND 20,000,000 up to VND 30,000,000 shall be imposed for violative act of exporting precious and rare plant genetic resource by incorrect name in comparison with the written consent of the competent state agency.
3. A fine of from VND 30,000,000 up to 40,000,000 shall be imposed for violative act of exporting precious and rare genetic resources without written consent of the competent state agency.
4. A fine of from VND 40,000,000 up to 50,000,000 shall be imposed for violative act of exporting plant varieties that fall within the List of precious and rare plant varieties prohibited from export.
5. Additional forms of sanction
To confiscate exhibits and means used for committing violation in respect to violation acts stipulated in Clauses 1, 2, 3 and 4 of this Article.
6. Measures for remedying consequences
Compulsorily remit illegal benefits gained from commission of violation stipulated in Clauses 1, 2, 3 and 4 of this Article.

Article 9. Violation of the regulations on testing of value for cultivation and use (VCU testing); testing of distinctness, uniformity and stability (DUS testing)

1. A fine of from VND 3,000,000 up to VND 5,000,000 shall be imposed for act of testing but failing to fully maintain the testing conditions the same as of the time when the competent agency designates.
2. A fine of from VND 7,000,000 up to VND 10,000,000 shall be imposed for act of testing but failing to comply with current regulations on testing.
3. A fine of from VND 10,000,000 up to VND 15,000,000 shall be imposed for act of untruthful announcement of testing result(s).
4. Additional form of sanction
To deprive the right to use decision on designating the testing for from 06 months to 12 months in respect to violative act stipulated in Clause 3 of this Article.
5. Measures for remedying consequences
Compulsorily retract false information in respect to violative act stipulated in Clause 3 of this Article.

Article 10. Violation of the regulations on use of new plant varieties currently being in the process of testing and pilot production

1. A fine of from VND 5,000,000 up to VND 10,000,000 shall be imposed for violative act of putting plant varieties into pilot production with area exceeding the permitted area stipulated for each type of plant varieties by 30% or more.
2. A fine of from VND 10,000,000 up to 15,000,000 shall be imposed for one of the following violation acts when conducting the pilot production of plant varieties:
 - a) Having no attached technical process of cultivation for the pilot production plant varieties for producers;
 - b) Having no contract or list of names and addresses of organizations and individuals conducting pilot production, time and quantity of varieties to be transferred;
 - c) Having no book to monitor, assess plant varieties in the process of pilot production.
3. A fine of from VND 15,000,000 up to VND 20,000,000 shall be imposed for one of the following violation acts:
 - a) Pilot production of plant varieties conducted in ecoregion(s) that is not the right one(s) as permitted by the competent agency;
 - b) Putting plant variety(ies) into pilot production with area exceeding by less than 30% in comparison with the permitted area stipulated for each type of plant varieties.
4. A fine of from VND 25,000,000 up to VND 30,000,000 shall be imposed for an act of putting plant varieties into pilot production with area exceeding by from 30% up to less than 70% in comparison with the permitted area stipulated for each type of plant varieties.

5. A fine of from VND 40,000,000 up to VND 50,000,000 shall be imposed for an act of putting plant varieties into pilot production with area exceeding by 70% or more in comparison with the permitted area for each type of plant varieties.

Article 11. Violation of the regulations on management of prototypal plant or prototypal garden, industrial plants, perennial fruit trees

1. A fine of from VND 5,000,000 up to VND 10,000,000 shall be imposed for one of the following violation acts:

- a) Failing to attach codes to source of varieties;
- b) Exploiting source of varieties that does not guarantee to meet the criteria such as it is recognized, infected with dangerous disease or degenerated;
- c) Citrus S0, citrus S1 is not planted in a net-house meeting the standards for preventing intermediate disease-transmitting insects;
- d) Exploiting the propagation materials in excess of the level stipulated in the certificate of prototypal plant or prototypal garden;
- dd) Failing to prepare a book for monitoring the provision of propagation material.

2. Additional forms of sanction

To deprive the right to use certificate of prototypal plant or prototypal garden for a period of from 03 months up to 06 months in respect to violation acts stipulated in Points b, c, d and dd of Clause 1 of this Article.

3. Measures for remedying consequences

- a) Compulsorily attaching codes to the source of varieties for the violative act stipulated in Point a of Clause 1 of this Article;
- b) Compulsorily preparing book for monitoring the provision of propagation material in respect to the violative act in Point dd, Clause 1 of this Article;
- c) Compulsorily destroying source of varieties infected dangerous disease, degenerated in respect to violation acts stipulated in Points b and c of Clause 1 of this Article.

Article 12. Violation of the regulations on the rights of Protection Certificate holders

1. A fine of from VND 20,000,000 up to VND 30,000,000 shall be imposed for act of using plant varieties, whose application for registration of protection has been already accepted, for commercial purpose(s) without paying compensation under the provisions of Article 189 of Law on Intellectual Property.
2. A fine of from VND 40,000,000 up to VND 50,000,000 shall be imposed for act of using the right of Protection certificate holder relating to propagation materials of protected plant varieties without the consent of the Protection Certificate holder to perform one of the following purposes:
 - a) Producing or propagating;
 - b) Processing for the purpose of propagation;

- c) Offering;
 - d) Selling or performing marketing activities;
 - dd) Exporting;
 - e) Importing;
 - g) Keeping for performing one of the acts stipulated in Points a, b, c, d, dd and e of this Clause;
 - h) Committing one of the acts stipulated in Points a, b, c, d, dd and e of this Clause in respect to plant varieties whose production requires the repeated use of protected plant varieties;
 - i) Committing one of the acts stipulated in Points a, b, c, d, dd and e of Clause in respect to plant varieties derived from the protected plant varieties, except for cases that protected plant varieties are derived from another protected plant varieties.
3. A fine of from VND 40,000,000 up to VND 50,000,000 shall be imposed for the use of name of plant varieties, which is similar or identical the name of protected plant varieties, for plant varieties of the same or related closely species with protected plant varieties.
 4. Additional form of sanction
To confiscate exhibits of violation in respect to violation acts stipulated in Clauses 1 and 2 of this Article.
 5. Measures for remedying consequences
Compulsorily remitting illegal benefits gained from commission of administrative violations in respect to violation acts stipulated in this Article.

Article 13. Violation of the regulations on the obligations of Protection Certificate holders and plant variety breeders

1. A fine of from VND 15,000,000 up to 25,000,000 shall be imposed for one of the following violation acts:
 - a) Plant variety protection certificate holder fails to transfer the right to use protected plant varieties in accordance with a decisions on compulsory transfer of the competent agency;
 - b) Plant variety protection certificate holder fails to pay remuneration to the plant variety breeder in accordance with the regulations;
 - c) Protection certificate holder fails to meet the requirements of distinctness, uniformity and stability of the protected plant varieties as of the time of issuance of protection certificate, but still exploit and use the propagation materials;
 - d) Plant variety breeder fails to comply with the obligation to help the protection Certificate holder to maintain the propagation materials of the protected plant varieties.
2. A fine of from VND 20,000,000 up to VND 30,000,000 shall be imposed for act of using plant variety protection Certificate having expired, being suspended or canceled for the performance of the rights to the plant varieties.
3. Additional forms of sanction

To confiscate plant variety protection certificate for violation acts stipulated in Point c of Clause 1 and Clause 2 of this Article.

4. Measures for remedying consequences

Compulsorily performing the obligations for cases stipulated at Points a, b and d of Clause 1 of this Article.

Article 14. Violations of regulations on conditions for producing and trading main plant varieties

1. A fine of from VND 5,000,000 up to VND 10,000,000 shall be imposed for one of acts violating the stipulated conditions for trading main plant varieties:
 - a) Having no place of business and technical facilities appropriate to each species of plants, each of grades of varieties;
 - b) Having no or having not hired technical staff with intermediate-level of cultivation, plant protection or higher or possess a certificate, certification of training in cultivation, plant protection.
2. A fine of from VND 10,000,000 up to VND 20,000,000 shall be imposed for one of acts violating the conditions for producing main plant varieties for commercial purposes:
 - a) Location of production is not suitable to the planning of the agricultural sector; production requirements of each plant species, each grade of varieties that have been stipulated;
 - b) Having no facilities and technical equipment suitable to the stipulated technical processes for the production of each plant species, each grade of varieties;
 - c) Having no or having not hired technician with intermediate level of Cultivation, Plant Protection and higher;
 - d) Having no or having not hired technician with college level specialized in Agronomy, Cultivation, Plant Protection or above for producing super pure varieties, pure varieties, parent varieties and F1 hybrid seeds .
3. Additional forms of sanction

To suspend the production of plant varieties for from 6 months to 12 months, for violation acts stipulated in Clause 2 of this Article.

Article 15. Violation of regulations on production of plant varieties

1. A fine of from VND 5,000,000 up to VND 10,000,000 shall be imposed for violative act of producing plant varieties without the production process for each species and each grade of plant varieties.
2. A fine of from VND 10,000,000 up to VND 15,000,000 shall be imposed for one of the following violation acts:
 - a) Producing industrial plants, perennial fruit trees with a capacity of less than 5,000 seedlings by asexual method(s) and not from the recognized prototypal plants or prototypal gardens;

- b) Producing main forest plant varieties with a capacity of less than 10,000 seedlings without the use of propagation materials from the recognized maternal plants, prototypal gardens, variety gardens or variety forests.
3. A fine of from VND 15,000,000 up to VND 25,000,000 shall be imposed for one of the following violation acts:
 - a) Producing varieties of industrial plants or perennial fruit trees with the scale of 5,000 seedlings or more by asexual method(s), is not from the recognized prototypal plants or prototypal garden;
 - b) Producing main forest plant varieties with the scale of 10,000 seedlings or more without the use of propagation materials from the recognized maternal plants, prototypal gardens, gardens of varieties or forest of varieties.
 4. A fine of from VND 20,000,000 up to VND 30,000,000 shall be imposed for act of producing for commercial purpose the plant varieties, which do not fall within the List of plant varieties permitted for production and trading in Vietnam, or which have not been recognized by the Ministry of Agriculture and Rural Development as new plant varieties.
 5. Measures for remedying consequences
 - a) Compulsorily changing purpose of use or compulsorily destroying plant varieties for violation acts stipulated in Clauses 1, 2 and 3 of this Article;
 - b) Compulsorily remitting illegal benefits gained commission of administrative violations in respect to acts stipulated in Clause 4 of this Article;
 - c) Compulsorily destroying plant varieties in respect to violation acts stipulated in Clause 4 of this Article.

Article 16. Violation of the regulations on trading plant varieties

1. A fine of from VND 6,000,000 up to VND 10,000,000 shall be imposed, when trading lot(s) of plant varieties with value of from VND 10,000,000 up to VND 20,000,000, for one of the following violation acts:
 - a) Trading plant varieties that have expired;
 - b) Trading plant varieties that do not fall within the List of plant varieties permitted for production and trading in Vietnam or that have not been recognized by the Ministry of Agriculture and Rural Development as new agricultural or forestry plant varieties.
2. Fines shall be imposed for violation acts stipulated in Clause 1 of this Article according to the following levels:
 - a) A fine of from VND 10,000,000 up to less than VND 14,000,000 when trading a lot(s) of plant varieties with a value of from VND 20,000,000 up to less than VND 30,000,000;
 - b) A fine of from VND 14,000,000 up to less than VND 20,000,000 when trading a lot(s) of plant varieties with a value of from VND 30,000,000 up to less than VND 40,000,000;
 - c) A fine of from VND 20,000,000 up to under VND 30,000,000 when trading a lot(s) of plant varieties with a value of from VND 40,000,000 up to less than VND 50,000,000;

- d) A fine of from VND 30,000,000 up to less than VND 40,000,000 when trading a lot(s) of plant varieties with a value of from VND 50,000,000 up to less than VND 70,000,000;
- dd) A fine of from VND 40,000,000 up to VND 50,000,000 when trading a lot(s) of plant varieties with a value of more than VND 70,000,000.
- 3. Measures for remedying consequences
Compulsorily changing the purpose of use or compulsorily destroying plant varieties for the violation acts stipulated in this Article.

Article 17. Violation of regulations on the import of plant varieties and plant genetic resources being not precious and rare plant genetic resources

- 1. A fine of from VND 15,000,000 up to VND 25,000,000 shall be imposed for act of importing plant varieties and plant genetic resource(s) not in accordance with the written permission of the Ministry of Agriculture and Rural Development.
- 2. A fine of from VND 30,000,000 up to VND 40,000,000 shall be imposed for an act of importing plant varieties and plant genetic resource(s) that have not been permitted by the Ministry of Agriculture and Rural Development in writing.
- 3. A fine of from VND 40,000,000 up to VND 50,000,000 shall be imposed for an act of importing plant genetic resource(s) and plant varieties that cause harm to human health, the environment and ecosystem(s).
- 4. Measures for remedying consequences
 - a) Compulsorily re-exporting or destroying plant varieties and plant genetic resource(s), for violation acts stipulated in Clauses 1 and 2 of this Article;
 - b) Compulsorily destroying plant varieties and plant genetic resources for violation acts stipulated in Clause 3 of this Article.

Article 18. Violation of regulations on management of permits and certificates of practice for plant varieties

- 1. A fine of from VND 1,000,000 up to VND 3,000,000 shall be imposed for act of using permit, practice certificate of others for practicing the profession, including the following documents:
 - a) A certificate of prototypal plant, prototypal garden;
 - b) Decision on designating the testing of plant varieties;
 - c) Certificate of sampling, examining or testing plant varieties, card of examiner of rights to plant varieties;
 - d) Rights-to-plant varieties representation practice certificate;
- dd) Permit for export and import of genetic resource(s) of plant varieties.
- 2. A fine of from VND 3,000,000 up to VND 5,000,000 shall be imposed for one of violation acts of intentionally erasing or amending to falsify the contents of the following documents:
 - a) Categories of documents stipulated in Clause 1 of this Article;

- b) Certificate of standard conformity, certificate of technical regulation-conformity for plant varieties;
 - c) Minutes of examination; results of sample testing of plant varieties.
3. A fine of from VND 10,000,000 up to VND 20,000,000 shall be imposed for act of counterfeiting documents and dossiers to apply for issuance of the documents stipulated in Clause 2 of this article, but not serious enough for criminal prosecution.
4. Measures for remedying consequences:
- a) Compulsorily remitting illegal benefits gained from commission of administrative violations, for violation acts stipulated in Clause 1 of this Article;
 - b) Compulsorily revoking papers and dossiers in respect to violation acts stipulated in Clause 2 of this Article;
 - c) Compulsorily revoking and destroy documents and dossiers in respect to violation acts stipulated in Clause 3 of this Article.

Chapter III

ADMINISTRATIVE VIOLATION, FORMS AND LEVELS OF SANCTION AND MEASURES FOR REMEDYING CONSEQUENCES IN THE FIELD OF PLANT PROTECTION AND QUARANTINE

Article 19. Violations of regulations on the prevention of organisms harmful to plants

1. A warning or a fine of from VND 200,000 up to VND 500,000 shall be imposed on an act of violation that a person is directly involved in provision of plant protection service, but have no professional qualification of plant protection in accordance with the law.
2. A fine of from VND 500,000 up to VND 1,500,000 VND shall be imposed for one of the following violation acts:
 - a) Intentionally apply anti-pest measures in accordance with the requirements and guidelines by the competent state agency when there is a decision on announcement of plant pests;
 - b) Conducting plant protection operations without written consent of the communal People's Committee.
3. A fine of from VND 1,500,000 up to VND 3,000,000 shall be imposed for one of the following violation acts:
 - a) Failing to apply anti-pest measures in accordance with the requirements and guidelines by the competent State agency when there is a decision on announcement of plant pests;
 - b) Failing to arrange persons and means to serve the inspection of articles subject to quarantine, when required by the specialized plant protection and quarantine agencies, without the proper reason(s).
4. A fine of from VND 3,000,000 up to VND 6,000,000 shall be imposed for one of the following violation acts:
 - a) Transporting or using plant varieties or variety materials contaminated with harmful organisms from the pest announcement area to other area;
 - b) Importing, transporting, breeding and keeping organisms harmful to plants without the written permission of the Minister of Agriculture and Rural Development;
 - c) Spreading organism(s) harmful to plant.
5. A fine of from VND 6,000,000 up to VND 12,000,000 shall be imposed for violation act(s) for commercial purpose stipulated in Points a and b, Clause 4 of this Article.
6. Measures for remedying consequences
 - a) Compulsorily complying with anti-pest measures for violation acts stipulated in Point a of Clause 2 and Point a of Clause 3 of this Article;
 - b) Compulsorily destroying plant varieties, variety materials and harmful organisms in respect to violation acts stipulated in Clause 4 of this Article;

- c) Compulsorily remitting illegal benefits gained from commission of administrative violations stipulated in Clause 5 of this Article.

Article 20. Violation of regulations on plant quarantine of export, import and transit

1. A fine of from VND 1,000,000 up to VND 2,000,000 shall be imposed for the following violative acts:
 - a) Failing to conduct the procedure for plant quarantine declaration prior to import, export and transit of articles subject to plant quarantine;
 - b) Failing to declare or conduct the phytosanitary procedure for articles subject to plant quarantine carried along with hand luggage and consigned luggage.
2. A fine of from VND 3,000,000 up to VND 5,000,000 shall be imposed for one of the following violative acts:
 - a) Bringing into the territory of Vietnam articles subject to plant quarantine without conducting the procedure for quarantine at the border-gate;
 - b) Bringing into the territory of Vietnam articles subject to plant quarantine without phytosanitary certificate of the exporting country, unless otherwise permitted by the specialized plant protection and quarantine agency of the Ministry of Agriculture and Rural Development;
 - c) Having no phytosanitary Permit for import in accordance with the regulations unless otherwise permitted by the specialized plant protection and quarantine agency of the Ministry of Agriculture and Rural Development.
3. A fine of from VND 5,000,000 up to VND 10,000,000 for one of the following violative acts:
 - a) Transporting and transiting articles subject to plant quarantine without implementing measures to prevent harmful organisms in accordance with the regulations of Vietnam;
 - b) Transporting and transiting articles subject to plant quarantine not in accordance with the route stipulated by the specialized plant protection and quarantine agency or keeping articles subject to plant quarantine in transit through the territory of Vietnam in excess of the permitted time-limit;
 - c) Failing to treat the packaging of wood in accordance with the regulations.
4. A fine of from VND 10,000,000 up to VND 20,000,000 shall be imposed for one of the following violation acts:
 - a) Making false declarations or concealing, dispersing articles subject to plant quarantine during the process, in which the specialized plant protection and quarantine agency conducts quarantine for export and import consignments;
 - b) Adding article(s) [subject to plant quarantine] not being quarantined to the consignment(s) having been issued with a phytosanitary certificate;
 - c) Intentionally removing the seals, loading, unloading, transshipping, bringing from one boat/ship to another one, bringing from one wagon to another one and disconnecting wagons in respect to articles subject to plant quarantine upon export, import and transit in means of transportation and currently subject to inspection and supervision of the specialized plant protection and quarantine agency.

5. A fine of from VND 20,000,000 up to VND 30,000,000 for one of the following violative acts:
- a) Bringing into the territory of Vietnam article(s) subject to plant quarantine without implementing the treatment measures as stipulated in the phytosanitary Permit for import;
 - b) Bringing into the territory of Vietnam articles subject to plant quarantine or objects subject to control or live exotic harmful organisms without the permission of the Minister of Agriculture and Rural Development;
 - c) Bringing soil into Vietnam, unless otherwise agreed by the Minister of Agriculture and Rural Development in writing;
 - d) Failing to re-export article(s) subject to plant quarantine and contaminated with objects subject to plant quarantine or exotic harmful organisms in accordance with the time-limit decided by the specialized plant protection and quarantine agency;
 - dd) Transporting article(s) subject to plant quarantine that contaminated with thoroughly-untreated phytosanitary object(s) as designated by the specialized plant protection and quarantine agency.

6. Measures for remedying consequences

- a) Compulsorily re-exporting or destroying of articles subject to plant quarantine in respect to violations stipulated in Point b, Clause 1 of this Article;
- b) Compulsorily bringing out of Vietnam's territory articles subject to plant quarantine when there is a decision of the specialized plant protection and quarantine agency in respect to violations stipulated in Points b and c of Clause 2, point c of Clause 5 of this Article; or cases of recidivism in respect to violation acts stipulated in point a Clause 5 of this Article;

Exceeding 30 days from the date of receipt of the decision on sanction from the competent State management agency, if article(s) subject to plant quarantine has not been brought out of Vietnam's territory, the competent person stipulated in Clause 4 of Article 33 of this Decree shall issue a decision on destruction [the article(s)], unless otherwise there is proper reason(s).

- c) Compulsorily treating wood packaging in respect to violation acts stipulated in Point c of Clause 3 of this Article;
- d) Compulsorily destroying plant quarantine objects or objects required to be controlled or live exotic harmful organisms in respect to violation acts stipulated in Point b of Clause 5 of this Article;
- dd) Compulsorily treating article(s) subject to plant quarantine thoroughly that contaminated with plant quarantine object(s) in respect to violation acts stipulated in Point dd, Clause 5 of this Article.

Article 21. Violation of regulations on domestic plant quarantine

1. A warning or a fine of from VND 200,000 up to VND 500,000 shall be imposed for act of failing to have no phytosanitary certificate for import, transit and domestic transportation that is issued by the specialized plant protection and quarantine agency for article(s) subject to plant quarantine transported out from the area of announcement of pest subject to plant quarantine to other area(s).

2. A fine of VND 1,000,000 up to VND 2,000,000 VND shall be imposed for one of the following violation acts:
 - a) Transporting, loading and unloading articles subject to plant quarantine, which have contaminated with plant quarantine object(s), subject(s) required to be controlled, strange harmful organism(s), not at the right place stipulated in phytosanitary certificate for import, export, transit and domestic transportation;
 - b) Sending articles subject to plant quarantine to the places not stipulated in phytosanitary Permit for import.
3. A fine of from VND 3,000,000 up to VND 5,000,000 shall be imposed for one of the following violation acts:
 - a) Bringing articles subject to plant quarantine, subject(s) required to be controlled, strange harmful organism(s) to other area(s) of the territory of Vietnam;
 - b) Transporting or circulating article (s) subject to plant quarantine, which has been concluded being contaminated with plant quarantine subject(s), subject(s) required to be controlled or strange harmful organism(s), without compliance with the regulation of the competent specialized plant protection and quarantine agency
 - c) Failing to comply with the measures for zoning, surrounding and destroying the pest outbreak, plant quarantine subjects, subjects required to be controlled or exotic harmful organisms in accordance with the decision of the competent specialized plant protection and quarantine agency.
4. A fine of from VND 5,000,000 up to VND 10,000,000 for act of of failing to comply with the treatment measures for article(s) subject to plant quarantine that has been contaminated with plant quarantine subject(s), Vietnam’s subject(s) required to be controlled or strange harmful organisms.
5. A fine of from VND 10,000,000 up to VND 20,000,000 shall be imposed for act of failing to comply with the regulations or decisions of the specialized plant protection and quarantine agency in respect to treatment of plant quarantine subject(s).
6. Measures for remedying consequences
 - a) Compulsorily implementing measures for remedying the spreading state of plant quarantine subjects in respect to violation acts stipulated in Clauses 2, 3 and 5 of this Article;
 - b) Compulsorily destroying articles subject to plant quarantine that have contaminated with plant quarantine subjects in respect to violation acts stipulated in Clauses 4 and 5 of this Article.

Article 22. Violation of regulations on plant quarantine of imported plant varieties and useful organisms

1. A fine of 1,000,000 up to 3,000,000 shall be imposed for violative act of failing to declare with the specialized plant protection and quarantine agency in the locality, when bringing new plat varieties imported for the first time for plating in the locality, as notified by the specialized plant protection and quarantine agency.

2. A fine of from VND 5,000,000 up to VND 10,000,000 shall be imposed for one of the following violation acts:
 - a) Failing to comply with regulations on the importing, breeding and using beneficial organisms;
 - b) Cultivating new plant varieties imported for the first time not in the right places as stipulated in the phytosanitary Permit for import issued by the specialized plant protection and quarantine agency.
3. A fine of from VND 15,000,000 up to VND 20,000,000 shall be imposed for violative act of bringing imported plant varieties out of the isolation area for planting and production when the specialized plant protection and quarantine agency has not concluded the harmful organism state of the plant varieties that must be planted within the isolation area.
4. Measures for remedying consequences
Compulsorily destroying imported plant varieties and useful organisms in respect to violation acts stipulated in Clauses 2 and 3 of this Article.

Article 23 Violation of the regulations on the treatment of articles subject to plant quarantine

1. A fine of from VND 5,000,000 up to VND 10,000,000 shall be imposed for one of the following violation acts:
 - a) Persons, who directly manage or run organization practising the treatment of articles subject to plant quarantine, do not have appropriate professional qualifications in accordance with the regulations;
 - b) Using persons without a practice Card for treatment of articles subject to plant quarantine to directly conduct the treatment of articles subject to plant quarantine;
 - c) Treating articles subject to plant quarantine, but having no registered technical process, lacking the practice facilities and equipment in accordance with the regulations;
 - d) Warehouse of pesticides being used for fumigation is not in accordance with the regulations.
2. A fine of from VND 7,000,000 up to VND 10,000,000 shall be imposed for one of the following violation acts:
 - a) Using categories of fumigation drugs, the finished drug names of which have not felt within the List of pesticides permitted for use in Vietnam;
 - b) Using categories of fumigation drugs that are not in compliance with the published applicable standards and respective technical regulations;
 - c) Treating articles subject to plant quarantine and wood packaging not in accordance with the technical process(es);
 - d) Practising the treatment of articles subject to plant quarantine when having no practice certificate for the treatment of articles subject to plant quarantine.
3. A fine of from VND 10,000,000 up to VND 15,000,000 shall be imposed for fumigation practising operations, which have one of the following violation acts:
 - a) Using fumigation drugs that fall within the List of pesticides prohibited from use in Vietnam;

- b) Using categories of fumigation drugs not in accordance with the regulations that cause adverse effect to the quality of fumigated articles subject to plant quarantine.
 - c) Practising the treatment of articles subject to plant quarantine that is notified by the competent plant quarantine agency of the importing country to have committed a violation;
4. Additional forms of sanction
- a) To deprive the right to use a practice card for treatment of articles subject to plant quarantine for from 01 month up to 03 months if there is aggravating circumstance(s) for violation acts stipulated in Point c of Clause 2 of this Article;
 - b) To deprive the right to use a practice certificate for treatment of articles subject to plant quarantine for from 01 month to 06 months, for violations stipulated in Points a and b of Clause 2 and Points a and b of Clause 3 of this Article;
 - c) To suspend professional practice operations for treatment of articles subject to plant quarantine for from 01 month to 03 months, for violation acts stipulated in Clause 1 of this Article;
 - d) To suspend professional practice operations for treatment of articles subject to plant quarantine for from 03 months to 06 months, for violation acts stipulated in Point c of Clause 3 of this Article in case of recidivism.

Article 24. Violation of regulations on production of pesticides

1. A fine of from VND 5,000,000 up to VND 10,000,000 shall be imposed for one of the following violation acts:
 - a) Manufacturing pesticides while the certificate of eligibility for manufacture of pesticides has expired;
 - b) Failing to maintain adequate conditions for manufacture of pesticides in accordance with the provisions of Article 61 of the Law on Plant Protection and Quarantine during manufacturing operations;
 - c) Manufacturing pesticides not in accordance with the content of the certificate of eligibility for manufacture of pesticides that has been issued.
 - d) Failing to conduct the pesticide quality control for each ex-factory batch of products, failing to keep dossiers and documents of examination of quality and pesticide sample of each ex-factory batch of pesticides in accordance the law.
2. A fine of from VND 10,000,000 up to VND 15,000,000 shall be imposed for one of the following violation acts:
 - a) Packing finished pesticide products that have expired;
 - b) Manufacturing pesticides, the label content of which is not compliant with the certificate of registration of pesticides.
3. A fine of from VND 15,000,000 up to VND 20,000,000 shall be imposed for one of the following violation acts:
 - a) Manufacturing pesticides without a certificate of eligibility for manufacture of pesticides;

- b) Packing pesticides in the form of glass syringes;
 - c) Continuing to manufacture [pesticides] when the competent State agency has suspended the manufacturing operations or deprived the right to use or revoked certificate of eligibility for manufacture of pesticides;
 - d) Failing to recall or failing to comply with the time-limit for recalling pesticides in accordance with the decision of the competent State agency.
4. A fine of from VND 20,000,000 up to VND 25,000,000 shall be imposed for violative act of manufacturing pesticide(s), the name(s) of which is not included in the List of pesticides permitted for use in Vietnam unless otherwise having an import permit stipulated in Clause 2 of Article 67 of the Law on Plant Protection and Quarantine.
 5. A fine of from VND 25,000,000 up to VND 35,000,000 shall be imposed for violation acts of manufacturing pesticide(s), which falls within the List of pesticides prohibited from use in Vietnam, with the weight of finished pesticide products of less than 50 kg (or 50 liters).
 6. A fine of from VND 40,000,000 up to VND 50,000,000 shall be imposed for violative act of manufacturing pesticide(s), which fall within the List of pesticides prohibited from use in Vietnam, with the weight of finished pesticide products of from 50 kg (or 50 liters) up to 100 kg (or 100 liters).
 7. For acts of manufacturing pesticide(s) that falls within the List of pesticides prohibited from use in Vietnam and has a weight of more than 100 kg (or 100 liters) of finished pesticide products, the competent person currently processing the case must immediately send documents of violation to the criminal proceeding conducting agency for conducting criminal prosecution in accordance with the provisions of Article 62 of the Law on handling of administrative violations; Where the proceeding conducting agency has decided not to prosecute the criminal case, a fine of VND 50,000,000 shall be imposed [for the violation].
 8. Additional forms of sanction
 - a) To suspend the pesticide-manufacturing operations of the establishment for 06 months in respect to violation acts stipulated in Clause 3 of this Article;
 - b) To deprive the right to use certificates of eligibility for manufacture of pesticides for from 03 months up to 06 months, for violation acts stipulated in Clause 4 of this Article;
 - c) To deprive the right to use certificates of eligibility for manufacture of pesticides for from 06 months up to 12 months, for violation acts stipulated in Clauses 5 and 6 of this Article.
 9. Measures for remedying consequences
 - a) Compulsorily destroying or recycle finished pesticide products that have still been capable of being recycled for violation acts stipulated in Point a, Clause 2 of this Article;
 - b) Compulsorily recalling illegitimately-labeled pesticides, compulsory removal of illegitimate content and replacement of label in accordance with the regulations, for violation acts stipulated in Point b, Clause 2 of this Article;

- c) Compulsorily destroying finished pesticide products and technical drugs for violation acts stipulated in Point b of Clause 3, Clauses 4, 5, 6 and 7 of this Article.

Article 25. Violations of regulations on trading pesticides

1. A fine of from VND 1,000,000 up to VND 2,000,000 shall be imposed for one of the following pesticide-trading violation acts:
 - a) Trading pesticides together with other commodities such as: Food, drinks, animal feed, drugs, veterinary drugs;
 - b) Trading expired pesticides; pesticides not meeting the quality requirements, pesticides not in conformity with the respective technical regulations; pesticides not falling within the List of pesticides permitted for use in Vietnam for weight of less than 5 kg (or 5 liters) of finished pesticide products;
 - c) Trading pesticides when Certificate of eligibility for manufacture of pesticides has expired;
 - d) Failing to maintain adequate conditions for trading pesticides in accordance with the provisions of Article 63 of the Law on Plant Protection and Quarantine during business operations.
2. A fine of from VND 3,000,000 up to VND 5,000,000 shall be imposed for one of the following pesticide-trading violation acts:
 - a) Trading expired pesticides; pesticides not meeting the quality requirements, pesticides not in conformity with the respective technical regulations; pesticides not falling within the List of pesticides permitted for use in Vietnam for weight of from 5 kg (or 5 liters) up to less than 20kg (20 liters) of finished pesticide products;
 - b) Trading pesticides falling with the List of pesticides prohibited from use in Vietnam, the weight of the finished pesticide products is less than 3 kg (or 3 liters) ;
 - c) Trading pesticides without a Certificate of eligibility for trading pesticides.
3. A fine of from VND 5,000,000 up to VND 8,000,000 shall be imposed for one of the following pesticide-trading violation acts:
 - a) Trading expired pesticides; pesticides not meeting the quality requirements, pesticides not in conformity with the respective technical regulations; pesticides not falling within the List of pesticides permitted for use in Vietnam for weight of from less than 20 kg (or 20 liters) up to less than 100kg (or 100 liters) of finished pesticide products;
 - b) Trading pesticide(s) that falls within the List of pesticides prohibited from use in Vietnam and has a weight of from 3 kg (or 3 liters) up to less than 5 kg (or 5 liters) of finished pesticide products;
 - c) Trading pesticides in the form of glass syringes;
 - d) Selling pesticides to be used for fumigation to persons without practice card for treatment of articles subject to plant quarantine or to organization without practice certificate for treatment articles subject to plant quarantine;
 - dd) Guiding the use [of pesticides] for pesticide purchasers not in accordance with the contents of label;

- e) Trading pesticides while being suspended from trading activities, depriving the right to use or revoking certificate of eligibility for trading pesticides.
4. A fine of from VND 8,000,000 up to VND 15,000,000 shall be imposed for one of the following violation acts:
 - a) Trading expired pesticides; pesticides not meeting the quality requirements, pesticides not in conformity with the respective technical regulations; pesticides not falling within the List of pesticides permitted for use in Vietnam for weight of from 100 kg (or 100 liters) up to less than 300kg (or 300 liters) of finished pesticide products
 - b) Trading pesticide(s) that falls within the List of pesticides prohibited from use in Vietnam and that has a weight of from 5 kg (or 5 liters) up to less than 10 kg (or 10 liters) of finished pesticide products;
 5. A fine of from VND 15,000,000 up to 25,000,000 for one of the following violation acts:
 - a) Trading expired pesticides; pesticides not meeting the quality requirements, pesticides not in conformity with the respective technical regulations; pesticides not falling within the List of pesticides permitted for use in Vietnam for weight of from 300 kg (or 300 liters) up to less than 500kg (or 500 liters) of finished pesticide products
 - b) Trading pesticide(s) that falls within the List of pesticides prohibited from use in Vietnam and that has a weight of from 10 kg (or 10 liters) up to less than 20 kg (or 20 liters) of finished pesticide products;
 6. A fine of from VND 30,000,000 up to VND 40,000,000 shall be imposed for one of the following violation acts:
 - a) Trading expired pesticides; pesticides not meeting the quality requirements, pesticides not in conformity with the respective technical regulations; pesticides not falling within the List of pesticides permitted for use in Vietnam for weight of from 500 kg (or 500 liters) up to less than 1,000kg (or 1,000 liters) of finished pesticide products;
 - b) Trading pesticide(s) that falls within the List of pesticides prohibited from use in Vietnam and has a weight of from 20 kg (or 20 liters) up to less than 30 kg (or 30 liters) of finished pesticide products;
 7. A fine of from VND 40,000,000 up to VND 50,000,000 shall be imposed for one of the following violation acts:
 - a) Trading expired pesticides; pesticides not meeting the quality requirements, pesticides not in conformity with the respective technical regulations; pesticides not falling within the List of pesticides permitted for use in Vietnam for weight of 1,000 kg (or 1,000 liters) or more of finished pesticide products;
 - b) Trading pesticide(s) that falls within the List of pesticides prohibited from use in Vietnam and has a weight of from 30 kg (or 30 liters) up to less than 50 kg (or 50 liters) of finished pesticide products;
 8. For acts of trading pesticide(s) that falls within the List of pesticides prohibited from use in Vietnam and that has a weight of more than 50 kg (or 50 liters) of finished pesticide products, the

competent person currently processing the case must immediately send documents of violation to the criminal proceeding conducting agency for conducting criminal prosecution in accordance with the provisions of Article 62 of the Law on handling of administrative violations; Where the proceeding conducting agency has decided not to prosecute the criminal case, a fine of VND 50,000,000 shall be imposed [for the violation].

9. Additional forms of sanction

To deprive the right to use certificate of eligibility for trading pesticides for from 01 month up to 06 months for violation acts of trading pesticides not on the Lists of pesticides permitted for use and pesticides prohibited from use in Vietnam stipulated in Clauses 4, 5, 6 and 7 of this Article.

10. Measures for remedying consequences

- a) Compulsorily recalling and returning [pesticides] to the manufacturer or distributor for destruction or recycling of expired pesticides; pesticides not meeting the quality requirements, pesticides not in conformity with the respective technical regulations stipulated in Point b of Clause 1, Point a of Clause 2, Point a of Clause 3, Point a of Clause 4, Point a of Clause 5, Point a of Clause 6 and Point a of Clause 7 of this Article;
- b) Compulsorily destroying pesticides that fall within the List of pesticides prohibited from use in Vietnam, pesticides that do not fall within the List of pesticides permitted for use in Vietnam, pesticides in the form of glass syringes for violation acts stipulated in Point c of Clause 3; Points a and b of Clause 2; Points a and b of Clause 3; Clause 4, Clause 5, Clause 6, Clause 7 and Clause 8 of this Article.

Article 26. Violation of regulations on use of pesticides

1. A warning or a fine of from VND 200,000 up to VND 500,000 shall be imposed for one of the following violation acts:
 - a) Using pesticide(s) not in accordance with the use instruction specified on the label(s) of pesticide(s);
 - b) Failing to collect and put on the stipulated places packaging of pesticides after using [the pesticides].
2. A fine of from VND 1,000,000 up to VND 2,000,000 shall be imposed for one of the following violation acts:
 - a) Using pesticide(s) that does not fall within the List of pesticides permitted for use in Vietnam;
 - b) Using pesticide(s) in the form of glass syringes.
3. A fine of from VND 2,000,000 up to VND 3,000,000 shall be imposed for violative act of using pesticides not in accordance with content of use instruction as specified on the label and that causes dangerous consequences.
4. A fine of from VND 3,000,000 up to VND 5,000,000 shall be imposed for violation of using pesticide(s) that falls within the List of pesticides prohibited from use in Vietnam.
5. Measures for remedying consequences
 - a) Compulsorily destroying pesticides for violation acts stipulated in Clauses 2 and 4 of this Article;

- b) Compulsorily implementing measures to remedy the environment pollution, for violation acts stipulated in Clause 3 of this Article.

Article 27. Violation of regulations on transportation of pesticides

1. A warning or a fine of from VND 500,000 up to VND 1,000,000 shall be imposed for one of the following violation acts:
 - a) Failing to ensure that the means of transportation meet the technical requirements for safety transportation of pesticides;
 - b) Transport pesticides together with other categories of commodities such as: Food, drinks, animal feed, drugs, veterinary drugs;
 - c) Transporting chemical pesticides on the public means of transportation.
2. For transporting prohibited pesticides or pesticides the names of which are not included in the List of pesticides permitted for use in Vietnam, the administrative sanctions as those applicable to acts of trading pesticides stipulated in Article 25 this Decree shall apply.

Article 28. Violation of regulations on import of pesticides

1. A fine of from VND 3,000,000 up to VND 5,000,000 shall be imposed for one of the following violation acts:
 - a) Importing finished pesticide products that fall within the List of pesticides permitted for use in Vietnam, but the manufacturer of such pesticides is not the manufacturer stated in the certificate of registration of pesticides in Vietnam;
 - b) Importing finished pesticide products that fall within the List of pesticides permitted for use in Vietnam, the remaining shelf-life of such pesticides since the date on which the pesticides arrive at Vietnam is less than 2/3 of the total shelf-life of the pesticides as indicated on the label of the pesticides.
2. A fine of from VND 5,000,000 up to VND 10,000,000 shall be imposed for violative act of importing pesticides, which fall within the List of pesticides prohibited from use in Vietnam, as a standard substance for testing operations without a permit for import of pesticides issued by the Ministry of Agriculture and Rural Development.
3. A fine of from VND 10,000,000 up to VND 15,000,000 shall be imposed for violative act of importing finished pesticide products or technical pesticides that fail to meet the quality requirements and respective technical regulations.
4. A fine of from VND 10,000,000 up to VND 20,000,000 shall be imposed for one of the following violation acts:
 - a) Importing finished pesticide products or technical pesticides that do not fall within the List of pesticides permitted for use in Vietnam, without an import permit of the Ministry of Agriculture and Rural Development;
 - b) Importing expired pesticide(s), technical pesticide(s) or pesticide(s) in the form of glass syringes;
 - c) Importing pesticide(s) with Permit, but not the category(ies) of finished pesticide products or technical pesticide(s) stated in the Permit;

- d) Putting into production, circulation or failing to preserve the status quo of imported materials of finished pesticide products or technical pesticide(s) when having not had an announcement of the State quality inspection result of such imported pesticide(s).
- 5. A fine of from VND 20,000,000 up to VND 30,000,000 shall be imposed for the act of importing without a pesticide import permit of the Ministry of Agriculture and Rural Development categories of pesticides containing methyl bromide or pesticides containing active ingredients of acute toxicity grades I or II according to a global harmonized system of classification and labeling of chemicals (GHS).
- 6. A fine of from VND 30,000,000 up to VND 40,000,000 shall be imposed for an act of importing pesticide(s) prohibited from use in Vietnam.
- 7. Measures for remedying consequences
 - a) Compulsorily re-exporting pesticides in respect to violation acts stipulated in Clause 1, Clause 3 of this Article;
Exceeding 30 days from the date of receipt of a decision on sanction from the competent State management agency, but the pesticides have not re-exported, the competent persons as stipulated in Clause 4 of Article 33 of this Decree must issue a decision on confiscation or destruction of exhibits of violation in accordance with the regulations, unless there is proper reason.
 - b) Compulsorily re-exporting or compulsorily destroying finished pesticide products and technical pesticide(s) in respect to violation acts stipulated in Clause 2; Points a, b and c of Clause 4, Clause 5 and Clause 6 of this Article.

Article 29. Violations of regulations on testing of pesticides to be registered to the List of pesticides

- 1. A fine of from VND 5,000,000 up to VND 10,000,000 shall be imposed for one of the following violation acts:
 - a) Having not had a permit for testing of pesticide(s);
 - b) Failing to maintain adequate conditions for testing of pesticide(s) in accordance with the provisions of Article 59 of the Law on Plant Protection and Quarantine during testing operations.
- 2. A fine of from VND 10,000,000 up to VND 20,000,000 shall be imposed for one of the following violation acts:
 - a) Failing to comply with technical regulations and standards, technical procedures and testing requirements in accordance with the regulations;
 - b) Committing fraudulent act in the pesticide-testing operation.
- 3. A fine of from VND 20,000,000 up to VND 30,000,000 shall be imposed for acts of failing to perform the testing of pesticides, but still having a report of testing result(s).
- 4. Additional forms of sanction
To suspend the operation of organization conducting the testing for from 03 months up to 06 months in respect to the violation acts stated in Clauses 2 and 3 of this Article.
- 5. Measures for remedying consequences

Compulsorily cancelling the testing results in respect to the violation acts stipulated in Clauses 2 and 3 of this Article.

Article 30. Violation of regulations on management of permits, certificates of plant protection and quarantine

1. A fine of from VND 3,000,000 up to VND 5,000,000 shall be imposed for violation acts of intentionally erasing or amending to falsify the contents of the following documents:
 - a) Permit for import of pesticides;
 - b) Permit for testing of pesticides;
 - c) Certificate of registration of pesticides;
 - d) Phytosanitary Permit for import, phytosanitary certificate for export, import, transit and domestic transportation;
 - dd) Certificate of eligibility for manufacture of pesticides; Certificate of eligibility for trading pesticides;
 - e) Practice Certificate for treatment of articles subject to plant quarantine;
 - g) Practice Card for treatment of articles subject to plant quarantine;
 - h) Notification of the State quality inspection results of imported pesticides.
 - i) Commune-level People's Committee's written certification of plant protection service-providing operations.
2. A fine of from VND 10,000,000 up to VND 20,000,000 shall be imposed for the violative act of making counterfeit papers and application dossiers for documents stipulated in Clause 1 of this Article, but not serious enough for the criminal liability prosecution.
3. A fine of from VND 20,000,000 up to VND 30,000,000 shall be imposed for act of using pesticide(s) for purpose(s) other than the purposes stated in Permit for import of pesticides.
4. Measures for remedying consequences:
 - a) Compulsorily revoking papers and dossiers, for violation acts stipulated in Clause 1 of this Article;
 - b) Compulsorily revoking and destroy papers and dossiers for the violation acts stipulated in Clause 2 of this Article.

Chapter IV

**COMPETENCE TO SANCTION ADMINISTRATIVE VIOLATION
AND MAKING OF MINUTES OF ADMINISTRATIVE VIOLATION**

Article 31. The sanctioning competence of Chairmen of People's Committees of all levels

1. Chairmen of communal People's Committees shall have the following rights:
 - a) To impose a warning;

- b) To impose a fine of up to VND 5,000,000;
 - c) To confiscate exhibits and means used for committing administrative violation that is valued at up to VND 5,000,000;
 - d) To apply measures for remedying consequences stipulated in Points a, c and dd, Clause 1 of Article 28 of the Law on Handling of Administrative Violations.
2. Chairmen of district People's Committees shall have the following rights:
- a) To impose a warning;
 - b) To impose a fine of up to VND 25,000,000;
 - c) To deprive the right to use permits, certificates of practice or suspend operations definitely;
 - d) To confiscate exhibits and means used for committing administrative violation that is valued at up to VND 25,000,000;
 - dd) To apply measures for remedying consequences stipulated in Points a, c, dd, e, h and i of Clause 1 of Article 28 of the Law on Handling of Administrative Violations and Clause 3, Article 4 of this Decree.
3. Chairmen of provincial People's Committees shall have the following rights:
- a) To impose a warning;
 - b) To impose a fine of up to VND 50,000,000;
 - c) To deprive the right to use permits, certificates of practice or suspend operations definitely;
 - d) To confiscate exhibits and means used for committing administrative violation;
 - dd) To apply measures for remedying consequences stipulated in Points a, c, d, dd, e, g, h and i of Clause 1 of Article 28 of the Law on Handling of Administrative Violations and Clause 3, Article 4 of this Decree.

Article 32. Sanctioning competence of specialized inspectorate in the field of plant varieties

The specialized Inspectorate in the field of plant varieties shall have the competence to sanction against administrative violations stipulated in Chapter II of this Decree, specifically as follows:

- 1. Agriculture and rural development inspectors who are assigned to perform specialized inspection tasks and on duty shall have the following rights:
 - a) To impose a warning;
 - b) To a fine of up to VND 500,000;
 - c) To confiscate exhibits and means used for committing administrative violations which are valued at up to VND 500,000;
 - d) To apply measures for remedying consequences stipulated in Points a, c and dd of Clause 1 of Article 28 of the Law on Handling of Administrative Violations.
- 2. Chief Inspectors of the Departments of Agriculture and Rural Development; Heads of the Sub-departments such as: Sub-departments of Forest Protection or Forestry Sub-departments,

Fisheries Sub-departments, Sub-departments of Plant Protection or Sub-departments of Crop Production and Plant Protection; Specialized inspection team leaders of the Departments of Agriculture and Rural Development; Specialized inspection team leaders of: Department of Crop Production, Sub-departments of Forest Protection or the Forestry Sub-departments, Fisheries Sub-departments, Sub-departments of Plant Protection or Sub-departments of Crop Production and Plant Protection that are assigned with the task of plant varieties management shall have the following rights:

- a) To impose a warning;
 - b) To impose a fine of up to VND 25,000,000;
 - c) To deprive the right to use permits, certificates of practice or suspend operations definitely;
 - d) To confiscate exhibits and means used for committing administrative violations that are valued at up to VND 25,000,000;
 - dd) To apply measures for remedying consequences stipulated in Points a, c, d, dd, e, g, h and i, Clause 1 of Article 28 of the Law on Handling of Administrative Violations and Points a, b, c, d, dd and e of Clause 3, Article 4 of this Decree.
3. The specialized inspection team leaders of the Ministry of Agriculture and Rural Development, the specialized inspection team leaders of the Directorate of Fisheries, Department of Water Resources shall have the following rights:
- a) To impose a warning;
 - b) To impose a fine of up to VND 35,000,000;
 - c) To deprive the right to use permits, certificates of practice or suspend operations definitely;
 - d) To confiscate exhibits and means used for committing administrative violations that are valued at up to VND 35,000,000;
 - dd) To apply measures for remedying consequences stipulated in Points a, c, d, dd, e, g, h and i of Clause 1 of Article 28 of the Law on Handling of Administrative Violations and Points a, b, c, d, dd and e of Clause 3 of Article 4 of this Decree.
4. The Chief Inspector of the Ministry of Agriculture and Rural Development, the General Director of the General Department of Forestry, the General Director of Directorate of Fisheries, the Director of the Department of Crop Production, the Director of the Department of Plant Protection shall have the rights:
- a) To impose a warning;
 - b) To impose a fine of up to VND 50,000,000;
 - c) To deprive the right to use permits, certificates of practice or suspend operations definitely;
 - d) To confiscate exhibits and means used for committing administrative violations;
 - dd) To apply measures for remedying consequences stipulated in Points a, c, d, dd, e, g, h and i of Clause 1 of Article 28 of the Law on Handling of Administrative Violations and Points a, b, c, d, dd and e of Clause 3 of Article 4 of this Decree.

Article 33. Sanctioning competence of the specialized inspectorate in the field of plant protection and quarantine

The specialized inspectorate in the field of plant protection and quarantine shall have the competence to sanction against violation acts stipulated in Chapter III of this Decree, specifically as follows:

1. The agriculture and rural development inspectors assigned with the task of the specialized inspection on duty shall comply with the provisions in Clause 1 of Article 32 of this Decree.
2. The Chief Inspectors of the Departments of Agriculture and Rural Development; the Directors of Sub-departments of Plant Protection or Sub-departments of Crop Production and Plant Protection; the specialized inspection team leaders of the Departments of Agriculture and Rural Development; specialized inspection team leader of the Department of Plant Protection, Sub-departments of Plant Protection or Sub-departments of Crop Production and Plant Protection shall have the following rights:
 - a) To impose a warning;
 - b) To impose a fine of up to VND 25,000,000;
 - c) To deprive the right to use permits, certificates of eligibility, certificates of practice for plant protection and quarantine or suspend operations definitely;
 - d) To confiscate exhibits and means used for committing administrative violations that are valued at up to VND 25,000,000;
 - dd) To apply measures for remedying consequences stipulated in Points a, c, d, dd, e, g, h and i of Clause 1 of Article 28 of the Law on Handling of Administrative Violations and Point g, h, i, k, l and m of Clause 3 of Article 4 of this Decree.
3. The specialized inspection team leaders of the Ministry of Agriculture and Rural Development shall have the following rights:
 - a) To impose a warning;
 - b) To impose a fine of up to VND 35,000,000;
 - c) To deprive the right to use permits, certificates of practice or suspend operations definitely;
 - d) To confiscate exhibits and means used for committing administrative violations that are valued at up to VND 35,000,000;
 - dd) To apply measures for remedying consequences stipulated in Points a, c, d, dd, g, h and i of Clause 1 of Article 28 of the Law on Handling of Administrative Violations and Point g, h, i, k, l and m of Clause 3 of Article 4 of this Decree.
4. The Chief Inspector of the Ministry of Agriculture and Rural Development, the Director of the Department of Plant Protection shall have the following rights:
 - a) To impose a warning;
 - b) To impose a fine of up to VND 50,000,000;

- c) To deprive the right to use permits, certificates of eligibility, certificates of practice for plant protection and quarantine or suspend operations definitely;
- d) To confiscate exhibits and means used for committing administrative violations;
- dd) To apply measures for remedying consequences stipulated in Points a, c, d, dd, e, g, h and i of Clause 1 of Article 28 of the Law on Handling of Administrative Violations and Points g, h, i, k, l and m Clause 3 of Article 4 of this Decree.

Article 34. Sanctioning competence of the People's Police

1. People's police officers who are on duty shall have the following rights:
 - a) To impose a warning;
 - b) To impose a fine of up to VND 500,000.
2. The station chief, leaders of the persons stipulated in Clause 1 of this Article shall have the rights:
 - a) To impose a warning;
 - b) To impose a fine of up to VND 1,500,000.
3. The commune-level police chiefs, heads of police stations, heads of police stations at border-gate or in export processing zones shall have the following rights:
 - a) To impose a warning;
 - b) To impose a fine of up to VND 2,500,000.
 - c) To confiscate exhibits and means used for committing administrative violations, the value of which does not exceed the fine level stipulated in Point b of this Clause;
 - d) To apply measures for remedying consequences stipulated in Points a, c and dd of Clause 1 of Article 28 of the Law on Handling of Administrative Violations.
4. The district police chiefs; Manager of the Operation Division under the Department of Road and Rail Traffic Police, Manager of the Operation Division under the Department of Waterway Police; Provincial-level Police Chief including Managers of Divisions of Social Order Administration Police, Managers of Order Police Divisions, Managers of Divisions of Social Order Crime Investigation Police, Managers of Divisions of Economic Management Crime and Position Investigation Police, Managers of Divisions of Narcotic Crime Investigation Police, Managers of Divisions of Road and Rail Traffic Police, Managers of Divisions of Waterway Police, Managers of Divisions of Environment Crime Prevention and Fighting Police, Managers of Divisions of Internal Politics Security, Managers of Divisions of Economic Security, Managers of Divisions of Cultural and Ideological Security, Managers of Divisions of Information Security shall have the following rights:
 - a) To impose a warning;
 - b) To impose a fine of up to VND 10,000,000;
 - c) To deprive the right to use permits and certificates of practice definitely or to suspend operations definitely;

- d) To confiscate exhibits and means used for committing administrative violations, the value of which does not exceed the fine level stipulated in Point b of this Clause;
 - dd) To apply measures for remedying consequences stipulated in Points a, c and dd of Clause 1 of Article 28 of the Law on Handling of Administrative Violations.
5. The provincial police director shall have the following rights:
- a) To impose a warning;
 - b) To impose a fine of up to VND 25,000,000;
 - c) To deprive the right to use permits and certificates of practice definitely or to suspend operations definitely;
 - d) To confiscate exhibits and means used for committing administrative violations, the value of which does not exceed the fine level stipulated in Point b of this Clause;
 - dd) To apply measures for remedying consequences stipulated in Points a, c, dd, i and k of Clause 1 of Article 28 of the Law on Handling of Administrative Violations.
6. The Director of the Department of Internal Politics Security, the Director of the Department of Economic Security, the Director of Department of Cultural and Ideological Security, the Director of the Department of Information Security, the Director of the Department of Social Order Administration Police, the Director of the Department of Social Order Crime Investigation Police, the Director of the Department of Economic Management Crime and Position Investigation Police, the Director of the Department of Narcotic Crime Investigation Police, the Director of the Department of Road and Rail Traffic Police, the Director of the Department of Waterway Police, the Director of the Department of Environment Crime Prevention and Fighting Police, the Director of the Department of High Technology Using Crime Prevention and Fighting Police shall have the following rights:
- a) To impose a warning;
 - b) To impose a fine of up to VND 50,000,000;
 - c) To deprive the right to use permits and certificates of practice definitely or to suspend operations definitely;
 - d) To confiscate exhibits and means used for committing administrative violations;
 - dd) To apply measures for remedying consequences stipulated in Points a, c, dd, i and k of Clause 1 of Article 28 of the Law on Handling of Administrative Violations and Clause 3 of Article 4 of this Decree.

Article 35. Sanctioning competence of Customs body

1. Customs officers who are on duty shall have the following rights:
- a) To impose a warning;
 - b) To impose a fine of up to VND 500,000;
2. The team leaders of the Sub-departments of Customs, team leaders belonging to the Sub-Departments of Post-Clearance Inspection shall have the following rights:

- a) To impose a warning;
 - b) To impose a fine of up to VND 5,000,000;
3. The Directors of Sub-departments of Customs, the Directors of Sub-departments of Post-Clearance Inspection, Control Team Leaders belonging to the Departments of Customs of provinces, inter-provinces and centrally-run cities, Leaders of Teams of Control and Fighting against Smuggling, Leaders of Customs Procedure Teams, Captains of Marine Control Flotillas and Leaders of Teams of Control and Protection of Intellectual Property Rights under the Anti-smuggling Investigation Department of the General Department of Customs shall have the following rights:
- a) To impose a warning;
 - b) To impose a fine of up to VND 25,000,000;
 - c) To confiscate exhibits and means used for committing administrative violations, the value of which does not exceed the fine level stipulated in Point b of this Clause;
 - d) To apply measures for remedying consequences stipulated in Point d, dd, g, i and k of Clause 1 of Article 28 of the Law on Handling of Administrative Violations.
4. The Director of the Department of Anti-Smuggling Investigation, the Director of the Department of Customs Post-clearance Inspection under the General Department of Customs, Directors of Customs Departments of provinces, inter-provinces and centrally-run shall have the following rights:
- a) To impose a warning;
 - b) To impose a fine of up to VND 50,000,000;
 - c) To deprive the right to use permits, certificates of practice definitely or to suspend operations definitely;
 - d) To confiscate exhibits and means used for committing administrative violations, the value of which does not exceed the fine level stipulated in Point b of this Clause;
 - dd) To apply measures for remedying consequences stipulated in Point d, dd, g, i and k of Clause 1 of Article 28 of the Law on Handling of Administrative Violations.
5. The General Director of the General Department of Customs shall have the following rights:
- a) To impose a warning;
 - b) To impose a fine of up to the maximum level as stipulated in this Decree;
 - c) To confiscate exhibits and means used for committing administrative violations;
 - d) To apply measures for remedying consequences stipulated in Points d, dd, g, i and k of Clause 1 of Article 28 of the Law on Handling of Administrative Violations..

Article 36. Sanctioning competence of the Market Management

1. Market controllers who are on duty shall have the following rights:
- a) To impose a warning;

- b) To impose a fine of up to VND 500,000;
- 2. Leaders of Market Management Team shall have the following rights:
 - a) To impose a warning;
 - b) To impose a fine of up to VND 25,000,000;
 - c) To confiscate exhibits and means used for committing administrative violations, the value of which does not exceed the fine level stipulated in Point b of this Clause;
 - d) To apply measures for remedying consequences stipulated in Points a, dd, e, g, h, i and k of Clause 1 of Article 28 of the Law on Handling of Administrative Violations.
- 3. The Director of the Sub- Departments of Market Management under the Departments of Industry and Trade, Managers of Anti-smuggling Divisions, Managers of Anti-counterfeiting Divisions, Managers of the Divisions of Goods Quality Control under the Department of Market Management shall have the following rights:
 - a) To impose a warning;
 - b) To impose a fine of up to VND 50,000,000;
 - c) To confiscate exhibits and means used for committing administrative violations, the value of which does not exceed the fine level stipulated in Point b of this Clause;
 - d) To deprive the right to use permits and certificates of practice definitely or to suspend operations definitely;
 - dd) To apply measures for remedying consequences stipulated in Points a, c, d, dd, e, g, h, i and k of Clause 1 of Article 28 of the Law on Handling of Administrative Violations.
- 4. The Director of the Department of Market Management shall have the following rights:
 - a) To impose a warning;
 - b) To impose a fine of up to the maximum level as stipulated in this Decree;
 - c) To confiscate exhibits and means used for committing administrative violations;
 - d) To deprive the right to use permits and certificates of practice definitely or suspend operations definitely;
 - dd) To apply measures for remedying consequences stipulated in Points a, c, d, dd, e, g, h, i and k of Clause 1 of Article 28 of the Law on Handling of Administrative Violations.

Article 37. Sanctioning competence of the Border Guard

- 1. Border Guard soldiers who are on duty shall have the following rights:
 - a) To impose a warning;
 - b) To impose a fine of up to VND 500,000;
- 2. The station chief, captain of the persons stipulated in Clause 1 of this Article shall have the following rights:
 - a) To impose a warning;

- b) To impose a fine of up to VND 2,500,000;
- 3. Chiefs of Border Guard Stations, Captains of Border Guard's Flotillas, commanders of sub-region border guard, commanders of Port Border Guard shall have the following rights:
 - a) To impose a warning;
 - b) To impose a fine of up to VND 10,000,000;
 - c) To confiscate exhibits and means used for committing administrative violations, the value of which does not exceed the fine level stipulated in Point b of this Clause;
 - d) To apply measures for remedying consequences stipulated in Points a, c, dd and k of Clause 1, Article 28 of the Law on Handling of Administrative Violations.
- 4. The Commanders of Provincial Border Guards, commanders of Border Guard Naval Groups under the High Command of Border Guard shall have the following rights:
 - a) To impose a warning;
 - b) To impose a fine of up to the maximum level as stipulated in this Decree;
 - c) To deprive the right to use permits and certificates of practice definitely or suspend operations definitely;
 - d) To confiscate exhibits and means used for committing administrative violations;
 - dd) To apply measures for remedying consequences stipulated in Points a, c, dd, i and k of Clause 1 of Article 28 of the Law on Handling of Administrative Violations.

Article 38. Sanctioning competence of the Coast Guard

- 1. Coast Guard officers who are on duty shall have the following rights:
 - a) To impose a warning;
 - b) To impose a fine of up to VND 1,000,000;
- 2. Leaders of Coast Guard Operation Teams shall have the following rights:
 - a) To impose a warning;
 - b) To impose a fine of up to VND 2,500,000;
- 3. Leaders of the Coast Guard Operation Groups, Chiefs of the Coast Guard Stations shall have the following rights:
 - a) To impose a warning;
 - b) To impose a fine of up to VND 5,000,000;
 - dd) To apply measures for remedying consequences stipulated in Points a, c and dd of Clause 1 of Article 28 of the Law on Handling of Administrative Violations.
- 4. Captains of Coast Guard's Flotillas shall have the following rights:
 - a) To impose a warning;
 - b) To impose a fine of up to VND 10,000,000;

- c) To confiscate exhibits and means used for committing administrative violations, the value of which does not exceed the fine level stipulated in Point b of this Clause
 - d) To apply measures for remedying consequences stipulated in Points a, c, d, dd and k of Clause 1, Article 28 of the Law on Handling of Administrative Violations.
5. Heads of Coast Guard's fleets shall have the following rights:
- a) To impose a warning;
 - b) To impose a fine of up to VND 15,000,000;
 - c) To confiscate exhibits and means used for committing administrative violations, the value of which does not exceed the fine level stipulated in Point b of this Clause
 - d) To apply measures for remedying consequences stipulated in Points a, c, d, dd and k of Clause 1, Article 28 of the Law on Handling of Administrative Violations.
6. The Commanders of Regional Coast Guard shall have the following rights:
- a) To impose a warning;
 - b) To impose a fine of up to VND 25,000,000;
 - c) To confiscate exhibits and means used for committing administrative violations, the value of which does not exceed the fine level stipulated in Point b of this Clause
 - d) To apply measures for remedying consequences stipulated in Points a, c, d, dd and k of Clause 1, Article 28 of the Law on Handling of Administrative Violations.
7. The High Command of the Coast Guard shall have the following rights:
- a) To impose a warning;
 - b) To impose a fine of up to the maximum level as stipulated in this Decree;
 - c) To deprive the right to use permits and certificates of practice definitely or suspend operations definitely;
 - d) To confiscate exhibits and means used for committing administrative violations;
 - dd) To apply measures for remedying consequences stipulated in Points a, b, c, d, dd and k of Clause 1 of Article 28 of the Law on Handling of Administrative Violations.

Article 39. Delimitation of the sanctioning competence of the People's Police, Customs, Market Management, Border Guard and Coast Guard

1. The competent persons of the People's Police have the competence to sanction against administrative violations, have the right to apply additional forms of sanction and measures for remedying consequences in respect to acts of administrative violations stipulated in this Decree in accordance with the competence stipulated in Article 34 of this Decree and their assigned functions, duties and powers.
2. The competent persons of the Customs Body have the competence to sanction against administrative violations, have the right to apply additional forms of sanction and measures for remedying consequences in respect to acts of administrative violations stipulated in Article 8,

Point d and dd of Clause 2 of Article 12, Article 17, Article 20, Article 22, Article 28 and Article 30 of this Decree in accordance with the competence stipulated in Article 35 of this Decree and their assigned functions, duties and powers.

3. The competent persons of the Market Management Body have the competence to sanction against administrative violations, have the right to apply additional forms of sanction and measures for remedying consequences in respect to acts of administrative violations stipulated in Articles 13, 14, 15, 16, 18, 19, 24, 25, 27 and 30 of this Decree in accordance with the competence stipulated in Article 36 of this Decree and their assigned functions, duties and powers.
4. The competent persons of the Border Guard forces have the competence to sanction against administrative violations, have the right to apply additional forms of sanction and measures for remedying consequences in respect to acts of administrative violations stipulated in Articles 17, Clause 1 of Article 18, Clause 4 of Article 19, Article 20, Article 27, Clause 6 of Article 28 of this Decree in accordance with the competence stipulated in Article 37 of this Decree and their assigned functions, duties and powers.
5. The competent persons of the Coast Guard forces have the competence to sanction against administrative violations, have the right to apply additional forms of sanction and measures for remedying consequences in respect to acts of administrative violations stipulated in Articles 17, Clause 1 of Article 18, Clause 4 of Article 19, Article 20, Article 27, Clause 6 of Article 28 of this Decree in accordance with the competence stipulated in Article 38 of this Decree and their assigned functions, duties and powers.

Article 40. Competence to make minutes of administrative violations

1. Persons who have competence to sanction against administrative violations stipulated in Articles from 31 to 38 of this Decree in accordance with the assigned functions and powers.
2. Public servants who are on duty and tasks in accordance with their assigned functions and powers in the fields of plant varieties, plant protection and quarantine.

Chapter V

IMPLEMENTATION PROVISIONS

Article 41. Implementation effectiveness

1. This Decree shall be of full force and effect as from June 25, 2016.
2. This Decree replaces Decree No. 114/2013/ND-CP dated October 3, 2013 of the Government on sanctioning of administrative violations in the field of plant varieties, plant protection and quarantine.

Article 42. Transitional provisions

For acts of administrative violations in the field of plant varieties, plant protection and quarantine occurred before the date on which this Decree takes effect and [such violations] then would be detected

or are considered for settlement, the regulations beneficial to organizations and individuals committing the violations shall be applied.

Article 43. Responsibility for implementation

1. The Minister of Agriculture and Rural Development shall be responsible for detailed instructions for and organizations of the implementation of this Decree.
2. Ministers, heads of ministerial-level agencies, heads of government agencies, Chairmen of People's Committees of provinces and centrally-run cities shall implement this Decree./.

Recipients:

- Secretariat of the Party Central Committee;
- Prime Minister, Deputy Prime Ministers;
- Ministries, ministerial-level agencies, Government agencies;
- People's Councils and People's Committees of provinces and centrally-run cities;
- Central Office and Commissions of the Party;
- Office of the General Secretary;
- Office of the State President;
- Ethnic Council and Committees of the National Assembly;
- The National Assembly's office;
- Supreme People's Court;
- Supreme People's Procuracy;
- State Audit;
- Committee of the National Financial Supervision;
- Bank of Social Policy;
- Vietnam Development Bank;
- The Central Committee of the Vietnam Fatherland Front;
- Central offices of the unions;
- Office: Minister-Chairman, Deputy Chairmen, PM Assistant, CEO of portal, departments, divisions, subordinate units, Official Gazette;
- Keep as archives: Office, KTN (3c).

**ON BEHALF OF THE
GOVERNMENT
PRIME MINISTER**

**Signed
Nguyen Xuan Phuc**