

GOVERNMENT

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 41/2017/ND-CP

Hanoi, April 05, 2017

DECREE

AMENDMENT AND SUPPLEMENTATION TO A NUMBER OF ARTICLES OF THE DECREE ON ADMINISTRATIVE PENALTIES FOR VIOLATIONS IN FIELDS OF AQUACULTURE, VETERINARY , ANIMAL BREEDS, ANIMAL FEED; FOREST MANAGEMENT, DEVELOPMENT AND PROTECTION, AND FORESTRY PRODUCT MANAGEMENT

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

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

Pursuant to the Law on Fishery dated November 26, 2003;

Pursuant to the Law on Forest Protection and Development dated December 03, 2004;

Pursuant to the Law on Veterinary dated June 6, 2015;

Pursuant to the Ordinance on Livestock breeds dated March 24, 2004;

Pursuant to the Government's Decree No. [08/2010/ND-CP](#) dated February 05, 2010 on the management of animal feeds;

Upon request of the Minister of Agriculture and Rural development;

The Government hereby issues this Decree on amendment and supplementation to a number of articles of the decree on administrative penalties in aquaculture, veterinary , animal breeds, animal feeds; forest management, development and protection, and forestry management.

Article 1. Amendment and supplement to a number of the Government's Decree No.103/2013/ND-CP on actions against violations in the aquaculture industry (hereinafter referred to as "Decree No.103/2013/ND-CP):

1. Point a clause 2 Article 1 is amended and supplemented as follows:

"a) Violations against regulations on reservation, protection, reproduction and development of aquatic resources;"

2. Point dd clause 2 Article 1 is amended and supplemented as follows:

"dd) Violations against regulations on collection, processing, storage, transport, trading, import and export of aquatic animals;"

3. Clause 2 Article 4 is amended and supplemented as follows:

"2. Transfer endangered, rare and precious aquatic animals which are wounded to rescue establishments for treatment, and release them into their environment or transfer dead aquatic animals to the competent authority to deal with in accordance with provisions of laws."

4. Clause 10 is added to Article 4 as follows:

"10. Enforced of farming of aquatic animals until the chemical and antibiotic residues thereof is less than the maximum permissible limit."

5. Clause 1 Article 5 is amended and supplemented as follows:

“1. A fine of from VND 5,000,000 to 10,000,000 shall be imposed on any offender who illegally catches or damages reefs, coral reefs, underwater vegetable, mangrove forests and other ecosystems.”

6. Clause 2 Article 5 is renamed as follows:

“2. Mức phạt tiền đối với hành vi khai thác, mua bán, vận chuyển, thu gom, lưu giữ san hô trái phép được quy định như sau (fines for illegal extraction, transport, collection, trading and storage of coral):”

7. Clause 4 Article 5 is amended and supplemented as follows:

“4. Additional penalties:

Confiscate exhibits in case violations specified in clause 1, clause 2 and clause 3 of this Article are committed.”

8. Article 6 is amended and supplemented as follows:

“Article 6. Violations against regulations on aquatic animal protection

1. Fines for catching, transport and storage of undersized aquatic animals and aquatic breeds are as follows:

a) A fine of from VND 1,000,000 to VND 3,000,000 for less than 30 kg in weight of aquatic animals and aquatic breeds which are undersized caught in the natural environment or those caught by by-catch.

b) A fine of from VND 3,000,000 to VND 5,000,000 for from 30 kg to under 100kg in weight of aquatic animals and aquatic breeds which are undersized caught in the natural environment or those caught by by-catch.

c) A fine of from VND 5,000,000 to VND 10,000,000 for from 100 kg to under 200kg in weight of aquatic animals and aquatic breeds which are undersized caught in the natural environment or those caught by by-catch.

d) A fine of from VND 10,000,000 to VND 20,000,000 for from 200 kg to under 300kg in weight of aquatic animals and aquatic breeds which are undersized caught in the natural environment or those caught by by-catch.

dd) A fine of from VND 20,000,000 to VND 30,000,000 for from 300 kg to under 400kg in weight of aquatic animals and aquatic breeds which are undersized caught in the natural environment or those caught by by-catch.

e) A fine of from VND 30,000,000 to VND 40,000,000 for 400 kg in weight or more of aquatic animals and aquatic breeds which are undersized caught in the natural environment or those caught by by-catch.”

2. Fines for violations against regulations on date and time of catching and banned waters are as follows:

a) A fine of from VND 1,000,000 to VND 3,000,000 for any fishing vessel with the main propulsion machinery of less than 20HP , or fishing vessel without propulsion machinery having the waterline length of less than 15 meters, or catching not using fishing vessels;

b) A fine of from VND 3,000,000 to VND 5,000,000 for any fishing vessel with the main propulsion machinery of from 20HP to under 50 HP , or fishing vessel without propulsion machinery but its waterline length of at least 15 meters;

- c) A fine of from VND 5,000,000 to VND 10,000,000 for any fishing vessel with the main propulsion machinery of from 50HP to under 90 HP
- d) A fine of from VND 10,000,000 to VND 20,000,000 for any fishing vessel with the main propulsion machinery of from 90HP to under 250 HP;
- dd) A fine of from VND 20,000,000 to VND 30,000,000 for any fishing vessel with the main propulsion machinery of from 250HP to under 400 HP;
- e) A fine of from VND 30,000,000 to VND 40,000,000 for any fishing vessel with the main propulsion machinery of 400 HP or more.

3. Fines for rearing, raising and planting wild aquatic species whose origin is legally accepted but having yet to register farms are as follows:

- a) A fine of from VND 1,000,000 to VND 3,000,000 for not registering the farm for rearing, raising and artificially growing wild, rare and precious aquatic species stipulated by Vietnam 's law but not by Annexes to CITES;
- b) A fine of from VND 3,000,000 to VND 5,000,000 for not registering the farm for rearing, raising and artificially planting wild, rare and precious aquatic species stipulated by Annexes II and III to CITES;
- c) A fine of from VND 5,000,000 to VND 7,000,000 for not registering the farm for rearing, raising and artificially growing wild, rare and precious aquatic species stipulated by Annex I to CITES;

4. "Additional penalties:

Offenders shall have their fishing gears and tackle (except for fishing vessels) confiscated if they commit the violation prescribed in clause 2 of this Article.

5. Remedial measures:

- a) Enforced release of living aquatic animals to their environment if offenders commit violations prescribed in clause 1 and clause 2 of this Article;
- b) Enforced transfer of dead aquatic animals to the competent authority if offenders commit violations prescribed in clause 1 and clause 2 of this Article;
- c) Enforced registration for husbandry farms at the State management authority if offenders commit violations prescribed in clause 3 of this Article."

9. Article 7 is renamed as follows:

"Điều 7. Vi phạm quy định về quản lý các loài thủy sinh quý hiếm có nguy cơ tuyệt chủng và danh mục loài thủy sản cấm khai thác (Article 7. Violations against regulations on management of endangered, rare and precious aquatic animals and list of aquatic animals banned from catching)"

10. Clause 1, clause 2 and clause 3 of Article 7 are renamed as follows:

"1.Fines for catching, trading, raising, storing, processing and transporting vulnerable aquatic animals (VU):"

"2.Fines for catching, trading, raising, storing, processing and transporting endangered aquatic animals (EN) and aquatic animals on the List of aquatic animals in the Annex II attached to the CITIES:"

“3.Fines for catching, trading, raising, storing, processing and transporting critically-endangered aquatic animals (CR) and aquatic animals on the List of aquatic animals in the Annex II attached to the CITIES, or aquatic animals on the list of aquatic animal banned from catching:”

11. Point d clause 1 Article 10 is amended as follows:

“d) A fine of from VND 2,000,000 to VND 4,000,000 for using an expired catch permit in 60 days or more.”

12. Point d clause 2 Article 10 is amended as follows:

“d) A fine of from VND 4,000,000 to VND 6,000,000 for using expired catch permit in 60 days or more.”

13. Clause 5 Article 10 is renamed as follows:

“5.Fines for activities other than those specified in the catch permit:”

14. Clause 1 of Article 12 is amended as follows:

“1.A fine of from VND 70,000,000 to VND 100,000,000 shall be imposed on any entity that acts as a broker to help Vietnamese fishermen illegally do catching in other countries’ sea or territories.”

15. Clause 1 of Article 14 is amended as follows:

“1. A discipline or fine of from VND 300,000 to VND 500,000 for failure to mark fishing tackle used in the fishing ground under provisions of laws or disposal of fishing tackle into natural waters shall be imposed.”

16. Clause 3 of Article 14 is amended as follows:

“3.A fine of from VND 3,000,000 to VND 6,000,000 for using imported fishing tackle and gears for catching without the competent authority’s permission.”

17. Clause 3 of Article 15 is amended as follows:

“3.Fines for using electrofishing equipment or directly using electricity generated from electric generators installed onboard fishing vessels or other means for catching are as follows:

a) A fine of from VND 3,000,000 to VND 5,000,000 for any offender using the fishing vessel with the main propulsion machinery of less than 20HP , or fishing vessel without propulsion machinery but its waterline length is less than 15 meters;

b) A fine of from VND 5,000,000 to VND 10,000,000 for any offender using the fishing vessel with the main propulsion machinery of from 20HP to under 50 HP , or fishing vessel without propulsion machinery but its waterline length is at least 15 meters;

c) A fine of from VND 10,000,000 to VND 20,000,000 for any offender using the fishing vessel with the main propulsion machinery of from 50HP to under 90 HP;

d) A fine of from VND 20,000,000 to VND 30,000,000 for any offender using the fishing vessel with the main propulsion machinery of from 90HP to under 250 HP ;

dd) A fine of from VND 30,000,000 to VND 40,000,000 for any fishing vessel with the main propulsion machinery of from 250HP to under 400 HP;

e) A fine of from VND 40,000,000 to VND 50,000,000 for any offender using the fishing vessel with the main propulsion machinery of 400 HP or more.”

18. Point a clause 5 Article 15 is amended and supplemented as follows:

"a) Every offender shall have his/her exhibits for catching and caught aquatic animals confiscated if (s)he commits any violation specified in clause 1, clause 2, clause 3 and clause 4 of this Article;"

19. Clause 3 and clause 4 of Article 17 is amended and supplemented as follows:

"3. Additional penalties:

Every offender shall have his/her right to enjoyment the catch permit abolished for 03 months to 06 months if (s)he commits the violation prescribed in clause 2 of this Article.

4. Remedial measures:

a) Enforced destruction of toxic substances and poisonous vegetables and aquatic animals if offenders commit any violation prescribed in clause 1 and clause 2 of this Article;

b) Enforced application of remedial measures for detoxifying if offenders commit any violation prescribed in clause 3 of this article."

20. Point b clause 1 Article 19 is amended as follows:

"b) turn off vessel monitoring systems onboard fishing vessels on which monitoring systems are mandatory."

21. Clause 2 Article 20 is renamed as follows:

"2. Fines for using the expired fishing vessel safety certificate or failing to conduct re-registration for operation in the aquatic industry:"

22. Clause 3 Article 21 is renamed as follows:

"3. Fines for using edited and erased fishing vessel registration certificates or using the vessel identification number other than that in the registration certificate; or using the identification number not granted by the competent authorities:"

23. Clause 4 Article 21 is amended and supplemented as follows:

"4. Additional penalties:

a) Every offender shall have his/her vessel registration certificate or vessel identification withdrawn if (s) he commits the violation in clause 3 of this Article;

b) Every offender shall have his/her fishing vessel operation suspended for 01 month to 03 months if (s) he commits the violation in clause 3 of this Article."

24. Clause 3 Article 23 is amended and supplemented as follows:

"3. A fine of from VND 1,000,000 to VND 2,000,000 for absence of the certificate or degrees of master, chief engineer and/or seafarer, or use of edited and erased certificate and degrees."

25. Clause 6 Article 23 is amended and supplemented as follows:

"6. Additional penalties:

Every offender shall have his/her degrees or certificates of the master/chief engineer/seafarer withdrawn if (s) he commits the violation in clause 3 of this Article."

26. Article 26 is amended and supplemented as follows:

"Article 26. Violation against regulations on use of granted water surface for aquaculture

1. Fines for violations against regulations on use of granted water surface for aquaculture are as follows:

- a) From VND 1,000,000 to VND 2,000,000 if the intrusion area is less than 01 ha;
- b) From VND 2,000,000 to VND 4,000,000 if the intrusion area is from 01 ha to under 2 ha;
- c) From VND 4,000,000 to VND 6,000,000 if the intrusion area is 02 ha or more;

2. A fine of from VND 6,000,000 to VND 8,000,000 shall be imposed on any entity using water surface for aquaculture without the competent authority's approval or using water surface outside the location specified in the land-use right certificate or using water surface other than that granted by the competent authority.

3. Remedial measures:

- a) Enforced demolition and relocation of cages and demarcated lines if they commit the violation prescribed in clause 1 of this Article;
- b) Enforced demolition and relocation of cages lines if they commit the violation prescribed in clause 2 of this Article."

27. Article 27 is amended and supplemented as follows:

"Article 27. Violation against regulations on use of water surface leased for aquaculture

1. Fines imposed on violations against regulations on water surface leased for aquaculture are as follows:

- a) From VND 4,000,000 to VND 6,000,000 if the intrusion area is less than 01 ha;
- b) From VND 6,000,000 to VND 10,000,000 if the intrusion area is from 01 ha to under 2 ha;
- c) From VND 10,000,000 to VND 15,000,000 if the intrusion area is 02 ha or more;

2. A fine of from VND 15,000,000 to VND 20,000,000 shall be imposed on any entity using water surface for aquaculture without the competent authority's leasing agreement or using water surface located outside the location specified in the land-use right certificate.

3. Remedial measures:

- a) Enforced demolition and relocation of cages and demarcated lines if they commit the violation prescribed in clause 1 of this Article;
- b) Enforce demolition and relocation of cages lines if they commit the violation prescribed in clause 2 of this Article."

28. Clause 4 Article 28 is amended and supplemented as follows:

"4. Remedial measures:

- a) Enforced destruction of exhibits if they commit any violation against sampling for food safety test prescribed in clause 1 and clause 2 of this Article
- b) Enforced repurposing of exhibits into animal feeds and aquatic feed if offenders commit any violation against sampling for food safety test prescribed in clause 1 and clause 2 of this Article ;
- c) Enforced release of living aquatic animals which are caught in contravention with natural environmental regulations if they commit the violation prescribed in clause 2 of this Article."

29. Clause 1, clause 2, clause 3 and clause 4 of Article 31 are amended and supplemented as follows:

"1. A fine of from VND 3,000,000 to VND 5,000,000 shall be imposed on every entity that operates a fishing vessel or other means causing damage to fishing ports and asylum harbors.

2. A fine of from VND 5,000,000 to VND 10,000,000 shall be impose for illegally discharging wastewater and sewerage into undesignated areas in fishing ports, port waters and asylum harbor waters.

3. A fine of from VND 10,000,000 to VND 15,000,000 shall be imposed for:

a) Destruction, demolition and damage of a construction works and facilities of fishing ports and/or asylum harbors;

b) Absence of rescue equipment and fire safety equipment under regulations of the fishing ports, asylum harbors.

4. A fine of from VND 20,000,000 to VND 30,000,000 shall be imposed for intrusion of into fishing ports and/or asylum harbors.”

30. Clause 2 Article 36 is renamed as follows:

“2. Rights of the Chief Inspector of Departments of Agriculture and Rural development , Directors of Agro-Forestry-Fishery Management Departments and veterinary authorities:”

31. Clause 5 Article 36 is renamed as follows:

“5.The chief inspectors of the inspectorate of Departments of Agriculture and Rural development and of the State management authorities who are assigned to conduct specialized inspection of aquatic animals have the authority to handle violations in accordance with clause 2 of this Article.”

32. Clause 1 Article 37 is renamed as follows:

“1.Rights of on-duty fisheries inspectors:”

33. Article 41 is amended as follows:

“Article 41. The authority to handle administrative violations by other authorities

1. The competent person of the market surveillance agency prescribed in Article 45 of the Law on Actions against administrative violations shall, within the management, inspect and record administrative violations, take remedial measures and handle violations specified in Article 5, 7, 28, 30 and 33 hereof.

2. The director and chief representative of the airport authority; director and chief representative of the Inland Waterway Port Authority under the Vietnam Inland Waterway Administration prescribed in Article 47 of the law on action against administrative violations shall, within the authority and management, take remedial measure and handle administrative violations specified in Article 31 hereof.

3. The competent person of the forest management authority prescribed in Article 43 of the Law on Actions against administrative violations shall, within the management of national parks, wildlife sanctuaries or sea sanctuaries, inspect and record administrative violations, take remedial measures and handle violations prescribed in Article 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 24, 25, 26, 27 and 28 hereof.”

Article 2.Amendment and supplement to a number of the Government’s Decree No.103/119/2013/ND-CP dated October 09, 2013 on actions against administrative violations in veterinary medicine, animal varieties and animal feeds (hereinafter referred to as “Decree No.119/2013/ND-CP)):

1. Point a clause 2 Article 1 is amended and supplemented as follows:

“a) Violations against provisions on prevention and cure of diseases on animals, quarantine of animals and animal products; trade in aquatic animals carrying diseases, slaughtering control and animal product processing, veterinary hygiene inspection, management of veterinary medicine, biological preparations, microorganisms and chemicals used for veterinary medicine, and veterinary practicing;”

2. Point a clause 1 Article 5 is amended and supplemented as follows:

“a) Fail to have domestic animals vaccinated or fails to apply compulsory prophylactic measures to domestic animals;”

3. Point c clause 1 Article 5 is amended and supplemented as follows:

“c) Refuse to comply with compulsory remedial measures against animals and animal products which carry diseases or have any sign of diseases as required by the competent authority;”

4. Point d is added to clause 1 of Article 5 as follows:

“d) refuse to conform to disease prevention measures in epidemic zones and potentially-epidemic zones as required by the competent authority.”

5. Clause 3 Article 5 is amended and supplemented as follows:

“3.A fine of from VND 2,000,000 to VND 3,000,000 shall be imposed on any animal owner who:

a) applies veterinary medicines not mentioned in the List of veterinary medicines permitted to sell in Vietnam or those which have yet to be approved by the competent authority on animals for disease prevention and treatment;

b) disposes disease and/or dead animals and other animal products, discharges wastewater and sewerage carrying germs into the environment;

c) refuses to have his/her dogs inoculated with rabies vaccines.”

6. Clause 4 Article 5 is amended and supplemented as follows:

“4.A fine of from VND 1,000,000 to VND 1,500,000 shall be imposed in case of deletion and edition of the content of the certificate of vaccination and/or certificate of disease-free facility; or trade or lease or borrowing of those certificates”.

7. Clause 5 of Article 5 and point a clause 5 of Article 5 are amended and supplemented as follows:

“5.A fine of from VND 1,500,000 to VND 2,000,000 shall be imposed on any centralized farm, cattle and poultry breed trading facility which

a) refuse to carry out on-site sampling for disease periodic tests;”

8. Clause 6 Article 5 is amended and supplemented as follows:

“6.A fine of from VND 4,000,000 to VND 6,000,000 shall be imposed on any animal owner who:

a) applies medicine and veterinary medicine ingredients on animals for prevention and treatment of diseases;

b) refuse to stop applying medicines on animals before slaughtering and using eggs and milk for human consumption under directions of the manufacturer or veterinary authorities; or

c) trade breeds carrying infectious diseases.”

9. Point a clause 8 Article 5 is amended and supplemented as follows:

“Enforced destruction of disease-carrying and dead animals and products thereof; and to remediate the environment in case the violation prescribed in point b clause 3 of this Article is committed;”

10. Point b clause 8 Article 5 is amended and supplemented as follows:

“b) Every offender shall have the certificate of vaccination and certificate of disease-free facility withdrawn if (s) he commits any violation prescribed in clause 4 of this Article;”

11. Point d clause 8 Article 5 is amended and supplemented as follows:

“d) Enforced destruction of veterinary medicines, veterinary medicine ingredients, medicine and medicine ingredients, animal products and animal breeds if offenders commit violations prescribed in point a clause 3, clause 6 and clause 7 of this Article.”

12. Point dd is added to clause 8 of Article 5 as follows:

“dd) Enforced compliance with animal sampling and testing for diseases in case they commit the violation prescribed in point a clause 5 of this Article;

e) Every offender shall have their domestic dogs inoculated with rabies vaccines in case they commit the violation prescribed in point c clause 3 of this Article; where the owner intentionally refuses to have his/her dogs vaccinated, the dogs which have yet to be inoculated with rabies vaccine shall be destroyed.”

13. Point a clause 3 Article 7 is amended and supplemented as follows:

“a) use veterinary medicines not mentioned in the List of veterinary medicines permitted to sell in Vietnam or those which have yet to be approved by the competent authority for aquatic animal disease prevention and treatment;”

14. Clause 4a is added to Article 7 as follows:

4a. A fine of from VND 7,000,000 to VND 10,000,000 shall be imposed on every offender who:

a) applies medicine and veterinary medicine ingredients for prevention and treatment of diseases on aquatic animals;

b) fails to stop feeding animals with medicines prior to catching/sale under the direction of the manufacturer or veterinary authority; or

c) trades aquatic animals which carry diseases.”

15. Clause 5 Article 7 is amended and supplemented as follows:

“5. Remedial measures:

Enforced destruction of veterinary medicines, veterinary medicine ingredients, medicine and medicine ingredients, aquatic animal products and aquatic animal varieties if offenders commit violations prescribed in point a clause 3, clause 4 and clause 4a of this Article.”

16. Clause 5a is added to Article 11 as follows:

“5a. A fine of from VND 15,000,000 to VND 20,000,000 shall be imposed on any entity that breaks quarantine seals on containers without permissions, transports animals and animal products which are imported, temporarily imported for re-export, temporarily exported for re-import, transited to another checkpoint, bonded warehouses and transited to Vietnam without prior approval.”

17. Clause 6 Article 11 is amended and supplemented as follows:

“6. A fine of from VND 20,000,000 to VND 30,000,000 shall be imposed in case any animal and/or animal product which carry infectious diseases, toxic residue and microorganism exceeding the permissible limit, other impure substances, and/or have yet to have their skin, hair and claws cleaned are imported, temporarily imported for re-export, temporarily exported for re-import, transited to another checkpoint, bonded warehouses or transited to Vietnam.

18. Point c clause 9 Article 11 is amended and supplemented as follows:

“c) Enforced repurposing of animal products which carry microorganisms in the quantity exceeding the permitted limit for animal consumption by applying heat treatment; and to conform to veterinary hygiene requirements in case violation prescribed in clause 6 of this Article is committed.”

19. Article 13 is renamed as follows:

“Điều 13. Vi phạm về vận chuyển, kinh doanh, thu gom, lưu giữ, kiểm soát giết mổ động vật trên cạn, sơ chế, chế biến động vật, sản phẩm động vật để kinh doanh (Article 13. Violations against regulations on transport, trade, catch, retention and control of slaughtering of terrestrial animals, processing of animals and animal products for sale).”

20. Point c clause 2 Article 13 is amended and supplemented as follows:

“c) A fine of from VND 20,000,000 to VND 30,000,000 shall for injection of water or any other substance into animals prior to slaughter and into animal products;”

21. Point e clause 2 Article 13 is amended and supplemented as follows:

“e) A fine of from VND 20,000,000 to VND 30,000,000 for transport, retention and slaughtering of animals which are injected with sedatives without directions of manufacturers or veterinary authorities for food;”

22. Point h clause 2 Article 13 is amended and supplemented as follows:

“h) A fine of from VND 40,000,000 to VND 50,000,000 for transport, trade, retention and slaughter of animals, and/or processing animal products which containing prohibited substances.”

23. Point a clause 4 Article 13 is amended and supplemented as follows:

“a) Enforced destruction of animals and animal products if they commit prescribed in point d, g and h clause 2 of this Article;

Suspend slaughter of animals injected with sedatives until they are declared safe under the food safety inspection result; forcibly destroy animal products having sedative residue exceeding that stipulated by the Ministry of Health in case the violation in point e, clause 2 of this Article is committed.”

24. Point c clause 4 Article 13 is amended and supplemented as follows:

“c) Enforced repurposing of animal products for animal consumption if they commit the violation in point c, clause 2 of this Article.”

25. Clause 6a is added to Article 16 as follows:

“6a) A fine of from VND 20,000,000 to VND 30,000,000 shall be imposed in case any single veterinary medicine ingredient is used for wrong purposes.”

26. Point b clause 9 Article 16 is amended as follows:

“b) Enforced recall and/or destruction of veterinary medicine and/or vaccines if offenders commit any violation prescribed in clause 3, clause 4, clause 5, clause 6 clause 6a and clause 7 of this Article.”

27. Point c is added to clause 3 of Article 17 as follows:

“c) Fail to follow the manufacturer’s regulations on vaccine preservation.”

28. Clause 6a and 6b is added to Article 17 as follows:

“6a.A fine of from VND 20,000,000 to VND 30,000,000 shall be imposed in case any single veterinary medicine ingredient which has yet to be granted the certificate of eligibility to import for veterinary medicine is imported.

6b.A fine of from VND 20,000,000 to VND 30,000,000 shall be imposed if any single veterinary medicine ingredient or any medicine ingredient is illegally sold to any husbandry or aquaculture facility”.

29. Point b clause 8 Article 17 is amended as follows:

“b) Enforced recall and/or destruction of veterinary medicine and/or vaccines if offenders commit any violation prescribed in clause 4, clause 5, clause 6 this Article.”

30. Point c is added to clause 8 of Article 17 as follows:

“c) Destroy medicine and veterinary medicine ingredients in case violations prescribed in clause 6a and clause 6b of this Article are committed.”

31. Clause 3a is added to Article 18 as follows:

“3a. A fine of from VND 20,000,000 to VND 30,000,000 shall be imposed in case any single imported veterinary medicine is sold to a facility which has yet to obtain the certificate of eligibility to import veterinary medicine or the one that has yet to obtain the certificate of eligibility to produce veterinary medicine or aquaculture facility.”

32. Clause 3b is added to Article 18 as follows:

“3b. Additional penalties:

Import of veterinary medicine ingredients is suspended during 12 months in case the violation prescribed in clause 3a of this Article is committed.”

33. Clause 2 and clause 3 of Article 25 is amended and supplemented as follows:

“2.A fine of from VND 3,000,000 to VND 5,000,000 shall be imposed on any entity that produces and/or trade animal varieties but fails to record, retain and update track records.

3. A fine of from VND 5,000,000 to VND 10,000,000 shall be imposed in case no technician who acquires bachelor degree(s) in husbandry, veterinary medicine and/or aquaculture is hired to in charge of producing and trading purebreds, GGP, GP and PS breeds.

34. Clause 1 Article 26 is amended and supplemented as follows:

“1.A fine of from VND 10,000,000 to VND 15,000,000 shall be imposed on any entity that produces and/or trade sperms, embryos, breeds and/or larva but fails to record, retain and update track records.”

35. Clause 1 Article 32 is amended and supplemented as follows:

“1. A fine of from VND 5,000,000 to VND 10,000,000 shall be imposed on any entity producing and processing animal feed without any quality control technician.”

36. Clause 3 Article 32 is amended and supplemented as follows:

"3.A fine of from VND 15,000,000 to VND 20,000,000 shall be imposed for not testing animal feed quality."

37. Clause 4, clause 5 and clause 6 of Article 33 is amended and supplemented as follows:

"4.A fine of from 10% up to 15% (from VND 6,000,000 to VND 100,000,000) of the value of an offending shipment shall be imposed for production and processing of:

a) The animal feed of which the content of each main ingredient accounts for from 90% to under 95% of that in the announced standard or on product label; or

b) The animal feed containing any antibiotics whose content is of 10 % to fewer than 20% higher than that specified on the product label or prescribed by laws, or containing any single unsafe substance prescribed by national technical regulations.

5. "4.A fine of from 15% up to 20% (from VND 6,000,000 to VND 100,000,000) of the value of an offending shipment shall be imposed on production and processing of:

a) The animal feed of which the content of each main ingredient accounts for from 80% to under 90% of that in the announced standard or on product label; or

b) The animal feed containing any antibiotics whose content is of 20 % to fewer than 30% higher than that specified on the product label or prescribed by laws, or containing any single unsafe substance prescribed by national technical regulations.

6. "4.A fine of from 20% up to 30% (from VND 6,000,000 to VND 100,000,000) of the value of an offending shipment shall be imposed on production and processing of:

a) the animal feed of which the content of each main ingredient accounts for from 70% and 80% of that in the announced standard or on product label is imported; or

b) the animal feed containing any antibiotics whose content is at least 30% higher than that specified on the product label or prescribed by laws, or containing any single unsafe substance prescribed by national technical regulations.

38. Clause 2, clause 3, clause 4 and clause 5 of Article 35 is amended and supplemented as follows:

"2.A fine of from VND 10,000,000 to VND 15,000,000 shall be imposed on trading any single type of animal feed not specified on the List of animal feed permitted to be sold in Vietnam or on trading any type of animal feed without the written consent of the State competent authority.

3. "4.A fine of from 10% up to 15% (from VND 6,000,000 to VND 100,000,000) of the value of a offending shipment shall be imposed for trading in:

a) an animal feed of which the content of each main ingredient accounts for from 90% to under 95% of that in the announced standard or on product label ; or

b) an animal feed containing any antibiotics whose content is of from 10 % to fewer than 20% higher than that specified on the product label or prescribed by laws, or containing any single unsafe substance prescribed by national technical regulations.

4. "4.A fine of from 15% up to 20% (from VND 6,000,000 to VND 100,000,000) of the value of a offending shipment shall be imposed for trading in:

a) an animal feed of which the content of each main ingredient accounts for from 80% to under 90% of that in the announced standard or on product label; or

b) an animal feed containing any antibiotics whose content is of from 20 % to fewer than 30% higher than that specified on the product label or prescribed by laws, or containing any single unsafe substance prescribed by national technical regulations.

5. “4. A fine of from 20% up to 25% (from VND 6,000,000 to VND 100,000,000) of the value of an offending shipment shall be imposed on trading in:

a) an animal feed of which the content of each main ingredient accounts for from 70% and 80% of that in the announced standard or on product label; or

b) an animal feed containing any antibiotics whose content is at least 30% higher than that specified on the product label or prescribed by laws, or containing any single unsafe substance prescribed by national technical regulations.”

39. Article 36 is amended and supplemented as follows:

“Article 36. Violations against regulations on use of antibiotics and prohibited substances in animal feed and for purposes of production, processing and trade in animal feed

1. Fines for violations are as follows:

a) A fine of from VND 20,000,000 to VND 30,000,000 for any violation related to production, processing and trade in any single animal feed containing antibiotics other than those declared or specified in the product label;

b) A fine of from VND 50,000,000 to VND 70,000,000 for using any single prohibited substance in husbandry and aquaculture; and

c) A fine of from VND 70,000,000 to VND 100,000,000 for use of any single prohibited substance for production, processing of animal feed and trade in animal feed containing any prohibited substance.

2. “Additional penalties:

Production, processing and/or trade in animal feed shall be suspended for 06 months to 12 months in case of any violation specified in point c clause 1 of this point is committed.

3. Remedial measures:

a) Force offenders to destroy or to repurpose animal feed if they commit the violation specified in point a clause 1 of this Article;

b) Force offenders to destroy all prohibited substances and animal feed containing such prohibited substances if they commit the violation specified in point b and point c clause 1 of this Article;

c) Force husbandry farms to keep raising animals which are fed with prohibited substances until no prohibited substance residue remains if they commit the violation in point b clause 1 of this Article ;

Force offenders to destroy animals in case they repeatedly commit such violation.

40. Article 37 is amended and supplemented as follows:

“Article 37. Violations against import of animal feed

1. A fine of from VND 5,000,000 to VND 7,000,000 shall apply if the content of each ingredient other than the main ingredients of the imported animal feed is of from 90% to under 95% of or is of from 5% to under 10% higher than the announced standard or than that on the label.

2. A fine of from VND 7,000,000 to VND 10,000,000 shall apply if the content of each ingredient other than the main ingredients of the imported animal feed is from 80% to under 90% of or is from 10% to under 20% higher than the announced standard or than that on the label.
3. A fine of from VND 10,000,000 to VND 15,000,000 shall apply if the content of each ingredient other than the main ingredients of the imported animal feed is of from 70% to under 80% of or is of from 20% to under 30% higher than the announced standard or than that on the label.
4. A fine of from VND 15,000,000 to VND 20,000,000 shall apply if the content of each ingredient other than the main ingredients of the imported animal feed is from 70% to under 80% of or is from 20% to under 30% higher than the announced standard or than that on the label.
5. A fine of from VND 15,000,000 to VND 20,000,000 shall apply if the import animal feed of which the quantity of microorganisms exceeds the permissible limit prescribed in national technical regulations or the announced standards.
6. A fine of from VND 15,000,000 to VND 20,000,000 shall be imposed if:
 - a) an animal feed of which the content of each main ingredient accounts for from 90% to under 95% of that in the announced standard or on product label is imported; or
 - b) animal feed containing any antibiotics whose content is 10 % to fewer than 20% higher than that specified on the product label or prescribed by laws, or containing unsafe substance prescribed by announced standards and national technical regulations is imported.
7. A fine of from VND 20,000,000 to VND 30,000,000 shall be imposed if:
 - a) an animal feed of which the content of each main ingredient accounts for from 80% to under 90% of that in the announced standard or on product label is imported; or
 - b) an animal feed containing any antibiotics whose content is 20 % to fewer than 30% higher than that specified on the product label or prescribed by laws, or containing unsafe substance prescribed by announced standards and national technical regulations is imported.
8. A fine of from VND 30,000,000 to VND 40,000,000 shall be imposed if:
 - a) an animal feed of which the content of each main ingredient accounts for from 70% and 80% of that in the announced standard or on product label is imported; or
 - b) an animal feed containing any antibiotics whose content is at least 30% higher than that specified on the product label or prescribed by laws, or containing unsafe substance prescribed by announced standards and national technical regulations is imported.
9. A fine of from VND 10,000,000 to VND 20,000,000 shall be imposed on any entity importing expired animal feed which values less than VND 50,000,000 according to the invoices.
10. A fine of from VND 20,000,000 to VND 30,000,000 shall be imposed on any entity importing expired animal feed which values VND 50,000,000 to less than 100,000,000 according to the invoices.
11. A fine of from VND 30,000,000 to VND 40,000,000 shall be imposed on any entity importing expired animal feed which values VND 100,000,000 or more according to the invoices.
12. A fine of from VND 40,000,000 to 50,000,000 shall be imposed if any single animal feed not specified on the List of animal feed permitted to be sold in Vietnam is imported or any single animal feed is imported without the written consent of the State competent authority.

13. A fine of from VND 70,000,000 to VND 100,000,000 shall be imposed if any single animal feed containing prohibited substances is imported.

14. Remedial measures:

a) Force offenders to make declaration about the actual quality of products in case they commit violations prescribed in clause 1, clause 2, clause 3, point a of clause 6 and point a clause 7 of this Article ;

b) Force offenders to recycle or to repurpose imported animal feeds if offenders commit violations prescribed in clause 4, clause 5, point b of clause 6, point b of clause 7 and clause 8 of this Article. Where it is impossible to be recycled or repurposed, such imported animal feed shall be re-exported or destroyed.

c) Forcibly re-export the whole of imported animal feed if violations prescribed in clause 9, clause 10 and clause 11 of this Article are committed. Where it is impossible to be re-exported, such animal feed shall be destroyed;

d) Force offenders to re-export or destroy the whole of imported animal feed if offenders commit violations prescribed in clause 12 and clause 13 of this Article.”

41. Clause 2 of Article 43 is amended as follows:

“2.The competent person of the market surveillance agency prescribed in Article 45 of the Law on actions against administrative violations shall, within his/her authority and management, inspect and record administrative violations, handle such violations and take remedial measures in case violations in clause 1 and point c and d clause 2 of Article 13, clause 1, 4, 5, and 6 of Article 14, Article 17, clause 2, 5 and 6 of Article 20, Article 23, Article 27, Article 30, Article 34 and Article 35 of this Decree are committed.”

42. Clause 4 is added to Article 43 as follows:

The competent person of the Border Guard and that of the Coastguard prescribed in Article 40 and Article 41, respectively, of the Law on Actions against administrative violations shall, within their authority and management, inspect and record administrative violations, take actions against such violations and take remedial measures against administrative violations specified Article 11, 18, 27 and 27 of this Decree are committed.”

43. The following Article, clause, point and phrases shall be annulled:

a) clause 1 and point a clause 2 of Article 30; and clause 1 of Article 35.

b) the phrase “sản phẩm xử lý, cải tạo môi trường trong chăn nuôi, nuôi trồng thủy sản” used in the Decree No.119/2013/ND-CP dated October 09, 2-13 on handling of administrative violations in respect of veterinary, domestic animals and animal feeds.

Article 3. Amendment and supplement to a number of Article of the Government’s Decree No.157/2013/ND-CP dated November 11, 2013 on actions against administrative violations against forest management and protection, and management of forestry products amended by the Government’s Decree No.40/2015/ND-CP dated April 27, 2015 on amendment and supplement to a number of Articles of the Decree No.157/2013/ND-CP dated November 11, 2013 on actions against administrative violations against forest management and protection, and management of forestry products (hereinafter referred to as “Decree No.157/2013/ND-CP):

1. Article 1 is amended and supplemented as follows:

“This Decree stipulates administrative violations, penalties, remedial measures, the authority to handle administrative violations and to make violation records in respect of forest management, protection and development, and forestry product management.

The List of endangered, precious and rare species under protection prescribed by the Government is not amended by this Decree”.

2. Clause 2 Article 3 is amended and supplemented as follows:

“2.Forestry product is any material derived from flora, fauna and parts or derivatives of forestry.”

3. Clause 8 Article 3 is amended and supplemented as follows:

“8. Illegal use of facilities means the person whose is hired or leased or designated to operate a facility to serve lawful purposes by the law full owner, manager or user illegally uses such facilities as means of administrative violations.

Lease or borrowing of a facility or designation of facility’s operator shall be made in writing which specifies purposes of such facility as agreed by the lawful owner, manager or user and lessee in accordance with regulations of laws. Individuals, who lease, borrow or hire facility operator shall have the agreement certified true by the People’s Committees of communes or certified by the notary. Any organization assigning its employees manage and operate facilities shall conclude labor contracts under provisions of laws. Within 48 hours from the time on which the facility is impounded, the offender who illegally transports forestry products shall present the agreement or labor contract to competent entities.“

4. Clause 9 is added to Article 3 as follows:

“9.Forest environmental services prescribed in Article 9a hereof consist of:

- a) land protection, erosion control and riverbed sedimentation;
- b) Regulation of sources of water for consumption and production;
- c) forest degradation prevention, deforestation prevention and forest sustainable development for the purposes of absorption and retention of carbon and reduction of greenhouse gas emission;
- d) Preservation of biodiversity and natural landscape of ecosystems for tourism;
- dd) Provision of spawning grounds feeds and breeds and utilization of water form forests for aquaculture.”

5. Clause 4, clause 5, clause 6 and clause 7 shall be added to Article 4 as follows:

“4. Forcibly sign contracts for payment for forest environmental services.

5. Enforced declaration of forest environmental service charges.

6. Enforced settlement of full payment of forest environmental service charges and late payment interests (if any).

7. Enforced settlement of full payment of forest environmental service charges to contracted person under the contract.”

6. Article 7 is amended and supplemented as follows:

“Article 7. Actions against administrative violations

1. Fines prescribed by Chapter II hereof apply to individuals, except where it is prescribed in clause 4 Article 9a of this Decree. Any organization committing an administrative violation shall

face a fine doubling that applied to an individual offender who commits the same violation at the same seriousness.

2. Any administrative violation against provisions on respect of forest species prescribed in Chapter I and II of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) but not stipulated in the List of endangered, rare and precious wild fauna and flora shall be dealt with as follows:

a) Any administrative violation in respect of species specified in Annex I shall be dealt with as to forest endangered, rare and precious flora and fauna of group IA and group IB.

Any administrative violation in respect of endangered, rare and precious flora and fauna of group IIA and group IIB specified in Annex I shall be dealt with as to those of group IA and group IB.

b) Any administrative violation in respect of species specified in Annex II shall be dealt with as to forest endangered, rare and precious flora and fauna of group IIA and group IIB.

3. Any violation which is supposed to be handled by a presiding agency but is suspended to undergo administrative penalties under Article 63 of the Law on actions against administrative violations shall be dealt with in accordance with provisions hereof on the basis of the nature, seriousness and consequences of such violation.

Where any violation is beyond the administrative penalty, the maximum fine for such violations shall apply.

4. In case more than one forestry products are found in an administrative violation including both ordinary and precious wood, ordinary animals and endangered, precious and rare animals, and wood and forest animals (if it is not serious enough to be subject to criminal prosecution), the fine shall be determined by each type of forestry product and total up thereafter.

5. Any violation in respect of the forest which is supposed to be used for other purposes but has yet to be repurposed shall be dealt with as to violation of the respective forest before it is repurposed.

6. The forest owner who discovers any violation related to the forest owner's forestry products shall collect proofs and exhibits, and punctually reports to the competent entity that has the authority to make an administrative violation record to handle in accordance with provisions hereof.

Confiscated forestry products shall be returned to the forest owner if:

a) the forest owner catches offenders red-handed in his/her forest; or

b) the forest owner has yet catch offenders red-handed; however, (s) he has sufficient proofs and grounds evidencing that such confiscated forestry products were cultivated or grown within the owner's forest and were financed by the forest owner."

7. 7. Supplementation to Article 9a:

"Article 9a. Violations against regulations on forest environmental services

1. Any service users who refuse to sign the forest environmental service agreement within 03 months from the date of enjoyment of the service shall face the following penalties:

a) In case of direct payment, any user who refuses to sign the agreement with the forest owner who provides forest service shall face a fine of from VND 1,000,000 to VND 2,000,000;

b) In case of indirect payment, any user who refuses to sign the agreement with the provincial forest protection and development fund shall face a fine of from VND 10,000,000 to VND 20,000,000;

c) In case of indirect payment, any user who refuses to sign the agreement with Vietnam forest protection and development fund shall face a fine of from VND 40,000,000 to VND 50,000,000;

2. Any service user, in case of indirect payment, refusing to make a declaration on forest environmental service charges shall face the following penalties:

a) A fine of from VND 1,000,000 to VND 2,000,000 if the payment is up to VND 50,000,000;

b) A fine of from VND 2,000,000 to VND 3,000,000 if the payment is between VND 50,000,000 and VND 200,000,000 inclusive;

c) A fine of from VND 3,000,000 to VND 5,000,000 if the payment is between VND 200,000,000 and VND 300,000,000 inclusive;

d) A fine of from VND 5,000,000 to VND 7,000,000 if the payment is between VND 300,000,000 and VND 500,000,000 inclusive;

dd) A fine of from VND 7,000,000 to VND 10,000,000 if the payment is exceeding VND 500,000,000;

3. Any service user who refuses to make payment or fails to make full payment for forest services shall face penalties as follows:

a) If any user refuses to make payment or fails to make full payment after 03 months according to the contract duration and the payable is up to VND 20,000,000, (s) he shall face a fine of from VND 1,000,000 to VND 2,000,000;

b) If any user refuses to make payment or fails to make full payment after 03 months according to the contract duration and the payable is between VND 20,000,000 and VND 30,000,000 inclusive, (s) he shall face a fine of from VND 2,000,000 to VND 3,000,000;

c) If any user refuses to make payment or fails to make full payment after 03 months according to the contract duration and the payable is between VND 30,000,000 and VND 50,000,000 inclusive, (s) he shall face a fine of from VND 3,000,000 to VND 5,000,000;

d) If any user refuses to make payment or fails to make full payment after 03 months according to the contract duration and the payable is between VND 50,000,000 and VND 100,000,000 inclusive, (s) he shall face a fine of from VND 5,000,000 to VND 10,000,000;

dd) If any user refuses to make payment or fails to make full payment after 03 months according to the contract duration and the payable is between VND 100,000,000 and VND 200,000,000 inclusive, (s) he shall face a fine of from VND 10,000,000 to VND 20,000,000;

e) If any user refuses to make payment or fails to make full payment after 03 months according to the contract duration and the payable is between VND 200,000,000 and VND 500,000,000 inclusive, (s) he shall face a fine of from VND 20,000,000 to VND 30,000,000 inclusive;

g) If any user refuses to make payment or fails to make full payment after 03 months according to the contract duration and the payable is up to VND 500,000,000, (s) he shall face a fine of from VND 30,000,000 to VND 50,000,000;

4. Any forest owner who is assigned to be in charge of the forest but refuses or fails to transfer full forest service charges which are collected from persons contracted to protect the forest on due date shall face penalties as follows:

a) A fine of from VND 1,000,000 to VND 2,000,000 if the payment is up to VND 5,000,000;

b) A fine of from VND 2,000,000 to VND 3,000,000 if the payment is between VND 5,000,000 and VND 20,000,000 inclusive;

c) A fine of from VND 3,000,000 to VND 5,000,000 if the payment is between VND 20,000,000 and VND 50,000,000 inclusive;

d) A fine of from VND 5,000,000 to VND10, 000,000 if the payment is exceeding VND 50,000,000;

5. Remedial measures:

a) Offenders committing administrative violation prescribed in clause 1 of this Article shall be enforced application of remedial measures under clause 4 Article 4 hereof within 01 month from the date of receipt of the decision on penalty;

b) Offenders committing administrative violation prescribed in clause 2 of this Article shall be enforced application of remedial measures under clause 5 Article 4 hereof within 15 days from the date of receipt of the decision on penalty;

c) Offenders committing administrative violation prescribed in clause 3 of this Article shall be enforced application of remedial measures under clause 6 Article 4 hereof within 01 month from the date of receipt of the decision on penalty;

The interest is calculated on the basis of the amount of late payment and duration of late payment by basic interest rate published by the State Bank of Vietnam at the time closest to the time of decision on administrative penalties;

d) Offenders committing administrative violation prescribed in clause 4 of this Article shall be enforced application of remedial measures under clause 7 Article 4 hereof within 01 month from the date of receipt of the decision on penalty.”

8. Amendments to point c clause 4, point c clause 5, point c clause 6, point c clause 7, point c clause 8, point c clause 9 of Article 21:

a) Point c clause 4 Article 21 is amended as follows:

“c) Forest animals or parts of the body of an endangered, rare and precious individual of group IB.”

b) Point c clause 5 Article 21 is amended as follows:

“c) Forest animals or parts of the body of 02 endangered, rare and precious individuals of group IB.”

c) Point c clause 6 Article 21 is amended as follows:

“c) Forest animals or parts of the body of 03 or 04 endangered, rare and precious individuals of group IB.”

d) Point c clause 7 Article 21 is amended as follows:

“c) Forest animals or parts of the body of 05 or 06 endangered, rare and precious individuals of group IB.”

dd) Point c clause 8 Article 21 is amended as follows:

“c) Forest animals or parts of the body of 07 or 08 endangered, rare and precious individuals of group IB.”

e) Point c clause 9 Article 21 is amended as follows:

“c) Forest animals or parts of the body of more than 08 endangered, rare and precious individuals of group IB.”

9. Amendment to point c clause 5, point c clause 6, point c clause 7, point c clause 8, point c clause 9 of Article 22:

a) Point c clause 5 Article 22 is amended as follows:

“c) Forest animals or parts of the body of 01 endangered, rare and precious individuals of group IB.”

b) Point c clause 6 Article 22 is amended as follows:

“c) Forest animals or parts of the body of 02 endangered, rare and precious individuals of group IB.”

c) Point c clause 7 Article 22 is amended as follows:

“c) Forest animals or parts of the body of 03 or 04 endangered, rare and precious individuals of group IB.”

d) Point c clause 8 Article 22 is amended as follows:

“c) Forest animals or parts of the body of 05 or 06 endangered, rare and precious individuals of group IB.”

dd) Point c clause 9 Article 22 is amended as follows:

“c) Forest animals or parts of the body of 07 or 08 endangered, rare and precious individuals of group IB.”

10. Point d is added to clause 10 of Article 22 as follows:

“d) Forest animals or parts of the body of more than 08 endangered, rare and precious individuals of group IB.”

11. Amendment and supplement to Point c clause 5, point c clause 6, point c clause 7, point c clause 8, point c clause 9 of Article 23:

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

“c) Forest animals or parts of the body of 01 endangered, rare and precious individual of group IB.”

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

“c) Forest animals or parts of the body of 02 endangered, rare and precious individuals of group IB.”

c) Point c clause 7 Article 23 is amended as follows:

“c) Forest animals or parts of the body of 03 or 04 endangered, rare and precious individuals of group IB.”

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

“c) Forest animals or parts of the body of 05 or 06 endangered, rare and precious individuals of group IB.”

dd) Point c clause 9 Article 23 is amended as follows:

“c) Forest animals or parts of the body of 07 or 08 endangered, rare and precious individuals of group IB.”

12. Point d is added to clause 10 of Article 23 as follows:

“d) Forest animals or parts of the body of more than 08 endangered, rare and precious individuals of group IB.”

13. Clause 3 Article 25 is amended and supplemented as follows:

“3. In case any recorded administrative violation is beyond the authority of the competent person who makes that record whether (s)he comes from the Public Security authority, Border guard, Coastguard, market surveillance agency or specialized inspection authority, within 05 working days from the date on which the record is made, that competent person shall transfer such record, exhibits and means causing administrative violations to the competent authority as stipulated in Article 52 of the Law on actions against administrative violations.

14. Article 29 is amended and supplemented as follows:

“Article 29. The authority of People’s Public Security of Vietnam, People’s Public Security of Vietnam and the Coastguard and market surveillance agency handle violations

1. The People's Security's competent person who has the authority to impose penalty as prescribed in Article 39 of the Law on Actions against administrative violations has the authority to inspect and record administrative violations, take actions against such violations and take remedial measures against administrative violations specified herein within the management under Article 52 of the Law on Administrative Violations.

2. The Border guard's competent person prescribed in Article 40 of the Law on Actions against administrative violations has the authority to inspect and record administrative violations, take actions against such violations and take remedial measures against administrative violations specified Article 12, 16, 17, 20, 21 and 22 and illegal trade in forestry products prescribed in Article 23 hereof.

3. The market surveillance agency's competent person prescribed in Article 45 of the Law on Actions against administrative violations has the authority to inspect and record administrative violations, take actions against such violations and take remedial measures against illegal trade in forestry products prescribed in Article 23 hereof.

4. The Coastguard's competent person prescribed in Article 41 of the Law on Actions against administrative violations has the authority to inspect and record administrative violations, take actions against such violations and take remedial measures against administrative violations specified Article 22 and illegal trade in forestry products prescribed in Article 23 hereof.”

15. Point c clause 3, point d clause 4, point d clause 5, point d clause 6, point d clause 7, point d clause 8 of Article 21; point c clause 3, point c clause 4 of Article 22; point c clause 3, point c clause 4 of Article 23, clause 5 and clause 6 of Article 24 shall be annulled.

Article 4. Transitional provisions

1. Administrative violations committed before the effective date of this Decree shall be dealt with in accordance with the Decree No.103/2013/ND-CP, Decree No.119/2013/ND-CP and Decree No.157/2013/ND-CP

2. Any violation which is committed before the effective date of this Decree but is found or solved after the effective date of this Decree shall be dealt with in accordance with Decree.

Article 5. Effect

1. This Decree enters into force from May 20, 2017.

2. This Decree replaces the Government's Decree No.40/2015/ND-CP dated April 27, 2015 on amendment and supplementation to a number of Articles of the Decree No.157/2013/ND-CP.

Ministers, heads of ministerial-level agencies, heads of governmental agencies, Presidents of People's Committees of provinces shall be responsible for implementing this Decree. /.

**ON BEHALF OF
THE GOVERNMENT
DEPUTY MINISTER**

Nguyen Xuan Phuc