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THE SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom – Happiness

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DECREE

PENALTIES FOR ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON FISHERIES

Pursuant to the Law on Government Organization dated June 19, 2015; the Law on amendments to the Law on Government Organization and the Law on Organization of Local Governments dated November 22, 2019;

Pursuant to the Law on penalties for administrative violations dated June 20, 2012, and the Law on amendments to the Law on penalties for administrative violations dated November 13, 2020;

Pursuant to the Law on Fisheries dated November 21, 2017;

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

The Government of Vietnam promulgates a Decree prescribing penalties for administrative violations against regulations on fisheries.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

1. This Decree deals with violations, penalties, fines, remedial measures against administrative violations, the power to impose administrative penalties and the power to make records of administrative violations against regulations on fisheries.
2. Other administrative violations against regulations on fisheries which are not prescribed in this Decree shall be governed by other relevant regulations of laws on penalties for administrative violations within the scope of state management.

Article 2. Entities incurring administrative penalties

1. Vietnamese and foreign organizations and individuals (hereinafter referred to as “entities”) that commit administrative violations specified in this Decree.
2. Organizations that are liable to administrative penalties as prescribed in this Decree include:

a) Economic organizations that are duly established under the Law on Enterprises and/or the Law on Investment, including: Private enterprises, joint-stock companies, limited liability companies, partnerships and organizations that are established under the laws of foreign countries and engaging in business in Vietnam;

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

c) Socio-political organizations, social organizations, and socio-professional organizations;

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

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

Article 3. Prescriptive periods

The prescriptive period for imposition of penalties for a violation in fisheries sector is 02 years.

Article 4. Penalties and remedial measures

1. Fine shall be the primary penalty imposed for an administrative violation in fisheries sector.

2. Additional penalties that may be imposed for violations in fisheries sector include:

a) Suspension of the violating entity's license, practicing certificate or operations for a fixed period;

b) Confiscation of exhibits and instrumentalities for committing administrative violations.

3. In addition to the remedial measures stated in Points a, b, d, dd, e and g Clause 1 Article 28 of the Law on Penalties for Administrative Violations, the remedial measures specified in this Decree shall also be imposed, including:

a) Enforced release of the fish or aquatic breeds that are still alive into their habitats;

b) Enforced transfer of the fish that is included in Group I of the List of endangered, rare and precious aquatic species and has died to competent authorities;

c) Enforced additional release of aquatic species as prescribed;

d) Enforced repurposing, or, if repurposing conditions are not met, destruction of aquatic species, aquatic breeds, aquaculture feeds or aqua environmental remediation products;

- dd) Fishing vessel owners are compelled to cover costs for bringing their fishermen seized by foreign competent authorities into Vietnam;
- e) Enforced return of certifications, confirmations, licenses, written approvals or certificates which have been erased, falsified or altered;
- g) Enforced capture and destruction of live fish species released or escaped into natural environment, or products of illegal breeding of live fish species;
- h) Enforced recall of aquaculture feeds and aqua environmental remediation products;
- i) Enforced invalidation of survey results;
- k) Enforced relocation or demolition of aquaculture works;
- l) Enforced re-export, or, if re-export conditions are not met, repurposing, or breaking up, or dumping of imported fishing vessels;
- m) Enforced repurposing or breaking up of fishing vessels;
- n) Enforced flying of the national flag of the Socialist Republic of Vietnam or nationality flags as prescribed;
- o) Foreign fishing vessels (except container ships) that carry fishery products from illegal, unreported and unregulated fishing for import, temporary import into or transit through Vietnam are compelled to leave the territory of Vietnam;
- p) Enforced return of encroached areas;
- q) Enforced re-export, or, if re-export conditions are not met, destruction of imported aquaculture feeds and aqua environmental remediation products.

4. Repeat or re-commission of a violation in fisheries sector shall be taken into account as an aggravating factor when considering imposing penalties for that violation, unless such act of repeat or re-commission is considered as an administrative violation prescribed in this Decree.

Article 5. Fines and power to impose fines and other penalties for administrative violations

1. The maximum fine for a violation against regulations on fisheries committed by an individual is VND 1.000.000.000.
2. The fines prescribed in Chapter II of this Decree are imposed for administrative violations committed by individuals. The fine imposed on an organization is twice as much as the one imposed on an individual for committing the same administrative violation.

3. The fines imposed by the title holders specified in Chapter III hereof are those imposed for administrative violations committed by individuals. The fine such a title holder may impose upon an organization is twice as much as that he/she may impose upon an individual.

4. Imposition of penalties for the administrative violations in points c and dd clause 1, point c clause 2, point b clause 3 Article 20 of this Decree shall be subject to the following provisions:

a) If the owner of a fishing vessel is not its captain, each of the violating entities will be liable to the corresponding penalties and remedial measures for violating entities and that administrative violation;

b) If the owner of a fishing vessel is also its captain, the primary penalty shall only be imposed upon the capital, and all additional penalties and remedial measures shall be imposed for that administrative violation.

5. Depending on its nature, severity and consequences, penalties for an administrative violation which is transferred from another authority as prescribed in clause 1 Article 63 of the Law on Penalties for Administrative Violation shall be imposed as prescribed in this Decree.

In case the exhibits of violations are aquatic species included in the List of endangered, rare and precious species that need prioritized protection, they shall be treated as species included in Group I of the List of endangered, rare and precious aquatic species.

6. Penalties for violations against regulations on commercial fishing of aquatic species in Appendices I, II and III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), if not liable to criminal prosecution, shall be imposed as follows:

a) Penalties for violations involving aquatic species in CITES Appendix I shall be same as those of violations involving aquatic species in Group I of the List of endangered, rare and precious aquatic species;

b) Penalties for violations involving aquatic species in CITES Appendix II or III shall be same as those of violations involving aquatic species in Group II of the List of endangered, rare and precious aquatic species.

7. Monetary value of aquatic species in CITES Appendix I or aquatic species, products and parts thereof in CITES Appendix II or III involved in administrative violations must be determined as the basis for criminal prosecution or imposition of administrative penalties.

If the violation is not subject to criminal prosecution, penalties for that violation shall be imposed in accordance with provisions of this Decree.

8. Territorial waters in which commercial fishing is permitted are those which are dedicated to Vietnamese-flagged fishing vessels, and shown on vessel monitoring system and vessel tracking unit (VTU) installed on fishing vessels.

Chapter II

ADMINISTRATIVE VIOLATIONS, PENALTIES AND REMEDIAL MEASURES

Section 1. VIOLATIONS AGAINST REGULATIONS ON AQUATIC RESOURCE PROTECTION

Article 6. Violations against regulations on protection of aquatic habitats

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

a) A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for using fishing nets, tools, equipment and other instruments to impede movement pathways of aquatic species when carrying out fishing operations by using fixed fishing gears in rivers, lakes and lagoons, or to impede natural migration pathways of aquatic species;

b) A fine ranging from VND 50.000.000 to VND 100.000.000 shall be imposed for using fishing nets, tools, equipment and other instruments to destroy aquatic resources, aquatic ecosystems, breeding grounds, or areas where juvenile fish lives, or to destroy the habitats of aquatic species in the List of endangered, rare and precious aquatic species or the list of endangered, rare and precious species that need prioritized protection;

c) A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for encroaching, appropriating or harming protected areas of aquatic resources;

d) A fine ranging from VND 150.000.000 to VND 200.000.000 shall be imposed for the acts of exploring and/or exploiting natural resources, or building and/or demolishing structures underwater or within subaqueous soil that deteriorate or cause loss of aquatic resources or harm the habitats, breeding areas, or areas where juvenile fish lives or migration pathways of aquatic species; failure to create migration pathways or movement corridors for aquatic species when building, repairing or demolishing structures or performing activities involving migration pathways of aquatic species.

2. Additional penalties:

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

3. Remedial measures:

Enforced restoration to the original condition which has been changed by any of the administrative violations prescribed in Clause 1 of this Article.

Article 7. Violations against regulations on commercial fishing in no-take zones

1. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed for failing to use fishing vessels or using fishing vessels of less than 06 m in overall length for carrying out commercial fishing in no-take zones or areas where the commercial fishing is banned for a fixed period, if not liable to criminal prosecution.

2. The following fines shall be imposed for carrying out commercial fishing in no-take zones or areas where the commercial fishing is banned for a fixed period, if not liable to criminal prosecution:

a) A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for the violation involving fishing vessels of 06 m, or more, but less than 12 m in overall length;

b) A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for the violation involving fishing vessels of 12 m, or more, but less than 15 m in overall length;

c) A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for the violation involving fishing vessels of 15 m, or more, but less than 24 m in overall length;

d) A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for the violation involving fishing vessels of 24 m, or more, in overall length.

3. The following fines shall be imposed for using fishing vessels used in trawls, or light-combined fishing occupations and gears (except squid hand-lining) for carrying out commercial fishing in no-take zones or areas where the commercial fishing is banned for a fixed period, if not liable to criminal prosecution:

a) A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed for the violation involving fishing vessels of less than 06 m in overall length;

b) A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for the violation involving fishing vessels of 06 m, or more, but less than 12 m in overall length;

c) A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for the violation involving fishing vessels of 12 m, or more, but less than 15 m in overall length;

d) A fine ranging from VND 50.000.000 to VND 70.000.000 shall be imposed for the violation involving fishing vessels of 15 m, or more, but less than 24 m in overall length;

dd) A fine ranging from VND 70.000.000 to VND 90.000.000 shall be imposed for the violation involving fishing vessels of 24 m, or more, in overall length.

4. The following fines shall be imposed for catching undersized fish or exceeding the allowable by catch limit by more than 15%:

a) A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed if the exceeding amount of catches is less than 30 kg;

b) A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed if the exceeding amount of catches is from 30 kg to less than 100 kg;

c) A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed if the exceeding amount of catches is from 100 kg to less than 200 kg;

d) A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed if the exceeding amount of catches is 200 kg or more.

5. Additional penalties:

Fish and fishing gears shall be confiscated in case of commission of any of the violations in clauses 1, 2, 3 and 4 of this Article.

6. Remedial measures:

a) Enforced release of the fish that is still alive into their habitats in case of commission of any of the violations specified in Clauses 1, 2, 3 and 4 of this Article.

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

1. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed for failure to strictly comply with the written approval or plan for catching of endangered, rare and precious aquatic species or aquatic species in CITES Appendices.

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

a) A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed for the violation involving a total catch of less than 05 kg;

b) A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for the violation involving a total catch of from 05 kg to less than 10 kg;

c) A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for the violation involving a total catch of from 10 kg to less than 20 kg;

d) A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for the violation involving a total catch of from 20 kg to less than 30 kg;

dd) A fine ranging from VND 50.000.000 to VND 60.000.000 shall be imposed for the violation involving a total catch of from 30 kg to less than 40 kg;

- e) A fine ranging from VND 60.000.000 to VND 70.000.000 shall be imposed for the violation involving a total catch of from 40 kg to less than 50 kg;
- g) A fine ranging from VND 70.000.000 to VND 80.000.000 shall be imposed for the violation involving a total catch of from 50 kg to less than 60 kg;
- h) A fine ranging from VND 80.000.000 to VND 90.000.000 shall be imposed for the violation involving a total catch of from 60 kg to less than 70 kg;
- i) A fine ranging from VND 90.000.000 to VND 100.000.000 shall be imposed for the violation involving a total catch of from 70 kg to less than 80 kg;
- k) A fine ranging from VND 100.000.000 to VND 120.000.000 shall be imposed for the violation involving a total catch of from 80 kg to less than 100 kg;
- l) A fine ranging from VND 120.000.000 to VND 150.000.000 shall be imposed for the violation involving a total catch of 100 kg or more.

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

- a) A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for the violation involving a total catch of less than 05 kg;
- b) A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for the violation involving a total catch of from 05 kg to less than 10 kg;
- c) A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for the violation involving a total catch of from 10 kg to less than 20 kg;
- d) A fine ranging from VND 50.000.000 to VND 60.000.000 shall be imposed for the violation involving a total catch of from 20 kg to less than 30 kg;
- dd) A fine ranging from VND 60.000.000 to VND 70.000.000 shall be imposed for the violation involving a total catch of from 30 kg to less than 40 kg;
- e) A fine ranging from VND 70.000.000 to VND 80.000.000 shall be imposed for the violation involving a total catch of from 40 kg to less than 50 kg;
- g) A fine ranging from VND 80.000.000 to VND 90.000.000 shall be imposed for the violation involving a total catch of from 50 kg to less than 60 kg;
- h) A fine ranging from VND 90.000.000 to VND 100.000.000 shall be imposed for the violation involving a total catch of from 60 kg to less than 70 kg;

i) A fine ranging from VND 100.000.000 to VND 120.000.000 shall be imposed for the violation involving a total catch of from 70 kg to less than 80 kg;

k) A fine ranging from VND 120.000.000 to VND 150.000.000 shall be imposed for the violation involving a total catch of from 80 kg to less than 100 kg;

l) A fine ranging from VND 150.000.000 to VND 200.000.000 shall be imposed for the violation involving a total catch of 100 kg or more.

4. A fine ranging from VND 50.000.000 to VND 100.000.000 shall be imposed for failure to adequately release the required quantity of produced aquatic breeds of endangered, rare and precious species into natural waters within the prescribed time limit when obtaining permission from a competent authority to catch endangered, rare and precious aquatic species for the purposes of research, creation and production of aquatic breeds.

5. Additional penalties:

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

b) Catches shall be confiscated in case of commission of the violation specified in Clause 2 or Clause 3 of this Article.

6. Remedial measures:

a) Enforced release of the fish that is still alive into their habitats in case of commission of violation specified in Clause 2 or Clause 3 of this Article;

b) Enforced additional release of aquatic species as prescribed in case of commission of the violation specified in Clause 4 of this Article.

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

1. A fine ranging from VND 50.000.000 to VND 70.000.000 shall be imposed for commission of one of the following violations within the buffer zones of MPAs:

a) Placing buoys against regulations;

b) Carrying out investigations or scientific research without obtaining approval from a competent authority;

c) Operating waterway vehicles against regulations;

d) Organizing tourism activities or providing other services against regulations;

dd) Executing works without permission or against regulations;

e) Carrying out aquaculture or commercial fishing against regulations.

2. A fine ranging from VND 70.000.000 to VND 100.000.000 shall be imposed for commission of one of the violations specified in Clause 1 of this Article within service-administrative sub-zones of MPAs.

3. A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for commission of one of the following violations within ecological restoration sub-zones of MPAs:

a) Committing the violation specified in Points a, b, c, d or dd Clause 1 of this Article;

b) Performing any prohibited acts in ecological restoration sub-zones.

4. A fine ranging from VND 150.000.000 to VND 200.000.000 shall be imposed for commission of one of the following violations within strictly protected sub-zones:

a) Committing the violation specified in Point a or b Clause 1 of this Article;

b) Performing any prohibited acts in strictly protected sub-zones.

5. Remedial measures:

a) Enforced demolition of construction works which have been executed against regulations in case of commission of any of the violations in Point dd Clause 1, Clause 2 and Point a Clause 3 of this Article;

b) Enforced release of the fish that is still alive into their habitats if carrying out commercial fishing within MPAs against regulations as prescribed in Point e Clause 1, Clause 2 or Point a Clause 3 of this Article;

c) Enforced transfer of the fish that is included in Group I of the List of endangered, rare and precious aquatic species and has died to competent authorities if carrying out commercial fishing within MPAs against regulations as prescribed in Point e Clause 1, Clause 2 or Point a Clause 3 of this Article.

Section 2. VIOLATIONS AGAINST REGULATIONS ON AQUATIC BREEDS

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

1. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed for commission of one of the following violations:

- a) Failing to update information, or updating incorrect information, on production and raising of aquatic breeds as prescribed;
- b) Failing to submit written notification of use of parent aquatic breeds to the relevant provincial fishery authority as prescribed;
- c) Failing to fully record or keep records of production and raising of aquatic breeds for origin tracing purpose.

2. A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for commission of one of the following violations:

- a) Failing to comply with regulations on time limits for use of parent aquatic breeds;
- b) Failing to maintain the satisfaction of eligibility requirements for production and raising of aquatic breeds when carrying out production and raising of aquatic breeds (other than parent aquatic breeds);
- c) Carrying out production and raising of aquatic breeds (other than parent aquatic breeds) against the Certificate of eligibility to carry out production and raising of aquatic breeds.

3. A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for commission of one of the following violations:

- a) Carrying out production and raising of parent aquatic breeds against the Certificate of eligibility to carry out production and raising of aquatic breeds;
- b) Failing to maintain the satisfaction of eligibility requirements for production and raising of aquatic breeds when carrying out production and raising of parent aquatic breeds;
- c) Carrying out production and raising of aquatic breeds (other than parent aquatic breeds) without obtain a Certificate of eligibility to carry out production and raising of aquatic breeds as prescribed;
- d) Performing testing activities without satisfying eligibility requirements as prescribed.

4. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for production and raising of parent aquatic breeds (of species other than the key aquatic species) without obtaining a Certificate of eligibility to carry out production and raising of aquatic breeds as prescribed.

5. A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for production and raising of parent aquatic breeds (of the key aquatic species) without obtaining a Certificate of eligibility to carry out production and raising of aquatic breeds as prescribed.

6. A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for carrying out production and raising of aquatic species that are not included in the List of aquatic species licensed for sale in Vietnam, or that are not yet recognized or granted permission by a competent authority, if not liable to criminal prosecution.

7. Additional penalties:

a) The production and raising of parent aquatic breeds shall be suspended for a fixed period of 01 – 03 months in case of commission of the violation in Point c Clause 2 or Point b Clause 3 of this Article;

b) Aquatic breed testing shall be suspended for a fixed period of 03 – 06 months in case of commission of the violation in Point d Clause 3 of this Article.

8. Remedial measures:

Enforced repurposing, or, if repurposing conditions are not met, destruction of aquatic breeds in case of commission of any of the violations in Clauses 2, 3, 4, 5 and 6 of this Article.

Article 11. Violations against regulations on import and export of aquatic breeds

1. A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for failing to meet exporting conditions when exporting aquatic breeds of the species included in the List of aquatic species subject to conditional export, unless permitted by competent authorities.

2. A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for importing aquatic breeds of the species that are not included in the List of aquatic species licensed for sale in Vietnam, if not liable to criminal prosecution, unless permitted by competent authorities.

3. Remedial measures:

a) Enforced release of aquatic breeds that are still alive into their habitats or enforced repurposing or, if repurposing conditions are not met, destruction of aquatic breeds in case of commission of the violation in Clause 1 of this Article;

b) Enforced re-export, or, if re-export conditions are not met, destruction of aquatic breeds in case of commission of the violation specified in Clause 2 of this Article.

Article 12. Violations against regulations on naming of aquatic breeds

1. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for naming aquatic breeds against regulations.

2. Remedial measure:

Enforced removal of violating elements from labels, packages, means of trading or articles showing names of aquatic breeds in case of commission of the violation in Clause 1 of this Article.

Section 3. VIOLATIONS AGAINST REGULATIONS ON AQUACULTURE FEEDS AND AQUA ENVIRONMENTAL REMEDIATION PRODUCTS

Article 13. Violations against regulations on information on aquaculture feeds and aqua environmental remediation products; storage, transport and introduction of imported aquaculture feeds and aqua environmental remediation products at trade fairs or exhibitions

1. The following fines shall be imposed for updating incorrect or inadequate information on aquaculture feeds or aqua environmental remediation products before they are sold on the market:

a) A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for the violation involving less than 03 products;

b) A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for the violation involving from 03 to under 05 products;

c) A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for the violation involving from 05 to under 10 products;

d) A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for the violation involving 10 products or more.

2. The following fines shall be imposed for failing to update information on aquaculture feeds or aqua environmental remediation products before they are sold on the market:

a) A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for the violation involving less than 03 products;

b) A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for the violation involving from 03 to under 05 products;

c) A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for the violation involving from 05 to under 10 products;

d) A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for the violation involving 10 products or more.

3. The following fines shall be imposed for failing to hold a license when storing, transporting or introducing imported aquaculture feeds or aqua environmental remediation products whose

ingredients are not included in the List of chemicals, biologicals, microorganisms and ingredients contained in aquaculture feeds permitted for use in Vietnam:

- a) A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed for the violation involving less than 03 products;
- b) A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for the violation involving from 03 to under 05 products;
- c) A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for the violation involving from 05 to under 10 products;
- d) A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for the violation involving 10 products or more.

4. Remedial measures:

- a) Enforced recall of aquaculture feeds and aqua environmental remediation products in case of commission of the violation in Clause 1 or 2 of this Article;
- b) Enforced repurposing, or, if repurposing conditions are not met, destruction of aquaculture feeds and aqua environmental remediation products in case of commission of the violation in Clause 3 of this Article.

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

1. A fine ranging from VND 2.000.000 to VND 4.000.000 shall be imposed upon an importing and trading establishment for commission of one of the following violations:

- a) Selling or storing aquaculture feeds and aqua environmental remediation products at places which are not separated from or are polluted with pesticides, fertilizers and/ or other hazardous chemicals;
- b) Failing to use appropriate equipment and devices for storing aquaculture feeds and aqua environmental remediation products according to instructions given by their manufacturers or suppliers.

2. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for failing to maintain the satisfaction of eligibility requirements for manufacturing of aquaculture breeds and aqua environmental remediation products as prescribed.

3. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for manufacturing aquaculture feeds and aqua environmental remediation products without obtaining a Certificate of eligibility as prescribed.

4. Additional penalties:

Manufacturing of aquaculture feeds and aqua environmental remediation products shall be suspended for a fixed period of 01 – 03 months in case of commission of the violation in Clause 2 of this Article.

5. Remedial measures:

Enforced repurposing, or, if repurposing conditions are not met, destruction of aquaculture feeds or aqua environmental remediation products in case of commission of the violation in Clause 2 or 3 of this Article.

Article 15. Violations against regulations on manufacturing, import and trading of aquaculture feeds and aqua environmental remediation products

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

a) A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed for the violation involving less than 05 products;

b) A fine ranging from VND 5.000.000 to VND 7.000.000 shall be imposed for the violation involving from 05 to under 10 products;

c) A fine ranging from VND 7.000.000 to VND 10.000.000 shall be imposed for the violation involving from 10 to under 15 products;

d) A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for the violation involving 15 products or more.

2. The following fines shall be imposed for failing to submit reports on or notification of manufacturing and import activities as prescribed:

a) A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed for failing to submit reports on manufacturing and import activities as prescribed;

b) A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for failing to give notification as prescribed when manufacturing or importing products declared by other establishments.

3. The following fines shall be imposed for using raw materials of unknown origin for manufacturing of aquaculture feeds or aqua environmental remediation products:

a) A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for the violation involving less than 03 products;

b) A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for the violation involving from 03 to under 05 products;

c) A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for the violation involving from 05 to under 10 products;

d) A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for the violation involving 10 products or more.

4. A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for manufacturing, trading or importing each aquaculture feed product or aqua environmental remediation product whose ingredients are not included in the List of chemicals, biologicals, microorganisms and ingredients contained in aquaculture feeds permitted for use in Vietnam without holding a license as prescribed, if not liable to criminal prosecution.

5. The following fines shall be imposed for manufacturing, trading or importing each aquaculture feed product or aqua environmental remediation product whose ingredients are included in the List of chemicals, biologicals and microorganisms prohibited for use, if not liable to criminal prosecution:

a) A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for trading;

b) A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for manufacturing or importing.

6. Additional penalties:

Manufacturing and trading of aquaculture feeds and aqua environmental remediation products shall be suspended for a fixed period of 01 – 03 months in case of commission of any of the violations in Point d Clause 3, Clause 4 and Clause 5 of this Article.

7. Remedial measures:

a) Enforced destruction of aquaculture feeds and aqua environmental remediation products in case of commission of the manufacturing or trading-related violation in Clause 3, 4 or 5 of this Article;

b) Enforced re-export, or, if re-export conditions are not met, destruction of aquaculture feeds and aqua environmental remediation products in case of commission of the import-related violation in Clause 4 or Point b Clause 5 of this Article.

Article 16. Violations against regulations on testing for aquaculture feeds and aqua environmental remediation products

1. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for announcing incorrect testing results.

2. A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for performing testing activities without satisfying eligibility requirements to do so.

3. Additional penalties:

Testing activities shall be suspended for a fixed period of 03 – 06 months in case of commission of the violation in Clause 2 of this Article.

4. Remedial measures:

a) Enforced correction of announced testing results in case of commission of the violation specified in Clause 1 of this Article.

b) Enforced invalidation of testing results in case of commission of the violation in Clause 2 of this Article.

Section 4. VIOLATIONS AGAINST REGULATIONS ON AQUACULTURE

Article 17. Violations against eligibility requirements for aquaculture

1. A fine ranging from VND 2.000.000 to VND 3.000.000 shall be imposed for commission of one of the following violations:

a) Failing to record or keep records of aquatic breeds, aquaculture feeds, aqua environmental remediation products and aquatic veterinary drugs used in aquaculture, and other documents on farming process to facilitate origin tracing;

b) Failing to record or keep records of hatchery-origin endangered, rare and precious aquatic species, and other documents on the farming of these aquatic species to facilitate origin tracing;

c) Failing to follow procedures for registration of cage culture;

d) Performing aquaculture activities at a location other than the registered one.

2. A fine ranging from VND 7.000.000 to VND 10.000.000 shall be imposed for commission of one of the following violations:

a) Engaging in aquaculture without satisfying material facilities or technical equipment requirements;

b) Failing to follow procedures for registration of key aquatic species.

3. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed for carrying out marine aquaculture without obtaining permission from competent authorities as prescribed.

4. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for breeding, farming or cultivating each of the aquatic species that are not included in the List of aquatic species licensed for sale in Vietnam, if not liable to criminal prosecution.

5. Remedial measures:

a) Enforced relocation or demolition of aquaculture structures in case of commission of the violation in Clause 3 of this Article;

b) Enforced repurposing, or, if repurposing conditions are not met, destruction of aquatic species in case of commission of the violation in Clause 4 of this Article.

Article 18. Violations against regulations on import and export of live fish

1. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed for commission of one of the following violations:

a) Importing live fish for human consumption in excess of the licensed quantity or of a size other than the licensed one;

b) Importing live fish for human consumption to serve other purposes or without complying with the validity period of the granted license;

c) Importing live fish for human consumption from an exporter or exporting country or through the port of import other than those specified in the granted license;

d) Keeping or storing live fish imported for human consumption at a location other than the licensed one;

dd) Using devices and equipment for keeping or storing live fish imported for human consumption against the control plan;

e) Failing to implement risk management measures set out in the plan for control of live fish or the treatment plan approved by a competent authority after importing live fish for ornamental or entertainment purpose, or display at trade fairs or exhibitions, or scientific research.

2. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for making escape of each species of live fish imported for human consumption into the natural environment, or spreading, releasing or illegally breeding live fish imported for human consumption, ornamental or entertainment purpose, or display at trade fairs or exhibitions, or scientific research.

3. A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for importing live fish of species that are not included in the List of aquatic species licensed for sale in Vietnam for human consumption, ornamental or entertainment purpose, or display at trade fairs or exhibitions, or scientific research, without obtaining a license from a competent authority as prescribed.

4. A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for exporting live fish of species that are included in the List of aquatic species banned from export or failing to meet exporting conditions when exporting live fish of species that are included in the List of aquatic species subject to conditional export, unless licensed by competent authorities.

5. Additional penalties:

Live fish shipments shall be confiscated in case of commission of the violation in Clause 3 or Clause 4 of this Article.

6. Remedial measures:

a) Enforced re-export, or, if re-export conditions are not met, destruction of live fish shipments in case of commission of the violation in Point b or c Clause 1 of this Article;

b) Enforced re-export, or, if re-export conditions are not met, destruction of live fish shipments imported for human consumption in case of commission of the violation in Clause 4 of this Article;

c) Enforced capture and destruction of live fish species released or escaped into natural environment, or products of illegal breeding of live fish species in case of commission of the violation in Clause 2 of this Article.

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

1. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for commission of one of the following violations:

a) Failing to record, or recording inadequate or incorrect information on logbooks of rearing, breeding and artificial propagation of aquatic species included in CITES Appendices;

b) Failing to record, or recording inadequate or incorrect information on logbooks of rearing, breeding and artificial propagation of endangered, rare and precious aquatic species to facilitate origin certification.

2. A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for commission of one of the following violations:

a) Failing to obtain an operation code of the facility carrying out rearing, breeding and artificial propagation of aquatic species included in CITES Appendices as prescribed;

b) Failing to obtain a certificate of eligibility to carry out rearing, breeding and artificial propagation of endangered, rare and precious aquatic species as prescribed.

3. A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for rearing, breeding and artificial propagation of each endangered, rare and precious aquatic species of unknown origin.

4. Additional penalties:

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

b) Rearing, breeding and artificial propagation of endangered, rare and precious aquatic species shall be suspended for a fixed period of 01 - 03 months in case of commission of the violation in Point b Clause 2 or Clause 3 of this Article.

Section 5. VIOLATIONS AGAINST REGULATIONS ON COMMERCIAL FISHING

Article 20. Serious violations against regulations on commercial fishing

1. A fine ranging from VND 300.000.000 to VND 500.000.000 shall be imposed for commission of one of the following violations:

a) Failing to obtain a fishing license or using an expired one when using fishing vessels of 15 m, or more, but less than 24 m in overall length for carrying out commercial fishing within territorial waters;

b) Using fishing vessels of 24 m, or more, in overall length for exploration, search for, trapping or transport of fish and fishery products of a fishing vessel that is operated without a fishing license or with an expired one;

c) Failing to maintain the transmission of information from VTU to the vessel monitoring system as prescribed, or knowingly disabling VTU, or failing to install an VTU on a fishing vessel of 24 m, or more, in overall length during its operation;

d) Failing to have or fill in logbooks of commercial fishing, purchase or transshipment of fish of fishing vessels of 24 m, or more, in overall length in case of repeated or re-committed violation;

dd) Failing to maintain the transmission of information from VTU to the vessel monitoring system as prescribed, or knowingly disabling VTU, or failing to install an VTU on a fishing vessel of 15 m, or more, but less than 24 m in overall length during its operation in case of repeated or re-committed violation.

2. A fine ranging from VND 500.000.000 to VND 700.000.000 shall be imposed for commission of one of the following violations:

a) Failing to obtain a fishing license or using an expired one when using fishing vessels of 15 m, or more, but less than 24 m in overall length for carrying out commercial fishing within territorial waters in case of repeated or re-committed violation;

b) Using fishing vessels of 24 m, or more, in overall length for transshipment of fish and fishery products from a fishing vessel that is operated without a fishing license or with an expired one, or for facilitating exploration, search for, trapping or transport of fish of a fishing vessel that is found to have carried out illegal fishing in case of repeated or re-committed violation;

c) Failing to maintain the transmission of information from VTU to the vessel monitoring system as prescribed, or knowingly disabling VTU, or failing to install an VTU on a fishing vessel of 24 m, or more, in overall length during its operation in case of repeated or re-committed violation;

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

dd) Failing to fill in fishing logbook, or filling in fishing logbook or submitting reports against regulations adopted by the Regional fisheries management organization when carrying out commercial fishing within the waters under the this organization's jurisdiction;

e) Carrying out commercial fishing in excess of total allowable catch approved by the Regional fisheries management organization.

3. A fine ranging from VND 800.000.000 to VND 1.000.000.000 shall be imposed for commission of one of the following violations:

a) Failing to obtain a fishing license or using an expired one when using fishing vessels of 24 m, or more, in overall length for carrying out commercial fishing within territorial waters.

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

c) Failing to obtain a fishing license or using an expired one when operating foreign fishing vessels in territorial waters of Vietnam;

d) Carrying out unauthorized fishing in territorial waters under the jurisdiction of a Regional fisheries management organization using vessels without nationality or those flying the flag of a State that is not a member of this organization;

dd) Using fishing vessels for carrying out commercial fishing against regulations on fishing and protection of aquatic resources in international waters beyond the jurisdiction of Regional fisheries management organizations;

e) Carrying out commercial fishing against regulations within territorial waters under the jurisdiction of a Regional fisheries management organization;

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

h) Carrying out fishing operations in excess of total allowable catch approved by a Regional fisheries management organization in case of repeated violation.

4. Additional penalties:

a) Fish caught shall be confiscated in case of commission of any of the violations in Points a, b and dd Clause 1, Points a, b, c and e Clause 2, Points a, b, c, d, dd, e and h Clause 3 of this Article;

b) Fishing vessels shall be confiscated in case of commission of the violation in Points b, c, d, dd or e Clause 3 of this Article;

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

h) The fishing license shall be suspended for a fixed period of 06 - 12 months in case of commission of the violation in Point e Clauses 2, or Point dd, e or h Clause 3 of this Article.

5. Remedial measures:

Fishing vessel owners are compelled to cover costs for bringing Vietnamese citizens who are seized by foreign competent authorities into in case of commission of the violation in Point b Clause 3 of this Article.

Article 21. Violations against regulations on fishing zones

1. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for using fishing vessels of less than 12 m in overall length for carrying out commercial fishing in coastal zones or inshore zones of another province or central-affiliated city, unless an agreement has been entered into by the People's Committees of two provinces or central-affiliated cities.

2. A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for using fishing vessels of less than 12 m in overall length for carrying out commercial fishing in inshore or offshore zones.

3. A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for using fishing vessels of 12 m, or more, but less than 15 m in overall length for carrying out commercial fishing in coastal or offshore zones.

4. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for using fishing vessels of 15 m, or more, but less than 24 m in overall length for carrying out commercial fishing in coastal or inshore zones.

5. A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for using fishing vessels of 24 m, or more, in overall length for carrying out commercial fishing in coastal or inshore zones.

6. The fines that are twice as much as those prescribed in Clauses 2 through 5 of this Article shall be imposed for using fishing vessels used in trawls, light-combined fishing occupations and gears (except squid hand-lining) for carrying out commercial fishing in coastal zones.

7. The following fines shall be imposed for operating fishing vessels crossing boundaries of zones permitted for fishing at sea without obtaining a written approval (except force majeure events):

a) A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for the violation involving fishing vessels of less than 12 m in overall length;

b) A fine ranging from VND 50.000.000 to VND 100.000.000 shall be imposed for the violation involving fishing vessels of 12 m, or more, but less than 15 m in overall length;

c) A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for the violation involving fishing vessels of 15 m, or more, but less than 24 m in overall length;

d) A fine ranging from VND 150.000.000 to VND 200.000.000 shall be imposed for the violation involving fishing vessels of 24 m, or more, in overall length.

8. Additional penalties:

a) Fish caught shall be confiscated in case of commission of the violation in Clause 6 or Clause 7 of this Article;

b) The captain's license or certificate of competence to operate fishing vessels shall be suspended for a fixed period of 03 - 06 months in case of commission of any of the violations in Clauses 2, 3, 4, 5 and 6 of this Article.

c) The captain's license or certificate of competence to operate fishing vessels shall be suspended for a fixed period of 06 - 12 months in case of commission of the violation in Clause 7 of this Article.

Article 22. Violations against regulations on fishing quotas

1. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for carrying out commercial fishing in excess of the granted fishing quota by 10% to under 20%.

2. A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for carrying out commercial fishing in excess of the granted fishing quota by 20% to 30%.

3. A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for carrying out commercial fishing in excess of the granted fishing quota by more than 30%.

4. Additional penalties:

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

b) The captain's license or certificate of competence to operate fishing vessels shall be suspended for a fixed period of 06 - 12 months in case of commission of the violation in Clause 2 or Clause 3 of this Article.

Article 23. Violations against regulations on fishing license

1. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for commission of one of the following violations:

a) Failing to carry the original or certified true copy of the fishing license when operating fishing vessels for commercial fishing;

b) Using fishing vessels of 06 m, or more, but less than 12 m in overall length for carrying out a fishing occupation other than the one specified in the fishing license;

c) Failing to obtain a fishing license or using an expired one when using fishing vessels of 06 m, or more, but less than 12 m in overall length for carrying out commercial fishing in inland waters.

2. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for commission of one of the following violations:

a) Failing to obtain a fishing license or using an expired one when using fishing vessels of 06 m, or more, but less than 12 m in overall length for carrying out commercial fishing in the territorial waters of Vietnam;

b) Using fishing vessels of 12 m, or more, but less than 15 m in overall length for carrying out a fishing occupation other than the one specified in the fishing license;

c) Failing to obtain a fishing license or using an expired one when using fishing vessels of 15 m, or more, in overall length for carrying out commercial fishing in inland waters.

3. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for commission of one of the following violations:

a) Failing to obtain a fishing license or using an expired one when using fishing vessels of 12 m, or more, but less than 15 m in overall length for carrying out commercial fishing in inland waters and territorial waters of Vietnam;

b) Using fishing vessels of 15 m, or more, in overall length for carrying out a fishing occupation other than the one specified in the fishing license.

4. A fine ranging from VND 60.000.000 to VND 100.000.000 shall be imposed for repeat or re-commission of the violation in Clause 3 of this Article.

5. Additional penalties:

a) Catches shall be confiscated in case of commission of any of the violations in Point c Clause 1, Clauses 2, 3 and 4 of this Article;

b) Fishing gears shall be confiscated in case of commission of any of the violations in Point b Clause 2, Clause 3 and Clause 4 of this Article;

c) The captain's license or certificate of competence to operate fishing vessels shall be suspended for a fixed period of 06 - 12 months in case of commission of any of the violations in Point c Clause 1, Clauses 2, 3 and 4 of this Article.

Article 24. Violations against regulations on transshipment or facilitation of illegal fishing

1. The following fines shall be imposed for exploration, search for, or trapping of aquatic resources for a fishing vessel which is found to carry out commercial fishing in no-take zones, or within the period during which it is banned from fishing, or to catch undersized fish, or to use banned fishing occupations and gears:

a) A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for the violation involving fishing vessels of less than 12 m in overall length or other waterway vehicles;

b) A fine ranging from VND 50.000.000 to VND 60.000.000 shall be imposed for the violation involving fishing vessels of 12 m, or more, but less than 15 m in overall length;

c) A fine ranging from VND 60.000.000 to VND 80.000.000 shall be imposed for the violation involving fishing vessels of 15 m, or more, but less than 24 m in overall length.

2. The following fines shall be imposed for exploration, search for, trapping, transshipment or transport of the fish of a fishing vessel which is operated without a fishing license or with an expired one, or without an VTU installed during its operation, or without maintaining the transmission of information from its VTU to the vessel monitoring system, or on which the VTU is disabled during its operation:

a) A fine ranging from VND 50.000.000 to VND 60.000.000 shall be imposed for the violation involving fishing vessels of less than 12 m in overall length or other waterway vehicles;

b) A fine ranging from VND 60.000.000 to VND 70.000.000 shall be imposed for the violation involving fishing vessels of 12 m, or more, but less than 15 m in overall length;

c) A fine ranging from VND 70.000.000 to VND 80.000.000 shall be imposed for the violation involving fishing vessels of 15 m, or more, but less than 24 m in overall length.

3. The following fines shall be imposed for carrying out transshipment or transport of aquatic resources from fishing vessels that are used for carrying out illegal fishing beyond the territorial waters of Vietnam:

a) A fine ranging from VND 80.000.000 to VND 100.000.000 shall be imposed for the violation involving fishing vessels of less than 12 m in overall length or other waterway vehicles;

b) A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for the violation involving fishing vessels of 12 m, or more, but less than 15 m in overall length;

c) A fine ranging from VND 150.000.000 to VND 200.000.000 shall be imposed for the violation involving fishing vessels of 15 m, or more, but less than 24 m in overall length.

4. Additional penalties:

a) The fish caught from illegal fishing shall be confiscated in case of commission of any of the violations in Clauses 1, 2 and 3 of this Article;

b) The captain's license or certificate of competence to operate fishing vessels shall be suspended for a fixed period of 03 - 06 months in case of commission of any of the violations in Clauses 1, 2 and 3 of this Article.

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

1. A fine ranging from VND 2.000.000 to VND 3.000.000 shall be imposed for commission of one of the following violations:

a) Failing to submit reports on fishing operations conducted by a fishing vessel of 06 m, or more, but less than 12 m in overall length;

b) Recording incorrect or inadequate information in logbooks of fishing, purchase or transshipment operations carried out by a fishing vessel of 12 m, or more, but less than 15 m in overall length.

2. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed for commission of one of the following violations:

a) Failing to have, or fill in, or submit logbooks of fishing, purchase or transshipment operations carried out by a fishing vessel of 12 m, or more, but less than 15 m in overall length;

b) Recording incorrect or inadequate information in logbooks of fishing, purchase or transshipment operations carried out by a fishing vessel of 15 m, or more, but less than 24 m in overall length.

3. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for commission of one of the following violations:

a) Failing to have, or fill in, or submit logbooks of fishing, purchase or transshipment operations carried out by a fishing vessel of 15 m, or more, but less than 24 m in overall length;

b) Recording incorrect or inadequate information in logbooks of fishing, purchase or transshipment operations carried out by a fishing vessel of 24 m, or more, in overall length.

4. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for commission of one of the following violations:

a) Failing to have, or fill in, or submit logbooks of fishing, purchase or transshipment operations carried out by a fishing vessel of 15 m, or more, but less than 24 m in overall length in case of re-committed violation;

b) Failing to have or fill in logbooks of fishing, purchase or transshipment operations carried out by a fishing vessel of 24 m, or more, in overall length;

c) Recording incorrect or inadequate information in logbooks of fishing, purchase or transshipment operations carried out by a fishing vessel of 24 m, or more, in overall length in case of repeated or re-committed violation.

5. Additional penalties:

The captain's license or certificate of competence to operate fishing vessels shall be suspended for a fixed period of 03 - 06 months in case of commission of the violation in Clause 4 of this Article.

Article 26. Violations against regulations on fishery operations carried out by foreign entities in territorial waters of Vietnam

1. A fine ranging from VND 50.000.000 to VND 100.000.000 shall be imposed for commission of one of the following violations:

a) Failing to inform a competent authority of Vietnam before operating vessels into the territorial waters of Vietnam;

b) Entering a port other than the one specified in the fishing license;

c) Failing to carry on board all documents required by the law of Vietnam;

d) Failing to have, or fill in, or submit, or recording inadequate information in logbooks of fishing, purchase and transshipment operations, or failing to submit reports as prescribed;

dd) Failing to embark supervisors, or disembarking supervisors at a location other than the prescribed one, or failing to provide adequate working and living conditions for supervisors as prescribed by the law of Vietnam.

2. A fine ranging from VND 100.000.000 to VND 200.000.000 shall be imposed for failing to comply with fishing zones, fishing gears or scope of activities specified in the fishing license.

3. A fine ranging from VND 200.000.000 to VND 300.000.000 shall be imposed for repeat or re-commission of the violation in Clause 1 or 2 of this Article.

4. Additional penalties:

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

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

Article 27. Violations against regulations on fishing occupations and gears

1. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed for failing to mark fishing gears or marking fishing gears against regulations or illegally discarding fishing gears into natural waters.

2. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for using fishing gears in a manner that obstructs or causes damage to other entities that are carrying out legal fishing operations, or anchoring at the place where the fishing gear of another entity that is carrying out legal fishing operations is placed.

3. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed for production, trading, transport or storage of fishing gears banned from use in commercial fishing.

4. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for carrying out commercial fishing using banned fishing occupations or gears, if not liable to criminal prosecution.

5. Additional penalties:

a) Fishing gears banned from use in commercial fishing shall be confiscated in case of commission of the violation in Clause 3 or Clause 4 of this Article;

b) The captain's license or certificate of competence to operate fishing vessels shall be suspended for a fixed period of 03 - 06 months in case of commission of the violation in Clause 4 of this Article.

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

1. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed for using electrofishing equipment in case of commercial fishing without fishing vessels, if not liable to criminal prosecution.

2. A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for storage, transport or trading in electrofishing equipment.

3. The following fines shall be imposed for carrying out fishing operations using electrofishing equipment or direct current from generators on board fishing vessels:

a) A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for the violation involving fishing vessels of less than 06 m in overall length;

b) A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for the violation involving fishing vessels of 06 m, or more, but less than 12 m in overall length;

c) A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for the violation involving fishing vessels of 12 m, or more, but less than 15 m in overall length;

d) A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for the violation involving fishing vessels of 15 m, or more, in overall length.

4. A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for carrying out commercial fishing using direct current from electrical grids, if not liable to criminal prosecution.

5. Additional penalties:

a) Electrofishing equipment, generators and fishing gears shall be confiscated in case of commission of any of the violations in Clauses 1, 2, 3 and 4 of this Article;

b) The captain's license or certificate of competence to operate fishing vessels shall be suspended for a fixed period of 03 - 06 months in case of commission of any of the violations in Points b, c, d Clause 3 and Clause 4 of this Article.

6. Remedial measures:

Enforced release of the fish that is still alive into their habitats in case of commission of any of the violations in Clauses 1, 3 and 4 of this Article.

Article 29. Violations against regulations on storage and use of banned substances or chemicals, toxic substances, explosives or poisonous plants in commercial fishing

1. The following fines shall be imposed for storage of banned substances or chemicals, toxic substances, or poisonous plants on board fishing vessels:

a) A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed for the violation involving fishing vessels of less than 06 m in overall length;

b) A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for the violation involving fishing vessels of 06 m, or more, but less than 15 m in overall length;

c) A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for the violation involving fishing vessels of 15 m, or more, but less than 24 m in overall length;

d) A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for the violation involving fishing vessels of 24 m, or more, in overall length.

2. The following fines shall be imposed for storage of banned substances or chemicals, toxic substances, or poisonous plants on board fishing vessels in case of repeated or re-committed violation:

a) A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for the violation involving fishing vessels of less than 06 m in overall length;

b) A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for the violation involving fishing vessels of 06 m, or more, but less than 15 m in overall length;

c) A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for the violation involving fishing vessels of 15 m, or more, but less than 24 m in overall length;

d) A fine ranging from VND 20.000.000 to VND 25.000.000 shall be imposed for the violation involving fishing vessels of 24 m, or more, in overall length.

3. A fine ranging from VND 50.000.000 to VND 70.000.000 shall be imposed for carrying out commercial fishing using banned substances or chemicals, toxic substances, explosives, poisonous plants or other chemicals, if not liable to criminal prosecution.

4. Additional penalties:

a) Banned substances or chemicals, toxic substances, and poisonous plants shall be confiscated in case of commission of any of the violations in Clauses 1, 2 and 3 of this Article;

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

5. Remedial measures:

Enforced destruction of banned substances or chemicals, toxic substances, poisonous plants, other chemicals, and the fish caught in case of commission of any of the violations in Clauses 1, 2 and 3 of this Article.

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

1. A fine ranging from VND 2.000.000 to VND 4.000.000 shall be imposed for flying flags against regulations, or failing to fly the nationality flag or the national flag of the Socialist Republic of Vietnam on an operating fishing vessel.

2. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for repeat or re-commission of the violation in Clause 1 of this Article.

3. Remedial measures:

Enforced flying of the national flag of the Socialist Republic of Vietnam and the nationality flag as prescribed in case of commission of the violation in Clause 1 or Clause 2 of this Article.

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

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

1. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for building or modifying fishing vessels against approved technical designs.

2. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for building or modifying fishing vessels without approved technical designs.

3. A fine ranging from VND 80.000.000 to VND 100.000.000 shall be imposed for building or modifying fishing vessels without obtaining a Certificate of eligibility to carry out building and modification of fishing vessels as prescribed, or building or modifying fishing vessels against such certificate.

4. The following fines shall be imposed for building or modifying fishing vessels without obtaining a written approval from competent authorities:

a) A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for the violation involving fishing vessels of 06 m, or more, but less than 15 m in overall length;

b) A fine ranging from VND 50.000.000 to VND 80.000.000 shall be imposed for the violation involving fishing vessels of 15 m, or more, but less than 24 m in overall length;

c) A fine ranging from VND 100.000.000 to VND 200.000.000 shall be imposed for the violation involving fishing vessels of 24 m, or more, in overall length.

5. Additional penalties:

a) Operations of the facility that is eligible to carry out building and modification of fishing vessels shall be suspended for a fixed period of 01 – 03 months in case of commission of the violation in Clause 1 or Clause 2 of this Article;

b) The fishing license shall be suspended for a fixed period of 06 - 12 months in case of modification of fishing vessels without obtaining written approval from competent authorities as prescribed in Clause 4 of this Article.

6. Remedial measures:

a) Enforced restoration to the original condition in case of commission of the violation involving modification of fishing vessels prescribed in Clause 4 of this Article;

b) Enforced repurposing, or, if repurposing conditions are not met, breaking up of fishing vessels in case of commission of the violation involving building of fishing vessels prescribed in Clause 4 of this Article.

Article 32. Violations against regulations on import of fishing vessels

1. A fine ranging from VND 50.000.000 to VND 70.000.000 shall be imposed for importing fishing vessels in one of the following cases:

a) Characteristics and technical specifications of the fishing vessel are different from those specified in the import license, unless fishing vessels are given as aid by foreign Governments or entities to Vietnam;

b) The fishing vessel is included in the List of fishing vessels used for illegal fishing announced by a regional fisheries management organization or Food and Agriculture Organization of the United Nations (FAO).

2. Additional penalties:

Fishing vessels shall be confiscated in case of commission of the violation in Point b Clause 1 of this Article.

3. Remedial measures:

Enforced re-export, or, if re-export conditions are not met, repurposing, or breaking up, or dumping of fishing vessels in case of commission of the violation in Point a Clause 1 of this Article.

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

1. A fine ranging from VND 500.000 to VND 1.000.000 shall be imposed for failing to carry a Certificate of technical safety on board a fishing vessel during its operation.
2. The following fines shall be imposed for failing to provide, or insufficiently providing, safety equipment for fishing vessels:
 - a) A fine ranging from VND 1.000.000 to VND 2.000.000 shall be imposed for the violation involving fishing vessels of less than 12 m in overall length;
 - b) A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed for the violation involving fishing vessels of 12 m, or more, but less than 15 m in overall length;
 - c) A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for the violation involving fishing vessels of 15 m, or more, but less than 24 m in overall length;
 - d) A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for the violation involving fishing vessels of 24 m, or more, in overall length.
3. A fine ranging from VND 10.000.000 to VND 20.000.000 shall be imposed for operating a fishing vessel of 12 m, or more, but less than 15 m in overall length without a Certificate of technical safety or with an expired one.
4. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for operating a fishing vessel of 15 m, or more, but less than 24 m in overall length without a Certificate of technical safety or with an expired one.
5. A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for operating a fishing vessel of 24 m, or more, in overall length without a Certificate of technical safety or with an expired one.

Article 34. Violations against regulations on survey of fishing vessels

1. A fine ranging from VND 5.000.000 to VND 7.000.000 shall be imposed for failing to submit adequate reports on survey of fishing vessels as prescribed.
2. A fine ranging from VND 7.000.000 to VND 10.000.000 shall be imposed for failing to submit reports, or to update data, on survey of fishing vessels as prescribed.
3. A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for signing or using specialized seal and records against regulations when preparing documents concerning surveys of fishing vessels and equipment on board fishing vessels.
4. A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for falsifying survey results, or performing surveys inconsistently with national technical regulations on

classification and building of ships, or carrying out survey procedures for a fishing vessel which does not bear identification marks as prescribed.

5. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for commission of one of the following violations:

- a) Carrying out survey of fishing vessels without obtaining a certificate of eligibility to perform survey of fishing vessels;
- b) Carrying out survey of fishing vessels against the certificate of eligibility to perform survey of fishing vessels;
- c) Carrying out survey of fishing vessels without maintaining the satisfaction of eligibility requirements as prescribed.

6. Additional penalties:

- a) The surveyor card shall be suspended for a fixed period of 03 – 06 months in case of commission of the violation in Clause 3 of this Article;
- b) Operations of the fishing vessel survey facility shall be suspended for a fixed period of 01 - 03 months in case of commission of the violation in Clause 4 of this Article.

7. Remedial measures:

- a) Enforced invalidation of survey results in case of commission of the violation in Clause 4 or 5 of this Article;
- b) Enforced revocation of certificate of eligibility to perform survey of fishing vessels in case of commission of the violation in Point b or c Clause 5 of this Article.

Article 35. Violations against regulations on communication equipment and vessel tracking units (VTUs) on board fishing vessels

1. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed for removing VTU from a fishing vessel which is not operated at sea without supervision as prescribed.

2. The following fines shall be imposed for failing to provide, or insufficiently providing, communication equipment for fishing vessels:

- a) A fine ranging from VND 1.000.000 to VND 2.000.000 shall be imposed for the violation involving fishing vessels of less than 12 m in overall length;
- b) A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed for the violation involving fishing vessels of 12 m, or more, but less than 15 m in overall length;

c) A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for the violation involving fishing vessels of 15 m, or more, but less than 24 m in overall length;

d) A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for the violation involving fishing vessels of 24 m, or more, in overall length.

3. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for commission of one of the following violations:

a) Failing to comply with regulations in cases where the VTU installed on a fishing vessel of 15 m, or more, but less than 24 m in overall length fails to operate or is unable to transmit information and data from the fishing vessel to the fishing vessel monitoring data center during its operation;

b) Failing to submit report, or submitting a report containing inaccurate information, on the installation of VTU on a fishing vessel, or failing to submit written reports before providing VTU to supervisory authorities as prescribed;

c) Failing to use lead seals after installing VTUs on fishing vessels as prescribed, or failing to send the specimen of lead seal to supervisory authorities as prescribed, or installing VTUs on fishing vessels against regulations;

d) Failing to keep confidentiality of vessel tracking data as prescribed;

dd) Inputting inaccurate information on fishing vessel, fishing vessel owner and/or code of VTU into the vessel monitoring software.

4. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for commission of one of the following violations:

a) Re-commission of the violation in Clause 3 of this Article;

b) Replacing the lead seal of VTU installed on a fishing vessel without reporting to competent authorities.

5. A fine ranging from VND 50.000.000 to VND 100.000.000 shall be imposed for commission of one of the following violations:

a) Storing or keeping each VTU of another fishing vessel which is being operated at sea;

b) Sending VTU of another fishing vessel which is being operated at sea.

6. A fine ranging from VND 100.000.000 to VND 300.000.000 shall be imposed for commission of one of the following violations:

- a) Providing VTUs that are to be installed on fishing vessels but fail to meet technical requirements as prescribed.
- b) Failing to maintain the transmission of information from VTU to the vessel monitoring system as prescribed, or knowingly disabling VTU, or failing to install an VTU on a fishing vessel of 15 m, or more, but less than 24 m in overall length during its operation;
- c) Failing to comply with regulations in cases where the VTU installed on a fishing vessel of 24 m, or more, in overall length fails to operate or is unable to transmit information and data from the fishing vessel to the fishing vessel monitoring data center during its operation.

7. Additional penalties:

The captain's license or certificate of competence to operate fishing vessels shall be suspended for a fixed period of 06 - 12 months in case of commission of any of the violations in Clause 5 and Points b, c, d Clause 6 of this Article.

Article 36. Violations against regulations on marking of fishing vessels

1. A fine ranging from VND 500.000 to VND 1.000.000 shall be imposed for failing to make identification marking, or making identification marking against regulations, on fishing vessels of 06 m, or more, but less than 12 m in overall length.
2. A fine ranging from VND 1.000.000 to VND 2.000.000 shall be imposed for failing to make identification marking, or making identification marking against regulations, on fishing vessels of 12 m, or more, but less than 15 m in overall length.
3. A fine ranging from VND 2.000.000 to VND 3.000.000 shall be imposed for failing to make identification marking, or making identification marking against regulations, on fishing vessels of 15 m, or more, but less than 24 m in overall length.
4. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed for failing to make identification marking, or making identification marking against regulations, on fishing vessels of 24 m, or more, in overall length.

Article 37. Violations against regulations on registration of fishing vessels

1. A fine ranging from VND 500.000 to VND 1.000.000 shall be imposed for failing carry the original or certified true copy of the ship's certificate of registry on board a fishing vessel during its operation.
2. A fine ranging from VND 1.000.000 to VND 2.000.000 shall be imposed for failing to display the registration number, or displaying the registration number against regulations, or displaying a registration number other than the one granted by a competent authority on the fishing vessel.

3. The following fines shall be imposed for failing to carry out procedures for re-registration of fishing vessels:

a) A fine ranging from VND 6.000.000 to VND 8.000.000 shall be imposed for the violation involving fishing vessels of less than 15 m in overall length;

b) A fine ranging from VND 8.000.000 to VND 10.000.000 shall be imposed for the violation involving fishing vessels of 15 m, or more, but less than 24 m in overall length;

c) A fine ranging from VND 10.000.000 to VND 12.000.000 shall be imposed for the violation involving fishing vessels of 24 m, or more, in overall length.

4. The following fines shall be imposed for failing to carry out procedures for replacement of the fishing vessel owner within the prescribed time limit:

a) A fine ranging from VND 6.000.000 to VND 8.000.000 shall be imposed for the violation involving fishing vessels of less than 15 m in overall length;

b) A fine ranging from VND 8.000.000 to VND 10.000.000 shall be imposed for the violation involving fishing vessels of 15 m, or more, but less than 24 m in overall length;

c) A fine ranging from VND 10.000.000 to VND 12.000.000 shall be imposed for the violation involving fishing vessels of 24 m, or more, in overall length.

5. The following fines shall be imposed for using fishing vessels which are not yet registered for carrying out commercial fishing:

a) A fine ranging from VND 6.000.000 to VND 8.000.000 shall be imposed for the violation involving fishing vessels of less than 15 m in overall length;

b) A fine ranging from VND 8.000.000 to VND 10.000.000 shall be imposed for the violation involving fishing vessels of 15 m, or more, but less than 24 m in overall length;

c) A fine ranging from VND 10.000.000 to VND 12.000.000 shall be imposed for the violation involving fishing vessels of 24 m, or more, in overall length.

6. The following fines shall be imposed for using fishing vessels which are not yet registered for carrying out commercial fishing in case of repeated or re-committed violation:

a) A fine ranging from VND 10.000.000 to VND 12.000.000 shall be imposed for the violation involving fishing vessels of less than 15 m in overall length;

b) A fine ranging from VND 12.000.000 to VND 14.000.000 shall be imposed for the violation involving fishing vessels of 15 m, or more, but less than 24 m in overall length;

c) A fine ranging from VND 14.000.000 to VND 16.000.000 shall be imposed for the violation involving fishing vessels of 24 m, or more, in overall length.

7. Remedial measures:

Enforced repurposing, or, if repurposing conditions are not met, breaking up of fishing vessels in case of commission of the violation in Clause 6 of this Article.

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

1. A fine ranging from VND 300.000 to VND 500.000 shall be imposed upon a crew member or another person working on board a fishing vessel for failure to carry their identification papers.

2. A fine ranging from VND 500.000 to VND 1.000.000 shall be imposed upon a crew member working on board a fishing vessel whose name is not included in the crew list.

3. A fine ranging from VND 3.000.000 to VND 5.000.000 shall be imposed for commission of one of the following violations:

a) The captain, or chief engineer, mate, or fitter of a fishing vessel fails to possess qualifications or certifications as prescribed;

b) Failing to have a crew list on board a fishing vessel as prescribed.

c) Failing to meet minimum safe manning requirements of a fishing vessel as prescribed.

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

a) A fine ranging from VND 5.000.000 to VND 7.000.000 shall be imposed for the violation involving less than 03 crew members working on board the fishing vessel;

b) A fine ranging from VND 7.000.000 to VND 10.000.000 shall be imposed for the violation involving from 03 to under 05 crew members working on board the fishing vessel;

c) A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for the violation involving from 05 to under 10 crew members working on board the fishing vessel;

d) A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for the violation involving 10 crew members working on board the fishing vessel, or more.

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

1. A fine ranging from VND 2.000.000 to VND 5.000.000 shall be imposed for commission of one of the following violations:

- a) Failing to notify or giving a notification containing inadequate information to the port authority before the fishing vessel enters or leaves a fishing port;
- b) A fishing vessel of 15 m, or more, in overall length fails to enter a port included in the List of fishing ports designated for fishing vessels operating in offshore zones for unloading its catches;
- c) Failing to comply with internal regulations and shifting orders given by the authority of a fishing port or sheltered anchorage, except force majeure events.

2. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for operating a fishing vessel or other waterway vehicles in a manner that causes damage to port facilities.

3. A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for destruction, alteration or replacement of equipment and/or facilities of a fishing port.

4. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for unlawfully encroaching land, waters or any facilities of a fishing port.

5. Additional penalties:

The exhibits and instrumentalities used for committing the violation in Clause 3 of this Article shall be confiscated.

6. Remedial measures:

a) Enforced restoration to the original condition in case of commission of the violation in Clause 2 or Clause 3 of this Article;

b) Enforced return of areas unlawfully encroached in case of commission of the violation in Clause 4 of this Article.

Article 40. Violations against regulations on fishing port management

1. A fine ranging from VND 2.000.000 to VND 3.000.000 shall be imposed for commission of one of the following violations:

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

b) Failing to issue internal regulations of the fishing port;

c) Failing to publicly post the port's internal regulations at the fishing port;

d) Failing to provide working place for regulatory authorities to carry out inspections, supervisions or control of compliance with laws at the fishing port;

dd) Failing to immediately inform regulatory authorities of fishing vessels carrying out illegal fishing;

e) Failing to supervise, or failing to report, or submitting late reports, or submitting reports containing inadequate or inaccurate information, or failing to update data on fishing vessels entering and leaving the fishing port, quantity and species of the fish, quantity of the fish unloaded at the fishing port as prescribed.

2. A fine ranging from VND 5.000.000 to VND 10.000.000 shall be imposed for commission of one of the following violations:

a) Failing to certify the fish and fishery products unloaded at the fishing port or making certification against regulations on origin of the fish unloaded at the fishing port;

b) Making certification of arrival or departure to a fishing vessel which does not really enter the port.

3. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for putting a fishing port into operation before its opening procedures are completed as prescribed.

4. A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for allowing the unloading of catches of illegal origin at the fishing port.

5. The fines that are twice as much as those prescribed in Clauses 2 through 4 of this Article shall be imposed for repeated or re-committed violations.

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

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

1. The following fines shall be imposed for illegal collection, trading, storage, preliminary processing, processing, preservation or transport of fish, fishery products and parts thereof of species included in Group II of the List of endangered, rare and precious aquatic species without satisfying conditions laid down in laws, or fish, fishery products and parts thereof of unknown origin of endangered, rare and precious aquatic species included in CITES Appendix II or III, if not liable to criminal prosecution:

a) A fine ranging from VND 10.000.000 to VND 15.000.000 shall be imposed for the violation involving a quantity of less than 20 kg;

b) A fine ranging from VND 15.000.000 to VND 20.000.000 shall be imposed for the violation involving a quantity of from 20 kg to under 50 kg;

c) A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for the violation involving a quantity of from 50 kg to under 100 kg;

d) A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for the violation involving a quantity of from 100 kg to under 200 kg;

dd) A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for the violation involving a quantity of from 200 kg to under 500 kg;

e) A fine ranging from VND 50.000.000 to VND 60.000.000 shall be imposed for the violation involving a quantity of 500 kg, or more.

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

a) A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for the violation involving a quantity of less than 10 kg;

b) A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for the violation involving a quantity of from 10 kg to under 20 kg;

c) A fine ranging from VND 50.000.000 to VND 60.000.000 shall be imposed for the violation involving a quantity of from 20 kg to under 50 kg;

d) A fine ranging from VND 60.000.000 to VND 70.000.000 shall be imposed for the violation involving a quantity of from 50 kg to under 100 kg;

dd) A fine ranging from VND 70.000.000 to VND 80.000.000 shall be imposed for the violation involving a quantity of from 100 kg to under 500 kg;

e) A fine ranging from VND 80.000.000 to VND 100.000.000 shall be imposed for the violation involving a quantity of 500 kg, or more.

3. A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for collection, trading, preliminary processing, preservation or transport of the fish of illegal fishing, or aquatic species which are not included in the List of aquatic species licensed for sale in Vietnam, or aquatic species of unknown origin.

4. Additional penalties:

The fish, fishery products and parts thereof of endangered, rare and precious aquatic species shall be confiscated in case of commission of the violation in Clause 1 or 2 of this Article.

5. Remedial measures:

Enforced destruction of aquatic species in case of commission of the violation in Clause 3 of this Article.

Article 42. Violations against regulations on import, export, temporary import, re-export and transit of fishery products processed from catches, export and import of fish

1. A fine ranging from VND 30.000.000 to VND 40.000.000 shall be imposed for commission of one of the following violations:

a) Failing to provide documents serving inspection or failing to provide accurate information as prescribed on fishery products processed from catches which are imported and transported by container ships;

b) Documents and/or evidences declaring that fishery products imported to Vietnam originate from catches do not comply with regulation on prevention of illegal, unreported and unregulated (IUU) fishing.

2. A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for commission of one of the following violations:

a) Importing fishery products against the import license (if required);

b) Failing to retain documents and/or evidences of compliance with regulations on prevention of IUU fishing as prescribed to prove that fishery products imported to Vietnam originate from catches.

3. A fine ranging from VND 50.000.000 to VND 60.000.000 shall be imposed for illegal import of aquatic species that are not included in the List of aquatic species licensed for sale in Vietnam, if not liable to criminal prosecution.

4. The following fines shall be imposed for mixing raw materials of domestic catches with those processed from catches imported to Vietnam for export to markets where catch certificate or statement is required:

a) A fine ranging from VND 30.000.000 to VND 50.000.000 shall be imposed for the violation involving a quantity of mixed raw materials of less than 100 kg;

b) A fine ranging from VND 50.000.000 to VND 100.000.000 shall be imposed for the violation involving a quantity of mixed raw materials of from 100 kg to under 500 kg;

c) A fine ranging from VND 100.000.000 to VND 150.000.000 shall be imposed for the violation involving a quantity of mixed raw materials of from 500 kg to under 1.000 kg;

d) A fine ranging from VND 150.000.000 to VND 200.000.000 shall be imposed for the violation involving a quantity of mixed raw materials of from 1.000 kg to under 2.000 kg;

dd) A fine ranging from VND 200.000.000 to VND 300.000.000 shall be imposed for the violation involving a quantity of mixed raw materials of 2.000 kg, or more.

5. The following fines shall be imposed for import, temporary import, re-export or transit of fishery products originating from IUU fishing against regulations of competent coastal countries or regional fisheries management organizations:

a) A fine ranging from VND 50.000.000 to VND 100.000.000 shall be imposed for the violation involving a shipment of less than 100 kg;

b) A fine ranging from VND 100.000.000 to VND 300.000.000 shall be imposed for the violation involving a shipment of from 100 kg to under 500 kg;

c) A fine ranging from VND 300.000.000 to VND 500.000.000 shall be imposed for the violation involving a shipment of from 500 kg to under 1.000 kg;

d) A fine ranging from VND 500.000.000 to VND 800.000.000 shall be imposed for the violation involving a shipment of from 1.000 kg to under 2.000 kg;

dd) A fine ranging from VND 800.000.000 to VND 1.000.000.000 shall be imposed for the violation involving a shipment of 2.000 kg, or more.

6. The following fines shall be imposed for illegal export of aquatic species included in the List of aquatic species subject to conditional export without satisfying exporting conditions as prescribed, if not liable to criminal prosecution:

a) A fine ranging from VND 50.000.000 to VND 100.000.000 shall be imposed for the violation involving a shipment of less than 100 kg;

b) A fine ranging from VND 100.000.000 to VND 300.000.000 shall be imposed for the violation involving a shipment of from 100 kg to under 500 kg;

c) A fine ranging from VND 300.000.000 to VND 500.000.000 shall be imposed for the violation involving a shipment of from 500 kg to under 1.000 kg;

d) A fine ranging from VND 500.000.000 to VND 800.000.000 shall be imposed for the violation involving a shipment of from 1.000 kg to under 2.000 kg;

dd) A fine ranging from VND 800.000.000 to VND 1.000.000.000 shall be imposed for the violation involving a shipment of 2.000 kg, or more.

7. Additional penalties:

a) Shipments shall be confiscated in case of commission of any of the violations in Point a Clause 2, Clauses 3, 4, 5 and 6 of this Article;

b) Export of fishery products to markets where catch certificate or statement is required shall be suspended for a fixed period of 06 - 12 months in case of commission of any of the violations in Clause 1 and Point b Clause 2 of this Article.

8. Remedial measures:

Foreign fishing vessels (except container ships) that carry fishery products of IUU fishing for import, temporary import into or transit through Vietnam are compelled to leave the territory of Vietnam in case of commission of the violation in Clause 5 of this Article.

Section 8. OBSTRUCTION OF STATE MANAGEMENT OF FISHERIES

Article 43. Acts of obstructing state management of fisheries

1. The following fines shall be imposed for failing to bear inspection and supervision of competent authorities:

a) A fine ranging from VND 4.000.000 to VND 6.000.000 shall be imposed for failing to bear inspection and supervision of competent authorities, or uttering words or taking actions threatening, offending or hurting the honor and dignity of law enforcers, or enticing or tempting others in carrying out aquaculture, or manufacturing or trading aquaculture feeds/aqua environmental remediation products or production and raising of aquatic breeds;

b) A fine ranging from VND 6.000.000 to VND 8.000.000 shall be imposed for failing to bear inspection and supervision of competent authorities, or uttering words or taking actions threatening, offending or hurting the honor and dignity of law enforcers, or enticing or tempting others in commercial fishing and protection of aquatic resources.

2. A fine ranging from VND 8.000.000 to VND 10.000.000 shall be imposed for obstructing investigation or exploration of aquatic resources, protection of aquatic resources, or fisheries data collection performed by competent authorities.

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

1. A fine ranging from VND 20.000.000 to VND 30.000.000 shall be imposed for knowingly erasing, altering or falsifying contents of any certifications, licenses or written approvals issued in fisheries sector.

2. A fine ranging from VND 40.000.000 to VND 50.000.000 shall be imposed for commission of one of the following violations:

- a) Taking advantage of investigation and assessment of aquatic resources to cause adverse influence on lawful rights and interests of other organizations or individuals;
- b) Providing, accessing and using information/data on aquatic resources against regulations;

3. Remedial measures:

Enforced return of certifications, confirmations, licenses, written approvals or certificates which have been erased, falsified or altered in case of commission of the violation in Clause 1 of this Article.

Chapter III

POWER TO RECORD ADMINISTRATIVE VIOLATIONS AND IMPOSE PENALTIES

Article 45. Power to make records of administrative violations

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

1. The persons having the power to impose administrative penalties mentioned in Articles 46 through 54 of this Decree.
2. Officials and public employees of people's army or people's police working at regulatory authorities mentioned in Article 47, Article 48 and Article 49 hereof; officials and public employees of authorities performing fisheries state management tasks.

Article 46. Power of Chairpersons of people's committees

1. Chairpersons of commune-level People's Committees shall have the power to:

- a) Impose a fine up to VND 5.000.000;
- b) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than an amount which is twice as much as the fine specified in Point a of this Clause;
- c) Enforce the remedial measures specified in Points a, b, c and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

2. Chairpersons of District-level People's Committees shall have the power to:

- a) Impose a fine up to VND 100.000.000;
- b) Suspend practicing certificates/licenses or suspend operations for a fixed period;
- c) Confiscate the exhibits and instrumentalities for committing administrative violations;

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

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

a) Impose a fine up to VND 1.000.000.000;

b) Suspend practicing certificates/licenses or suspend operations for a fixed period;

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

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

Article 47. Power of people's police forces

1. On-duty soldiers of people's police forces shall have the power to:

Impose a fine up to VND 500.000.

2. Heads of company-level Mobile Police Units, heads of police stations, and team leaders in charge of managing the soldiers mentioned in Clause 1 of this Article shall have the power to:

Impose a fine up to VND 1.500.000.

3. Commune-level Police Chiefs, Heads of Police Posts, Heads of Police Stations at border gates, export processing zones, Heads of International Airport Police Offices, Majors of Mobile Police Battalions, and Captains of Squadrons shall have the power to:

a) Impose a fine up to VND 2.500.000;

b) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than an amount which is twice as much as the fine specified in Point a of this Clause;

c) Enforce the remedial measures specified in Points a, c and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

4. Heads of district-level police agencies, heads of professional divisions of the following authorities, including the Internal Political Security Department, the Police Department for Administration of Social Order, the Traffic Police Department, the Department of Fire Prevention, Fighting and Rescue, the Department of Cybersecurity, Hi-Tech Crime Prevention and Control, and the Immigration Department, and heads of provincial-level police departments, including: Internal Political Security Divisions; Police Divisions for Social Order Administration; Police Departments for Social Order Crimes; Investigation Police Divisions for Corruption, Economic and Smuggling Crimes; Investigation Police Divisions for Drug Crimes;

Traffic Police Divisions; Road and Railway Traffic Police Divisions; Road Traffic Police Divisions; Waterway Police Divisions; Mobile Police Divisions; Criminal Judgment Execution and Judicial Assistance Divisions; Police Divisions for Prevention and Control of Environmental Crimes; Firefighting, Prevention and Rescue Police Divisions; Cybersecurity, Hi-Tech Crime Prevention and Control Divisions; Immigration Divisions; Economic Security Divisions; and External Security Divisions; Colonels of Mobile Police Regiments; and Captains of Squadrons, shall have the power to:

- a) Impose a fine up to VND 25.000.000;
- b) Suspend practicing certificates/licenses or suspend operations for a fixed period;
- c) Confiscate the exhibits and instrumentalities for committing administrative violations;
- d) Enforce the remedial measures mentioned in Points a, c and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 hereof.

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

- a) Impose a fine up to VND 100.000.000;
- b) Suspend practicing certificates/licenses or suspend operations for a fixed period;
- c) Confiscate the exhibits and instrumentalities for committing administrative violations;
- d) Enforce the remedial measures mentioned in Points a, c and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 hereof.

6. Directors of Internal Political Security Department, Economic Security Department, Police Department for Administrative Management of Social Order, Investigation Police Department for Social Order Crimes, Police Department for Investigation into Corruption, Economic and Smuggling Crimes, Investigation Police Department for Investigation into Drug Crimes, Traffic Police Department, Firefighting, Prevention and Rescue Police Department, the Police Department for Prevention and Control of Environmental Crimes, the Cybersecurity, Hi-tech Crimes Prevention and Control Department, the Internal Security Department, the Police Department for Management of Retention and Execution of Criminal Judgements at Community, and Commander of the Mobile Police shall have the power to:

- a) Impose a fine up to VND 1.000.000.000;
- b) Suspend practicing certificates/licenses or suspend operations for a fixed period;
- c) Confiscate the exhibits and instrumentalities for committing administrative violations;
- d) Enforce the remedial measures mentioned in Points a, c and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 hereof.

Article 48. Power of border guard forces

1. On-duty soldiers of border guard forces shall have the power to:

Impose a fine up to VND 500.000.

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

Impose a fine up to VND 2.500.000.

3. Leaders of Task Force Teams for drug and crime prevention and control which are put under the control of Task Force Commissions for drug and crime prevention and control shall have the power to:

a) Impose a fine up to VND 10.000.000;

b) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than an amount which is twice as much as the fine specified in Point a of this Clause;

c) Enforce the remedial measures specified in Points a and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

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

a) Impose a fine up to VND 25.000.000;

b) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than an amount which is twice as much as the fine specified in Point a of this Clause;

c) Enforce the remedial measures specified in Points a, d and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

5. Leaders of Task Force Teams for drug and crime prevention and control affiliated to the Department of Drug and Crime Prevention and Control under the control of the Command of Border Guards shall have the power to:

a) Impose a fine up to VND 100.000.000;

b) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than an amount which is twice as much as the fine specified in Point a of this Clause;

c) Enforce the remedial measures specified in Points a, d and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

6. Commanders of Provincial-level Border Guard Forces, Captains of Naval Border Guard Squadrons, and Director of the Department of Drug and Crime Prevention and Control affiliated to the Command of Border Guards shall have the power to:

a) Impose a fine up to VND 1.000.000.000;

b) Suspend practicing certificates/licenses or suspend operations for a fixed period;

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

d) Enforce the remedial measures specified in Points a, d and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

Article 49. Power of coast guard forces

1. On-duty coast guard officers shall have the power to:

Impose a fine up to VND 1.500.000.

2. Coastguard team leaders shall have the power to:

Impose a fine up to VND 5.000.000.

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

a) Impose a fine up to VND 10.000.000;

b) Enforce the remedial measures specified in Points a, c and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

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

a) Impose a fine up to VND 25.000.000;

b) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than an amount which is twice as much as the fine specified in Point a of this Clause;

c) Enforce the remedial measures specified in Points a, c, d and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

5. Captains of Naval Border Guard Squadrons; Heads of Reconnaissance Commissions; Heads of Task Force Commissions for Drug Crime Prevention and Control under the control of the Command of Coast Guard of Vietnam shall have the power to:

- a) Impose a fine up to VND 50.000.000;
- b) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than an amount which is twice as much as the fine specified in Point a of this Clause;
- c) Enforce the remedial measures specified in Points a, d and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

6. Regional Commands of Coast Guard and Director of the Department of Operations and Legislation under the control of the Command of Coast Guard of Vietnam shall have the power to:

- a) Impose a fine up to VND 100.000.000;
- b) Suspend practicing certificates/licenses or suspend operations for a fixed period;
- c) Confiscate the exhibits and instrumentalities for committing administrative violations;
- d) Enforce the remedial measures specified in Points a, d and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

7. The Commander of Vietnam Coast Guard shall have the power to:

- a) Impose a fine up to VND 1.000.000.000;
- b) Suspend practicing certificates/licenses or suspend operations for a fixed period;
- c) Confiscate the exhibits and instrumentalities for committing administrative violations;
- d) Enforce the remedial measures specified in Points a, b, d and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

Article 50. Power of customs agencies

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

Impose a fine up to VND 500.000.

2. Team Leaders; Group Leaders of Customs Sub-departments; Leaders of Groups in Control Teams affiliated to provincial, inter-provincial or municipal Customs Departments; Leaders of Teams in Post-clearance Inspection Sub-departments, shall have the power to:

Impose a fine up to VND 5.000.000.

3. Directors of Customs Sub-departments; Directors of Post-clearance Inspection Sub-departments; Leaders of Control Teams of provincial, inter-provincial or municipal Customs Departments; Leaders of Criminal Investigation Teams; Leaders of Smuggling Control Teams; Captains of Maritime Control Flotillas and Leaders of Anti-smuggling, Counterfeit Product Control and Intellectual Property Teams affiliated to the Smuggling Investigation and Prevention Department; Directors of Post-clearance Inspection Sub-departments affiliated to the Post-clearance Inspection Department shall have the power to:

a) Impose a fine up to VND 25.000.000;

b) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than an amount which is twice as much as the fine specified in Point a of this Clause;

c) Enforce the remedial measures specified in Points d, dd and g Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

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

a) Impose a fine up to VND 50.000.000;

b) Suspend practicing certificates/licenses or suspend operations for a fixed period;

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

d) Enforce the remedial measures specified in Points d, dd and g Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

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

a) Impose a fine up to VND 1.000.000.000;

b) Suspend practicing certificates/licenses or suspend operations for a fixed period;

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

d) Enforce the remedial measures specified in Points d, dd and g Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

Article 51. Power of market surveillance forces

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

Impose a fine up to VND 500.000.

2. Leaders of Market Surveillance Teams and Heads of Professional Divisions under the control of the Departments of Market Surveillance Operations shall have the power to:

- a) Impose a fine up to VND 25.000.000;
- b) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than an amount which is twice as much as the fine specified in Point a of this Clause;
- c) Enforce the remedial measures specified in Points a, dd, e and g Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

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

- a) Impose a fine up to VND 50.000.000;
- b) Confiscate the exhibits and instrumentalities for committing administrative violations;
- c) Suspend licenses/practicing certificates or operations for a fixed period;
- d) Enforce the remedial measures specified in Points a, d, dd, e and g Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

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

- a) Impose a fine up to VND 1.000.000.000;
- b) Confiscate the exhibits and instrumentalities for committing administrative violations;
- c) Suspend licenses/practicing certificates or operations for a fixed period;
- d) Enforce the remedial measures specified in Points a, d, dd, e and g Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

Article 52. Power of inspecting authorities

1. During the performance of their duties, agriculture and rural development inspectors and the officers assigned to conduct specialized inspections shall have the power to:

- a) Impose a fine up to VND 500.000;

b) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than an amount which is twice as much as the fine specified in Point a of this Clause;

c) Enforce the remedial measures specified in Points a and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

2. Chief inspectors of Provincial Departments of Agriculture and Rural Development; heads of specialized inspection teams of Department of Fisheries; Director of Quality, Processing and Market Development Department, and heads of specialized inspection teams of Provincial Departments of Agriculture and Rural Development shall have the power to:

a) Impose a fine up to VND 50.000.000;

b) Suspend practicing certificates/licenses or suspend operations for a fixed period;

c) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than an amount which is twice as much as the fine specified in Point a of this Clause;

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

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

a) Impose a fine up to VND 250.000.000;

b) Suspend practicing certificates/licenses or suspend operations for a fixed period;

c) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than an amount which is twice as much as the fine specified in Point a of this Clause;

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

4. Chief Inspector of the Ministry of Agriculture and Rural Development; Director of Department of Fisheries; Director of Department of Animal Health; Director of Quality, Processing and Market Development Department shall have the power to:

a) Impose a fine up to VND 1.000.000.000;

b) Suspend practicing certificates/licenses or suspend operations for a fixed period;

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

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

Article 53. Power of fisheries surveillance forces

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

- a) Impose a fine up to VND 2.000.000;
- b) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than an amount which is twice as much as the fine specified in Point a of this Clause.

2. Heads of fisheries surveillance stations shall have the power to:

- a) Impose a fine up to VND 10.000.000;
- b) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than an amount which is twice as much as the fine specified in Point a of this Clause;
- c) Enforce the remedial measures specified in Points a and b Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

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

- a) Impose a fine up to VND 100.000.000;
- b) Confiscate the exhibits and instrumentalities for committing administrative violations;
- c) Enforce the remedial measures specified in Points a, b and d Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

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

- a) Impose a fine up to VND 1.000.000.000;
- b) Suspend practicing certificates/licenses or suspend operations for a fixed period;
- c) Confiscate the exhibits and instrumentalities for committing administrative violations;
- d) Enforce the remedial measures specified in Points a, b and d Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

Article 54. Power of forest protection forces

1. Forest protection officers on duty shall have the power to:

Impose a fine up to VND 500.000.

2. Heads of forest protection stations shall have the power to:

a) Impose a fine up to VND 10.000.000;

b) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than an amount which is twice as much as the fine specified in Point a of this Clause.

3. Heads of district-level forest protection offices; heads of mobile ranger and forest fire prevention and fighting teams shall have the power to:

a) Impose a fine up to VND 25.000.000;

b) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than an amount which is twice as much as the fine specified in Point a of this Clause;

c) Enforce the remedial measures specified in Points a and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

4. Directors of Forest Protection Sub-departments, Directors of Regional Forest Protection Sub-Departments, and Leaders of Task Force Teams for Forest Protection affiliated to the Forest Protection Department shall have the power to:

a) Impose a fine up to VND 50.000.000;

b) Confiscate the exhibits and instrumentalities which have been used for committing administrative violation but are worth less than an amount which is twice as much as the fine specified in Point a of this Clause;

c) Suspend licenses/practicing certificates or operations for a fixed period;

d) Enforce the remedial measures specified in Points a, b and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

5. Director of the Forest Protection Department shall have the power to:

a) Impose fines up to the maximum fine for violations in forestry sector specified in Article 24 of the Law on penalties for administrative violations;

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

c) Suspend licenses/practicing certificates or operations for a fixed period;

d) Enforce the remedial measures specified in Points a, b and dd Clause 1 Article 28 of the Law on penalties for administrative violations and in Clause 3 Article 4 of this Decree.

Article 55. Determination of power to impose penalties

1. Director of Department of Fisheries, and Chairpersons of Provincial People's Committees shall have the power to impose penalties for the administrative violations prescribed in Chapter II of this Decree.

2. Chairpersons of commune-level people's committees; Chairpersons of district-level people's committees shall have the power to impose penalties for the administrative violations prescribed in Points a and b Clauses 1 Article 6; Article 7; Clause 1, Points a, b, c, d, dd, e, g, h and i Clause 2 and Points a, b, c, d, dd, e, g and h and Clause 3 Article 8; Clause 1, Clause 2 Article 9; Article 10; Article 11; Article 13; Article 14; Article 15; Article 16; Article 17; Article 18; Article 19; Clauses 1, 2, 3, 4, 5 and Clause 6 Article 21; Article 22; Article 23; Clause 1, Clause 2 and Point a Clause 3 Article 24; Article 25; Clause 1 Article 26; Article 27; Article 28; Article 29; Article 30; Clause 1, Clause 2 and Points a, b Clause 3 Article 31; Article 32; Article 33; Article 34; Clauses 1, 2, 3 and 5 Article 35; Article 36; Article 37; Article 38; Article 39; Article 40; Article 41; Clause 1, Clause 2, Points a Clauses 3 and Point a Clauses 4 Article 42; Article 43 and Article 44 under their authority prescribed in Clauses 1 and 2 Article 46 of this Decree and within the ambit of their assigned functions and tasks.

3. People's police forces shall have the power to impose penalties for the administrative violations prescribed in Article 6; Article 7; Article 8; Article 9; Article 11; Article 12; Article 13; Article 14; Article 15; Article 18; Article 19; Article 21; Article 23; Article 24; Article 25; Article 26; Article 27; Article 28; Article 29; Article 33; Article 35; Article 36; Article 37; Article 38; Article 39; Article 40; Article 41; Article 42; Article 43 and Article 44 under their authority prescribed in Article 47 of this Decree and within the ambit of their assigned functions and tasks.

4. Border guard forces shall have the power to impose penalties for the administrative violations prescribed in Article 6; Article 7; Article 8; Article 9; Article 11; Clause 3 Article 13; Clause 1 Article 14; Article 18; Article 20; Article 21; Article 23; Article 24; Article 25; Article 26; Article 27; Article 28; Article 29; Article 30; Article 32; Article 33; Article 35; Article 36; Article 37; Article 38; Article 39; Article 40; Article 41; Article 42; Clause 1 and Point b Clause 2 Article 43 and Article 44 under their authority prescribed in Article 48 of this Decree and within the ambit of their assigned functions and tasks.

5. Coast guard forces shall have the power to impose penalties for the administrative violations prescribed in Article 6; Article 7; Article 8; Article 9; Article 20; Article 21; Article 23; Article 24; Article 25; Article 26; Article 27; Article 28; Article 29; Article 30; Article 33; Article 35; Article 36; Article 37; Article 38; Article 41; Article 42; Article 43 and Article 44 under their authority prescribed in Article 49 of this Decree and within the ambit of their assigned functions and tasks.

6. Customs authorities shall have the power to impose penalties for the administrative violations prescribed in Article 11; Clause 3 and Point b Clause 4 Article 15; Article 18; Article 32; Article 42 and Clause 1 Article 44 under their authority prescribed in Article 50 of this Decree and within the ambit of their assigned functions and tasks.

7. Market surveillance forces shall have the power to impose penalties for the administrative violations prescribed in Article 11; Article 12; Article 13; Article 14; Clause 2, Clause 3, Clause 4 and Clause 5 Article 15; Article 18; Clause 2 Article 28; Article 32; Article 41; Article 42; Article 43 and Clause 1 Article 44 under their authority prescribed in Article 51 of this Decree and within the ambit of their assigned functions and tasks.

8. Power to impose administrative penalties of inspectors and authorities assigned to carry out specialized inspections in fisheries:

a) Inspectors of agriculture and rural development sector and persons who are assigned to conduct specialized inspections in fisheries shall have the power to impose penalties for the administrative violations prescribed in Clause 1 Article 38 under their authority prescribed in Clause 1 Article 52 of this Decree and within the ambit of their assigned functions and tasks;

b) Chief inspectors of Provincial Departments of Agriculture and Rural Development; heads of specialized inspection teams of Provincial Departments of Agriculture and Rural Development; heads of specialized inspection teams of Department of Fisheries shall have the power to impose penalties for the administrative violations prescribed in Point a Clause 1 Article 6; Clause 1, Clause 2, Points a, b and c Clause 3 and Clause 4 Article 7; Clause 1, Points a, b, c and d Clause 2 and Points a, b and c Clause 3 Article 8; Article 10; Article 11; Article 12; Article 13; Article 14; Article 15; Article 16; Article 17; Article 18; Article 19; Clauses 1, 2, 3, 4, 5 and Points a, b, c Clause 6 Article 21; Article 22; Clauses 1, 2 and 3 Article 23; Point a Clause 1 Article 24; Article 25; Article 27; Article 28; Clause 1 and 2 Article 29; Article 30; Clause 1, Clause 2, Point a Clause 4 Article 31; Article 33; Article 34; Clauses 1, 2, 3 and 4 Article 35; Article 36; Article 37; Article 38; Article 39; Article 40; Points a, b, c, d and dd Clause 1, Points a, b Clause 2 and Clause 3 Article 41; Clause 1 and Clause 2 Article 42; Article 43 and Article 44 under their authority prescribed in Clause 2 Article 52 of this Decree and within the ambit of their assigned functions and tasks;

c) Heads of specialized inspection teams in fisheries of the Ministry of Agriculture and Rural Development of Vietnam shall have the power to impose penalties for the administrative violations prescribed in Article 6; Article 7; Article 8; Article 9; Article 10; Article 11; Article 12; Article 13; Article 14; Article 15; Article 16; Article 17; Article 18; Article 19; Article 21; Article 22; Article 23; Article 24; Article 25; Clause 1 and Clause 2 Article 26; Article 27; Article 28; Article 29; Article 30; Article 31; Article 32; Article 33; Article 34; Clauses 1, 2, 3, 4 and 5 Article 35; Article 36; Article 37; Article 38; Article 39; Article 40; Article 41; Clauses 1, 2, 3, Point a Clause 4 and Point a Clause 5 Article 42; Article 43 and Article 44 under their authority prescribed in Clause 3 Article 52 of this Decree and within the ambit of their assigned functions and tasks;

d) Chief Inspection of the Ministry of Agriculture and Rural Development of Vietnam shall have the power to impose penalties for the administrative violations prescribed in Article 6; Article 7; Article 8; Article 9; Article 10; Article 11; Article 12; Article 13; Article 14; Article 15; Article 16; Article 17; Article 18; Article 19; Points a, c and g Clause 3 Article 20; Article 21; Article 22; Article 23; Article 24; Article 25; Article 26; Article 27; Article 28; Article 29; Article 30; Article 31; Article 32; Article 33; Article 34; Article 35; Article 36; Article 37; Article 38; Article 39; Article 40; Article 41; Article 42; Article 43 and Article 44 under their authority prescribed in Clause 4 Article 52 of this Decree and within the ambit of their assigned functions and tasks;

dd) Director of Quality, Processing and Market Development Department shall have the power to impose penalties for the administrative violations prescribed in Article 41; Article 42; Clause 2 Article 43 and Clause 1 Article 44 under his/her authority prescribed in Clause 4 Article 52 of this Decree and within the ambit of their assigned functions and tasks.

e) Director of Department of Animal Health shall have the power to impose penalties for the administrative violations prescribed in Article 42; Clause 2 Article 43 and Clause 1 Article 44 under his/her authority prescribed in Clause 4 Article 52 of this Decree and within the ambit of their assigned functions and tasks.

9. Fisheries surveillance forces shall have the power to impose penalties for the administrative violations prescribed in Article 6; Article 7; Article 8; Article 9; Article 20; Article 21; Article 23; Article 24; Article 25; Article 26; Article 27; Article 28; Article 29; Article 30; Article 33; Article 35; Article 36; Article 37; Article 38; Article 39; Article 40; Article 41; Article 42; Article 43 and Article 44 under their authority prescribed in Article 53 of this Decree and within the ambit of their assigned functions and tasks.

10. Forest protection forces shall have the power to impose penalties for the administrative violations prescribed in Article 6; Article 7; Article 8; Article 9; Article 23 and Article 43 under their authority prescribed in Article 54 of this Decree and within the ambit of their assigned functions and tasks.

Article 56. Implementation of preventive measures and enforcement of administrative penalties

1. In cases where only fine is imposed for an administrative violation against regulations on fisheries, the person who has the power to impose penalties is entitled to impound one of the following documents in the following order: captain's or chief engineer's license or certificate, or license to operate vessels or other necessary documents concerning the exhibits and instrumentalities until the violating entity has completely implemented the penalty imposition decision. If the abovementioned documents are not available, the exhibits and instrumentalities of the administrative violation will be impounded.

In case the additional penalty which is confiscation of exhibits and instrumentalities of the violation is imposed for an administrative violation prescribed in this Decree, the person who has the power to impose penalties is entitled to request the violating entity to operate their vessel to

shore or to the office of his/her working authority for handling or to impound the exhibits and instrumentalities of the violation within his/her jurisdiction.

2. Authority and procedures for implementing preventive measures and enforcing penalties for administrative violations in fisheries sector shall comply with provisions of the Law on penalties for administrative violations.

Article 57. Imposition of remedial measures

1. Implementation of the remedial measure that is enforced destruction of aquaculture feeds, aqua environmental remediation products; banned substances or chemicals, toxic substances, poisonous plants and/or other chemicals and the fish caught or recall of aquaculture feeds and aqua environmental remediation products shall be subject to the following provisions:

a) Within 30 days from the receipt of the penalty imposition decision or decision to separately impose remedial measures as prescribed in Article 65 of the Law on penalties for administrative violations, the violating entity shall carry out the destruction or recall of violating products which are being sold on the market;

b) Within 05 working days upon completion of the destruction or recall of violating products which are being sold on the market, the violating entity shall send a written report on their completion of remedial measure to the authority of the person that issued the penalty imposition decision or decision to separately impose remedial measures;

c) Within 03 working days from the receipt of the report on completion of remedial measure, the person that issued the penalty imposition decision or decision to separately impose remedial measures shall consider issuing a written certification that the violating entity has successfully completed the remedial measure, or a written refusal to give this certification in which reasons for such refusal must be indicated.

2. Implementation of the remedial measure that is enforced capture and destruction of live aquatic species released or escaped into natural environment, or products of illegal breeding of live aquatic species shall be subject to the following provisions:

a) Within 30 days from the receipt of the penalty imposition decision or decision to separately impose remedial measures as prescribed in Article 65 of the Law on penalties for administrative violations, the violating entity shall carry out capture and destruction of live aquatic species released or escaped into natural environment, or products of illegal breeding of live aquatic species adopting heat processing at 90°C or higher or freezing or preliminary processing or processing method;

b) Within 05 working days upon completion of the capture or destruction, the violating entity shall send a written report on their completion of remedial measure to the authority of the person that issued the penalty imposition decision or decision to separately impose remedial measures;

c) Within 03 working days from the receipt of the report on completion of remedial measure, the person that issued the penalty imposition decision or decision to separately impose remedial measures shall consider issuing a written certification that the violating entity has successfully completed the remedial measure, or a written refusal to give this certification in which reasons for such refusal must be indicated.

3. Implementation of the remedial measure that is enforced breaking up or repurposing of fishing vessels shall be subject to the following provisions:

a) Within 30 days from the receipt of the penalty imposition decision or decision to separately impose remedial measures, the violating entity shall carry out the breaking up of their fishing vessel;

b) In case of repurposing of the fishing vessel, within 60 days from the receipt of the penalty imposition decision or decision to separately impose remedial measures, the violating entity shall be responsible for repurposing their fishing vessel. Such repurposing must be completed within 180 days from the day on which such repurposing starts;

c) Within 05 working days upon completion of the breaking up or repurposing of the fishing vessel, the violating entity shall send a written report on their completion of remedial measure to the authority of the person that issued the penalty imposition decision or decision to separately impose remedial measures;

d) Within 03 working days from the receipt of the report on completion of remedial measure, the person that issued the penalty imposition decision or decision to separately impose remedial measures shall consider issuing a written certification that the violating entity has successfully completed the remedial measure, or a written refusal to give this certification in which reasons for such refusal must be indicated.

4. Documents on the implementation of remedial measures by the violating entity shall be kept together with the penalty imposition dossier in accordance with regulations of law on archives.

Article 58. Technical and professional facilities and equipment for detecting violations

1. Authorities and persons competent to impose penalties are entitled to use technical and professional facilities and equipment for detecting the administrative violations in commercial fishing, protection of aquatic resources and aquaculture sectors.

2. Management, use and list of technical and professional facilities and equipment used for detecting violations shall comply with the Government's regulations on list, management and use of technical and professional facilities and equipment, and collection and use of data obtained from technical and professional facilities and equipment provided by organizations and individuals for detecting administrative violations.

Chapter IV

IMPLEMENTATION

Article 59. Effect

1. This Decree comes into force from May 20, 2024.
2. This Decree supersedes the Government's Decree No. 42/2019/ND-CP dated May 16, 2019 on penalties for administrative violations against regulations on fisheries.

Article 60. Amendments to Government's Decree No. 135/2021/ND-CP dated December 31, 2021 prescribing list, management and use of technical and professional facilities and equipment, and procedures for collection and use of data obtained from technical and professional facilities and equipment provided by organizations and individuals for detecting administrative violations

1. Some words and phrases are added to Articles as follows:

a) The phrase “khai thác thủy sản, bảo vệ nguồn lợi thủy sản và nuôi trồng thủy sản” (“commercial fishing, protection of aquatic resources and aquaculture”) is added following the word “bia” (“beer”) in Clause 1 Article 1;

b) The phrase “khai thác thủy sản, bảo vệ nguồn lợi thủy sản và nuôi trồng thủy sản” (“commercial fishing, protection of aquatic resources and aquaculture”) is added following the word “bia” (“beer”) in Clause 1 Article 2.

2. Point k is added following Point i Clause 1 Article 6 as follows:

“k) List X: Technical and professional facilities and equipment used for detecting administrative violations in commercial fishing, protection of aquatic resources and aquaculture”.

3. Point m is added following Point l Clause 2 Article 9 as follows:

“m) Inspectors in fisheries sector and authorities assigned to perform specialized inspections in fisheries sector”.

4. Point i Clause 2 Article 12 is amended as follows:

“i) Chief inspectors of Provincial Departments of Agriculture and Rural Development; Directors of Forest Protection Sub-departments, Directors of Regional Forest Protection Sub-Departments; Directors of Provincial Departments of Agriculture and Rural Development; Directors General of the Forest Protection Department, Fisheries Surveillance Department, Department of Forestry, and Department of Fisheries; Chief Inspector of the Ministry of Agriculture and Rural Development of Vietnam”.

5. Clause 9 is added following Clause 8 Article 18 as follows:

“9. The following authorities and units shall receive and collect data on administrative violations in fisheries sector:

- a) Inspectors in fisheries sector and authorities assigned to perform specialized inspections in fisheries sector;
- b) Fisheries surveillance forces, and inspectors in Agriculture and Rural Development sector;
- c) Border guard forces and coast guard forces”.

6. List X is added following List IX in the Appendix enclosed with this Decree.

Article 61. Transition

1. This Decree shall apply to the administrative violations in fisheries sector which have been committed before the effective date of this Decree but are detected afterwards or are under consideration if this Decree does not provide for any legal liability or imposes less severe legal liability.

2. In case there is a complaint filed against a decision on imposition of administrative penalty in fisheries sector which has been issued or implemented before this Decree comes into force, the complaint shall be solved in accordance with the Government’s Decree No. 42/2019/ND-CP dated May 16, 2019.

Article 62. Responsibility for implementation

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

2. Ministers, heads of ministerial agencies, heads of Governmental agencies, and Chairpersons of People’s Committees of provinces or central-affiliated cities are responsible for the implementation of this Decree.

**ON BEHALF OF THE GOVERNMENT
PP. PRIME MINISTER
DEPUTY PRIME MINISTER**

Tran Luu Quang

APPENDIX

(Enclosed with the Government's Decree No. 38/2024/ND-CP dated April 05, 2024)

LIST X

TECHNICAL AND PROFESSIONAL FACILITIES AND EQUIPMENT USED FOR DETECTING ADMINISTRATIVE VIOLATIONS AGAINST REGULATIONS ON FISHERIES

(Enclosed with the Government's Decree No.135/2021/ND-CP dated December 31, 2021)

1. Equipment and tools used for measuring length.
2. Audio and video recording devices.
3. Equipment used for analyzing samples of the fish, fishery products, aquaculture feeds and aqua environmental remediation products.
4. Equipment used for extracting data and information from vessel tracking unit (VTU); servers used for storing vessel tracking data obtained from VTUs; VTUs; equipment used for determining locations (positioning; satellite-based positioning).
5. Environmental monitoring equipment used in aquaculture.
6. Computers and tablets used for storing data and information obtained from technical and professional facilities and equipment.

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